



**SUPPLEMENTARY HUMAN DIMENSION
MEETING**

**“Gender Equality with a Special Focus on
Violence against Women”**

**5-6 November 2009
VIENNA**

FINAL REPORT

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I. EXECUTIVE SUMMARY

The theme of the third OSCE Supplementary Human Dimension Meeting of 2009 was Gender Equality, with a Special Focus on Violence Against Women. The meeting was held in Vienna on 5-6 November 2009. The meeting brought together 232 participants, including 95 representatives of 42 governmental delegations and 55 representatives of non-governmental organizations (NGOs)¹. Eleven OSCE field operations were represented at the meeting. Distinguished keynote speakers, moderators and introducers from eight OSCE participating States contributed to the meeting with their expertise on promoting gender equality and combating violence against women.

The meeting provided a forum for OSCE participating States to take stock of the progress made and challenges remaining in promoting gender equality and the implementation of measures to prevent and combat violence against women. The discussions highlighted approaches and measures that have proven most successful with regard to the three priority areas of work: prevention, protection and prosecution of violence against women as well as underscoring priority areas for future work. Furthermore, the active participation of civil society stakeholders, bringing their experiences from across the OSCE region, greatly enriched the debate, drawing out lessons learnt and highlighting the fundamental importance of collaborative initiatives between state and civil society actors.

The three thematic sessions of the meeting were dedicated to the topics of Protection and Assistance for Victims of Violence against Women, Prosecution of Perpetrators of Violence against Women, and Prevention of Violence against Women.

In her opening remarks, the representative of the OSCE Chairperson-in-Office, Ambassador Eleni Sourani underlined that, while the Organization had made the prevention of violence against women one of its priorities as mandated by the OSCE Action Plan for the Promotion of Gender Equality and the central commitment under the Ministerial Council Decision of 2005 on Preventing and Combating Violence Against Women, significant challenges still remain. These challenges are exemplified by persisting gender-based stereotypes, which inhibit the enjoyment of full equality of rights and opportunities among women and men, and by the lack of access to justice for women victims of violence. The representative of the Chairperson-in-Office also noted that promoting the effective participation of women in political and public life is fundamental to this work and underscored the Chairmanship's commitment to mobilize support among the OSCE participating States for a decision on promoting women's participation in political and public life at the Athens Ministerial Council in December 2009.

Ambassador Janez Lenarčič, Director of ODIHR, underlined that violence against women is global and systemic. It is rooted in power imbalances and inequalities between men and women, and is based on long-standing stereotypes, compounded by a history of impunity for perpetrators of gender-based violence. He noted that concerted actions at the international

¹ The civil society roundtable was organized as a Side Event at the meeting, bringing together NGOs as well as representatives of national delegations and other inter-governmental organizations. The roundtable provided participants with an opportunity for an informal exchange of views on the three thematic areas of protection, prosecution and prevention of violence against women and helped participants to consolidate their recommendations and voice them more effectively at the meeting itself. No agreed conclusions were produced at the civil society roundtable.

level over recent years have succeeded in bringing the issue of violence against women to the forefront of the international human rights agenda and have helped to underscore the responsibility of states to take all necessary measures to prevent, prosecute and protect women from gender-based violence. In summary, Ambassador Lenarčič underlined the need for an inter-disciplinary, rights-based approach in the three areas of protection, prosecution and protection as well as the importance of the active participation of all public and private stakeholders stressed. In response to these challenges, he said, the OSCE has developed concrete activities, including raising awareness of women's rights, assistance with legal and policy reforms in the field of gender equality and combating violence against women, support to capacity-building for law-enforcement professionals and facilitating the exchange of expertise and lessons learnt among representatives of the OSCE participating States.

The keynote speaker, Ms Cheryl A. Thomas, outlined positive advances in combating violence against women, especially in countries of Central and Eastern Europe, where new laws and policies provide a solid framework for addressing various forms of gender-based violence. It was noted that the laws that will best protect women from violence are those that are drafted and implemented based on the fundamental principle that violence against women arises out of the subordination of women and discriminatory attitudes against them. In addition, laws and policies that reflect the message of *zero tolerance for violence* are the best measures to protect women's safety and security, and lastly, professional training of all relevant actors, including law-enforcement officials, the judiciary, medical and social workers should be an essential component of legal reforms in this field. Ms Thomas stressed that the ultimate objective of ensuring the immediate and long-term security of victims should be upheld when laws are implemented in practice and that these legal instruments must be scrutinized in order to ensure that they effectively respond to the needs of victims. She drew attention to the evidence that immediate, long-term protection orders are effective in ensuring the security and safety of victims and recommended this approach to participating States currently undertaking legal reforms in this field.

Session I was dedicated to reviewing the variety of practices for the protection of victims. Participants agreed that the best approaches are based on a broad concept of protection, which includes comprehensive and integrated protection and support services (legal, psychological and medical), as well as housing, financial and employment assistance. It was agreed, that while these services are most often provided by specialized agencies, either governmental, non-governmental or, ideally, a partnership of both, the participating States bear the primary responsibility for assuring the victim's ready access to these services.

Participants discussed existing good practices in the provision of comprehensive protection and support services, including protection measures provided by law enforcement agencies, as well as services undertaken by healthcare and social assistance providers, and the establishment of both open and closed victim assistance and rehabilitation facilities such as shelters, safe houses and crisis centres. In a large number of OSCE participating States, women victims lack access to adequate shelters and crisis centres. A unique model of assistance programmes, such as the one developed by the NGO Medica Zenica in Bosnia-Herzegovina was presented, whereby survivors of gender-based violence such as war-time rape, were able to voice their opinions and channel their views into the process of developing support services for other victims of gender-based violence. Participants stressed that adequate state funding for protection programmes was a fundamental precondition. Promoting women's economic empowerment and ensuring their equal access to economic resources was

seen as decisive in eliminating gender-based violence and in encouraging utilization of available remedies.

In **Session II**, the discussion focused on progress achieved and challenges remaining in the investigation and prosecution of perpetrators of gender-based violence. Participants offered examples of the fact that crimes of violence against women have frequently gone unreported due to gender-based stereotypes among the law-enforcement officials and the tendency to ascribe such acts of gender-based violence to local traditions or internal family affairs and hence beyond the purview of state intervention. It was also noted, that underreporting can also occur when women fear repercussions, including being ostracized by their communities.

Participants again underscored that the responsibility for prosecuting perpetrators of violence against women lies with state authorities and not with victims, regardless of the level or type of violence. Effective investigation and prosecution of perpetrators of violence against women, leading to appropriate sentencing of perpetrators, sends a strong message of zero-tolerance for violence on the part of the State.

In this vein, the Spanish legislation to combat gender-based violence was viewed as one of the successful models in bringing perpetrators to justice and providing immediate assistance to victims. The case of Ukraine was also cited as an example of a new law on combating violence against women which has already resulted in a significant increase both in reported crimes as well as in the capacity of the police to intervene in cases of domestic violence. Through the ensuing discussions, participants reviewed various examples of intervention by police authorities, judicial practices which enable victims to have access to immediate protection orders, custodial policies which are aimed to ensure the safety of children affected by domestic violence, specialized investigation and prosecution methods for perpetrators of violence against women during armed conflicts, as well as measures to ensure equal opportunities among women and men for participation in judicial and police structures. In addition, participants agreed that successful approaches in this field should include provisions for the necessary counseling and rehabilitation of persons prosecuted for crimes involving violence against women.

