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The impact of Europeanization on action against gender-based
violence in the Balkan countries: a comparative study

MA thesis

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Authorship Declaration

I have prepared this thesis independently. All the views of other authors, as well as data from literary sources and elsewhere, have been cited.

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ABSTRACT

Gender-based violence remains a widespread problem, which causes physical, psychological, economic and social damage. It is a brutal violation of women's fundamental rights and the European Union has committed significant efforts and resources combatting it not only across its territory but also beyond its boundaries. As a gender equality promoter at the international level, the EU has sought to reduce gender-based and domestic violence in the candidate countries. The candidate countries must fulfill certain criteria to become members of the EU including harmonization of legislation on gender equality. This study examines how local actors in three Balkan countries react to EU laws, norms and practices on gender equality, and specifically, EU efforts to reduce gender-based violence. The Balkan countries have a long history of violence against women rooted in patriarchal society, economic inequality, and legacy of wars. The thesis is based on interviews with nine organizations working with victims of gender-based violence in three countries – Serbia, Albania and Montenegro. Besides interviews, the analysis is based on public reports, documentation of international organizations, and reports written by independent expert groups.

Through fieldwork, the researcher was able to collect the data from organizations working towards prevention and protection of women from violence. These insights allowed to make several findings. First, lack of state budget impacts implementation of legislation on the gender-based violence, including national strategies, and the provision of services provided by women NGOs, shelters, referral centers and trainings of professionals. Second, it is clear that state does not fully recognize the expertise of specialized NGOs and establishes inadequate requirements to provision of social services for victims of gender-based violence, especially in Montenegro and Serbia.

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LIST OF ABBREVIATIONS

EU – European Union

GREVIO – Group of Experts on Action against Violence against Women and Domestic Violence

UN – United Nations

UNDP – The United Nations Development Programme

NGO – Non-governmental organization

WHO – World Health Organization

EIGE – the European Institute for Gender Equality

EP – the European Parliament

AWEN – Albanian Women Empowerment Network

CLCI – The Center for Legal Civic Initiatives

VDS – Victimology Society of Serbia

GBV – Gender-based Violence

INTRODUCTION

Each new wave of the European enlargement brings new challenges along with potential benefits. The current period is characterized by the EU's complicated relations with Turkey and a special process for Western Balkans. For the candidate countries one of the key requirements to join the European Union is to comply with European norms and values. The gender equality dimension includes combatting and preventing violence against women, which has been a long-term problem in the Balkans. Considering that gender-based violence costs the European Union around €366 billion a year, it is not surprisingly that the EU is trying to reduce this problem in the candidate countries before they become its members (the Brussels Times, Walker, 2021).

In the Western Balkans, gender-based violence is rooted not only in traditional social norms and structures that reinforce inequality but also in the Yugoslav wars and post-conflict tensions. The war dictated narratives, where victims suffered from neglect, lack of resources and support, while military veterans received more attention (Haider, 2017, p.2). Since 1990s women's civil society organizations have started to shed light on the gender-power sides of the conflicts and actively to be engaged in the fight against gender-based violence (Haider, 2017, p.3). The war created the conditions for poverty, economic inequalities and gender narrative but it is not the only factor. Another important aspect is deeply rooted in the norms of patriarchal society, gender stereotypes and roles. Implementation of the international norms is affected by social attitudes and lack of resources. In the policy brief written by the Civil Society Forum of the Western Balkan Summit Series gender stereotypes were called "an underlying cause for almost all other forms of discrimination" (Briefing, European Parliament, 2018). The EU requires candidate countries to implement EU equality legislation, as equality, dignity and respect for human rights are one of the core values of the EU (the Treaty on European Union, Article 2). The literature views the Balkan countries as a special case due to different responses on the EU demands for accession. On the one hand, the Balkans adopted significant institutional and policy changes. On the other hand, the Western Balkans resist externally imposed regulations, especially when it comes to statehood and sovereignty questions (Noutcheva, 2012, p.3).

By formally acceding to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (henceforth: the Istanbul Convention) in 2011, the EU stepped up its commitment to eradicate gender-based violence. Moreover, the compliance with the Istanbul Convention now constitutes a precondition for joining the EU, as the EU gender-equality acquis are assessed in the accession process. In other words, as a gender promoter the EU is monitoring gender equality including gender-based violence in the EU

candidate countries during the enlargement processes. The aim of this study is to assess the extent to which the Balkan countries have Europeanized in terms of adopting and implementing EU-promoted norms, rules and policies on fighting gender-based violence. The thesis will analyze the response on the challenge to prevent and combat gender-based violence in three Balkan countries – Albania, Montenegro, and Serbia with the focus on the period of time after ratification of the Istanbul Convention in order to evaluate the impact of the EU. These states were chosen because all of them have a candidate status and signed the Istanbul Convention. These states were chosen because all of them have a candidate status and signed the Istanbul Convention. The central research question of this study is:

How have actors at national and subnational level have adjusted to norms, rules, and policies, pertaining to the prevention of gender-based violence, that have been articulated and promoted at the EU level?

To evaluate the implementation of the Istanbul Convention, an independent expert body Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) was established. The mechanism of evaluation includes collecting data from NGOs, civil society, the national authorities, and institutions for the protection of human rights (The Istanbul Convention, 2011, Chapter 9, Article 68). The Council of Europe calls NGOs and other members of civil society “vital sources of information” in the process of evaluation of the Convention (Council of Europe, 2022). The GREVIO reports reflect the measures taken by the parties in terms of the Istanbul Convention. In this thesis the Istanbul Convention is used as an analytical framework in order to analyze how Balkans countries react on the requirements imposed by the EU with regards of gender-based violence.

In order to understand how the adoption of integration of the EU norms and policies affects the gender-based violence at domestic level, it is relevant to understand the challenges actors face and their relationships with each other. That is why the author has chosen to conduct the qualitative research on selected NGOs to receive the information about the changes in the field of the gender-based violence caused by the implementation of the Istanbul Convention. As stated in the Article 9, parties must provide an adequate amount of support to the work of relevant nongovernmental organizations combatting violence against women (The Istanbul Convention, 2011, Chapter 2, Art. 9). Therefore, representatives of the NGOs can share valuable insight on their relationships with public actors and provided support. All selected NGOs are helping victims of violence against women; they interact with health care workers and police officers often being among first responders during the crisis. Besides, it is important to investigate how states responded to the new norms adjusting the justice system.

Existing studies have focused mainly on either gender-based violence or impact of the EU on different domains of the gender equality but very few are dedicated to question how exactly the presence of the EU changes the dynamic in candidate countries between authorities and non-governmental organizations engaged in aspects of gender-based violence. This paper contributes to the literature by: 1) investigating the role of NGOs in the implementation and evaluation of the Istanbul Convention, 2) assessing the measures taken by the governments of the candidate countries in Balkan region in order to prevent and tackle gender-based violence, 3) examining the GREVIO reports, protocols, criminal codes, UN reports and other relevant documents to reveal the similarities and differences between Serbia, Albania and Montenegro in order to assess effectiveness with regards of the gender-based policies. Following this introduction, the thesis contains three chapters. The first chapter discusses the overview of Europeanization theories and the role of the EU as a gender promoter at the international level laying out the theoretical framework. The second chapter gives justification of the selected countries and a brief summary of the NGOs. Besides it, this chapter presents the methodological approach and research design. The third chapter discusses the empirical findings divided into two subchapters: assessment of justice sector initiatives in Albania, Serbia and Montenegro; analysis of the women's NGOs and their response on the norms, rules, and policies promoted by the EU in terms of gender-based violence. The final section of the thesis is devoted to the presentation of conclusions.

1. EUROPEANIZATION

This chapter is going to lay out the theoretical groundwork for further empirical analysis. First, the chapter introduces the main concepts of this study – Europeanization and gender-based violence. Moreover, it explains how the EU has become an active gender actor in external affairs and more precisely, how European institutions are combatting gender-based violence and spreading EU norms and rules.

1.1. Overview of Europeanization theories

Although the concept of Europeanization has been around since the 1970s, an academic interest among political scientists in Europeanization significantly increased in the 1990s (Wach, 2015, p.12). The body of literature addresses the paradigm of Europeanization as a phenomenon, which is a useful tool for examining the interactions between EU and its members, as well as neighboring and candidate states. Traditionally, Europeanization is used as the conceptual framework to evaluate the degree of domestic change in EU member states. This phenomenon is closely related to European political order and governance, their change over the time and variation across space. The central argument of Europeanization is the highly discussed “goodness of fit” (Risse, Cowles, and Caporaso 2001), which refers to domestic changes in response to EU pressure. The conceptualization of Europeanization has evolved over time and extends from downloading EU policies, regulations and institutional norms to the domestic level to uploading to the EU level different beliefs, informal and formal rules, and identities to questions about policy transfer (Howell, 2002). A few decades ago, scholars suggested that Europeanization and integration have the same nature and can be analogous but later the growing body academic literature recognized these as two different concepts (Pirro and Zeff, 2005; Howell, 2002; Schmidt, 2001).

As shown by ongoing debate, there is no consensus on defining Europeanization and its theory. A classic definition of Europeanization refers to “a process in which states adopt EU rules” (Schimmelfennig and Sedelmeir, 2005, p.7). The focus here is on two-way relationships between states and European Union. Approaches to defining this phenomenon are divided into multiple categories from “process of domestic change” (Bache and Jordan, 2006, p.20) to new examples, which demonstrate how “organization and governance have been exported outside Europe's territorial boundaries” (Buller and Gamble, 2002, p.10). One of the core definitions of Europeanization was introduced by Robert Ladrech and stated that Europeanization is “*a process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-*

making” (Ladrech, 1994, p.69). Following the logic in the definition offered by Bulmer and Radaelli, it is clear, that Europeanization is not only about transferring laws and regulations but also about cultural aspect, internalization and beliefs: *“Europeanization consists of processes of construction, diffusion, and institutionalization of formal and informal rules, procedures, policy paradigms, styles, ways of doing things, and shared beliefs and norms; which are first defined and consolidated by the EU policies and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies”* (Bulmer and Radaelli, p.360).

The impact of Europeanization can be examined through three dimensions: policies, politics, and polity (Börzel and Risse, 2000, p.3). Every year the European Union produces a number of policy decisions, which have to be incorporated at the national level. For example, European Union adopted 1302 basic acts and 842 amending acts in 2022 with the biggest share of developed acts by European Commission (EUR-lex, 2022). The implementation of European policies causes policy changes and, as a result, can affect administrative structures and political discourses (Börzel and Risse, 2000, p.4). Some scholars argue that Europeanization leads to “de-politicization, indifference, and popular disengagement” (Radaelli, 2000) and has no considerable effect on the party systems (Mair, 1999), while others observe the great impact on the national political landscape (Meunier, 2004). The domestic effect of Europeanization on polity is highly discussed in academic literature from the perspective of judicial structures (Jupille and Caporaso, 2009), intergovernmental relations (Benz and Eberlein, 1999; Börzel, 2000), and national identities (Rieker, 2006). The impact of EU on policies, politics, and polity can be analyzed through redistribution of resources and socialization and social learning (Börzel, 2010). The existing body of literature shows that the question is not whether Europeanization has influence but to what degree, where it takes place and what actors are affected.

A large body of literature is approaching this phenomenon considering where Europeanization takes place. As it is shown in the Figure 1, there are three dimensions of Europeanization research. Membership Europeanization is the oldest traditional dimension of research, which is focused on current members of EU. In the modern studies of Europeanization scholars started to examine a ‘bottom-up’ process, which started at the national level with the final response at EU level (Beichelt, 2008). This multi-directional approach to Europeanization emerges both as an external process outside of territorial boundaries (EU enlargement) and “political project aiming at a unified and politically stronger Europe” (Bandov and Kolman, 2018, p.134). Neighborhood Europeanization is relatively new dimension, where scholars explore how EU influences neighbouring countries, so-called “outsiders” (Gawrich and Melnykovska, 2009, p.5). As Neighbourhood Europeanization does not imply conditionality, it is

rather based on social learning and internalization in a long-term perspective (Gawrich and Melnykovska, 2009, p.6). And the last dimension is Enlargement Europeanization, which plays a key role for this particular study. As EU transfers both normative and regulatory pillars, some scholars call enlargement the largest-scale example of Europeanization (Bulmer and Radaelli, p.359). Ironically, EU has more influence on the candidate countries due to requirements they have to fulfill for joining, rather than on its current members.

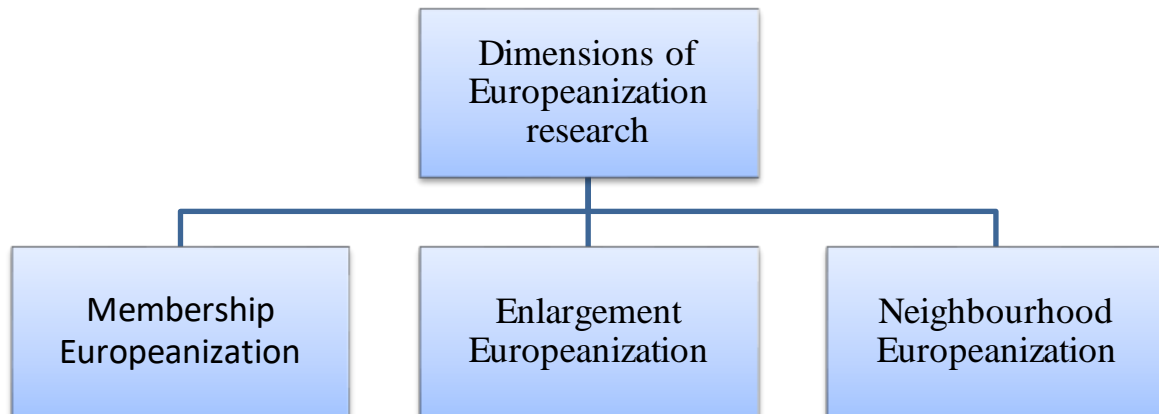


Figure 1 Dimensions of Europeanization research

Source: based on Gawrich and Melnykovska, 2009, Börzel, 2003

Despite the fact that bottom-up and top-down directions of Europeanization have been mostly studied from Member States perspective (Börzel, 2003; McCauley, 2011; Schmidt, 2008), academic interest in candidate and neighboring countries is growing as well (Melnykovska and Schweickert, 2008; Schimmelfennig, 2015). In bottom-up dimension, scholarship investigates how Member States try to affect EU institutions in order to national policy preferences will be taken into account at the EU level. In case of top-down dimension, both socialization and learning are used to achieve necessary changes of national policies and institutions (De Flers and Müller, 2010). With this bottom-up and top-down theories the boundaries between variables became blurry and uncertain, especially considering intervening factors, which might affect domestic policies and have no connection with phenomenon of Europeanization (Tonra, 2015). As it is illustrated in the Figure 2, over a long time Europeanization has been seen as the independent invariable, however, uploading of member-state policy preferences creates a research design with different variety of independent variables. National executives in European institutions can promote policies, which beneficial for their Member States, thus, affecting European policy process.

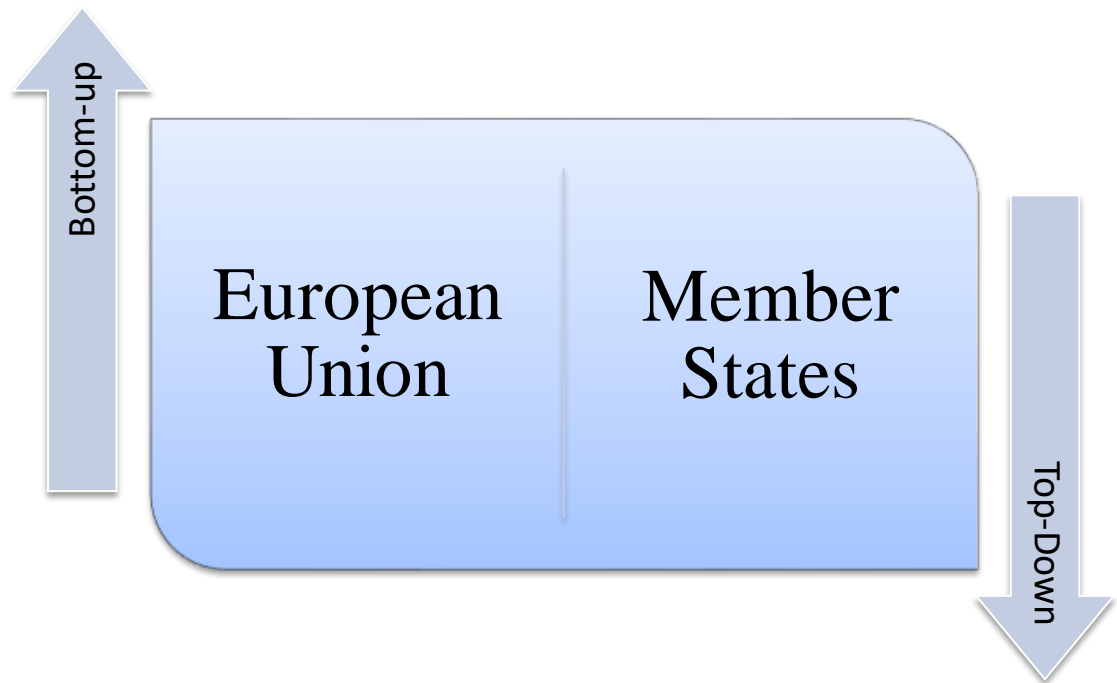


Figure 2 Bottom-up and Top-Down relationship between the EU and its Member States

Source: based on Börzel, 2003

To sum up this section, it is clear that despite the significant number of studies on Europeanization, there are still some gaps and remaining questions to answer. For example, the impact of Europeanization can be different in a certain domain of policy in a few countries or can have noticeable regulatory adjustments in some area and zero effect in others in the same state (Knill and Lehmkuhl, 2002, p.3). Research on Europeanization has contributed greatly to understanding of how the EU works and the mutual impact of the EU and member states, as well as candidate and neighboring countries. The definition of Europeanization has been also evolved separating from the European integration and creating different areas of research. One conclusion can be made without doubts: the core essence of Europeanization is change and development; potentially, this phenomenon might help to answer how to enforce European project and make it thrive.

