



United States Mission to the OSCE

Session 3 - Tolerance and non-discrimination I, including: Equality of opportunity for women and men; Implementation of the OSCE Action Plan for the Promotion of Gender Equality; Prevention of Violence against Women and Children

As prepared for delivery by Ambassador Robert Bradtke, Head of Delegation
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In Moscow in 1991, OSCE participating States recognized that “full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law,” and that “the full development of society and the welfare of all its members require equal opportunity for full and equal participation of men and women.” The participating States also committed to “seek to eliminate all forms of violence against women... including by ensuring adequate legal prohibitions against such acts and other appropriate measures.” These commitments have been further elaborated over the years and, in 2000 and 2004, were supplemented with OSCE action plans addressing the situation in participating States as well as management and staffing within the OSCE itself.

More than two decades later, however, women still face discrimination, injustice, and violence. We welcome the introduction in Hungary of more serious penalties for domestic violence, as well as the efforts of groups like the Hungarian Organization of Women Judges to raise awareness of domestic violence and defend the rights of women and children. But there have been too few similar steps in too few countries.

Although some states prosecute domestic violence under general assault laws, specific laws would strengthen authorities’ ability to hold abusers accountable and can be drafted so as to take the onus of pressing charges off of the victim. OSCE participating States that do not have specific laws against domestic violence include Armenia, Belarus, and Uzbekistan. Russia has no legal definition of domestic violence, making prosecution difficult.

Several OSCE participating States—as well as Kosovo—also lack specific laws addressing sexual harassment, particularly in the workplace. (These include Armenia, Belarus, Georgia, Russia, Turkmenistan, and Uzbekistan.) Kyrgyzstan’s legislation deals only with physical assault, not verbal harassment.

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 would 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, as well as the active cooperation of the victim; under such

circumstances, it is extremely difficult for the authorities to press charges, even when they have independent physical evidence.

But even where laws are in place, they are not enough. Not only must they be properly implemented, there also must be an adequate network for victim assistance. Law enforcement authorities 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. States must do more to train judges, law enforcement officials, social workers, and others to respond to victims of domestic violence or rape. Victims must be able to obtain information and assistance quickly and easily. This requires adequate resources, partnering with civil society, and the availability of shelters, when needed. We believe the OSCE can and should do more to help participating States address these issues, including participating States that do not host OSCE field presences. We urge the Special Representative of the Chairperson-in-Office on Gender Issues to make suggestions for possible future activities along these lines.

Victims also must feel that they can come forward without risk of shame or retaliation. Too often, domestic violence or rape goes unreported because survivors fear stigma, or even harm from their own families. So-called “honor killings,” while illegal, still take place in some OSCE countries. In the North Caucasus region of Russia, for example, honor killings have risen in number and Chechen leader Ramzan Kadyrov apparently condoned the practice when he said that women of “loose morals” were rightfully killed by their male relatives. Some OSCE states, including the Netherlands, Germany, Turkey, and the United Kingdom have passed new laws or put other mechanisms in place to address the issue; perhaps these countries could share their practices with the OSCE.

Another crime which hides behind the misnomer of “cultural tradition” is bride kidnapping and child marriage. While in a consensual, prearranged form it may have some roots in tradition, the modern practice often amounts to kidnapping, forced marriage, and rape. This is particularly the case in Kyrgyzstan, although it also happens in Georgia and the Russian Federation. We welcome Kyrgyzstan’s new law, which came into force in February; the law increases the penalties for abducting women. We hope the law is enforced, and will have its intended effect as a deterrent.

We also need to ensure that OSCE policies and management provide equality of opportunity to women and recommit ourselves to making certain that women are included in all levels of OSCE activities. We thank Ambassador Miroslava Beham and her team for their work in this regard. We also appreciate ODIHR’s continuing efforts to raise women’s access to political resources and we thank June Zeitlin, the Chairperson-in-Office’s Special Representative on Gender Issues for her impressive work. We encourage all participating States to welcome her country visits and reporting.

All human beings have the same human rights and fundamental freedoms, which we must protect. Unfortunately, women aren’t always afforded these rights and freedoms. We all must work harder to ensure the human rights and fundamental freedoms of both women and men are respected fully and equally.