Session III served to underline that effective prevention of violence against women needs to encompass a broad scope of initiatives aimed at primary prevention (stopping violence before it occurs), secondary prevention (an immediate response after violence has occurred to limit its extent and consequences) and tertiary measures (longer-term care and support for those who have suffered violence). In addition, as violence against women is a manifestation of gender-based discrimination against women, prevention of such crimes will not succeed if governments and other stakeholders do not tackle gender-based stereotypes and gender-based inequalities. Some participants recommended that OSCE participating States tackle violence against women from the point of view of international human rights law and its universality, while others drew attention to specific practices associated with particular cultures or religions. Furthermore, participants affirmed that while forms of violence against women are diverse, ranging from domestic violence to forced marriages and female genital mutilation, it is best approached as a global issue, avoiding undue focus on particular religious or ethnic communities. Other participants stressed the importance of tailored interventions based on local situation and needs, which will target the interventions to specific forms of violence against women and help to avoid redundancies. Accordingly, it was recommended that participating States provide for equal rights and opportunities between women and men, and that they should ensure that international human rights principles prevail in their jurisdictions

over any other quasi-legal and religious practices. In this vein, participants agreed that the ongoing drafting of the Council of Europe Convention on preventing and combating violence against women and domestic violence is of immense importance for stimulating national level reforms. In addition, several participants stressed the critical link between women's economic conditions and their vulnerability to various forms of violence against women, such as domestic violence, trafficking for sexual or labour exploitation, or polygamy. In this regard, it was stressed that economic empowerment of women through various entrepreneurial and capacity development programmes is necessary in order to lift women out of poverty and associated vulnerabilities.

II. SYNOPSIS OF SESSIONS AND RECOMMENDATIONS

This part of the report summarises the discussions which took place during the three thematic sessions and presents a selection of the wide-ranging recommendations made by the participants of the meeting. The recommendations are made to a variety of actors, in particular, OSCE participating States, OSCE institutions and field operations, as well as other international organizations and NGOs. These recommendations have no official status and are not based on consensus. The inclusion of a recommendation in this report does not suggest that it reflects the views or policy of the OSCE. Nevertheless, the recommendations may be seen as useful indicators reflecting how participating States are meeting their OSCE commitments for promoting gender-equality and combating violence against women and considering possible new initiatives in this area.

SESSION I: Protection and Assistance for Victims of Violence Against Women

Introducer: Ms Sabiha Husić, Executive Director, Medica Zenica, Bosnia and Herzegovina

Moderator: Ms Ananda Millard, Senior Researcher, Bonn International Center for Conversion (BICC), Germany

The discussion during **Working Session I** addressed the ways in which protection and assistance programmes are developed and implemented to support women who have been victims of violence. The introducer, Ms Husić, drew upon her experience as the executive director of a non-governmental organization, Medica Zenica, established in Bosnia and Herzegovina in 1993. For over fifteen years, this organization provided direct assistance to victims of violence, dealing with the direct consequences of conflict as well as its aftermath and the present day situation. The organization has developed support services including safe houses and shelters and counselling services, as well as offering medical and psychological support during trauma recovery. Initially, the organization received women who had been victims of war-related rape, but is now sheltering women victims of domestic violence. In recent years, Medica Zenica has developed and implemented economic empowerment programmes for women and girls. Also, the centre has begun to work with men and perpetrators who have sought help from the organization.

A lively discussion followed the introducer's presentation, sharing best practices and posing questions for dialogue. Contributions were made by participants from Germany, Austria, Azerbaijan, the United States of America, Georgia, the Netherlands, the United Kingdom, Italy, Norway, Moldova, the International Organization for Migration, Greece, Kazakhstan, Ukraine, the Russian Federation and the Women against Violence Network.

Participants noted that effective protection measures require a detailed understanding of the root causes of violence against women. It was noted that forms of violence such as domestic violence and marital rape are often seen as family affairs to be left to individuals to deal with and not an area warranting an intervention from law-enforcement authorities. In some cases, women do not even see themselves as victims. In patriarchal societies, stepping out to speak about rape and domestic violence is very difficult. In rural areas, in particular, violence can be a part of daily life. In the experience of Medica Zenica, initially, women were concerned to stay married following the end of the war and hesitated to come forward to report cases of war-time rape or marital rape. However, in recent years the number of cases reported continues to increase, suggesting that more women are taking the opportunity to use protective services. Similar concerns were voiced from other participants who stated that, in their communities, women do not know how to seek protective services.

Working with perpetrators and providing them with assistance was highlighted as an important aspect of combating violence against women, as it contributed to combating recidivism among perpetrators. Many participants recalled that merely punishing the perpetrator is not a solution. One participant noted that in her country, perpetrators can be ordered to attend treatment programmes – often in connection with being served an order of protection. However, these are not always effective. It is important that perpetrators come forward willingly to request attention. A representative from the UK Home Office stated that in preparing its cross-governmental strategy on addressing violence against women a review is taking place of perpetrator programmes, looking in particular at the difference between statutory programmes and voluntary programmes.

Participants discussed ways in which legislators have addressed the establishment of protection services. In Bosnia and Herzegovina, for example, the relevant legal framework foresees financial assistance for organizations offering support to victims.

Recognizing the link between economic empowerment and violence against women, the delegation of Kazakhstan explained that the adoption of laws on gender equality and on combating violence against women is a government priority and, after a long process of discussions and deliberations, these laws were on the calendar of the autumn session of the parliament.

In Georgia, as one participant explained, the law on trafficking foresees a period of time for victims to contemplate whether they want to cooperate with a criminal investigation. Participants from other participating States were of the opinion that such measures should be imitated. The anti-trafficking laws of Sweden, Norway and Iceland were also cited as good examples for prohibiting the purchase of sex – addressing the demand side directly. Also, in Italy, victims of human trafficking are allowed residency for humanitarian purposes, and are provided with assistance for rehabilitation.

In relation to efforts at the international level, a representative from the Netherlands told participants how the government, together with France, had been promoting a United Nations resolution concerning violence against women. In addition to encouraging member States to invest more in safe houses, the resolution also urges training for law enforcement officials. Other participating States, including Kazakhstan and the Russian Federation, recalled the international legal framework and cited their own efforts to bring their national laws in line with such provisions.

In addition to legal measures, national policy initiatives to protect victims of violence were also presented. The United Kingdom is currently in the process of finalizing its cross-governmental strategy and has initiated various reviews including one on the sexualisation of young girls and the role of medical practitioners in responding to violence against women.

A representative of the Federal Ministry of Family and Youth of Germany explained how since the launch of the first federal programme to combat violence against women in 1999, all sixteen states in Germany had adopted their own programmes. A national oversight agency monitors sexual violence in Italy. However, gathering good statistics presented a significant challenge. Networks have been established in other participating States, including Kazakhstan, where twelve organizations have joined their efforts. In Norway the third plan of action to combat violence against women was adopted in 2007 and is developed to coordinate police, judiciary and support services in preventing and combating domestic violence.