1.2 Europeanization of gender norms and policies

1.2.1 EU as a gender norms promoter

From the very start of enlargement, the EU has taken steps towards promotion a European gender equality policy. The principle of equality between women and men is one of the fundamental values of the European identity. Over time, the EU has been shaping gender politics and trends in Europe. However, some scholars argue that in the enlargement context EU often fails to promote gender issues (Carbone and Lister, 2017; Bretherton, 2001). The European Union sets out accession criteria (Copenhagen criteria), which have to be met by candidate

countries in order to join for successful joining the EU. These criteria are defined by the Treaty on the European Union (Treaty of Maastricht, 1992) and the declaration of the June 1993 European Council in Copenhagen. Besides it, specific conditions might be reflected individually with a particular candidate country. For example, for Western Balkan states, including Serbia, Albania, and Montenegro, the Commission adopted a strategy “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans” in 2018. In general, Copenhagen criteria can be divided into three parts, including: political criteria (quality of democratic institutions, human rights and rule of law); economic criteria (strength and stability of market economy); legislative criteria (the ability of the candidate state to incorporate regulations and policies of EU Law (the “acquis”). Gender equality is considered “as an important ingredient of Europeanisation” and one of the accession criteria (Kunz, Maisenbacher, 2017, p.123).

Another concept which has to be discussed in the context of gendering EU’s external affairs is gender mainstreaming. It is widely promoted by international organizations and viewed by academic literature as a “political strategy” (Daly, 2005, p.432). Moreover, some scholars view it “as an instrument for expanding and strengthening the reach of EU gender equality policies” (Hubert and Stratigaki, 2016, p.21). Gender mainstreaming was introduced as a strategy in 1995 by the Beijing Platform of Action and rapidly became an important element of EU gender approach to equal opportunities (Pollack and Hafner-Burton, 2000, p.435). The Council of Europe is using a dual approach encompassing achieving gender equality and women’s empowerment. This approach was also implemented in the UN 2030 Agenda for Sustainable Development as an integral part to each of the 17 the sustainable development goals. There are different typologies and approaches to this concept but in overall, gender mainstreaming refers to the shaping general norms by the outer powers. Despite various views of scholars on definition, three main typologies can be distinguished, which are shown in the Figure 3.

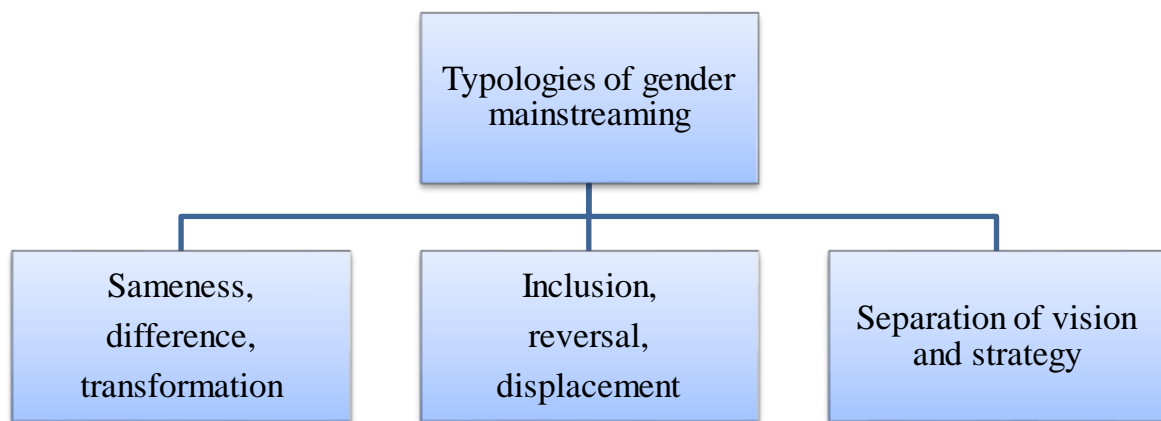


Figure 3 Approaches to typologies of gender mainstreaming

Source: based on Rees, 1998; Squires, 1999, Walby, 2005

The first two typologies are based on how equal treatment incorporated by outsiders. They highlight the difference between equal treatment, special programs, and inclusion (Rees, 1998; Squires, 1999). The typology introduced by Booth and Bennett offers to separated vision and strategy arguing that “gender perspective”, “equal treatment perspective”, and “women’s perspective” rather complimentary approaches than exclusive (Walby, 2005, p.326). Inclusion of gender equality norms in the Amsterdam Treaty has supported promotion gender mainstreaming. The main tool used by EU in the relation to gender mainstreaming is policy transfer. This concept is defined by Dolowitz and Marsh as “*the process by which knowledge about policies, administrative arrangements, institutions and ideas in one political system (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political system*” (2000, p. 5). Considering diffusion policies, systems, and norms, policy transfer is inevitable part of Europeanization.

Traditionally, policy transfer in the gender equality is analyzed through top-down approach (Alonso, 2017). A growing body of academic literature has recently emerged with regards to actor-sensitive and bottom-top approaches (Exadaktylos and Radaelli, 2012). While EU provides the discourse to promote policy change, the driving force behind it is willingness and cooperation of national actors to support these policy adjustments. Policy transfer of gender mainstreaming must be examined through the prism of a multi-level environment, because gender mainstreaming is supposed to be distributed at all levels in all policy domains. Nevertheless, the EU states do not always practice true integration of gender issues across policies and struggle with implications of this concept (Woodward, 2008). The overall impact of the EU as a normative gender power in external relations is significant but it is constrained by budget, weakening the gender institutions and lack of attention during accession process (Hubert

and Stratigaki, 2016). To what degree transfer of EU norms and practices in the gender domain of the Balkans is successful will be discussed in the empirical analysis of this study.

1.2.2 Europeanization and prevention of gender-based violence

Gender-based violence (GBV) is one of the most common violations of human rights and it has tremendous effects on the lives of women and children. According to the World Bank, every third woman experiences a sexual abuse and/or physical violence within her lifetime (World Bank, Brief, 2019). A significant number of quantitative and qualitative research studies are showing that harmful behaviors against women and girls have an impact on the welfare state, legal sector, economic, and affects victims personally (Walby and Olive, 2014; Reed and Raj, 2010; John and Casey, 2020). As it is shown in the Figure 4, gender-based violence encompasses a broad variety of clusters; therefore it costs governments a lot of resources, such as money, time, and human capital. For example, economic expenditures can be both direct and indirect. The direct costs are associated with public spending on health system, legal aid, social services, and shelters, while indirect costs include personal costs, physical and emotional impact. The World Bank, World Health Organization, UN Women, and other global organizations invest millions in preventing and combatting gender-based violence. Besides it, they develop research and collaboration with different partners and stakeholders, increasing knowledge and promoting gender-friendly policies (World Bank, Brief, 2019).

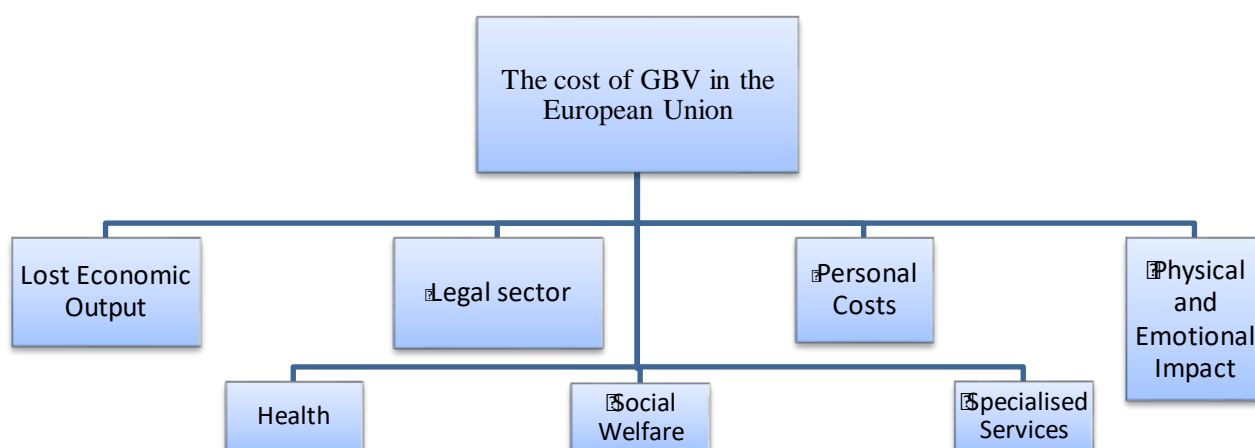


Figure 4 The cost of GBV in the European Union

Source: based on Walby and Olive, 2014

Gender-based violence is one of the satellite sub-domains of the gender equality developed by the European Institute for Gender Equality (EIGE). This domain is measured through contexts, societal attitudes, trust in institutions, and quantitative data. As this thesis uses the Istanbul Convention as analytical tool, another definition it relies on the following definition

from the Explanatory report to the Istanbul Convention: “*Gender-based violence refers to any type of harm that is perpetrated against a person or group of people because of their factual or perceived sex, gender, sexual orientation and/or gender identity*”. Violence against women is not a synonym of gender-based violence; according to the Declaration on the Elimination of Violence against Women (1993), it is its sub-category (Terry, 2007). Nevertheless, this study uses both concepts, and GBV refers to violence against women. GBV is mainly associated with violence against women, because the share of female victims is significantly higher. This phenomenon is deeply rooted in the historical misbalance of power between women and men. Nature of gender-based violence encompasses a number of aspects, as it is illustrated in Figure 5 but judicial system in many countries does not always take them all into account.

Scholars and activists have frequently pointed out that gender equality and, in particular, gender-based violence do not receive enough attention during the EU accession process. It came relatively late on the agenda in the accession negotiations and many policies lack gender perspectives. The failure of transferring gender policies in the EU external relations can be observed on the example of Eastern enlargement. In Agenda 2000, the Commission’s (1997) strategy for enlargement, among priorities were pointed “progress in economic reform, the strengthening of institutional and administrative structures and capacity, the reform of the internal market, environmental protection, the reform of the judicial system”, while gender equality just briefly mentioned in a couple of sentences (Briefing No 24, Pre-accession strategy for enlargement of the European Union, 1997). CEEC governments expressed lack of commitment towards implementation European norms of gender equality (Bretherton, 2017, p.101). A number of scholars have started to see “implementation” regarding accession countries as problematic (Spehar, 2012; (Kruessmann and Ziegerhofer, 2017). The difference between actual efforts of countries in transition to change on a deeper, structural level and formal implementation of institutional mechanisms and legal tools is better described as “more compliance than commitment” (Kruessmann and Ziegerhofer, 2017). The compliance behavior of EU Accession States is a good example of policy transfer.

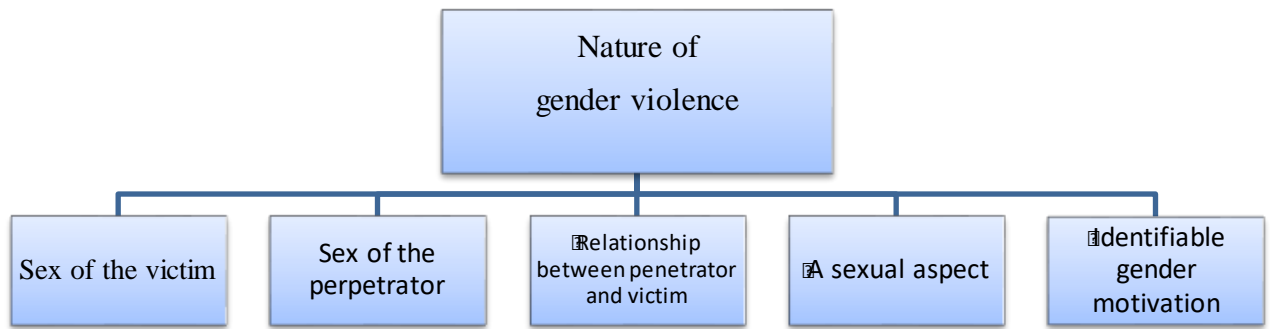


Figure 5 Gender dimensions of violence

Source: based on Sylvia Walby and Jude Towers, 2017

Legislative action is one of the most effective responses on the violence against women and girls; it is ensuring protection for the victims and punishment for the prosecutors. International and national laws can set up a bar for acceptable behavior and norms in society (Klugman, 2017, p.1). EU legislation has been developing under the different presidencies of the Council of the European Union within last decades. The most widely used tool to provide legal protection is the Convention on Preventing and Combating Violence Against Women and Domestic Violence but it is not a part of EU Law. At the present, a common policy to deal with gender-based violence is on the agenda of the European Parliament. In 2021 the European Parliament and European Commission launched legislative initiative procedure to combat violence, trafficking in human beings and migrant smuggling. EP asked European Commission to develop directive on gender-based violence, which will embody the key points of the Istanbul Convention as well as standards developed by international organizations and European regulations addressing gender-based violence directly defining it as a form of discrimination. This legislative proposal is based on article 83(1) of the Treaty on the Functioning of the European Union (The European Parliament, 2021). The first draft of the Gender-based Violence Directive was introduced in April 2022 and offered a common approach to gender-based violence at EU level (European Commission, Directive, 2022).

These trends in developing new laws and regulations on violence against women indicate new shift towards hardening soft law, what was the main mechanism in this policy domain. The EU accession process demands candidate countries to comply with all the EU's standards and rules, which include combatting gender-based violence. Legal and institutional national framework on gender-based violence has to be reshaped accordingly to the Copenhagen criteria. However, soft law policy against violence against women does not appear within the chapters of the Copenhagen criteria. Feminist scholars agree that “the EU had the opportunity, presence, and capability to pressure for more wide-reaching reform and failed to do so” (Montoya, p.145).

Another challenge the Commission faces in combatting gender-based violence are the social norms and stereotypes (Report on gender equality in the EU, p.14, 2022). The EU has a reputation as a creator of the new norms within and outside its borders being an active actor of the global governance. As it was stated by the President of the European Commission “We can help to create a more just globalization [argumentation] if we spread our norms and rules to regulate global interactions [prescription]” (Barbé and Herranz-Surrallés, 2015, p. 26). Some countries are affected by traditions and social norms, what allows the EU to put emphasis on the differences between EU states and accession states (Montoya, p.158). However, the issue of domestic violence is still prevalent in many European states.

2. METHODOLOGY

This chapter proceeds with the discussion of research design and chosen methods. After explaining the research design, the following section provides justification of the case selection. Besides it, a short summary of selected NGOs is provided in the final section of this chapter.

2.1 Research design framework

In order to answer research question, it is important to analyze data from different perspectives. Firstly, the study will employ analytical framework developed to examine state of chosen countries on the following levels through reports written by GREVIO on Serbia, Albania and Montenegro: laws and policies, institutional reform, community mobilization, individual behavior change. These reports evaluate state's compliance of legislation with the areas covered in the Istanbul Convention. However, to make a comprehensive analysis of the justice system initiatives GREVIO reports supplemented by laws, protocols, national strategies on gender equality, international reports and public documentation. Secondly, the section discusses how collected the data and conducted the interviews with experts from NGOs working in a field with victims, in other words, primary data is gathered by the researcher at first hand. Considering the lack of the quantitative data on the gender-based violence in the Balkan region, this thesis will use with a qualitative approach. In the qualitative study the researcher can use multiple sources of data to analyze the problem from the different angles. This thesis utilizes a multiple case study design. Within the last four decades, the literature on social science research methods has developed a few dozens definitions of case study. Researches define it as a method, methodology, system, design or deny any of these concepts and appeal to "a transparadigmatic and transdisciplinary heuristic" nature of case study (VanWynsberghe and Khan, 2007). For this particular study were chosen the following definitions:

"An intensive study of a single unit for the purpose of understanding a larger class of (similar) units" (Gerring, 2004, p.342).

