



United States Mission to the OSCE

Session 8 **Specially Selected Topic:** **Violence against Women and Children**

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At the Ljubljana Ministerial in 2005, we collectively affirmed that “States have an obligation to exercise due diligence to prevent, investigate and punish the perpetrators of violence against women and girls and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms.” We decided, “with the support and assistance of the OSCE, to take all necessary legislative, policy and programmatic monitoring and evaluation measures to promote and protect the full enjoyment of the human rights of women and to prevent and combat all forms of gender-based violence against women and girls.”

It is fair to say that every participating State faces the problem of gender-based violence, including my own. To that end, on September 19, President Obama announced the “It’s On Us” initiative to address problems of sexual assault on U.S. college campuses. This public-private partnership calls on individuals, colleges and universities, media platforms, celebrities, and other stakeholders to end sexual assault and to support survivors. In this era of social media, the Twitter campaign, #Yesallwomen, spoke to the near-universality of sexual harassment and assault, providing a sense of solidarity. The cases of sexual assault that have occurred among U.S. military personnel has spurred active debates in the U.S. Senate and is changing the way we deal with this issue.

Gender-based violence continues across the OSCE region, and around the globe. Gender-based violence can take many forms, including domestic violence within the family, early and forced marriage, sexual violence, and harmful traditional practices such as female genital mutilation. It affects every social and economic class, ethnicity, race, religion, and education level. Worldwide, an estimated one in three women will be physically or sexually abused in her lifetime, and one in five will experience rape or attempted rape. In some places, especially in conflict zones, these statistics are even worse.

We must step up our efforts to combat gender-based violence through our legislation and our policies. Although some OSCE states prosecute domestic violence under general assault laws, laws that specifically criminalize domestic violence would strengthen authorities’ ability to hold abusers accountable and can be drafted to relieve the victim of the burden of pressing charges. OSCE states that do not have specific laws against domestic violence include **Armenia, Belarus, and Uzbekistan. Russia** has no clear legal definition of domestic violence, making prosecution difficult, but is considering new legislation.

Spousal rape also is not specifically outlawed in several OSCE participating States. Although spousal rape may be prosecuted under general rape laws, having it clearly identified as a crime can strengthen the response of law enforcement authorities, who often view it as

simply a family matter. States in the OSCE region with no specific law against spousal rape include **Armenia, Azerbaijan, Belarus, Georgia, Iceland, Kosovo, Latvia, Ukraine, and Tajikistan**. In **Romania**, prosecuting any rape is difficult because it requires a medical certificate or a witness and it is nearly impossible for authorities to press charges on behalf of victims, even when they have independent physical evidence.

But passing laws in itself is not enough. States must actively and fully enforce these laws. This requires specific training for law enforcement and other officials, as well as a sufficient network for victim assistance. Police sometimes do not respond adequately to physical or sexual assaults against women, particularly when perpetrated by spouses or other family members, and may even pressure a woman not to press charges. Many victims choose not to press charges against their aggressors because they—and often their children—are financially dependent on the aggressor. Victims must be able to obtain information and assistance quickly and easily. This requires adequate resources, partnering with civil society, and available shelters, when needed. This is especially crucial in some Romani communities where ingrained societal prejudice discourages Romani women and girls from seeking assistance for fear of discrimination by the authorities. We believe all participating States can and should do more to address these issues. We welcome suggestions that the Special Representative of the Chairperson-in-Office on Gender Issues could make on ways the OSCE might also constructively address this problem.

Victims also must feel that they can come forward without risk of shame or retaliation. Too often, domestic violence or rape goes unreported because victims fear stigma, or even harm from their own families. So-called “honor killings,” while illegal, still take place in some OSCE countries. Some OSCE states, including the **Netherlands, Germany, Turkey, and the United Kingdom** have passed laws or put mechanisms in place to address the issue; we encourage these countries to share their practices with the OSCE. We are concerned about reports that suicide rates – sometimes by self-immolation – have risen in **Tajikistan**. Some women may feel they have no other way out of the cycle of domestic violence. The practice of unofficial religious marriages to circumvent laws against polygamy can leave women and their children without legal status or recourse.

Another crime which hides behind the misnomer of “culture” is bride kidnapping. While in a consensual, prearranged form it may have some roots in tradition, in modern practice it is often kidnapping, forced marriage, and rape. This is particularly the case in **Kyrgyzstan**, where Freedom House estimates there were as many as 5,000 nonconsensual bride kidnappings last year, with some 2,000 of those involving rape. There also have been cases reported in **Armenia, Georgia, Kazakhstan, and Russia**. We need to ensure that women and girls feel they can go to the authorities without being stigmatized by their families or society. We welcome Kyrgyzstan’s law which increases the penalties for abducting women.

We are also concerned about forced sterilization of women, whether in the past or in the present. A number of countries must confront a past history of forced sterilization, including in the **United States**. Last year, the North Carolina legislature established a program to provide compensation to those victimized under a state-run sterilization program that ended only in the 1970s. We welcome initiatives by the Czech government to consider legislation to provide restitution to those women -- predominantly Romani women -- who were sterilized without informed consent. We ask that the government of **Uzbekistan** look into reports that doctors are sterilizing women either under coercion or without consent.

We all need to strengthen our efforts to protect women and children from gender-based violence, and to ensure that victims receive the support, assistance, and legal recourse that they deserve.