In implementing both laws and national policies, close co-operation between governments and civil society was highlighted as a best practice. A representative from Moldova explained that after the adoption of a new law to combat domestic violence, civil society was quick to take up and utilise the mechanisms provided by the law, resulting in the first restriction order being served, and police removal of a perpetrator from the home. Representatives from both an Azeri NGO and a Georgian NGO commented on how important it is for civil society to work with state institutions, including the police service and parliament, to ensure that findings and recommendations of practitioners are channelled into the laws.

Different types of protective services were discussed, including SOS hotlines, as a way to identify and reach out to victims. Other less direct methods were also presented, such as the economic empowerment programme for victims of gender-based violence in Bosnia and Herzegovina, which helped to reach out to victims who might otherwise not come forward. A representative of Kazakhstan noted that as the root cause for violence against women lies in exclusion and discrimination, economic empowerment will likely serve as a key preventive and protective measure.

Shelters were also a topic for discussion. In Georgia, it was noted that there are both government and NGO shelters and the funding is provided by the government, NGOs and international organizations. A representative of the Government of Norway stated that a place in a shelter is guaranteed by law to every woman who is a victim of violence in all regions. Some participants upheld that sending women victims to shelters could constitute re-victimization. It was also recalled that there is not sufficient capacity in the systems of shelters throughout the OSCE region. In some participating States, the number of shelters has declined. In Italy, specialized centres to assist victims of violence have been set up throughout the country. Legal aid services are available, and approximately thirty shelters have been established. The representative of the Government of Italy highlighted the importance of implementing victim support services, including operating a free telephone hotline, staffed around the clock.

Civil orders for protection were noted to be one of the most effective forms of protective measures. In the United States, these are deemed extremely effective. Any violation of the order for protection is criminalized, and can result in arrest. Other participants told of their experiences with protective orders. For example, the Netherlands recently introduced a law which provides for a temporary restraining order. In Germany, protection orders are available immediately, and judges have the power to remove perpetrators from the household.

It was also noted that migrant women often face greater risks and are therefore in need of specialised protection. Migrants do not have the same access to support networks as they are encounter barriers deriving from unclear legal status or limited language skills. In many cases they are often bound to the perpetrator in some way (for example, for their residency permit) and are therefore even less inclined to come forward and report gender-based violence. Recognizing the particular vulnerabilities of these women and making assistance accessible to them was considered a priority. Several participants recalled the importance of taking specific local and cultural factors into account when importing best practices and implementing new programmes.

The following specific recommendations were made in Session I:

Recommendations to the OSCE participating States

- Participating States should pass the necessary laws to bring perpetrators to justice. Justice should be accessible to all women, without distinction based on civil status, race or religion, and should be available without delay;
- Participating States should ensure that international human rights principles prevail in their jurisdictions over any other quasi-legal and religious practices;
- The authorities in OSCE participating States should take all necessary steps to investigate and prosecute threats of violence within families and act decisively to protect individuals from domestic violence and “honour killings”;
- Participating States should focus on the protection of women who survive domestic violence in compliance with human rights principles. The victim’s only option cannot be placement in a shelter where she may experience additional stress due to separation from other family members. Laws should provide for the possibility of removing a perpetrator from a household if necessary, followed by adequate court injunctions;
- Participating States should ensure that migrant women, due to their vulnerability to various forms of violence, or women from various religious communities, have access to protection measures, when necessary;
- Participating States should ensure that every effort is made to protect migrant women from abuse, including allocating adequate resources to women’s shelters, as well as safe houses at undisclosed locations;
- Participating States should protect their nationals from forced marriages with the intent of immigration/naturalization;
- Participating States should provide financial assistance to programmes aimed at providing safety and support to victims of violence against women;
- Participating States should focus on developing family-friendly policies in order to take pressure off the families and build a positive atmosphere for children thereby preventing violence against women.

Recommendations to the OSCE Institutions and Field Operations

- The OSCE/ODIHR should establish a working group to examine the issue of violence against women perpetrated in the name of specific traditional or religious practices and should identify applicable recommendations based on the OSCE human dimension commitments;

SESSION II: Prosecution of Perpetrators of Violence against Women

Introducers: **Mr Oleksandr Musienko**, Department of Public Safety, Ministry of Internal Affairs of Ukraine

Ms Sonia Chirinos, Judge, General Council of the Judiciary, Spain

Moderator: **Ms Genoveva Tisheva**, Director, Gender Research Association, Bulgaria

The discussion during this session covered the approaches implemented in the OSCE participating States in prosecuting perpetrators of violence against women and providing effective domestic remedies for victims. The first introducer, Mr. Musienko, addressed the situation in Ukraine, noting that some 24% of all crimes registered annually were linked to domestic violence. The introducer presented the legal framework regulating the issue of domestic violence in Ukraine. He drew upon amendments to the Law on Domestic Violence introduced in 2008, and new provisions in the Penal Code dealing with domestic violence. It was noted that the relevant authorities of Ukraine were working in close cooperation with their Austrian counterparts to train personnel and implement rigorous investigation and prosecution policies, with the support of the OSCE/ODIHR and the OSCE Project Coordinator in Ukraine. As a result, there has been a notable increase in the number of reported cases of domestic violence, clearly indicating a growing trend among victims to come forward and report cases. Nevertheless, inadequate sanctions - generally fines paid from the family budget - remain a problem. Key priorities are the need to improve early identification and social support measures as well as monitoring of the quality of services provided to victims.

Ms. Sonia Chirinos, in her presentation, introduced the Spanish experience of legal reforms to combat gender-based violence. Particular emphasis was put on specialized courts reviewing cases of violence against women. It was pointed out that Spanish law defined gender-based violence as an aggression committed by a male partner against a female partner, and thus the interpretation of the phenomenon was not left to the discretion of the judges. Cases of violence against women are considered public crimes, requiring that public prosecutors investigate cases, charge the aggressor and represent the case in the courts even if victims do not lodge a complaint, withdraw a complaint or do not want their spouses to be sentenced. Another positive aspect of the Spanish legislation is that it establishes dual jurisdiction (civil and criminal) in specialized courts, which provide a comprehensive legal remedy to victims. The existence of specialized courts allows for rapid adjudication and for the provision of emergency protection orders within 24 hours.

The presentations generated a very lively discussion. Civil society participants from Moldova, Austria, Armenia, Lithuania, Azerbaijan, Kazakhstan as well as representatives of participating States and international organizations raised various questions and shared best practices.

Some participants expressed concerns with the efficiency of sanctions, in particular, fines and registration of perpetrators in a centralized law-enforcement database. Another participant expressed interest in knowing who benefited from the fines applied to aggressors: the state or the victim directly. Others raised the issue of the risk in some participating States that perpetrators would be left unpunished, especially given that it was possible to be released from administrative responsibility. Commenting on these issues, Mr. Musienko clarified that protection orders in Ukraine were used against individuals who had committed domestic violence for the second time and that amendments will be introduced next year in order to use protection orders immediately after the violence has occurred and to remove the perpetrator and not the victim from a household in order to avoid repeated acts of violence.

The procedure of issuing protection orders in Spain was viewed positively by other participants. Requests for orders are to be addressed within a maximum of 72 hours, which is considered as sufficient for a perpetrator to find a defence lawyer. Possible sanctions in cases of gender-based violence in Spain and may include either imprisonment or community work, but no fines.