"A case study is a problem to be studied, which will reveal an in-depth understanding of a "case" or bounded system, which involves understanding an event, activity, process, or one or more individuals". (Creswell, 2002, p. 61)

"The case study method "explores a real-life, contemporary bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in depth data collection involving multiple sources of information... and reports a case description and case themes" (Creswell, 2013, p. 97).

Case study addresses contemporary events in a real life context (Yin, 2003). In this research, we investigate the response of the different domestic actors to the EU policies and regulations in terms of the violence against women in the countries granted a candidate status. The main source of data is provided by the NGOs working directly to the victims. Besides it, study analyzes changes of the judicial systems within last decade. Therefore, it is a recent phenomenon taking place in real-life situations and chosen empirical inquiry is relevant. Scholars recommend to choose multiple case design over a single case design, as it provides more rich and comprehensible data for analysis (Yin, 2003, p.53). Preliminary research shows that existing knowledge and available literature on the research question in the Balkan countries is relatively limited.

The aim of this study is neither to generalize nor to test a theory but to describe studied phenomenon in depth. Many scholars have pointed out that Europeanization is an analytical framework, rather than a theory (Radaelli, 2003). Multiple cases allow to apply reproduction of the research design strengthening internal validity (Tellis, 1997; Yin, 2003). Besides it, the results can be used to evaluate how joining the EU affects violence against women in other candidate countries but, obviously, with understanding specific local context. As it is illustrated in the Figure 6, following this logic, the type of a study question is defined as “how” (Tellis, 1997). The study is focused on analysis of external factors (the response of domestic actors on pressure made the EU) and internal (dynamic of the relationships between different groups of actors, first of all, governments and nonprofit organizations). The importance of domestic actors is highlighted in the research on Europeanization (Börzel and Risse, 2000). European Union can provide additional resources for implementation of EU policies and norms but to what extent the process will be successful depends on the local action capacity.

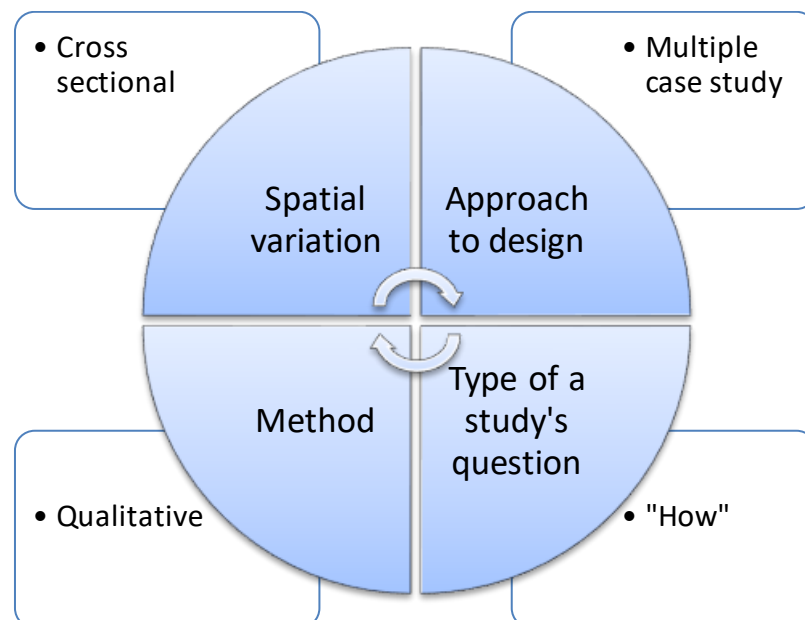


Figure 6 Research design

The study examines the primary formal unit of analysis, which is defined as a country, which constitutes from subunits and it is analyzed from different perspectives. Firstly, to provide a precise answer to the research question, the data is collected from NGOs directly working in the area of the gender-based violence. Interviewees include project managers, researchers, psychologists, advocates and other relevant professionals. The study mainly focused on those organizations, which were involved at the degree to monitoring the implementation of the Istanbul Convention including evaluation of suggestions and proposals made by GREVIO. It allows to perform analysis in depths across- and within-units. The research design is going to be constructed out of two layers. The first one is the analysis of semi-structured interviews conducted with selected NGOs in Albania, Serbia, and Montenegro. The second one is based on the GREVIO reports on evaluation of the implementation, state and UN reports. The analytical framework of this layer is developed by Sarah Bott, Andrew Morrison, and Mary Elsberg within World Bank Policy Research (2005), where initiatives, which address violence against women, are examined at four following levels: 1) Laws and policies 2) Institutional reform 3) Community mobilization 4) Individual behavior change.

According to authors, each level has specific objectives. Reforming laws and policies are aimed to provide better tools for the State Prosecutor and the police authorities, revision of the Criminal Code if it is needed to prosecute perpetrators more effectively, improving criminal proceedings (Bott, Morrison, and Elsberg, 2005, p.18). At the level of institutional reform, the authors examine the question to what degree responses of key legal institutions help to tackle gender-based violence and protect women's rights. Examples of these initiatives might be improving the responses of the police, courts, and forensic doctors, training personnel in the justice system, protection orders, and special courts for crimes against women and children (Bott, Morrison, and Elsberg, 2005, p.22). Community mobilization is significant part of this model, where the main goals are to change attitudes towards women's rights and support of NGOs and civil society organizations. Moreover, in this particular research conducted interviews with NGOs provide additional information, which helps to assess community mobilization from the insight perspective. Though individual behavior change is aimed to "improve individual's knowledge, attitudes and practices among key groups", it is also related with the previous level of justice sector initiatives, as the final purpose is to bring change in society at the bigger scale (Bott, Morrison, and Elsberg, 2005, p.18).

To assess the degree of implementation of the Istanbul Convention in each state a content analysis was performed. At the first stage selected documents were read and sections related to

laws and policies, institutional reform, community mobilization, and individual behavior change were marked. To evaluate the data from a more sharp perspective, the categories were divided into more narrow subcategories. The results of the policy analysis were presented through the chosen dimensions. By incorporating this approach to qualitative content analysis of the reports, the thesis compares the Balkan countries with each other and within states. In other words, the research takes place in two directions answering questions how states differ in regards to their response to violence against women and analyzes to what extent EU gender legislation has been implemented. Besides it, this study focuses on the relationships between state and non-state actors, compliance with the Istanbul Convention and its application in practice by formal institutions and non-profit organizations.

2.3 Case selection

This subchapter is logically divided into two sections: first, it discusses the rationale behind the choice of countries, and second part is dedicated to the short description of organizations and their field of expertise. The selection has started from reviewing the list of organizations published on the Council of Europe' website. To narrow down the list, the organizations' websites were studied by the researcher. However, eventually it was decided to go beyond Council of Europe' website and contact with other NGOs working in the area of violence against women. To find out what effect has the integration of the EU norms on the gender-based equality three countries that have been granted a candidate status and located in the Balkan region have been chosen – Albania, Serbia and Montenegro. The choice was made based on the similarities the countries have, their candidate status and common social issues they share. As a result of war legacy and deep patriarchal background, social relations have been disrupted in the Balkan countries and violence has become a commonplace. To join the EU, these states must achieve gender equality ensuring protection of women's rights including eradication of gender-based violence. North Macedonia was excluded due to the absence of the GREVIO report by the moment of selection.

2.3.1 Albania: country background and selected NGOs

Despite the fact that Albania made a prominent step towards gender equality, gender-based violence remains one of the most pressing issues in local society. In 2020, the police registered 3,333 cases of domestic violence and 13.5 % crimes causing female deaths were committed by relatives (Women and Men in Albania, 2021, p.91). Overall, partner domestic violence in Albania (one out of two women experiences domestic violence at least once in lifetime) is higher than average worldwide numbers (one out of three women). Albania received the candidate status in June 2014 and since 2018 was opened a debate on open accession

negotiations. As gender relations and social norms are formed by the culture of society, it is also important to consider this aspect. First of all, between 1945 and 1990 the country was under the power of the Enverist totalitarian system, which is considered as one of the most brutal regimes in Europe (Nixon, 2009). It was a xenophobic nationalistic and communist state but socialist culture demanded to work everyone regardless the gender contributing to the welfare. As a result of communist regime, women had to accept “neo-traditional” and “neo-patriarchal” roles in the Albanian society (Calloni, 2002, p.1). This period of time was characterized by extremely differentiated gender structure. Since 1990s, construction of national identity has been affected by the revival of blood feuds and more than 10,000 people became victims of honor killings (Exit News, Taylor, 2020). Moreover, the blood feud phenomenon has a significant impact on the Albanian crime rate and, as a result, it increases violence against women and children (Kopsaj, 2016).

A major impact on the development of Albanian society was done by “the Kanun” – a set of customary laws, which defined the way of living since the medieval centuries, especially among the northern Albanians. According to the Kanun the role of women was named as "a shakull (sack) for carrying things" (Sadiku, 2014, p.97). During the period of Enverist totalitarian regime, this system was abolished but after the collapse of the Soviet Union the code of the Kanun was brought back strengthening the inequalities in society. Kanun law deprives Albanian women the right to inherit property, to make any independent decisions and punishes them, if they do not have a male child (Young and Twigg, 2009, p.121). Another prominent feature of the Kanun is so-called “Sworn virgins”, the women who decide to take a male role performing typical male duties and wearing male clothes (Young and Twigg, 2009, p.117). This custom also exists in Montenegro and Serbia. For some women in rural areas, it is the only way out of customs and traditions limiting their freedoms. To conclude the discussion on the Albanian Kanun of Lek Dukagjini, this ancient moral code legitimizes violence and still has unprecedented influence on the Albanian society.

Three Albanian NGOs were selected for the purpose of interviews. These three are among the most prominent women’s NGO in the country, especially Albanian Women Empowerment Network, which contributed to the evaluation of the Istanbul Convention by commenting the report submitted by the Albanian authorities on the implementation of the recommendation’s issues by the Committee of Parties. Vatra was chosen by the reference of AWEN, while the logic behind the Center for Legal Civic Initiatives was the expertise of the interviewed expert, highly influential advocate in the area of gender based violence.

NGO 1: Albanian Women Empowerment Network (AWEN)

Albanian Women Empowerment Network is a non-profit organization, which aims to protect women and girls' rights. The network is established in 2009 and become an umbrella for 10 member organizations. According to their website, one of the main thematic areas is violence against girls and women. AWEN quite fast has become one of the leading NGOs in the country lobbying and advocating in the field of the women's rights issues (AWEN, History, 2022). Two research studies were conducted: "Intimate Partner Violence in Adolescence in Albania", and Intimate Partner Violence and sexual violence among young people in Albania. Both of them were funded by the Swedish government (AWEN, Studime, 2022). There are different stakeholders interested in supporting AWEN from local municipalities and Education Departments in various Albanian cities to the Albanian Parliament, international organizations, Swedish International Development Agency, and Canada Fund for Local Initiatives (AWEN, Partners and Donors, 2022). Within the evaluation of the Istanbul Convention in 2016, AWEN wrote a comprehensive report on its implementation, which encompasses "the legislative, institutional and in-field accomplishments achieved as a result of the ratification of the CoE" (Report on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in Albania, p.3).

NGO 2: Psycho-Social Centre "Vatra"

This NGO was established in 1999 and aims to prevent violence against women in society, integration and active support of victims suffered from human trafficking, protection of victims belonging to different minorities. Unlike the majority of the large NGOs working with victims of gender-based violence and operating from Tirana, Vatra is located in Vlore, southwestern Albania. The organization annually releases reports on their progress in terms of residential and community social services, educational programs, and activities carried out throughout the year. Vatra is operating in cooperation with a broad variety of partners and has become a member in different networks such as the Albanian Women Empowerment Network, which is participant of this study as well, "Justice for All" Coalition, the National Coalition of Anti-Trafficking Shelters, "Together on General Child Care" Coalition, "End Slavery Now" Movement, and etc. Among donors of this NGO are The Norwegian Ministry of Foreign Affairs, UNICEF Albania, the Ministry of Health and Social Protection, AWEN, UN Women Albania, U.S Embassy in Tirana, and the Norwegian Church Aid. Every year the number of projects implemented by Vatra increases; from five projects in 2015 to thirteen in 2021. At the preliminary stage this organization was not chosen by the researcher but interviewee from AWEN recommended contacting them and including Psycho-Social Centre "Vatra" in this study.

NGO 3: The Center for Legal Civic Initiatives (CLCI)

CLCI is an Albanian non-for-profit organization located in Tirana and operating since 1997. The organization provides free legal aid for victims of domestic violence and psycho-social services. Beside it, CLCI conduct research on gender-based violence, the gender equality standards in the court decisions and other relevant topics. The organization is funded by Civil Rights Defenders, American, Dutch, and Swiss Embassies in Tirane, OSCE USAID, UNDP, UNICEF, and Global Fund for Women. The Center for Legal Civic Initiatives is member to four networks and one coalition including the Network against Gender Violence and Trafficking, the Free Legal Service Network, Civil Society Anti-corruption Network, the Human Rights Network, the "National Women Council" Coalition, and the Human Rights Balkan Network. The interview was conducted with executive director of CLCI, who is listed in a global database "Gender Experts". Among the main aims of CLCI: 1) Participating in drafting laws and state policies on violence against women; 2) Organization of trainings for the professionals in the justice system; 3) Contribution to the democratization through monitoring and generalizations on the best legal practices; 4) Free legal aid both for victims of gender-based violence and NGOs working with gender equality.

2.3.2 Serbia: country background and selected NGOs

A discourse of nationalist ideologies "denies women a meaningful place in public life" and views them as mothers and wives (Lilly and Irvine, 2002, p.111). The gender structure in Serbia is still affected by the legacy of the authoritarian Milošević regime. From the late 1980s until the early 2000s the political system was characterized by the rise of populism and promotion of traditional values, such as patriarchy, conservatism and extreme religious (Vujadinovic, 2013, p.261). According to the surveys conducted in three periods of time (1991-1995, 1996 – 2000, and 2000 - 2004) with the aim to show how social and political processes in Serbia affect different dimensions of everyday life, there are certain negative trends with regards of gender equality. After the pressure of historical events families did not receive efficient governmental support and had to manage by their own (Vujadinovic, 2013, p.262).

Women from marginalized groups live even under bigger pressure. Surveys are showing that the society is still very homophobic and have negative attitudes towards lesbians. Situation has been slowly changing with new generation but they still view lesbians as those who need treatment (Todosijevic, 1998). Roma is considered as one of the least privileged groups in Serbia. They are at the constant risk of poverty, discrimination, and prejudices. Currently, there are approximately 147 000 Roma citizens living in Serbia but unofficial sources increase this number up to 500 000 (Civil Rights Defenders, Report, p.9). Roma women face challenges and discrimination not only from outside but also within their group, both from male and older

female. They rarely report about domestic violence and when they do, Roma women often do not receive a proper treatment from the authorities. CSOs report about increased negative propaganda towards Roma by extreme right-wing parties and organizations (Minority Rights Group Europe, Report, p.10). Roma marriage practices place women in a very vulnerable position, when families marry daughters under 18, thus, depriving their access to education and transfer all power to men. According to Serbia Multiple Indicator Cluster Survey in 2010 every second Roma girl was married before age 18 (Hotchkiss and Godha, 2016).

Four NGOs were selected in Serbia in addition to the Serbian Commission for the Protection of Equality. Women's rights organization FemPlatz and Iz Kruga Vojvodina submitted reports the implementation of the Istanbul Convention, moreover, Iz Kruga Vojvodina shed a light on the perspective of women having disabilities at risk of gender-based violence. Victimology Society of Serbia and Women's Center Užice were found as a result of snowball technic. Except Women's Center Užice, which illustrates the problems of NGOs at the local level, all organizations are located in the capital.

NGO 4: "... Iz Kruga Vojvodina"

This organization is particularly interesting for this research because of its target audience. "... Iz Kruga Vojvodina" is working with women having disabilities and being at risk of gender-based violence. Their achievements were awarded by Tolerance Award of the Blue Danube Foundation, Women Have Wings Award, and Annual Gender Equality Award. The activities of this NGO are divided into three divisions: 1) Psychosocial, Therapy and Education Services 2) Disability Info Center 3) Trainings and Workshops with Elements of Vocational Training. "... Iz Kruga Vojvodina" is working in cooperation both with public departments and non-governmental organizations, as well as with international organizations as UN Women. The interview was conducted with Ivana Zelic, a coordinator of the SOS service of "... Iz Kruga Vojvodina". She is advocating for the rights of women with disabilities experienced gender-based violence for more than 10 years (UN Women). Ivana Zelic participated in multiples professional trainings, was invited as a speaker to feminist festivals and contributed to the implementation of proposals and suggestions made by GREVIO. She is a well-known expert on gender-based violence issues with a large experience and insight perspective on this matter.