Some participants expressed serious concerns about the high probability that aggressors would be left unpunished for perpetrating violence against women in countries where prosecuting such crimes requires private complaints. Considering that most of the victims of domestic violence undergo pressure, are economically dependant on aggressors and, as a result withdraw their complaints, it is of outmost importance that prosecution can take place without a private complaint. Again, in the case of Spain, if a victim does not want to testify against her partner, she is entitled to claim her right not to testify against the perpetrator.

Some participants asked whether gender-based violence, when perpetrated within religiously conservative communities, is dealt with effectively and expressed concerns about insufficient cooperation between specialized courts and religious communities in Spain.

The following specific recommendations were made in Session II:

Recommendations to OSCE participating States:

- Participating States should ensure that international human rights principles prevail in their jurisdictions over any other quasi-legal and religious practices;
- Participating States should take all necessary steps to combat various forms of violence against women perpetrated in the name of religion;
- The authorities in OSCE participating States should take all necessary steps to investigate and prosecute threats of violence within families and act decisively to protect individuals from domestic violence and “honour killings”;
- Participating States should ensure that “honour killings” be treated as so called “message crimes”, intended not only against immediate victims, but used as instruments for intimidation of women within those communities where these crimes are taking place, and that all those participating in planning and executing such crimes be prosecuted to the full extent possible under the law;
- Participating States should ensure that the practice of polygamy be punished under the law;
- Participating States should ensure that inheritance laws treat men and women equally;
- Participating States should ensure that the burden of proof in domestic violence cases does not lie with the victim. Domestic violence should be dealt with as a crime. The practice of some participating States to consider domestic violence an administrative offence or part of civil jurisdiction makes adequate protection of the victim impossible;
- Participating States should focus on the protection of the victims of domestic violence in compliance with human rights principles. The best option is not placing the victim in a shelter where she experiences additional stress of being deprived of her relatives’ support. It is preferable to withdraw the aggressor from the household accompanied by appropriate sanctions;
- Participating States should pay due attention to the importance of training law-enforcement and other professionals on post-conflict rehabilitation for victims of gender-based violence;
- Participating States should make counselling services available to those couples who seek reconciliation after a domestic conflict has taken place.

SESSION III: Prevention of Violence against Women

Introducer: Mr. Vladimir Korotenko, Social Technologies Agency, Kyrgyzstan

Moderator: Ms. Jamila Seftaoui, Senior Advisor on Gender Issues, OSCE Secretariat

At the outset of the session Ms. Jamila Seftaoui underscored that, since the adoption of the OSCE Action Plan for the Promotion of Gender Equality in 2004, the OSCE participating States had achieved significant results in preventing and combating violence against women, however, many outstanding challenges remain to be addressed. As a positive development, violence against women has become one of the central issues and a priority action area for the Organization. In an effort to identify and disseminate practices which have been proven as successful in preventing and combating violence against women, the OSCE Secretariat's Gender Section published the "Bringing Security Home- Combating Violence Against Women in the OSCE region- A Compilation of Good Practices". The moderator also stressed the priority areas which need to be considered when addressing violence against women: developing measures to address gender-based violence in situations of armed conflict, in crisis management and post-conflict rehabilitation; enhancing legal literacy among women to promote their access to protection mechanisms; engaging massmedia to effectively tackle gender-based stereotypes in societies; educating young people on the causes and consequences of violence against women; as well as involving men as partners and as role models/advocates for gender equality.

The session further proceeded with the introductory statement by Mr. Vladimir Korotenko from the Bishkek-based NGO Social Technologies Agency, Kyrgyzstan, outlining important criteria for effective prevention of violent crimes against women. He stressed the need to encompass a broad scope of initiatives aimed at primary prevention (stopping violence before it occurs), secondary prevention (an immediate response after violence has occurred to limit its extent and consequences) and tertiary measures (longer-term care and support for those who have suffered violence). In addition, as violence against women is a manifestation of gender-based discrimination against women, prevention of such crimes will not succeed if governments and other stakeholders do not tackle gender-based stereotypes and gender-based inequalities in both policy and practice.

In Kyrgyzstan, as in Central Asia as a whole, various forms of violence against women are widespread, including bride-kidnapping, early marriages, domestic violence, dowry-related violence and sexual harassment. Mr. Korotenko underlined that societal stereotypes, often rooted in tradition, compound the vulnerability of women victims. State authorities are reluctant to interfere where violence is in conformity with societal traditions. Early marriages, especially religious ones, are of particular concern as they put youngsters in vulnerable situations and deprive them of their rights and protections under the law. Mr. Korotenko reported that bride-kidnapping has been on the rise in Kyrgyzstan. During 2007-2008, it is estimated that 68 % of all marriages were the result of bride-kidnapping, 51% of which were against the will of the bride. In 22 % of the cases, the bride did not know the groom at the time of kidnapping.

In addition, it was stressed that polygamy has wide support in a number of societies, despite being punishable by law. Especially in rural areas, polygamous marriages, which are not recognized by the state, result in discrimination against women and deprivation.

Participants stressed that while legislation is a fundamental instrument to promote reforms in this field, gender equality measures and reforms should be addressed in a holistic manner and be funded as such under the state budget. In the case of Kyrgyzstan, the efficacy of the legal framework for combating domestic violence and promoting gender equality will have limited impact unless funding is assured.

Improving awareness and promoting education on gender equality was seen as effective in mitigating gender-based stereotypes and ensuring that perpetrators of violence against women are brought to justice. Examples of such interventions were cited from Armenia, where ODIHR has supported the integration of gender-equality in school curricula. It was noted, that ODIHR has also supported training of police and prosecution authorities in Azerbaijan on combating domestic violence.

The session provided a forum for sharing experiences from across the OSCE region. Representatives of state institutions, international organisations and civil society groups from Austria, the former Yugoslav Republic of Macedonia, Germany, the Holy See, Kazakhstan, Kyrgyzstan, Moldova, and Tajikistan spoke on various issues related to the prevention of violence against women.

In line with the principles of equality of rights and opportunities and promotion of gender equality in public and private spheres, it was noted that governments have the responsibility to foster the reconciliation of professional and family responsibilities of women and men, and that particular needs of child-rearing mothers and fathers need to be addressed through adequate support mechanisms.

As violence against women, and especially domestic violence, often affects children within households, participants underlined that children's interests need to be addressed as one of the key priorities in domestic violence interventions. Discussion examined how children's rights to have both parents present are addressed in deciding on the custody of these children during legal proceedings in domestic violence cases. To this end, it was reaffirmed that custodial rights are, as a rule, decided in favour of a non-violent parent and that interests of the children involved are addressed throughout the entire legal proceedings.

As in previous thematic sessions of the meeting, the subject of various religious practices and their effect on women was discussed. Some participants condemned certain religious teachings and practices, which they claimed condone wife-beatings, female genital mutilation, "honour killings", forced marriages and other violent and discriminatory behaviour towards women. They further recommended that the OSCE ODIHR establish a working group to examine the relationship between traditional culture, religion and violence against women in order to provide recommendations based on the OSCE's human dimension commitments. A number of participants underlined that it was important not to suggest that any religion in particular should be blamed for advocating violence against women, in order not to radicalize the discussion.