NGO 5: Victimology Society of Serbia (VDS)

VDS is a non-governmental organisation founded in 1997 with the aim to work on the development of victimology, improvement of the position of victims of crime, war and human rights' violations, protection of victims' rights regardless of their gender, religion, ethnicity and

other personal features. Its mandate includes policy-oriented and feminist action research, drafting of laws and advocacy, victim support, awareness raising, education, and truth and reconciliation. Its purpose is to use its research to create evidence-based and viable policy solutions for Serbian law makers in the field of victims' rights, particularly of women victims of gender related violence, and to stand up for victims' rights. Activities of VDS are based on a gender specific and holistic approach to victimization and victim's rights. Both quantitative and qualitative methods are used by VDS.

VDS's activities are implemented within two organizational units: VDS research and education centre and VDS info and victim support service. VDS info and victim support is primarily oriented towards practice, i.e. towards offering direct assistance and support to victims, while VDS research and education centre primarily aims at development of theory and improvement of victims' rights on the broader social level. VDS has implemented 36 researches and surveys so far, 15 of which were international. 16 surveys were focused on various forms and issues related to gender-based violence and discrimination, including violence against women, domestic violence, sex trafficking, sexual violence, system of assistance and support to women victims of gender-based violence, discrimination of women at the labour market, women victims of violence in prison, attitudes of professionals on gender-based violence and discrimination, attitudes towards lesbians and gay men, etc.

VDS was involved in the research projects conducted within the EU FP6 and FP7 programs for research and technological development. Since 1998 VDS has published *Temida*, first and still the only academic journal on victimization, gender and human rights published in Serbia and even broader. VDS also has a long-term experience in organizing scientific and professional conferences, workshops, trainings and meetings, which serve, among other matters, for dissemination of results of the research and other projects. Since 2010 it has been organizing regular annual international conferences, which aim to bring together experts, researchers and practitioners, who deal both theoretically and practically and from the perspective of different disciplines with victims' rights and provide assistance to victims of crime, human rights' violations and other forms of suffering, and enable comprehensive exchange of experience and knowledge. Special focus during these conferences is on violence against women and gender-based violence. Since the conference is organised at the end of November each year, it also presents a contribution of VDS to the international campaign 16 Days of Activism against Violence Against Women (NGO 5, Data from the Interview, 2022).

NGO 6: FemPlatz

FemPlatz is a civil society organization founded in September 2017. This organization is advocating for the advancement and realization of the rights of women and girls, protection from discrimination and violence, economic empowerment and social inclusion, with a special focus on women and girls who face intersectional discrimination. FemPlatz is aimed to improve legislation in the area of women's rights in order to improve access of women to various services and to change the attitudes of professionals, decision makers, and the general public towards gender equality and women's rights. First of all, FemPlatz conduct high-quality and relevant research in order to have a better insight into the challenges and problems on the way achieving gender equality and contributing to new knowledge about women's rights. Based on the results of research and analysis, FemPlatz create plans and steps for representation at the national and international level for changes in laws and public policies. According to the mission of this association “changes in practice and access to different types of services lead to changes in the quality of life of women and girls, therefore, society as a whole” (FemPlatz, 2021).

FemPlatz has three basic strategic orientations: 1) Prevention and eradication of discrimination and violence against women and girls; 2) Improving the economic position and labor rights of women; 3) Women's participation in society and decision-making; strengthening the institutional capacities of women's organizations. Interview is conducted with Kosana Beker, who is Co-Founder and Program Director of FemPlatz. She is women's rights activist in Serbia with big number of publications in the area of gender equality and discrimination. Beker is working on a femicide review investigation within the context of the EU-UN Women regional programme “Implementing Norms, Changing Minds” (UN Women, CSW 65 Expert Group Meeting, 2020).

NGO 7: Women's Center Užice

Women's Center Užice is a civil society organization, which was established in 1998 and guided by democratic principles of equality. Its target audience is those, who belong to the most vulnerable groups of society. From 2012 Women's Center achieves its goals through programs against gender-based violence and gender equality. It is the only organization actively working in the Zlatibor District and conducting a number of trainings and programs for women. Besides it, Women's Center Užice advocates for women's economic empowerment and independence raising awareness among general public and policy makers. CSO is a signatory to the Special Protocol on the Treatment and Cooperation of Institutions, Bodies and Organizations in Situations of Violence Against Women and Children, and the Protocol on Inter-Sectoral Cooperation on the Prevention and Protection of Children from Violence, Abuse and Neglect for the City of Užice. In 2015 Women's Center Užice developed the specialist SOS telephone for

victims of gender based violence. Since its beginning, the SOS telephone received 4755 calls from 625 women, total of 119 legal proceedings for protection against domestic violence were initiated. This service includes: 1) Psychosocial support: SOS telephone consultations, informing and referral of victims through the SOS telephone and individual and group psychological consultations with victims in the premises of Women's Center; 2) Legal support for victims of domestic and intimate partner violence: SOS telephone legal consultations, free legal assistance through writing of lawsuits, appeals and other legal submissions (NGO 7, Data from the Interview, 2022).

Organization 8: The Commissioner for the Protection of Equality in Serbia

The Serbian Commission for the Protection of Equality is a predominantly quasijudicial independent autonomous equality body. It is not a nonprofit organization and from the first look does not fit a research puzzle. However, it was decided to keep it within study, because collected data confirms the most crucial findings on the relationships between NGOs and state actors based on the interviews with NGOs in all three countries. The interviewee from the Victimology Society of Serbia offered to connect with the Commissioner for the Protection of Equality in Serbia and conduct this interview. The main goal of this state authority is to monitor and prevent all kinds of discrimination including the deconstruction of stereotypical gender roles and combating gender-based violence (Commissioner for Protection of Equality, 2022).

2.3.4 Montenegro: country background and selected NGOs

Historically, Montenegro is known as an extreme case of socially accepted violence rooted in blood feud between rival families (Simic, 1967, p.83). The first mentions in academic papers about blood feud in Montenegro can be traced to the nineteenth century (Cozens-Hardy, 1894). A legacy of sworn virgins, a moral code of the blood revenge, and a traditional image of a man as warrior and poet still affects gender practices in Montenegro. It is illustrated by the example of sex-selective abortion, which has one of the highest rates in the world (Brković, 2021). The decision of women to choose keeping a male foetus over a female is often based on the Montenegrin inheritance practices. Basically, the cultural logic of this phenomenon is based on the tradition to pass the property to the male heir. As Montenegro was an agricultural community, it was important to have a male offspring, who can keep a land and a family name. On the one hand, a good man in Montenegrin society was supposed to be “a junak”, what means a warrior, while a women had to leave her family after a marriage and show “good moral character as far as honesty and sexual behaviour” (Kiščenko, 2021).

Another interesting feature of gender norms in Montenegro is how perceived the linguistic culture. The production of language is often shaped by the gender relations and practices and societies. Language is important characteristic of society, which might help to explain its cultural patterns and nature. In literature, feminist scholarship in linguistics studies gender and language serves as community-based practice in construction of gender identities (Bergvall, 2014; Eckert and McConnell-Ginet, 1992). Despite the fact, that female grammatical forms of nouns exist in Montenegrin language, women prefer their occupations are named in masculine form, especially those, who are in positions of power (Perović, 2014, p.44). In overall, society still blames a victim for the experienced sexual or physical violence and considers domestic violence is a private matter. Every third woman has experienced sexual harassment and every fifth has faced physical and/or sexual violence (OSCE, Survey, 2019).

The search of interviewees in Montenegro was incredibly difficult due to limited number of NGOs in the country and lack of their cooperation with researcher. However, the most prominent organization in Montenegro agreed to provide information for this study. Women's Rights Center contributed both on the implementation of Montenegro's domestic violence legislation and the implementation of the Istanbul Convention. The lack of data was also covered by interviewed NGOs from Serbia and Albania, which have ongoing projects in Montenegro.

NGO 9: Women's Rights Center

Women's Rights Center is a NGO working with women in need who suffer domestic violence in Montenegro. The organization was established in 2012 and located in Podgorica. The contribution of Women's rights Center is mentioned both in relation with the Implementation of Montenegro's Domestic Violence Legislation and the Implementation of the Istanbul Convention in Montenegro. Among the last projects are self-support group work and counseling for mothers who suffered partner violence. The organization has three main objectives: 1) Promotion of women's human rights and gender equality; 2) Empowering women survivors of family violence / partner violence through counseling, psychological and legal support; 3) Connecting with other organizations / institutions dealing with protection and promotion of women's human rights. Women's Rights Center is a member of several government working groups including Working Group for Changing the Criminal Code (Ministry of Justice and Human Rights), where WRC advocates for consolidation of our Criminal Code with the Istanbul Convention, Working Group on Chapter 23 - Judiciary and Fundamental Rights of the EU Accession, Working group for drafting the National Strategy for Gender Equality 2021-2025, National Coordinating Body for Monitoring the Implementation of the Istanbul Convention, and Commission for Monitoring the Strategy for Achieving Gender Equality 2021-2025. At the

present Women's Rights Center is achieving its goals through three main programs: 1) Advocacy and monitoring implementation of policies in the field of gender equality and women's human rights; 2) Support services for victims of family violence; 3) Program "Women and Culture" (encouraging women promoting their creativity).

2.4 Data sources and methods

The interviews

In addition to GREVIO reports, the analysis was combined with another significant data source – interviews with relevant individuals from selected organizations. The expert interview has long been a prominent data collection strategy for gathering an exclusive knowledge, which is different from every-day knowledge. An expert is considered a person, who "may not necessarily possess knowledge alone, but which is not accessible to anybody in the field of action under study" (Meuser and Nagel, 2009, p.18). From this point of view, individuals working in NGOs can be viewed as experts, because they work in the field directly with victims of gender-based violence, involved in the evaluation and implementation of the Istanbul Convention and can share their experience in terms of authorities and other actors. The interviews will provide inside views beyond the information available on paper and in online sources.

Face-to-face interviews in qualitative research are often considered as the most reliable and common type of the interview, however, due to restrictions imposed by pandemic and financial limitations, all interview in this study took place via video platform Zoom. It is also justified by decreased cost, increased access to interviewees located in different countries and lower requirements to an environment, where could be conducted face-to-face interviews. Some other disadvantages to the telephone interviews such as lack of the verbal clues are eliminated by the video format. For this study were chosen semi-structured interviews, as this type of qualitative research is mainly based on open-ended questions. It allows to researcher to engage the interviewees in discussions but at the same time follow the line drawn in the detailed interview guide. The same order for all participants can help to compare their responses and systematically organize collected data. From historical perspective, semi-structured interviews have been evolved "empathetic interviewing", what means that the researcher takes an ethical stance in order to contribute in social policies but his/her study (McIntosh and Morse, 2015, p.2). In other words, the author of this thesis is hoping to advocate for those, whose rights are studied in the research.

The researcher followed the standard methodological procedure, to be more precise, at the first stage was sent a request to all potential interviewees, where was stated a general information about the researcher, the description and aim of study, and the conditions of the interview, such as anonymity and storing the data. On the next stage the researcher sent a consent form and the list of questions. All recordings were transcribed, partly manually and partly through audio transcription software, which converts speech to a text transcript. All questions are formulated in open-end manner with the opportunity for responders to clarify information, when it is needed. The interview guide begins from the introduction of researcher and a reminder, that interview is going to be video and audio recorder, however, an interviewee has the right to stop the interview at any moment. The recording of data increases its reliability. The list of questions is designed from the most general (background of an interviewee, the connection of his/her organization with discussed topic) to the more difficult (attitudes towards effectiveness of the state, funding of the women' NGOs, national legislation after the implementation of the Istanbul Convention) with the aim to answer the main research question. The researcher has decided to send the list of questions in advance, as all responders are non-native English speakers and it might result in misunderstanding. In total, nine interviews were conducted over the period of March to September 2022. The interviewees were representatives of the NGOs operating in Albania, Serbia and Montenegro. As it is stated from the table, all interviews were conducted via Zoom and average duration was between 30 minutes and 1 hour.

Table 1 Methods of research in Albania, Serbia and Montenegro

Organization	Country	Duration	Method
NGO 1: Albanian Women Empowerment Network	Albania	28 minutes	Semi-structured interview
NGO 2: Vatra	Albania	33 minutes	Semi-structured interview
NGO 3: The Center for Legal Civic Initiatives (CLCI)	Albania	1 hour 4 minutes	Semi-structured interview
NGO 4: "... Iz Kruga Vojvodina"	Serbia	36 minutes	Semi-structured interview
NGO 5: the Victimology Society of Serbia (VDS)	Serbia	49 minutes	Semi-structured interview
NGO 6: FemPlatz	Serbia	32 minutes	Semi-structured interview
NGO 7: Women's Center Užice	Serbia	NA	Questionnaire
Organization 8: The Commissioner for the Protection of Equality in Serbia	Serbia	NA	Questionnaire
NGO 9: Women's Rights Center	Montenegro	NA	Questionnaire

One of the methods used in this research is snowballing sampling or “chain referral sampling” (Goodman, 1961, p.141). The first mentions of this term are rooted the 1940s, when the Columbia Bureau of Applied Social Research used it to conduct research on personal influence via media (Handcock, and Gile, 2011, p. 367). Different uses of snowball sampling are captured by following definitions: “*Collecting a sample from a population in which a standard sampling approach is either impossible or prohibitively expensive, for the purpose of studying characteristics of individuals in the population*” (Handcock, and Gile, 2011, p.369). One of the oldest definition was developed by Goodman and formulated as “*A study sample through referrals made among people who share or know of others who possess some characteristics that are of research interest*” (1961, p.141).

This research sticks to the second definition and extends a sample size through referrals. The list of initials contacts was developed on the basis of the Council of Europe’s website dedicated to the Istanbul Convention Action against violence against women and domestic violence. A desk research allowed adding organizations to the list. This approach offers to ask interviewees to share contacts of those who can make a valuable relevant contribution to the research (Parker and Scott, 2019). Nevertheless, a chain referral sampling is not an autonomous process and the researcher must actively engage the participants and asks their recommendations. In this thesis, content analysis is employed to empirically assess data gathered on the basis of the conducted interviews and GREVIO baseline evaluation reports. The framework to analyze and interpret the gathered data was chosen by the researcher. Content analysis or Qualitative Content Analysis (QCA) allows researcher to analyze and interpret a wide variety of data sources including policy documents. One of the first definitions was offered by Holsti (1969) and states content analysis as “any technique for making inferences by objectively and systematically identifying specified characteristics of messages” (Stemler, 2015, p.). Traditionally, it is used in order determine the concepts or specific words in a text (1990, p.2). First time the term “content analysis” was used in Webster’s Dictionary of English language in 1961 (Prasad, 2008, p.1).

As it noticed by many scholars (Prasad, 2008; Carley, 1990; Weber, 1990), the central problem of content analysis is tremendous amount of time spent by this method. Due to travel cost and accommodation for researcher it is also quite expensive. However, all interviews for this particular study conducted via online platform, it was possible to avoid any related expenditures. Regardless potential challenges, content analysis has become popular among social scientists. According to Prasad it is based on the three basic principles of scientific method: objectivity, systematic, and generalizability. Being more precise, the results can be reproduced by different researchers using the same framework. Content analysis is not just “a word

frequency count” (Stemler, 2000, p.1); this method gives the opportunity to go beyond a simple understanding of text and makes inferences based on the strict set of applied rules. Both types of primary data sources – reports and interviews – ensure high level of validity and can be called a golden standard of data in social sciences. The experts presented here were meant to provide valuable cultural and professional insights and expertise.

GREVIO reports

The first source of data which is going to be used for analysis is the GREVIO baseline evaluation reports delivered from the official website of the Council of Europe. GREVIO reports are based on the information provided by the state parties, NGOs, international and bodies with the purpose to analyze to what degree the state effectively manages the challenges of gender-based violence. The Istanbul Convention is grounded on the four pillars: prevention, protection, co-ordinated policies, and prosecution. The process evaluation can last up to 18 months from sending GREVIO’s questionnaire to the state parties till publishing GREVIO baseline evaluation report and submitting it to parliaments by the state parties. The procedure starts from collecting information produced by the government (state reports), additional information from national human rights institutions, NGOs, Council of Europe bodies, civil society actors, international bodies, and Human Rights Commissioner. In addition to this data-gathering exercise, takes place a country visit made by an assigned rapporteur. The next step is preparation of the draft evaluation report and sending it to the state party. And on the last stage the report is published and gone through the follow-up procedures (the Council of Europe, Rules of Procedure, 2015).

To evaluate the implementation of the Istanbul Convention was established an independent expert body, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). Members of GREVIO are elected by another political body, the Committee of the Parties, which is also responsible for adopting recommendations proposed by GREVIO. Besides it, GREVIO put a special emphasis on “collaboration with Council of Europe bodies and institutions, civil society and international organisations” (Report on GREVIO’s activity, 2021, p.7). Responsibilities of GREVIO set up under Article 66 of the Istanbul Convention and it is composed of 15 independent experts in the area of gender-based violence (Istanbul Convention; CETS No. 210). In case of occurrence of any acts of violence covered by the Convention, GREVIO can initiate a special inquiry procedure and appoint its members to investigate this inquiry.