Numerous participants recommended that OSCE participating States tackle violence against women from the point of view of international human rights law, rather than debating the virtues of various traditions or religious beliefs. The responsibility of the participating States is to ensure that international human rights principles prevail in their jurisdictions, irrespective of traditional cultural and religious practices, thus providing to women equal rights and opportunities to live free of violence.

Several participants stressed the critical link between women's economic conditions and their vulnerability to various forms of violence against women, individual domestic violence and trafficking for sexual or labour exploitation as well as polygamy. In this regard, it was stressed that economic empowerment of women through various economic development programmes was necessary in order to lift women out of poverty and associated vulnerabilities.

While various participants and state representatives reported on the adoption of various protective measures for women victims of violence, such as immediate and longer-term protection measures, impunity with regard to perpetrators continues to be a serious challenge, often due to the tendency of law-enforcement officials to forego the mandated procedures for issuing respective injunctions. It was also noted that while in many OSCE participating States the number of women in the legal and judicial professions has increased, gender-based bias still persists in some participating States with regard to the role of women within families as well as the responsibility of legal professionals, including law enforcement officials and the judiciary, to effectively investigate, prosecute and sanction gender-based crimes against women.

As an important development in the field of international binding legal standards, the Council of Europe representative reported on the work of the Ad-hoc Committee on Preventing and Combating Violence against Women and Domestic Violence, mandated to draft the European Convention for the Prevention and Combating of Violence against Women, including domestic violence. Participants underscored the importance of the development of legally binding instruments to prevent and combat violence against women, and expressed hopes that such a Convention would serve to bridge the current gap in the implementation of necessary measures at the national level.

The following specific recommendations were made in Session III:

Recommendations to the OSCE participating States

- OSCE participating States should promote efforts to raise awareness among the general public on the fundamental importance of protecting and promoting equality of rights and opportunities among women and men, and raise awareness on various types of violence against women;
- OSCE participating States should take all appropriate measures to investigate and prosecute cases of violence against women as this is one of the most effective preventive mechanisms against gender-based violence and sends a message of zero tolerance to perpetrators;
- In order to make gender equality a reality, it is necessary that participating States establish the basic conditions for minimum economic security;
- Participating States should address discriminatory practices which exclude women from decision-making processes, by, on the one hand, empowering women in the work place, and on the other, by ending domestic violence at home;
- Participating States should be open to constructive scrutiny and criticism from other participating States regarding their human rights practices;
- Participating States should not use to cultural differences or traditions to justify gender-based discrimination and violence against women;

- Participating States should ensure that the interests of children involved in cases of domestic violence are addressed throughout the entire process;
- Participating States should promote women's economic empowerment and education as a way to protect and promote equality of rights and opportunities and facilitate their access to the justice system to seek redress and compensation for gender-based crimes perpetrated against them;
- Participating States should develop policies to support families by providing taxation incentives and social security assistance;
- Participating States should promote a policy of respect towards women who decide to dedicate themselves to raising families, respecting their free choice to do so.

Recommendations to the OSCE Institutions and Field Operations

- OSCE should encourage political institutions to promote the effective reconciliation of professional and private life, of work and family responsibilities;
- OSCE/ODIHR should draw attention to the importance of functioning families for a stable and peaceful society
- The OSCE should analyse and examine the interrelation of pornography and the sexualisation of women's image in the media and the effects of this on the occurrence of violence against women;
- ODIHR should establish a working group to examine the relationship between traditional culture, religion and violence against women in order to provide recommendations based on the OSCE's human dimension commitments.

ANNEX I. AGENDA



Supplementary Human Dimension Meeting

**5-6 November 2009
Hofburg, Vienna**

The meeting will be preceded by the Roundtable for Civil Society on 5 November at 10.30, in Ratsaal, Hofburg.

AGENDA

Day 1	5 November 2009
15:00 – 16:00	OPENING SESSION Opening remarks A representative of the OSCE Chairman-in-Office Ambassador Janez Lenarčič , Director of the OSCE/ODIHR <i>Keynote speech</i> Ms. Cheryl A. Thomas - Women's Programme Director, Advocates for Human Rights, United States of America <i>Technical information</i> by the OSCE/ODIHR
16:00-18:00	Session I: Protection and Assistance for Victims of Violence Against Women Introducer: Ms. Sabiha Husić - Executive Director, Medica Zenica, Bosnia and Herzegovina Moderator: Ms. Ananda Millard - Senior Researcher, Bonn International Center for Conversion (BICC), Germany <i>Reception</i>

Day 2

6 November 2009

10:00 – 12:00

Session II: Prosecution of Perpetrators of Violence Against Women

Introducers: **Mr. Oleksandr Musienko**, Department of Public Safety, Ministry of Internal Affairs of Ukraine

Ms. Sonia Chirinos, Judge, General Council of the Judiciary, Spain

Moderator: **Ms. Genoveva Tisheva**, Director, Gender Research Association, Bulgaria

12:00-14:00

Lunch

14:00-16:00

Session III: Prevention of Violence Against Women

Introducer: **Mr. Vladimir Korotenko**, NGO Social Technologies Agency, Kyrgyzstan

Moderator: **Ms. Jamila Seftaoui**, Senior Advisor on Gender Issues, OSCE Secretariat

Discussion

16:00 – 16:30

Break

16:30 – 17:30

CLOSING SESSION

Reports by the Working Session Moderators, Comments from the floor

Closing Remarks

Ambassador Janez Lenarčič, Director of the OSCE/ODIHR

ANNEX II. ANNOTATED AGENDA

Background

Violence against women, which can take the form of physical, sexual or psychological abuse, remains widespread and constitutes a major impediment to achieving gender equality. It deprives women of their right to security and dignity and infringes on their enjoyment of other basic rights in the political, social and economic field.

Violence against women takes various forms and can occur in the private sphere (i.e., intimate partner abuse, family violence, underage and forced marriage, dowry-related violence and the murder of women in the name of family honour), the community sphere (i.e., sexual harassment in the workplace or educational institutions, trafficking in women and girls) and acts perpetrated or condoned by the State (i.e., sexual violence in custodial settings, sexual violence and rape by law enforcement, security, military or peacekeeping forces)².

Several years of concerted actions at the international level have helped to put the issue of violence against women in the broader human rights framework and have led to the recognition that violence against women is global, systemic and rooted in power imbalances and structural inequalities between men and women. These efforts have also underscored the responsibility of states to take all necessary efforts to prevent all forms of violence against women, to prosecute perpetrators and to provide adequate protection to victims of violence.

The 2002 OSCE/ODIHR Supplementary Human Dimension Meeting “Preventing and Combating Violence against Women” paved the way for the Organization’s future work in this field. Following to this, the Organization intensified efforts to work on immediate and long term protection for victims, investigating and prosecution of perpetrators of violence against women, and different measures for preventing violence against women.

At the 2005 Ministerial Council in Ljubljana, the OSCE participating States confirmed their unified commitment to addressing violence against women by adopting MC Decision 15/05 on Preventing and Combating Violence against Women. This decision reaffirms existing international legal instruments that recognize violence against women as a violation of fundamental human rights. Also relevant is the Organization’s Action Plan for the Promotion of Gender Equality adopted by the Ministerial Council in Sofia in 2004, which calls on participating States to address violence against women.

Addressing the phenomenon requires an inter-disciplinary, rights-based approach particularly in the three areas mentioned above: protection, prosecution and prevention. The OSCE, including its institutions and field operations, takes concrete actions to support the participating States in implementing their political commitments.