To receive more comprehensive view, analysis is going to be completed with other relevant documents, such as national strategies on gender equality and gender-based violence response, Criminal codes, laws, protocols, governmental, UN Women, and UNDP reports.

GREVIO provides country-by-country monitoring in seven chapters (Purposes, definitions, equality and non-discrimination, general obligations, integrated policies and data collection, Prevention, Protection and support, Substantive law, Investigation, prosecution, procedural law and protective measures, Migration and asylum) with conclusion in the eighth chapter. These chapters are going to be sorted into four groups proposed by Sarah Bott's framework and analyzed within and between states.

3. EMPIRICAL ANALYSIS AND FINDINGS

This chapter analyzes data from two perspectives starting from drawing background of selected countries on the basis of the GREVIO reports and other documents. It will help to understand how EU views the progress of the candidate countries in the Balkan region regarding decreasing level of gender-based violence and implementation of the policies addressing this issue. In addition, the study analyzes achievements of the states through the prism of the institutional reforms, laws, policies, community mobilization, and individual behavior change strategies. Another perspective is shown through the lenses of the NGOs fighting against gender-based violence and involved in the evaluation of the implementation of the Istanbul Convention.

3.1 Assessment of the state actors

Analysis of relevant documents shows that all three countries made some steps towards harmonization justice systems according to principles of the Istanbul Convention. States ratified other international conventions to some degree related to the gender-based violence. Compliance with EU legislation, norms and practices on the gender-based violence in Serbia, Albania and Montenegro was analyzed through the following set of indicators: ratification of international human rights agreements, National and international advocacy campaigns, revision of the civil and penal code, specific legislation on family, domestic or sexual violence, legal tools, policies, procedures and protocols related to the response of police, judges, and other professionals, investment in resources and equipment, training of justice system professionals, monitoring mechanisms, court-appointed advocates, integrated community response, literacy training for key groups and stakeholders, NGO legal aid services, monitoring the justice system at the community level, mass media campaigns, Legal literacy training, Legal aid referrals and services. More detailed results presented in the tables below.

Table 2 Assessment of Justice sector initiatives in Serbia

Level	GREVIO's report and other relevant documents
Laws and policies	<p><u>Ratification of international human rights agreements</u> Serbia ratified Convention on the Elimination of All Forms of Discrimination against Women (2003), Convention on the Rights of Persons with Disabilities (2007), and International Convention on the Elimination of All Forms of Racial Discrimination (2001), Convention on the Rights of the Child (2001).</p> <p><u>National and international advocacy campaigns</u> In 2021, the National Coalition for Ending Child Marriages conducted a media campaign "Childhood, not Marriage" with the purpose to inform public about the phenomenon of child marriage. The campaign was organized by the government of Serbia in cooperation with UNICEF. In addition was introduced a three-year program "Towards ending child marriage in Serbia 2018-2020" at the national and local level (Report, UNICEF Belgrade, 2021). This campaign has received over half of the millions</p>

	<p>of the views in media (UN Women, 2021, database). Moreover, Serbia annually participates in international advocacy campaign the “16 Days of Activism against Violence against Women”.</p> <p><u>Revision of the civil and penal code</u></p> <p>Since 2016 the Criminal Code criminalized the offences of stalking, forced marriage, sexual harassment and female genital mutilation (GREVIO’s Evaluation Report, 2019, Art. 2, 33). However, due to difference of definition of the domestic violence offence in the Criminal Code with the Istanbul Convention causes to prosecute cases of domestic violence as isolated incidents rather than a continuum of domestic violence (GREVIO’s Evaluation Report, 2019, Art.33).</p> <p><u>Specific legislation on family, domestic or sexual violence</u></p> <p>The Law on Contracts and Torts gives an opportunity for victims and indirect victims of criminal offences to claim compensation for material and non-material damage, such as costs of treatment, loss due to inability to work. In case of victim’s death, heirs also can demand compensation (GREVIO’s Evaluation Report, 2019, Art. 2). Nevertheless, Serbia has not ratified the European Convention on Compensation of Victims of Violent Crimes.</p> <p><u>Legal tools such as protection orders, alternative sentencing</u></p> <p>National legislation required centers for social welfare to organize programs for domestic violence perpetrators. Requirements for treatment programs are established by Criminal law, Chapter 10. However, most of these programs were canceled, while remained trainings have different approaches and their response to domestic violence is unclear (GREVIO’s Evaluation Report, 2019, Art. 16).</p> <p>Besides emergency orders, Serbian Judicial system offers a variety of protective orders depending on a particular situation, what in turn raises concerns of GREVIO. The procedures of for the issuance of the protective orders are too difficult and confusing for the victims. It was also noticed by one of the most respected women’s NGOs in Serbia, Autonomous Women’s Center in its report (Submissions to the Special Rapporteur, p.7). Moreover, Committee pointed on difference between issued emergency measures and number of penetrators removed from victim’s property. (GREVIO’s Evaluation Report on Serbia, 2019, Art. 52, 53).</p>
<p>Institutional reform</p>	<p><u>Policies, procedures and protocols related to the response of police, judges, and other professionals</u></p> <p>Institutional approach in Serbia is aimed to establish cooperation between different statutory bodies and agencies both in preventing and fighting gender-based violence. Nevertheless, NGOs are not included in this cooperation (GREVIO’s Evaluation Report on Serbia, 2019, Art. 18). Another problem is gender-neutrality of protocols used by law-enforcement agencies and Centres for Social Welfare and their lack of focus on women (GREVIO’s Evaluation Report on Serbia, 2019, Art. 2). Protocols developed for police, judges, and other professionals not always take into account gender-based nature of the crimes.</p> <p><u>Investment in resources and equipment</u></p> <p>At the national level there is no available data related to funding of measures taken in response to violence against women. However, some NGOs public information about allocation of funds at the local level. Domestic violence shelters experience dramatic under-resourcing. A significant share of the expenditure in this area is borne by international organizations but due to project nature, the existence is limited. Committee notices, that EU accession offers even more opportunities for financial support (GREVIO’s Evaluation Report on Serbia, 2019, Art.8).</p> <p><u>Training of justice system professionals</u></p> <p>Serbia’s Criminal Procedure Code allows postponing or even escaping charges, in case if defendant agrees to fulfill obligations imposed by prosecutor. Opinion of victim is not taken into account. GREVIO encourages implementing more training for prosecutors (GREVIO’s Evaluation Report on Serbia, 2019, Art.48). On the other hand, the Judicial Training Academy provides specific training on domestic violence for family judges. Besides it, several programs on prevention domestic violence for teachers were developed (GREVIO’s Evaluation Report on Serbia, 2019, Art.15).</p>

	<p><u>Monitoring mechanisms such as human rights ombudsmen</u> Accountability of state actors, institutions, judges, and prosecutors is set by Article 5 of the Istanbul Convention. In case of failure to fulfill obligation in protecting victim, citizen can make a complain to the Ombudsperson (responsible for state actors), the Commissioner for the Protection of Equality (cases related to discrimination), or Police Internal Control Sector (failure of police officials). GREVIO found this system is highly ineffective with negative response towards GREVIO’s recommendations (GREVIO’s Evaluation Report on Serbia, 2019, Art.29).</p> <p><u>Court-appointed advocates</u> Law on Free Legal Aid came into force on October 1, 2019 and among other groups covers “a person which is exercising legal protection from domestic violence” (Law on Free Legal Aid, 2019, Art.4). However, adults have the right for free legal aid only on the basis of their financial situation. A significant number of cases are still supported by NGOs but only in the role of the counselors. With the introduction of the new law, NGOs have to work in a system of cooperation with lawyers in private practice (GREVIO’s Evaluation Report on Serbia, 2019, Art. 55, 57).</p>
Community mobilization	<p><u>Integrated community response</u> In cooperation with the UN Country Team in Serbia the Government of the Republic of Serbia, Swedish International Development Agency domestic violence in Serbia, Police and other stakeholders established public-private partnership, which coordinated response on violence against women in different dimension, such as prevention, training of professionals, support of victims, changing stereotypes narratives in society, and etc. (UN, 2019). Besides it, the Government has established the Council for Monitoring the Implementation of the Recommendations of the UN Human Rights Mechanisms to cooperate with civil society organizations and other stakeholders to build capacities and implement the norms of human rights including gender equality.</p> <p><u>Literacy training for key groups and stakeholders</u> There is the group “Journalists against Violence against Women” established by the United Nations Development Program, which examines how violence is presented in media and advocates for reporting on violence against women as a social problem. This organization is providing training courses for fellow journalists, photo reporters and journalism students covering ethical media reporting on violence against women, conducting interview with survivors of domestic violence, and safety of female journalists. Besides it, “Journalists against Violence against Women” delivers workshops for photographers on the ethical visualization of victims (NO training, 2022).</p> <p><u>NGO legal aid services</u> With the introduction of the new Law on Free Legal Aid NGOs were excluded from the list of the legal providers, which includes “the notaries public, mediators and law schools” (Law on Free Legal Aid, 2019, Art.12). In other words, due to limited possibilities of providing legal aid by legal experts and lawyers, victims of domestic violence do not have equal access to justice.</p> <p><u>Efforts to monitor the justice system at the community level</u> To increase community efforts to bring perpetrators to justice was developed awareness raising campaign “Tiče me se” (“It IS my business”). This program helps citizens to recognize when a female neighbor in their surroundings is exposed to violence and report about it (UNDP, 2021).</p>
Individual behavior change	<p><u>Mass media campaigns on laws and rights</u> GREVIO pointed out the lack of awareness campaign in laws and rights (GREVIO’s Evaluation Report on Serbia, 2019, Art.19). Since implementation of the Istanbul Convention there was no mass media campaigns informing about laws and rights on the violence against women. Most campaigns are offered by NGO sector.</p> <p><u>Legal literacy training for groups such as women and youth</u> Mainly informing and training women are covered by NGOs. For example, NGO “Women's Forum Prijepolje” organized meetings with women in their rural communities, workshops in schools, public actions and campaigns to educate women and girls about how to recognize different forms of violence and get protection from it</p>

	<p>(UN Women, Press Release, 2022).</p> <p><u>Legal aid referrals and services</u></p> <p>Call centre of the Serbian Chamber of Lawyers was established in 2020 with the aim to provide free legal assistance and advice. It is used by local municipalities, which receive requests from citizens. Victims of gender-based violence are entitled to free legal assistance (Serbian Monitor, Bjelotomic, 2020). It is regulated Law on Free Legal Aid. Besides it, Humanitarian Center for Integration and Tolerance provides referrals and assistance going to other organizations and public institutions for asylum-seekers in the North of Serbia. Organization has offices at different locations in the North and West of Serbia.</p>
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Since ratification of the Istanbul Convention Serbia made significant steps to criminalize different forms of violence against women. Besides it, state developed more coordinated-agency response to domestic violence with the Law on the Prevention of Domestic Violence. Nevertheless, NGOs are excluded from the multi-agency approach introduced by the Law on the Prevention of Domestic Violence. They offer specialist support services but victims cannot receive referrals to the non-public service (GREVIO’s Evaluation Report on Serbia, 2019, p.63). GREVIO raises concern about the absence of the specific action plan on violence against women, however, in 2021 was adopted Strategy for prevention and combating gender-based violence against women and domestic violence for the period 2021-2025. So far this document exists only in Serbian and it is impossible to conduct more deep analysis of the content. Campaign on Twitter run in 2021 showed that more than 20,000 Serbian women suffered from violence, tried to report it but faced ignorance and lack of support from authorities (UN Women, Brief, 2022). Another problem is portraying victims of violence in public discourse by media. Patriarchal stereotypes are still prevalent and research is showing that not only in traditional media but also in the domestic online media “” hate speech and verbal violence are treated as an acceptable form (Pavlović, 2020, p.3).

Table 3 Assessment of Justice sector initiatives in Albania

Level	GREVIO’s report and other relevant documents
Laws and policies	<p><u>Ratification of international human rights agreements</u></p> <p>Albania ratified Convention on the Elimination of All Forms of Discrimination against Women (1994), International Convention on the Elimination of All Forms of Racial Discrimination (1994), Convention on the Rights of Persons with Disabilities (2003), Convention on the Rights of the Child (1992), the Violence and Harassment Convention (2022). Albania also signed “Dublin Declaration” to improve prevention of domestic, sexual and gender-based violence.</p> <p><u>National and international advocacy campaigns</u></p> <p>In partnership with the Ministry of Social Welfare and Youth UN Women Albania promoted a global advocacy campaign “HeForShe”, which is in turn part of the United Nations Secretary-General’s UNiTE by 2030 to End Violence against Women campaign (UNiTE campaign). “HeForShe” was aimed to achieve gender equality in sport. It follows the principles introduced in paragraph 2 of Article 14 of the Istanbul Convention on promotion the equality between men and women.</p> <p><u>Revision of the civil and penal code</u></p> <p>Article 625 of the Civil code covers compensation of non-pecuniary damage but there is</p>

	<p>no evidence that any victim of domestic violence actually benefited from it (GREVIO’s Evaluation Report on Albania, 2019, Art.30). Article 130a of the Criminal Code (adopted in 1995, amended in 2013) criminalized domestic violence (Criminal Code, Art.130a, 1995).</p> <p><u>Specific legislation on family, domestic or sexual violence</u></p> <p>To address specific needs of women at risk intersectional discrimination was developed a National Action Plan for Integration of the Roma and Egyptians for the period 2016-20. However, there is no a national plan for people with disabilities or other vulnerable groups. On the one hand, GREVIO welcomes a gender sensitive approach introduces by Albania’s government, as it recognizes violence against women as gender-based discrimination. But on other hand, forced marriage, forced abortion, sexual violence receive much less attention (GREVIO’s Evaluation Report on Albania, 2019, Art.6).</p> <p>The Family Code on “Sanctions against Violence” gives the right to the spouse to restrict an abusive partner from their common property (Law No 9062 of 8.5.2003 “Family Code”, Art.62). The Family Code set up the minimum age of marriage as 18 years old, however, it also give the right to the court to approve the marriage at an earlier age. According to report, number of forced marriages is steadily increasing (GREVIO’s Evaluation Report on Albania, 2019, Art.37). Especially, it is noted in among Roma, and in some isolated rural communities. Child marriages are not criminalized under the Penal Code and there are certain gaps in legislation. Sexual intercourse with a minor below the age of 14 is punished up to 15 years in prison but if a girl under 18 is married, she is considered being an adult (UNFPA, Summary, p.2).</p> <p><u>Legal tools such as protection orders, alternative sentencing</u></p> <p>Treatment programs for penetrators are not provided by the government. A few NGOs offer some programs appealing to family therapy/counseling and mediation, which do not meet minimum standards for support services set by the Council of Europe (The Council of Europe, 2008, p.19)</p> <p>Protection orders in Albania are regulated by Law No 9669 “On Measures against Domestic Violence” (2006). The protection is automatically extended on children and since 2020, when the law was amended, the abuser is restricted from victim’s property.</p>
Institutional reform	<p><u>Policies, procedures and protocols related to the response of police, judges, and other professionals</u></p> <p>In 2020 The Ministry of Health and Social Protection of the government of Albania adopted a dedicated protocol to acknowledge shelters for victims of domestic violence essential services and support its undisrupted functioning during pandemic (UN Women, 2020). The Ministry of Justice and the High Judicial Council developed Joint Instruction “On determining the rules for the creation of a special domestic violence cases database in the courts and the unification of their registration” (2020). Amendments made in Law 125/2020 “On some addenda and amendments to Law No. 9669 from 2006 allow to remove penetrator from the joint residence immediately by the State Police.</p> <p><u>Investment in resources and equipment</u></p> <p>The Ministry of Social Welfare and Youth is responsible for allocating financial resources with regards to measures concerning violence against women. Although, the authorities claimed about increased funding for initiatives on gender-based violence, GREVIO has not received any proof of this statement (GREVIO’s Evaluation Report on Albania, 2019, Art.8). The Ministry of Health and Social Protection allocated about 600 thousand euro within three-year period 2019-2021 to National Center for the Treatment of Domestic Violence Cases and 94 thousand euro to four municipalities to be used for the purposes of services to victims of domestic violence and persons at risk in 2021 (Government of Albania, Report, p.12).</p> <p><u>Training of justice system professionals</u></p> <p>Training for judges and prosecutors, and law enforcement officers is provided by the School of Magistrates and the Police Academy. Nevertheless, GREVIO noticed absence of attention towards gender stereotypes and secondary victimization (GREVIO’s Evaluation Report on Albania, 2019, Art.15). There are a few handbooks on domestic violence provided by the General Police Directorate of Albania and the Albanian Ministry of Public Health. Employees of governmental bodies receive trainings</p>