The ODIHR has implemented programmatic activities and worked with participating States on women’s rights, gender equality and violence against women. Projects have supported participating States to increase government structures’ respect for women’s rights, and to integrate women’s rights and gender issues into national planning and policy initiatives. Specific work to prevent and combat violence against women has also included capacity building programmes for professionals working on violence against women, such as law-enforcement officials. Recognizing the role of civil society, they have aimed at increasing co-operation between state and non-state actors.

² The UN Secretary General’s in-depth study on all forms of violence against women (2006), A/61/122/Add.1., General Assembly, 6 July 2006.

In line with the priorities set forth in the OSCE Action Plan on Gender Equality, the Gender Section of the OSCE Secretariat brought together experts to review a wide spectrum of approaches to violence against women in 2008. Recognizing the many innovative approaches from the OSCE region and beyond, the Gender Section compiled a resource guide for practitioners and policy makers entitled: *Bringing Security Home – Combating Violence Against Women: A Compilation of Good Practices*.

Several participating States in the OSCE region have taken important steps by adopting comprehensive legal instruments for combating various forms of violence against women and are successfully implementing other approaches to prevent violence and protect victims. Many other participating States are contemplating possible legal and policy reforms to address the issue.

The Supplementary Human Dimension Meeting on Gender Equality, with a Focus on Combating Violence against Women, on 5-6 November 2009, will take stock of the progress and challenges in promoting gender equality and the implementation of relevant measures to prevent and combat violence against women. The meeting will serve to highlight approaches and measures that have proven most successful with regard to the three priority areas of work: prevention, protection and prosecution of violence against women. Furthermore, the meeting will review positive methods and practices in identifying and combating causes of gender-based violence, such as gender-based discrimination against women and its particular forms and manifestations in public and private spheres.

The three thematic sessions of the meeting will be dedicated to the particular topics of Protection and Assistance for Victims of Violence Against Women, Prosecution of Perpetrators of Violence against Women, and Prevention of Violence against Women. Such thematic sequence, and in particular, the review of questions related to the prevention of violence against women has been chosen in order to underscore the importance of developing comprehensive measures for prevention, including measures for primary prevention (stopping violence before it occurs), secondary prevention (an immediate response after violence has occurred to limit its extent and consequences) and tertiary measures (longer-term care and support for those who have suffered violence). It is believed that this objective will be better achieved by reviewing issues related to the prevention following the review of questions related to protection and prosecution of perpetrators of violence against women.

Day 1	5 November 2009
15:00 – 16:00	OPENING SESSION
16:00-18:00	Session I: Protection and Assistance for Victims of Violence Against Women

A key policy objective for participating States in combating violence against women is the provision of immediate and long-term measures to ensure the safety and security of the victims. Therefore, participating States ought to adopt a broad concept of protection, understood to include comprehensive and integrated protection and support services. This can entail legal, psychological and medical support, housing, financial and employment

assistance. These services are most often provided by specialized agencies, either governmental, non-governmental or, ideally, a partnership of both. Special attention should assure that these are accessible to victims who are in need of such assistance without unnecessary delay.

The discussion during this session will focus on reviewing existing practices under the broad category of protection of victims of violence against women and on reviewing emerging issues and challenges in this respect. In particular, the following issues could be considered:

- Effective models for the provision of comprehensive and integrated protection and support services to victims of violence against women, including protection measures provided by law enforcement agencies, as well as services undertaken by healthcare and social assistance providers;
- Legal mechanisms for the protection of victims of violence (for example, protection orders, visa/immigration status, financial compensation schemes);
- Implementation of measures to address the special circumstances and needs of victims belonging to minority groups and other vulnerable sub-groups;
- Review of measures to address the needs of victims of custodial violence against women, such as violence against women in police cells, prisons, social welfare institutions, immigration detention centres and other State institutions;
- Establishment of both open and closed victim assistance and rehabilitation facilities such as shelters, safe houses, crisis centres;
- Ways to assure the victim's ability to voice her needs and participate in developing a programme for her protection;
- Mechanisms to ensure that protection programmes are properly funded.

Day 2 **6 November 2009**

10:00 – 12:00 **Session II: Prosecution of Perpetrators of Violence against Women**

Violence against women is rooted in structural inequalities between women and men and a history of impunity for perpetrators. Crimes of violence against women have too frequently gone unreported due to lack of awareness of or clarity in the legal provisions regarding mandates of law-enforcement and other agencies. Another concern is that authorities often do not prioritize the investigation of these crimes. Underreporting can also occur when women feel there might be repercussions for reporting, including being ostracized by their communities.

Responsibility for prosecuting perpetrators of violence against women should lie with State authorities and not with the victims, regardless of the level or type of violence. Effective investigation and prosecution of crimes of violence against women, leading to appropriate sentencing of perpetrators, sends a strong message of zero-tolerance for violence against

women on the part of the State. In addition, successful approaches in this field should include initiatives which provide necessary counseling and rehabilitation to persons prosecuted for crimes involving violence against women.

The following issues could be considered during the session:

- Legal mechanisms that ensure effective prosecution and sentencing of cases involving various forms of violence against women, in line with international human rights standards and OSCE commitments;
- Police mandates and practices for investigating and responding to cases of violence against women, risk-assessment, and methods for preventing repeated violence;
- Training to guarantee that all relevant public officials are fully capable of recognizing, documenting and processing cases involving violence against women as well as identifying and addressing any type of gender-bias in the judiciary;
- Specialized investigation and prosecution methods for perpetrators of violence against women during armed conflicts, including measures for counselling and treatment;
- Efforts to ensure that women are aware of their rights to seek justice and compensation, including outreach, information at health centres and legal aid clinics;
- Mechanisms to ensure equal opportunities among women and men for participation/service in judicial, prosecutorial and law enforcement institutions, so that the number of women in judicial, prosecutorial and law enforcement institutions better reflects the society.

12:00-14:00 Lunch

14:00-16:00 **Session III: Prevention of Violence against Women**

Efforts to prevent violence against women should include a broad scope of initiatives aimed at primary prevention (stopping violence before it occurs), secondary prevention (an immediate response after violence has occurred to limit its extent and consequences) and tertiary measures (longer-term care and support for those who have suffered violence). Furthermore, prevention work can be conducted at the international, regional, national and local levels.

While many of the related issues will have been discussed during the previous sessions, this session will primarily address issues of primary prevention, such as initiatives to raise awareness of various forms of violence against women and to expose and convey the unacceptability of such acts. Furthermore, the session will review advocacy initiatives targeted to increase governments' political will and to take specific measures for prevention, programmes to sensitize the media, and educational curricula, targeting both, men and women, and educational programmes aimed to address root causes of violence against women, including gender-based discrimination, gender-based stereotypes and harmful traditional practices which violate women's human rights.

As detailed in the OSCE's publication *Bringing Security Home – Combating Violence Against Women: A compilation of good practices*, prevention can “focus on changing gender-related

attitudes and stereotypes at the individual level, among both men and women, and at the societal level.” Men and women should not only be the target of prevention campaigns, but should both participate in the process to define priorities and objectives of such campaigns.

The session will review:

- Successful prevention programmes that are specific by nature and aim to raise awareness on nature and ways of combating various forms of violence against women;
- Methods for data collection and data processing, which lead to evidence-based policies in the areas of prevention, protection and prosecution;
- Ways to effectively involve men in preventing violence against women;
- Specific initiatives aimed to empower women directly, through legal literacy, economic empowerment, psycho-social support and other forms of capacity building;
- Measures to prevent gender-based violence perpetrated against women and girls during and after armed conflict and emergencies;
- Programmes that monitor and report on the escalation of cases of violence against women;
- Examples of successful media involvement and the use of information technology in addressing violence against women.

16:00 – 16:30	Break
16:30 – 17:30	CLOSING SESSION
17:30	Close of Day 2

ANNEX III. KEYNOTE SPEECHES

Keynote Speech by Cheryl A. Thomas, Women's Human Rights Program Director, the Advocates for Human Rights, US

Thank you to the OSCE for inviting me here today and for your commitment to ending VAW as expressed through all of your activities in this area and in your 2004 Action Plan for the Promotion of Gender Equality and your Plan for Preventing and Combating Violence Against Women.

I'd like to begin with a quote from our United Nations Secretary General, Ban Ki Moon, when he launched his campaign last year to end violence against women.

Violence against women is an issue that cannot wait. No country, no culture, no woman young or old is immune to this scourge. But there is one universal truth, applicable to all countries cultures and communities: violence against women is never acceptable, never excusable, never tolerable.

Remarkable steps have been taken over the last 15 years in this region and throughout the world to end violence against women. We have witnessed an explosion of activity in legal reform on this issue. Countries throughout CEE/FSU and beyond have reviewed and amended their criminal codes, civil codes, family law codes. They have drafted completely new laws on human sex trafficking, discrimination, female genital mutilation and sexual harassment in the workplace. There are new laws on domestic violence that include a new civil remedy authorizing police and judges to order violent offenders out of the home.

These laws are essential in the effort to address violence against women. Today, I will address critical factors that lead to success of laws and then also the importance of monitoring those laws to address what is not working.

There is no doubt that these laws can send a powerful message to violent offenders that our commitment to ending this devastating human rights abuse has reached a new level. That there will be no more excuses for assaulting, injuring, raping women, for treating them as property, for holding women and girls without their consent for sale into prostitution, for

demeaning them as they try to do their jobs. These laws can send the message that we are truly committed to a new policy of zero tolerance for violence and that we are ready to sanction offenders with jail time, probationary time, expulsion from the home, money damages – remedies that were simply not available before these laws were passed.

But as we all know, while the passage of these laws is a monumental step forward involving years and years of work by dedicated advocates and officials – **it is only a first step. With the passage of a law, the work does not end, in fact, it begins.** It is then that our commitment to ending VAW is truly tested.

In this regard – I would like to tell you a story. Last month, a woman named Pam Taschuk was killed by her husband in my home state in the U.S. Minnesota. Over the years, Pam had been repeatedly assaulted and threatened with murder by her husband. She had four orders for protection issued by Minnesota courts ordering her husband to stay away from her and their home. Her husband had once been criminally convicted for assaulting their son. Pam had told many police officers and others that she thought her husband would eventually kill her.

The day before she was murdered her husband had assaulted her again, resulting in a black eye and a bloody nose. She called the police and they arrested him. When he appeared in court for his arraignment, the judge released him on very low bail without any order to stay away from Pam. He returned home and shot her in the head, then killed himself.

Despite years of legal reform in Minnesota, the laws did not protect Pam Taschuk and our community is now assessing why. People in our systems knew Pam’s husband was a dangerous man – yet a gap in our procedures allowed him to kill her. This is the very hard reality we all face – despite decades of efforts to combat VAW and girls with laws, services, shelters and education programs– we do not have all the answers and the process of reforming our systems is a slow and painful one. It requires diligence and a huge amount of patience. It is even more difficult today with the lack of resources and cutbacks to programs and services.

The way forward requires two things—as I have just talked about we need to learn from our mistakes. **We can commit to ourselves that we won’t ever accept a murder. Rather we will take that tragedy and turn it into change and reform.** And second we need to identify

what is working. “Best practices’ and strengthen and replicate those practices.

So regarding the issue of what works, the part of the Minnesota story I haven’t told you is that in fact most orders for protection are not violated. They do work and there are tens of thousands of them issued every year in Minnesota and now, throughout the world. Our “Domestic Abuse Act” one of the first in the world to provide the order for protection remedy was passed in Minnesota in 1979 and we have amended it to improve it every year since then. Two thirds of the Orders for Protection that courts issue in Minnesota are not violated. It is a law that works.

So what have we learned that increases the likelihood of the success of a law? I’d like to talk about four concrete factors that promote victim safety and offender accountability in legal reform.

- Laws, and practices will best protect women and girls if they are based fundamental principle that VAW arises out of the unequal position of women in society.
- Laws and practices that reflect the message of zero *tolerance for violence* will best protect women’s safety and security.
- Training and education is essential to an effective community response to VAW
- Women’s safety will be better protected when there is a coordinated community response to violence that involves monitoring of laws and practices.

First: Laws that will best protect women from violence are those are drafted and implemented based on the fundamental principle that VAW arises out of the subordination of women and discriminatory attitudes against them.

The United Nations recognized exactly that years ago when it drafted DEVAW

Violence against women is a manifestation of historically unequal power relations between men and women and it is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men

Just let me offer you a concrete example of this from our work on legal reform. I have been told by more than one judge in more than one country that courts must be very hesitant to issue orders for protection in domestic violence cases because women will lie and manipulate the system. That attitude is exactly what the UN was referring to – it is discriminatory and degrading to women – and dangerous. It results in postponed hearings or rejected petitions when women apply for orders for protection and an increased risk to victims.

The law itself may be discriminatory on its face that way – requiring independent evidence of the violence other than the victim’s testimony. Such language reflects a fundamental distrust of women and an ignorance of risk they face if orders are not issued promptly and offenders held accountable for violent behavior. It does not place women’s safety and security as the top priority.

The UN Declaration provided insightful direction with regard to legal reform. They made clear many years ago that one law could never effectively address VAW – rather all laws must be reviewed to ensure that services, support systems, educational programs and trainings are all in place to address fundamental inequalities in society that contribute to violence against women..

Second: Laws and policies that reflect the message of zero *tolerance for violence* will best protect women’s safety and security.

We must ask ourselves -do we really mean it when we say that no one ever deserves to be assaulted, that they have a fundamental human right to personal security and safety.

This is truly our challenge. Will we acknowledge our deeply entrenched expectations for women’s behavior and understand that we have used them as an excuse/a justification for violence? We often question what a woman did to deserve the violence and fail to focus on the violent conduct of offenders. Questions such as what did she do to annoy her husband,

what did she wear in the workplace to deserve that harassment, how aggressively did she really resist her trafficker?