	<p>according to these handbooks (OSCE, Report, p.17).</p> <p><u>Monitoring mechanisms such as human rights ombudsmen</u></p> <p>The People’s Advocate (Ombudsman) Institution is regulated by the Law No. 8454 'On the People’s Advocate Institution'. Ombudsman acts on the basis of complains with regards to public administration bodies. Victims of domestic violence also can send a claim in case of failure of Justice System to fulfill its obligations. Nevertheless, according to GREVIO “there has been no recorded case of any victim ever having claimed or received compensation” as a remedy for a failure of an administration body (GREVIO’s Evaluation Report on Albania, 2019, Art.29).</p> <p><u>Court-appointed advocates</u></p> <p>Until June 2018, free legal aid was provided by the state, was regulated by Law No. 10039/ 22.12.2008 “On Legal Aid”. In 2017 was adopted the Law No.111 / 2017 “On legal aid guaranteed by the state”. Appointment of a concrete advocate is set by the proceedings body. Among eligible groups, Article 11 specifies victims of domestic violence, sexually abused victims, and children (Law No.111, Article 11, 2017).</p>
Community mobilization	<p><u>Integrated community response</u></p> <p>To enforce integrated community response by A Women’s Legal Rights Initiative was developed a practice manual for use by attorneys, health care workers, social workers, police, prosecutors, and judges. Each sector worked in coordination on their individual protocols and procedures to address the problem of domestic violence. The protocols include revised definitions, communication procedures, recommendations for prosecutors and healthcare workers, referral system, and role of social service providers role in protection of the victim (A Women’s Legal Rights Initiative, Manual, 2006).</p> <p>As it is indicated in GREVIO’s report, Albania is among countries with established “network for co-ordinated community intervention” (GREVIO’s Evaluation Report on Albania, 2019, Art.18). It is considered as an example of best practices. Regardless these accomplishments, UN Women state that there is “a need for more qualified staff and more full-time post” (OSCE, Report, p.16).</p> <p><u>Literacy training for key groups and stakeholders</u></p> <p>There are no special trainings for teachers or university study programs on violence (GREVIO’s Evaluation Report on Albania, 2019, Art.14). Training of health professionals was covered within the program “training the trainers”. Nevertheless, there is a significant difference between reported cases of domestic violence induced injuries and registered cases by the Police. It requires changes of medical programs at the university level. (GREVIO’s Evaluation Report on Albania, 2019, Art.15). In 2014 took place Training sessions with practitioners of the Law Against Domestic Violence, with a special focus to the police officers, in 12 districts of Albania. The goal was to introduce “Manual: How to respond to domestic violence with a special focus on Albanian state police” designed by the Gender Alliance for Development Center under the Project “Support of the Swedish Government for the Ministry of Interior / Albanian State Police on Policing in the Community” (Gender Alliance for Development Center). All women's networks, refuges, women's helplines and women's homes offer training to police officers, health care staff and social workers on domestic violence (OSCE, Report, p.17).</p> <p><u>NGO legal aid services</u></p> <p>The United Nations Development Program (UNDP) established centers for providing legal aid in Tirana, Durrës, Fier and Lezha. Besides it, Open Society Foundation for Albania opened three legal clinics and supported Legal Aid Office. Free legal services provided by many NGOs, for example Centre of Civil Initiatives but only as a secondary legal aid. It means that advocates from NGOs can provide counseling but cannot directly present a victim in a court.</p> <p><u>Efforts to monitor the justice system at the community level</u></p>
Individual behavior change	<p><u>Mass media campaigns on laws and rights</u></p> <p>On the occasion of the Annual 16 Days of Activism against Gender-Based Violence Albania every year organizes mass media awareness-raising campaign. It includes hundred activities and events with the purpose to end violence against women.</p>

	<p><u>Legal literacy training for groups such as women and youth</u></p> <p>In 2015 the Presence in Albania, in partnership with the State Police and the Elbasan municipality, launched a training involving high school students, citizens and police officers on domestic violence. It included awareness-raising activities and followed a similar campaign organized a year earlier in Korça (OSCE, Summary, 2015).</p> <p><u>Legal aid referrals and services</u></p> <p>Besides other services, the Counselling Line for Women and Girls provides referrals to other services for survivors’ safety and protection. Coordinated Referral Mechanism (CRM) is established in 40 municipalities with support UN, UNDP, CSOs or municipalities’ own initiative (UN, Report, 2019, p.9). Referral mechanisms have been operating since 2007 and include prosecutors and bailiffs, health offices, and NGOs (GREVIO’s Evaluation Report on Albania, 2019, Art.18). On 2 June 2021, the Council of Ministers adopted the Decision no 327/2021 “On the mechanism of coordination of work between the responsible authorities for the referral of cases of domestic violence and its functioning, for supporting and rehabilitating victims of violence” with the aim to raise effectiveness of the Coordinated Referral Mechanism.</p>
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With regards to the legislative framework available to prevent and prosecute violence against women, Albania adopted numerous legislative and policy measures. Albania does not have a long-term plan or strategy to prevent and combat violence against women, however, measures on gender-based violence are included in National Strategy and Action Plan on Gender Equality 2016-2020 (Aim 4, 2016, p.16) and National Strategy for Gender Equality 2021-2030. Following recommendations of GREVIO’s report, state amended Law No. 9669, dated 18.12.2006, “On Measures against Violence in Family Relations”, what enforces procedural measures for a more effective response to domestic violence and introduced the Precautionary Emergency Protection Order. In 2017 at the Assembly level was established the Subcommittee “On Gender Equality and Prevention of Violence against Women”, which is responsible for reporting on issues gender-based violence and functioning of the Coordinated Referral Mechanisms of domestic violence cases (National Strategy for Gender Equality 2021-2030, 2021, p.16). However, sexist stereotypes, patriarchal mentalities and traditional family values still tremendously affect implementation of the specific legislations and the way how public officials in law enforcement and the judiciary treat victims of domestic violence. Society still encourages women to keep family together regardless the consequences. Officials often tend to offer mediation instead of initiating proceedings (GREVIO’s Evaluation Report on Albania, 2019, Art.6).

Table 4 Assessment of Justice sector initiatives in Montenegro

Level	GREVIO’s report and other relevant documents
Laws and policies	<p><u>Ratification of international human rights agreements</u></p> <p>Montenegro ratified Convention on the Elimination of All Forms of Discrimination against Women (2006), International Convention on the Elimination of All Forms of Racial Discrimination (2006), Convention on the Rights of Persons with Disabilities (2009), Convention on the Rights of the Child (2006).</p> <p><u>National and international advocacy campaigns</u></p> <p>Montenegro participates in early international advocacy campaign “16 Days of Activism</p>

	<p>Against Violence Against Women”. Every year public institutions in cooperation with specialized NGOs present different activities, such as TV spot (2021), role play about male-female relationships in the context of gender-based violence (2016), illustration of financial dependence and the consequences of violence against women (2020).</p> <p><u>Revision of the civil and penal code</u></p> <p>The law on amendments to the Criminal Code of Montenegro, adopted in December 2021, impose stricter penalties for criminal offences of domestic violence or extended family violence. Article 386 of the Criminal Code criminalizes the failure to report a serious criminal offence (GREVIO’s Evaluation Report on Montenegro, 2018, Art 29)</p> <p><u>Specific legislation on family, domestic or sexual violence</u></p> <p>The Law on Protection from Domestic Violence a central document in the Montenegrin approach to fighting domestic violence. In June 2022 took place meeting of the working group to discuss the amendments to the Law on Domestic Violence. This meeting was organized within the action "Improved procedural safeguards in judicial proceedings in Montenegro", which is a part of the joint European Union and Council of Europe program “Horizontal Facility for the Western Balkans and Turkey 2019-2022” (Council of Europe, News, 2022).</p> <p><u>Legal tools such as protection orders, alternative sentencing</u></p> <p>Protection orders are regulated by the Law on Domestic Violence (misdemeanour offence of domestic violence) and the Criminal Code (criminal offence of domestic violence). The difference between orders issued under the Law on Domestic Violence and the Criminal Code lies at stage of the proceedings. GREVIO raised concerns that under the Criminal Code orders can be issued only upon conviction, what implies high levels of risk to the victim (GREVIO’s Evaluation Report on Montenegro, 2018, Art. 56, 57). Authorities took measures to comply with the Istanbul Convention with regards to emergency barring orders</p>
<p>Institutional reform</p>	<p><u>Policies, procedures and protocols related to the response of police, judges, and other professionals</u></p> <p>The Protocol on Actions, Prevention of and Protection Against Family Violence established measures for co-ordinated approach to cases of domestic violence. It sets up responsibilities for institutions in each sector (GREVIO’s Evaluation Report on Montenegro, 2018, Art. 18). There are protocol for reporting cases of domestic violence by a member of any state administration or public agency, health, educational and other institution, protocol on action to take in domestic violence cases for law enforcement officials, the Protocol on Actions, Prevention and Protection against Domestic Violence instructs the Centres for Social Work to carry out a risk assessment and devise individual safety plans for victims of domestic violence, protocol on measures of protection of children as victims and witnesses during judicial proceedings (GREVIO’s Evaluation Report on Montenegro, 2018, Art 28, 50, 51, 56). Besides it, in 2021 was introduced a new protocol for professionals from the Victim and Witness Support Services at courts (Council of Europe, News, 2021).</p> <p><u>Investment in resources and equipment</u></p> <p>There is no special institution responsible for allocation funds for measures to prevent and fight gender-based violence. In fact, GREVIO received very little information about budgets and the financial resources. Moreover, there is no budget committed to the implementation of the new Strategy on Protection from Domestic Violence (GREVIO’s Evaluation Report on Montenegro, 2018, Art.8). In total government spending on activities to prevent and combat all forms of violence against women for three years (2019, 2020 and 2021) is 1,147,000 euros Funds were allocated by the Ministry of Finance and Social Welfare and the Ministry of Justice, Human and Minority Rights (The Government of Montenegro, Report, 2022, p.19). State cannot confirm that funding increased since the publication of GREVIO’s baseline evaluation report, due to “we do not have the initial value, i.e. information at the end of 2017” (The Government of Montenegro, Report, 2022, p.20)</p> <p><u>Training of justice system professionals</u></p> <p>In cooperation with the NGO Safe Women's House and SOS telephone were organized trainings on "Gender-Based Violence - Application of Protocols" for police officers in</p>

	<p>2019. Besides it, the Department for Human Resources, Training and Professional Development of Police Officers developed the course "Combating Domestic Violence" in 2020 (The Government of Montenegro, Report, 2022, p.35). The Judicial Training Centre offers trainings training for judges and prosecutors on how to handle cases involving violence against women. GREVIO also notes the active role of NGOs in systematic initial and in-service training of the relevant professionals. All these vocational activities are funded exclusively by international organizations (GREVIO's Evaluation Report on Montenegro, 2018, Art. 15).</p> <p><u>Monitoring mechanisms such as human rights ombudsmen</u></p> <p>There is no civil remedies a victim of violence against women, can claim against the perpetrator or the state officials that have failed in their duty. Disciplinary action against Police officers is regulated by the Code of Police Ethics. Individual complains are regulated by the Law on the Prohibition of Discrimination, the Law on Gender Equality and the Law on the Protector of Human Rights and Freedoms (GREVIO's Evaluation Report on Montenegro, 2018, Art.29). The Ombudsman performs his duties since 2003 and has the right to initiate or interfere in court proceedings initiated in civil litigation with the consent of the discriminated person. The Ombudsman is accountable to the National Parliament and has combined tribunal-type and promotion-type mandate. Number of inquiries handled per year is steadily increasing from 1551 in 2015 to 6116 in 2015 (EQUINET, 2022)</p> <p><u>Court-appointed advocates</u></p> <p>Free legal aid can be provided on the basis of the Law No. 23-3/11-2/13 of 2011 on Free Legal Aid. It defines a person who has the right to receive legal aid as "a victim of the crime of family or domestic violence and of human trafficking" (the Law on Free Legal Aid, 2011, Art. 13). However, as it is observed from the definition, it does not include other forms of gender-based violence.</p>
Community mobilization	<p><u>Integrated community response</u></p> <p>The Coordination Committee for Coordination, Implementation, Monitoring and Evaluation of Policies and Measures to Prevent and Combat All Forms of Violence was established in 2021. The responsibilities of Committee are prescribed by Article 10 of the Istanbul Convention. Besides it, the Ministry of the Interior has formed an Operational Team to combat gender-based violence, which includes representatives of the Police Directorate, the Ministry of Finance and Social Welfare, the Ministry of Health, the Public Prosecutor's Office, the Supreme Court and the High Court of Misdemeanors and NGOs (The Government of Montenegro, Report, 2022, p.15).</p> <p><u>Literacy training for key groups and stakeholders</u></p> <p>In September 2022 took place online course on Violence against women and domestic violence developed by the Council of Europe Programme for Human Rights Education for Legal Professionals (HELP), where participated law students in the context of the human rights clinical education in Montenegro (Council of Europe, News, 2022). All media are supposed to act on the basis of the Law on Media and the Law on Gender Equality, which regulate content on the matter of discrimination, hate against women and violence. It also prescribes mandatory training on gender equality for media professionals (GREVIO's Evaluation Report on Montenegro, 2018, Art.17).</p> <p><u>NGO legal aid services</u></p> <p>Some of the NGOs provide free legal aid and information on access to rights marginalized groups including victims of domestic violence. It includes the Legal Center in Podgorica, Pravni Centar-Legal Center, MANS, Shelter for Women and Children, SOS Hotline for Women and Children Victims of Violence, Civic Alliance, and Center for the Development of Non-Governmental Organisation.</p>
Individual behavior change	<p><u>Mass media campaigns on laws and rights</u></p> <p>The awareness raising campaign #TellTheWholeStory was developed in Montenegro in Albanian language in order to inform victims of domestic violence about their right to receive free legal aid. The campaign had been implemented within the action "Improved procedural safeguards in judicial proceedings in Montenegro", which is a part of the joint European Union and Council of Europe program "Horizontal Facility for the</p>

	<p>Western Balkans and Turkey 2019-2022”. The NGO “SOS – Hotline for Women and Child Victims of Violence” organized seminar and four educational workshops for women from rural area to address issues of domestic violence and gender roles. Project was funded by UN (OHCHR, Distribution of OHCHR Grants by Country).</p> <p><u>Legal literacy training for groups such as women and youth</u></p> <p>In 2016 within campaign “16 Days of Activism Against Violence Against Women” were organized trainings presented real-life situations concerning male-female relations among high school students, interventions from experts in key moments, as well as audience participation involving more than 300 high school students (UN, Stories, Otasevic, 2016).</p> <p><u>Legal aid referrals and services</u></p> <p>At the moment there is no rape crisis and/or sexual violence referral centres. Moreover, Centres for Social Work provide referrals but there is no official legal aid referral system as well.</p>
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The Montenegrin authorities made a lot of steps to prevent and combat violence against women involving a wide range of the adopted policies, laws and protocols. In 2021 a working group in Montenegro with a variety of the stakeholders created a National Plan for the Implementation of the Istanbul Convention. To improve collection of data was created an electronic platform “Gender Map”. Gender-based violence is represented among other domains and contains data on women’s organizations, police directorate, misdemeanor courts, social work centers, and statistics on the National SOS hotlines for victims of domestic violence. In line with gender mainstreaming the state developed the National Gender Equality Strategy 2020-2025, which also embraces violence against women. Besides it, Montenegro adopted Montenegro adopted the 2016-2020 strategy on combating family violence but its implementation did not fulfill international standards (UNDP, Report, 2021, p.14). Many important policies such as the Strategy on Protection from Domestic Violence do not receive a proper funding (GREVIO’s Evaluation Report on Montenegro, 2018). Survey is showing that every second citizen does not believe in a full equality of women and men due to significant differences (UNDP, Report, 2021, p.9). There are strong beliefs in society that a woman should to dedicate herself to the family and keep peace by any cost.

To sum up, the results derived from the collected data show insufficient public funding in all three countries. A significant contribution is made by the international donors but a long-run sustainability requires a bigger share of a state funding. Findings are showing that a numerous measures to fight a gender-based violence were taken in Serbia, Montenegro, and Albania, since countries were granted a candidate status. States harmonized Judicial system to comply with European standards. Non-profit organizations provide services and expertise in the prevention of gender-based violence and protection its victims making a tremendous contribution to combating violence against women in the Balkans. Moreover, they invest a lot of effort in trainings and awareness-campaigns both for women and officials working with victims in the region affected by gender stereotypes, economic inequality, legacy of war, and lack of the public support.

3.2 The response of national and subnational actors to EU gender norms

This subchapter presents the current situation of the gender-based violence in Serbia, Albania and Montenegro from the perspective of subnational actors. The analyzed data is based on the results of the interviews conducted between February and September 2022. In addition to the interviews were used questionnaires filled up by the NGOs. Besides, the researcher discusses promising practices implemented by women's NGOs and other stakeholders to support victims of gender-based violence.

3.2.1 Goals of NGOs and awareness of EU norms and policies

Women's NGOs are dealing with a numerous number of issues related to women's rights, gender-based violence, access to justice of the victims, and consulting. In selected states, NGOs offer trainings both for officials and women informing women about their rights and empowering them. The main goal of NGOs is to eradicate violence against women by incorporating international norms, raising awareness, promoting equality, conducting research, providing different services, and organizing relevant events. Establishment partnerships and creation of umbrellas is an important part of the process; one of the chapters of the Istanbul Convention is dedicated to the multi-coordinated approach. In Montenegrin NGO program manager pointed put one of the objectives as "connecting with other organizations and institutions dealing with protection and promotion of women's human rights" (NGO 9, Interview, 2022). Gender-based violence is tightly connected with other violence of women's rights, for example, poverty rooted in unequal salaries or cross-sectional discrimination. Most of the NGOs presented in this study are paying special attention to the victims belonging to the marginalized groups. GREVIO and the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs both have mentioned the danger stereotypical beliefs about Roma and Egyptian women expressed in insufficient responses from the authorities (European Parliament, Study, 2021, p.59). As a result, women from the marginalized groups do not receive adequate protection and support. That is why it is necessary to take into account special need of women exposed to gender-based violence and to eliminate prejudice of the officials. In line with this view, one of the interviewee emphasized that "we adapt the support to the type of disability and that every woman can address us in the way that suits her best" (NGO 4, Interview, 2022).

All NGOs participating in this research are fully aware of EU norms and policies. To some degree they either contributed to the initial evaluation procedure of the implementation of the Convention or participated in the implementation of the suggestions and proposals made by GREVIO. They submitted information to the Committee of the Parties on the measures taken by the authorities and provided feedback commenting on the reporting forms completed by states

parties. Based on the information provided by the participants of this study and data collected from the websites of selected NGOs, their goals match to goals expressed in the EU Gender Equality Strategy 2020-2025 (2020), such as challenging gender stereotypes, educating boys and girls from an early age to prevent violence, and addressing needs of women from marginalized groups. Moreover, as the Istanbul Convention is the benchmark for international and European standards in the area of the violence against women, NGOs are the main promoters of its standards. On the other hand, despite of major steps made towards harmonization of legislation, when it comes to effectiveness of implementation, “it's not even close to standards of convention” (NGO 5, Interview, 2022). Besides it, in Serbia, Albania and Montenegro is observed the impact of patriarchal stereotypes on the process of prosecution.

3.2.2 Assessment of the situation in Serbia, Albania and Montenegro

The recent findings on the prevalence of violence against women in the Western Balkans show that gender-based violence, in particular domestic and intimate partner violence remains a serious concern in the Balkans. Prevalence of domestic violence against women is high but the number of reporting the cases is significantly bigger than number of criminal offences. The Women's Right Center in Montenegro reported about 2176 misdemeanor cases of domestic violence and 282 criminal offences, what means that “state prosecutors are much more likely to opt for a milder qualification of the offence, mostly misdemeanor proceedings are conducted, while criminal cases account for only 11.4% of the total number of cases” (NGO 9, Interview, 2022). Besides it, a significant share of women who experienced physical and/or sexual violence does not report the most serious incidents of violence to the authorities (Women against Violence Europe Network, Policy Paper, p.6).

There are a variety of factors identified across the region affecting the effectiveness of fight with gender-based violence. First of all, all selected countries still suffer from the consequences of war. On the one hand, there is a significant amount of women directly affected by war and suffering from long-term psychological consequences of war-related violence. It means that they need help, which might be provided by the specialized rape crisis centers, which obviously do not have enough resources (Women against Violence Europe Network, Policy Paper, p.7). On the other hand, military conflicts constructed a narrative of the gender roles, because usually survivors of war sexual violence are women, while men are still perceived as “warriors” (Haider, 2017). Moreover, as it was discussed in the previous subchapter, the society in this region is affected by the common patriarchal beliefs. Besides it, officials working in the Justice System often make their decision based on gender stereotypes and these beliefs:

“...it is clear that the system of legal protection of victims of gender-based violence in Montenegro is not efficient enough and does not provide security. The reason for this is the frequent patriarchal patterns, gender stereotypes and prejudices of judicial employees, who are obliged to provide legal assistance to the victim. It is necessary to educate professional staff, but also an effective penal policy towards those who make mistakes in working with victims” (NGO 9, Interview, 2022).

This problem exists not only in Montenegro and it leads to the additional trauma of the victims due to the fact that “professionals who are working in different institutions and organizations that should provide assistance and support to women are overburden with different gender stereotypes and prejudice, which might affect their work and the way they treat victims and that they could expose these victims to the secondary victimization” (NGO 5, Interview, 2022). Interviewees from all selected countries expressed a strong united opinion on the impact of the personal beliefs with regards to the representatives of the social service providers, police workers, judges, and prosecutors. This fact also was mentioned in GREVIO reports on Albania (2017), Montenegro (2018), and Serbia (2019). Due to the fear of being judged, victims often keep silence and domestic violence remains under-reported. Non-profit sector invokes professionals to avoid normalization of domestic violence. From the perspective of European integration it is also important, especially considering that the Istanbul Convention, states have an obligation to develop legislation ensuring eradication “Unacceptable justifications for crimes” based on culture, custom or religion (Council of Europe, The Istanbul Convention, 2011, Chapter 5, Art 42).

Since ratification of the Istanbul Convention, states made a lot of efforts to change legislation according international standards. In Serbia was adopted the Law on Prevention of Domestic Violence, which provides the imposition of the urgent protection measures by the police after reporting violence, the responsibility of experts working in institutions, coordination and set regular meetings of institutions working in protection against violence. Besides it, Criminal Code was amended with introduction of offences on persecution, sexual harassment and forced marriage. In Albania was developed a specific articles on domestic violence and sexual violence between spouses in the Criminal Code and there are many changes in the logic of the Istanbul Convention related to the rights of the victims of crimes in the criminal procedural code. However, there are still some gaps in terms of child marriages and sexual intercourse with minors in the Penal Code. GREVIO Committee as well as NGOs experts encourage the Montenegrin authorities to align the definition of gender-based violence according

to the definitions set out in the Istanbul Convention. Women’s Rights Center recommended to “align the Criminal Code and the Law on Protection from Domestic Violence with the standards of the Istanbul Convention and EU directives for the protection of victims’ rights and the practice of the European Court of Human Rights” (NGO 9, Interview, 2022).

In overall, most of the interviewees were satisfied with development of the new legislation in their countries. The head of the Center for Legal Civic Initiative argued that “there are undertaken very positive steps by the Albanian state regarding addressing domestic violence, especially in the legal framework” (NGO 3, Interview, 2022). This organization takes very active participation not only in reporting problems and collecting data but also in monitoring the legal framework and submitting of proposals for its improvement. In Serbia, GREVIO indicated lack of consistency in definitions on gender-based violence and domestic violence. NGO’s expert also described definition of rape as an “old school” and not aligned with the Istanbul Convention (NGO 6, Interview, 2022). As it is seen observed in the Figure 7, the data collected by OECD shows the same numbers for Serbia and Montenegro, while Albania the state of laws discriminating women is worse. Laws on domestic violence are presented on the table in the range between 0 and 1, where 0 means that laws or practices do not discriminate against women’s rights and 1 means laws or practices fully discriminate against women’s rights.

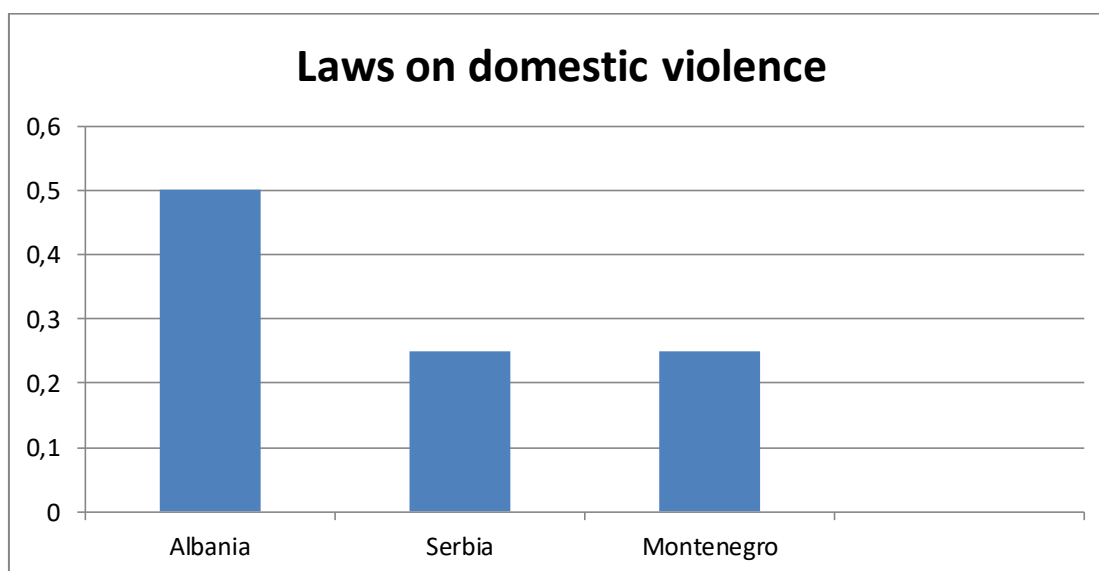


Figure 7 The legal framework on protection from domestic violence

Source: OECD (2022), Discriminate nature of laws on domestic violence against women

3.2.3. Cooperation of international, subnational and national actors

One of the important contributions made by specialized NGOs is monitoring the implementation of the policies, laws, regulations and revealing their findings to the public and

international actors. In the line with this view, one of the experts stated: “we monitor the implementation of the legislation by the professionals of the justice system, but not only even by other professionals but the system as a whole” (NGO 3, Interview, 2022). Council of Europe defines NGO sector as a key actor in the implementation of the Istanbul Convention and recognizes its contribution in the evaluation procedure. At the same time Council of Europe admits the lack of recourses and encourages NGOs to form coalitions and networks (Council of Europe, website, 2022). Women’s NGOs are members of the international networks, such as Women Against Violence Europe (WAVE) and in cooperation with state bodies and international organizations, they participate in 16 Days of Activism and other projects.

International cooperation to eliminate violence against women and domestic violence is established as one of the core purposes of the Istanbul Convention. International organizations consistently provide support working in cooperation both with public bodies and non-profit sector in the Balkans. Head of the Center for Legal Civic Initiative and a technical coordinator of the Monitoring Network Against Gender Based Violence expressed that she was really surprised to observe “what the state is doing with their support” (NGO 3, Interview, 2022). For example, in 2022 UN Women is working with municipalities of Albania to establish the social fund, which allow different social services from community centers to apply for funding in local level. UN agencies, regularly monitor situation in the all Balkan countries and report their findings to the public (NGO 3, Interview, 2022). The Austrian Development Agency funded the three-year regional project "Institutionalizing Quality Rehabilitation and Integration Services for Violence Survivors", in which organizations from Serbia, Macedonia, Kosovo, Albania, Bosnia and Herzegovina also participate. This project helped to identified absence of the temporary social housing service in Montenegro. In May of 2022 the Women’s Right Center signed a Memorandum of Cooperation with the Capital City, which stipulates the municipality to ensure allocation of housing that would be used temporarily by women who have left a violent relationship (NGO 9, Interview, 2022).

Interviewees from all selected countries made it clear, that there are certain issues in terms of cooperation between state and non-profit actors. The Istanbul Convention makes an emphasis on the role of the NGOs in the implementation, in other words, government has to provide support for their activities. To some degree NGOs participate in development of the policies and regulations. In Montenegro the Women’s Rights Centre represented non-profit sector in the working group that in 2018 drafted a Protocol on procedure, prevention, and protection against women and violence in families. As it was mentioned by the interviewee, this time they were heard and state took into account a necessary gender specific and developed the

protocol in accordance with the Istanbul Convention (NGO 9, Interview, 2022). Important aspect of this relationship is down-top nature of this dynamic. With advocacy campaigns and different initiatives NGOs make some pressure on the governmental bodies: “We have pushed the responsible institutions in order to implement the recommendations of GREVIO” (NGO 1, Interview, 2022). Some of them have programs for lobbying and advocacy to implement and to protect the rights of the victims. For instance, the Women’s Right Center led protests and public requests to the Government to examine, investigate and determine responsibility of state officials for the failure to protect lives of women (NGO 9, From the Interview, 2022). Albanian expert from AWEN expressed it the following way:

“We try a lot to work with state institutions, not only to collaborate in terms of improving services for victims of gender based violence, victims of domestic violence, but also we give lots of positive pressure to states, to the central government, in order to improve the policies for these target groups, victims of gender based violence, domestic violence” (NGO 1, Interview, 2022).

Some employees of the NGOs, such as Aurela Bozo, have positions both at the state bodies and non-profit organizations. Aurela Bozo is a member of Gender Equality National Council, which is a body under the framework implementation of gender equality law in Albania. The Law 9970/2008 on Gender Equality obligates to have three representatives of civil society organizations among members of Gender Equality National Council. Besides it, were established a Gender Equality Unit in the Ministry of Health and Social Protection, as well as a network of gender units in ministries and institutions. Albanian’s authorities invited NGOs for consultation at the stage of the preparation response to the GREVIO’s report (GREVIO’s Evaluation Report on Albania, 2019, Art.9). In overall, state bodies ask information and NGOs provide it, moreover, one of the experts concluded: “They are listening to us. It is true” (NGO 3, Interview, 2022). However, international organizations notice weak capacities, and lack of systematic collaboration between public actors at the central and local levels (UN, Position Paper, 2021).

Serbian legislation on the violence against women does not assign a significant role to women’s NGOs in the most of the policy documents. NGOs participated in the preparation of the National Strategy for Gender Equality (2016-2020) but GREVIO characterized the degree of the cooperation between NGOs and state actors as “the growing isolation” (GREVIO’s Evaluation Report on Serbia, 2019, Art. 9). Especially, it affects specialist support services for women victims of violence, and organizations working with minorities and women with disabilities who face violence. As it was noted by the expert from Women’s Center Uzice “women's

organizations dedicated to the fight for women's rights have been marginalized by the state in terms of cooperation and support” (NGO 7, Interview, 2022). Law on Prevention of Domestic Violence set up a group for coordination and cooperation, which is obligated to hold meetings at least once in 15 days (2017, Art 25) but in its composition only the representatives of basic public prosecutor’s offices, police administrations and social welfare centres (Serbia: Law on Prevention of Domestic Violence, 2017, Art 26). Cooperation between Serbian state bodies and non-profit sector was described by the following way:

“In my opinion, the importance of the NGOs working with women with experience of violence is still not recognized. There is an impression that NGOs are on one assignment and institutions (welfare centers, police, judiciary) are on the other. The expertise and experience of the organizations are not regarded, and cooperation exists in places where professionals are sensitized” (NGO 4, Interview, 2022).

Trainings of professionals are essential part in protection victims of gender-based violence and if it is organized in a proper way, trainings allow to avoid secondary victimization. The Convention established standards for trainings of professionals in the article 15, which are not only prescribe responsibility to organize appropriate training for the relevant professionals dealing with victims or perpetrators by the state but also training on coordinated multi-agency co-operation (Council of Europe, The Istanbul Convention, 2011, Chapter 3, Art 15). With regards of cooperation it is relevant to discuss the contribution of the NGOs to the training of professionals. In Serbia most of the trainings are focused on law-enforcement agencies, prosecution authorities and judges, who are obligated to participate in trainings based on the Law on the Prevention of Domestic Violence. Organizations, specialized on women with disabilities experiences domestic violence, offer special trainings developed with attention the needs of the women with disabilities. For example, Iz Kruga Vojvodina, organized the sign language course the welfare workers, and training about accessibility explaining how important the accessibility of their services and institutions is to all women for the representatives of the judiciary and the bar association (NGO 4, Interview, 2022).

An overall progress in terms of trainings of professionals in Albania was emphasized by GREVIO’s experts, especially related to law-enforcement agencies, prosecution authorities and judges. Albanian authorities made significant efforts to ensure incorporation of knowledge on the Istanbul Convention providing funding. However, despite the fact that from 2009 to 2013 took place a program “Training the trainers” with the purpose to educate 4 400 health professionals in the area of gender-based violence, the number of underreported cases of domestic violence by

healthcare professionals is growing (GREVIO's Evaluation Report on Albania, 2019, Art.15). Cooperation of different actors is rather satisfactory considering that NGOs are actively involved in "designing the content of the capacity building activities" (NGO 3, Interview, 2022). For example, Center for Legal Civic Initiative using its rich experience on providing free legal counseling organize trainings for judges and prosecutors; organization has a partnership with the School of Magistrate, which is the only authority in Albania with authorization to train prosecutors and judges (NGO 3, From the interview, 2022).

The Women's Rights Centre in Montenegro plays an active role in providing trainings working in cooperation with the Centre for Judicial Training and Public Prosecution. Connecting with other institutions is among its core goals and as a member of the Operational Team For the fight against domestic violence, the Women's Rights Centre has the opportunity to discuss the most difficult cases of failure with representatives of all institutions involved in the protection of women from violence (NGO 9, the interview, 2022). Almost all funding for training of professionals in Montenegro is provided by the international donors and people, who mainly benefit from are judges and public prosecutors, while there is no information about similar trainings for law enforcement officials or to social workers at the Centres for Social Work. Another problem related to training Montenegro is that most of them are focused on domestic violence and avoid other forms of violence against women (The Government of Montenegro, Report, 2022, Art 15). To summarize, the situation with cooperation of state and non-state actors in Montenegro does not fulfill standards of the Istanbul Convention.

3.2.4. Major problems and challenges

Combatting gender-based violence in Serbia, Albania and Montenegro is regularly facing a numerous challenges and problems. Most of them are the same in all Balkan states; similarities were emphasized by many interviewed experts from NGOs, for example, one of them said: "situation in Montenegro and in Albania is more or less same as here" (NGO 6, Interview, 2022). Some of the organizations run projects on the territory of a few Balkan countries, such as FemPlatz, and all of them are members of the international networks and coalitions. They deal with problem of gender-based violence for decades but public actors do not always recognize their expertise. Especially it can be observed in Montenegro, where funding is relocated to the services without experience: "the Government has created an atmosphere in which funds are received by services that have neither the knowledge nor the sensitivity to work with victims of violence" (NGO 9, Interview, 2022). New regulation on the licensing does not require specific knowledge in the field of gender-based violence or work experience in this field, as a result, quality of provided services for women is highly questionable.

The Ministry of Labor and Social Welfare of Montenegro introduced the licensing of social services in 2018. These regulations were quite demanding for small organizations because in order to satisfy all the criteria (both technical and those related to human resources) significant financial resources are needed. This problem was also discussed in the GREVIO's report (2018, Art 9). On the other hand, even after 5 years, the Ministry does not have clear criteria for financing services, even though they became part of the social protection system through licensing. Currently, only shelters receive a certain compensation for beneficiaries who are referred through the Center for Social Work. Provided compensation is not sufficient to cover the costs of accommodation and salaries of staff working at the shelter. Organizations that do not have shelters are financed by the Ministry only through a public call for projects that are organized usually once a year. The total amount of funds allocated in these public calls is low, what means that a small number of organizations receive these grants, in an insufficient amount (NGO 9, Interview, 2022).

Similar problem exists in Serbia, with the establishment of a national SOS hotline through a non-transparent process when the service is assigned to an organization that has no experience in providing such a service. The competence and training of the consultants that provide the service is unknown even for people working in leading women's NGOs and remains the source of their concern. The criteria NGOs needed to meet to provide service as a National phone line were so demanding, that there was no organization regardless its experience it could meet (NGO 4, Interview, 2022). The expert from Women's Center Uzice stated that "the expertise of women's NGOs is still used when the state needs it for the purpose of writing projects and reports, and when it is necessary to show in front of foreign representatives that cooperation exists" (NGO 7, Interview, 2022). The same opinion was shared by the expert from Iz Kruga Vojvodina: "the importance of the NGOs working with women with experience of violence is still not recognized" (NGO 4, Interview, 2022). One explanation of this problem can be the process of joining EU and necessity to comply European standards including those related to harmonization of legislation and human rights. Being more precise, state could be more interested in making impression than taking actual measures.

More positively situation looks in Albania, where NGOs feel to some degree that their efforts are acknowledged and appreciated. Government invites representatives of the NGO sector to discuss the budget and Ministry of Health and Social Services is asking for consultation for different situations. NGOs participate in meetings and share their insights with state actors, NGOs specialized in providing free legal aid and counseling. As it was said by expert from Center for Legal Civic Initiative "we are invited in different consultation of policies and

improving the legislation. Together with the Parliament, I mean, we consider them as partner at the central level in budgeting” (NGO 3, Interview, 2022). Nevertheless, there is lack of support provided by state, what can be observed in all three countries. “We are established in 1996 and I have never seen CLCI is supported by the state” (NGO 3, Interview, 2022). Same opinion about acknowledge of NGOs by the state was expressed by GREVIO as well as effective cooperation between the authorities and civil society (GREVIO’s Evaluation Report on Albania, 2019, Art.9).

Data collection and research are important pieces of the fight against gender-based violence and a tool for development essential programs and policies. As referred to in Article 11 of the Istanbul Convention, parties have to undertake a regular research, collect data on all forms of gender-based violence, and ensure the public availability of the data. The expert from with the Victimology Society of Serbia, which is using its “research as an evidence for advocating for reforms of legislation, policy and practice” pointed out that some data concerning violence against women exists but “not publicly available”, what makes difficult for researcher to monitor the efficacy of measures taken to implement the Convention (NGO 5, Interview, 2022). Establishment of uniform system for the standardized collection and exchange of data is set up in the recently adopted the Gender Equality Strategy for the period from 2021 to 2030, but so far despite the fact that law-enforcement agencies, courts and prosecution services gather data on reported offences, there is a prominent lack of cooperation in the field of research and exchange of data. Expert referred to Statistical Office of the Republic of Serbia, as a source of data but admitted that even for researchers from the NGOs it is difficult to get the data, which is supposed to be available to public; moreover, some numbers can be lower, because “not all the judges are always willing to fill in the forms and provide information” (NGO 5, Interview, 2022).

In Montenegro there is also need to establish a harmonized database on domestic violence and violence against women and children containing data from all relevant institutions, classified by type of violence as defined by the Istanbul Convention (NGO 9, Interview, 2022). In the system for the collection of data on the offences, the professionals working in the law enforcement agencies do not specify the relationships between victim and penetrators. Besides it, there is no system on misdemeanour domestic violence cases but the government of Montenegro is planning to develop a united database on the gender-based violence embracing data from the different actors such as law enforcement agencies, office of the prosecutors, Centres for Social Work, health system, non-profit sector (GREVIO’s Evaluation Report on Montenegro, 2018, Art. 11). Similar to Montenegro, information on the relationship between perpetrator and victim in Albania is not collected, as a result there is no data on the number of cases of intimate-partner

violence ” (GREVIO’s Evaluation Report on Albania, 2019, Art.11). The statistical service in Albania, Institute of statistics, is the main institution producing official statistics; among other domains it collects data on gender equality, the number of convicted persons, prisoners and victims. Institute of statistics publishes reports annually and its publication “Women and men in Albania” contains indicators directly related to domestic violence.

According to all interviewees the main challenge they facing is lack of funding. GREVIO also paid attention on this problem in the report on Serbia, Albania and Montenegro underlying that most of the work is done by women’s NGOs, especially with regards of implementation, research, and counseling. The dependency of NGOs on international funding is seriously compromising sustainability, a lot of activities have a project-nature, in other words, they all finish at some point. In Albania NGOs provide 95% of social services, while only 5% of social services is offered by the state (NGO 1, Interview, 2022). It was summarized by expert from AWEN as “they recognize our work, but on the other hand, they do not fund organizations” (NGO 1, Interview, 2022). In Montenegro Ministry of Finance and Social Welfare failed to meet the deadline for making payments to NGOs which projects were elected within the 2021 public call for funding. The funds were paid with 4-month delay, only after the NGOs filed a lawsuit against the ministry (Vijesti, 2022). Under the Law on NGOs, all Ministries are supposed to allocate funds to NGOs but problems still remain regarding transparency on providing of funds from the state budget. (European Commission, 2021, Action Document, Annex 5). With adoption of the multi-country multiannual action plan on an EU Civil Society Facility and Media Programme 2021-2023, The European Commission allocates EUR 6 000 000 in favour of Montenegro with the purpose to increase the sustainability of civil society, include of NGOs in decision making processes, and enforce capacities and advocacy role of NGOs to address reform processes and EU integration process in various thematic areas.

Similar opinions on this problem were expressed by experts from Serbia and Albania. The Victimology Society of Serbia also considers that “sustainability is the problem, which is directly linked to financial issues because women organizations in general do not get any funds from the state” (NGO 5, Interview, 2022). It is obvious that state does not fulfill its obligations in terms of providing support for women’s NGOs and services. Moreover, many services that choose to be provided by women organizations were somehow taken over by the state, for example, centers of social work and hotlines. Public organizations do not have enough staff, they are not experienced but still they receive governmental contracts on providing services for victims of gender-based violence (NGO 5, NGO 4, NGO 6, NGO 7, Interviews, 2022). For example, Iz Kruga Vojvodina hasn't had any state or local funding for the SOS phone for several

years (NGO 4, Interviews, 2022). All interviewees from Serbia, Albania and Montenegro have a strong united opinion defining lack of funding and support as a main challenge, they facing in their daily activities. On the other hand, implementation of the national legislation on violence against women is also not ensured by the states. The problem with implementation can be summarized the following way:

“There are laws that are in accordance with the convention. The question is, how much are they applied in practice. We have a national SOS phone, but there is an issue with its functionality. We have safe houses, but they are not accessible for women with disabilities. Practice is problematic” (NGO 4, Interviews, 2022).

Government of Montenegro did committed financial resources to the implementation of the Strategy on Protection from Domestic Violence and the report on its implementation shows that the most activities were provided by NGOs with international funding (GREVIO’s Evaluation Report on Montenegro, 2018, Art.8). Most of the experts interviewed for this study agreed that while the legislative framework has been significantly improved but effectiveness of implementation is under the question. In Albania when it comes to the practice the issue occurs also with different interpretations of laws and protection of victims (OSCE, Survey, 2019, p.11). Though Albania approved in 2021 the national strategy on gender based violence and it is a comprehensive strategy but it does not have a proper budget in order to be implemented effectively (NGO 2, Interview, 2022). The interviewed expert from Serbia said that “it's just to report to some Committee that we check the box but there is no realization when you don't have money” (NGO 6, Interview, 2022). In other words, it is unclear how much real efforts are made to tackle the problem and how much measures are taken to fulfill formal requirements of EU accession.

To sum up, Albanian NGOs expressed more satisfaction from their relationships with the public actors and they argue that legislation improved the conditions for victims of gender-based violence, though there is still a significant issue with emergency orders. Albanian NGOs consider the Istanbul Convention as a useful tool they use in a court room and in negotiations with different actors. In all countries provision of services is affected by enormous challenges and obstacles on social norms and different gender perception or values within society. Besides it, public actors do not provide sufficient support and often ignore the challenges NGOs facing. It can be illustrated on the example of The Commissioner for the Protection of Equality in Serbia, who was also interviewed within this research and was not aware of it. In Albania and Serbia experts stated that to some degree state is incorporating EU gender norms but in Montenegro the answer was quite unambiguous: “We do not think that the government fulfills the criteria set by

the Istanbul Convention (NGO 4, Interview, 2022). All states have some gaps in legislation and serious problems with implementation of the policies but in overall both GREVIO's experts and NGOs observe positive changes.

CONCLUSION

By ratifying the Istanbul Convention, the countries of the Western Balkans demonstrated a political will to follow European norms and standards on the issue of violence against women. Support of specialized services and NGOs is one of the fundamental principles established in the Istanbul Convention. The extent to which public actors and non-profit sector cooperate in fighting gender-based violence defines the efficacy of NGOs and the implementation of state policies. The experience and expertise of NGOs could be used by key stakeholders; moreover, it creates the opportunity to be more precise in addressing the needs of vulnerable groups. NGOs started to work in this area from the beginning of 1990s, thus they have more than three decades of experience in working with victims of violence. They started to work with women who were victimized during the war in the former Yugoslavia and then extended their work contributing tremendously to different changes on the level of legislation and policy in the region.

To understand how national and subnational actors reacted in response to EU gender policies and practices, this thesis looked at their interactions on vertical (NGOs and state bodies) and horizontal (NGOs networks, NGOs and international organizations) levels. The data was derived from two main sources: organizations working directly with the victims and national legislations on gender-based violence were analyzed in addition to GREVIO reports and international documentation. The Istanbul Convention provides a framing of said violence, which was used to evaluate measures taken by the three countries in regards to violence against women. This thesis is based on a desk review of available published sources of the analyzed countries and content analysis of data collected via expert semi-structured interviews and questionnaires. Thus, this thesis has made an empirical contribution to research on Europeanization in EU candidate countries with the focus on violence against women.

The comparison across states indicates that NGOs are facing the same problems, but that the transfer of EU legislation with regard to gender-based violence is more nuanced. The main findings of the research at the subnational level were the following: in all three countries NGOs are experiencing a severe deficit of public support. Another problem is absence of the adequate database on the violence against women and significant gaps on the data collected by the police and judicial professionals. Among the main challenges named were a lack of funds for work, poor cooperation with institutions responsible for protection against violence, insufficient availability of specialized services such as shelters for victims of gender-based violence and inadequate material support. On the other hand, funding provided by international donors provides a certain degree of independency from the state. At the national level it was discovered that governmental agencies do not ensure adequate budgets for the implementation of policies,

strategies and legislation to prevent and combat violence against women and domestic violence. In other words, it does not matter how effective developed policies are if they exist only on paper. The gap between principle and practice is still significant, thus some steps should be taken to reduce this, in particular, recognition of the expertise and experience of the specialized NGOs by the state, provision of adequate budget, increasing involvement of all stakeholders in policy-making processes. This leads to question that could be addressed in future research: how to assess the real effectiveness of measures taken by the candidate countries in order to join the EU, especially in the domain of gender-based violence?

The data analyzed made it clear that ratification of the Istanbul Convention brings positive changes and improves the situation for victims of gender-based violence. Answering the research question, it can be stated that subnational actors respond to norms, rules, and policies, pertaining to the prevention of gender-based violence promoted at the EU level, with enthusiasm showing a high level of adjustment. To put pressure on public actors, NGOs are using the Istanbul Convention, referring to specific chapters and articles. Moreover, the Convention is used in the courts by the prosecutors and advocates. However, the insufficient political will to address the persisting problem of gender-based violence displayed by the authorities in Serbia, Albania and Montenegro jeopardizes the sustainable transfer of European policies, norms, and practices. Domestic changes have emerged, and these were clearly derived from the EU's influence, but their success depends of the political will, as well as administrative and financial capacity of the states.

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Introduction part:

Good afternoon, my name is Albina Abzalova, I am a student at the University of Tartu and I am going to conduct the interview on implementation of the Istanbul Convention in Serbia. It will take approximately forty minutes and you can stop the interview at any moment if you feel uncomfortable. The interview is audio and video recorded; all materials will be used only in academic purposes within limited period of time.

Questions:

Can you tell more about your background and how your organization is related to the issues of gender-based violence in Serbia?

How would you describe the current state of women's rights and gender-based violence in Serbia?

What are the main challenges the NGOs working with victims experienced gender-based violence face in Serbia?

What is the contribution of the "name of NGO" in the evaluation procedure of the Istanbul Convention?

Has the "name of NGO" participated in implementation of the suggestions and proposals made by GREVIO?

How effective do the Serbian authorities address the specific needs of the women exposed to or at risk of intersectional discrimination after adoption the Istanbul Convention in Serbia?

How does implementation of the Istanbul Convention change the situation for specialized services preventing violence, and supporting its victims?

Can you describe the changes in terms of National Legislation on women's rights and gender-based violence since adoption the Istanbul Convention in Serbia?

Are there any changes with regards of governmental funding of NGOs?

What factors might affect the implementation of the Istanbul Convention in Serbia?

Do you think that government fulfills the criteria set by the Istanbul Convention? (Could you elaborate your answer?)

Do the measures taken by the authorities in order to fulfill the Istanbul Convention make positive changes for the victims of the gender-based violence?

Is there anything you would like to add that I haven't asked about?

Ending the interview

Thank you again for agreeing to participate and sharing valuable information. I really appreciate your time and contribution to my research. If you will have any additional questions or comments you may address it to me or my supervisor at any time.

Interview consent form



UNIVERSITY
OF TARTU

CONSENT FORM FOR: (name of the interviewee)

RESEARCH TITLE: Master thesis “The impact of Europeanization on Gender-based violence in the Balkan countries: a comparative study”

RESEARCHER: Albina Abzalova

I have been given information on the impact of the European-level norms and policies gender-based violence in the Balkan countries and discussed the research project with Albina Abzalova who is conducting this research as part of a degree “Politics and governance in the digital age” supervised by Piret Ehin at the University of Tartu.

I understand that my participation in this research is voluntary, I am free to refuse to participate and I am free to withdraw from the research at any time.

I understand that I will not benefit directly from participating in this research.

I agree to my interview being audio-recorded, however, all information I provide for this study will be treated confidentially.

I understand that a transcript of my interview in which all identifying information will be used only for research purposes.

I understand that I am free to contact any of the people involved in the research to seek further clarification and information.

Signature of participant

Date

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