Such questions undermine the message of zero tolerance. Some domestic violence laws have even allowed officials to examine whether victims provoked the violence. One law from South America required that a woman be “of good reputation” in order to qualify as a rape victim. Laws all over the world allow evidence of a victim’s past sexual life in rape cases – as if such evidence nullifies the violent conduct of a rapist. **That is not zero tolerance for violence.**

In the area of human sex trafficking, laws that focus on the victim’s state of mind – requiring proof that a victim truly felt forced to sell herself for sex fall back on these excuses and tolerate violence. This is a mistake I believe we have made in the language of our U.S. federal law on sex trafficking where we require proof of force, fraud or coercion to convict a sex trafficker. Our efforts to try to distinguish between someone who was forced into prostitution and someone who chose it will fail. We know that a life of sexual exploitation is something that women who have options will not choose. In the United States statistics show that the average age of entry into prostitution is 12 -14 years old. What kind of a choice was that? We will facilitate convictions of people who sexually exploit women and girls if we concentrate on the conduct of the violent offender, not the victim. Sweden has taken this to a new level through their prostitution law that criminalizes the buyer of sex, but not the prostituted woman.

There are other ways laws or system policies can undermine the message of zero tolerance for violence. For example, allowing for warnings to violent perpetrators before real sanctions are imposed sends the message that at least some violence in fact will be tolerated and present too many opportunities for abuse.

In many countries, the greatest challenge that still remains in sending the message of zero tolerance for violence lies with the criminal justice system. To effectively address domestic violence, it is not enough to pass a civil order for protection law that allows for police or courts to order offenders out of the home. Governments must amend criminal laws and codes of procedure to provide for affirmative arrest policies and aggressive

prosecution in domestic violence cases— and not just in cases of serious injury or homicide. These policies must of course be accompanied by training.

It is my understanding that Austria provides for such public prosecution as do many other countries now. The United Kingdom has been a leader in this area and certainly such prosecutor involvement was one of the central areas of legal reform on domestic violence in the United States over 30 years ago.

By ignoring low level injuries, our criminal justice systems tolerate violence and place women at serious risk. Repeated low level assaults should sound the alarm bell to law enforcement and prosecutors that the violence will escalate and that the risk of homicide is increasing. To ignore this and place the burden solely on victims to pursue prosecution of low level offenses is to ignore conclusive research about serious damage to victims and escalating danger these assaults present. Effective legal reform will only result from comprehensive scrutiny of all of our civil and criminal laws and right now urgently needs the attention of public prosecutors.

Third: Training is, of course, an essential component of successful legal reform.

The murder of Pam Taschuk in my home state has been a tragic but effective illustration of this need for training. And I'm sure you could site many more from your own jurisdictions. Training on risk assessment would have likely increased the judge's capacity to assess this lethal situation and may have prevented this murder.

Years of research has resulted in a greater understanding of when men are likely to kill their wives. Tools called risk assessments or lethality assessments have been developed by experts that identify factors that are reliable predictors of increased risk of injury or homicide. Some of these factors are -- access to firearms, prior threats to kill or attempts to strangle the victim. A number of these factors were present in Pam Taschuk's case and I would predict that these factors are similar in every country. If training on the use of these tools were available to every judge, prosecutor, police officer and service provider we all would likely see fewer women die at the hands of violent abusers. In Minnesota, since Pam Taschuk's murder, we have been working with court administrators to make sure that judges get the information they need to assess such risks.

Last: When government agencies and NGO service providers work together on their community's response to VAW and in implementing and monitoring new laws those laws are more effective in protecting women's safety and holding offenders accountable.

Through monitoring new laws a community can identify the gaps and address them through the legislature or through modification of policies and practices. In Bulgaria, a monitoring effort revealed an urgent need to criminalize the violation of an order for protection under their new domestic violence law. Working together, the Bulgarians were able to pass an amendment to their law to make this happen. By monitoring, the Bulgarians have also identified the urgent need for shelters and services. Like elsewhere, their law cannot work without this infrastructure of advocacy to support victims as they try to leave violent situations.

Monitoring need not always be in the form of a formal report. It may involve a system of meetings or communication between government actors and NGO's to talk about what is working and what is not. In Georgia, police and advocates have been working closely on the implementation of a new law and went together to the legislature to get the changes they need.

Women's individual stories of what happened when she sought protection under the law, not just statistics, can be powerful impetus to make the changes needed. Making the effort to truly listen to victims' expression of what are the needs, is essential to creating systems that work for women.

Through monitoring changes to our criminal code in Minnesota we learned that we could make all the changes we wanted to the language of the law to provide police with the more power to arrest violent offenders and increased sanctions for them upon conviction but that victims simply would not testify at trial, if they were threatened by their husbands (even from jail). So we amended the law further – to provide for no contact orders in criminal proceedings and promote prosecutor policies (called absent victim or evidence based prosecution policies) that allowed for prosecution even in low level misdemeanor assaults that could proceed without the victim.

Such policies of avoiding over-reliance on a victim's testimony and training law enforcement in enhance their investigative work. in fact are now being promoted in sex trafficking cases. United Kingdom Metropolitan Police developed this policy – now recommended by United Nations. This is an acknowledgement that victims of sex trafficking will continue to be coerced and threatened by traffickers and pimps – even after law enforcement is involved.

While we must acknowledge that there is no blanket approach to fighting VAW and each country must develop their own strategies –it is hopeful and useful to review strategies that do work.

In closing, perhaps the most important message I can communicate to you today is that getting technical assistance and expertise whenever drafting and implementing new laws and policies is absolutely critical. There are resources available, research, model practices and experts with years of experience in doing this legal reform work. Many of them are in this room. If people use those resources, their new laws and policies will undoubtedly work more effectively to promote women's safety and offender accountability. And when they are not used, we have seen too many examples of legal reform actually doing further harm to victims of violence.

There are many such resources, but very briefly some examples of these resources are the United Nations Report on Good Practices in Legislation on Violence Against Women published by the Division on the Advancement of Women, the OSCE's own recent report, Bringing Security Home: Combatting Violence Against Women in the OSCE Region: A Compilation of Good Practices and our own website StopVAW.

Conclusion

Kofi Annan quote *“There is no tool for development more effective than the empowerment of women. No other policy is as likely to raise economic activity and promote health. No other policy is as powerful in increasing the chances of education in preventing conflict or in achieving reconciliation.”*

The empowerment Kofi Anna refers to will not happen without our efforts to end violence against women and girls.

It has been a great privilege to work with so many of your countries on this effort over the last 16 years and I thank all of you and the OSCE for your commitment to this issue.

ANNEX IV. BIOGRAPHICAL INFORMATION ON KEYNOTE SPEAKERS, INTRODUCERS AND MODERATORS

Key-note Speaker: Ms. Cheryl A. Thomas, Women's Human Rights Program Director, the Advocates for Human Rights, US

Ms. Thomas is an attorney and Director of the Women's Human Rights Program at the US based NGO Advocates for Human Rights. The organization was founded in 1993 to advocate for protection and promotion of women's human rights in the US and worldwide. Ms. Thomas has an extensive work experience both, within the US and internationally, having worked with intergovernmental and civil society groups to raise awareness of gender-based discrimination against women. The Advocates has partnered with organizations in Central and Eastern Europe and the former Soviet Union to establish a global network of watchdog agencies working to monitor and report on developments in the field of combating violence against women. In 2004, the organization launched the www.stopvaw.org website, which has since served as an important forum for information sharing, advocacy and change in the field of violence against women world-wide. In 2008, Ms. Thomas was selected to serve as a leading expert and rapporteur of the United Nations Expert Group on good practices in legislation on violence against women and has played a leading role in developing the Handbook for Legislation on Violence Against Women.

Session I – Protection and Assistance to Victims of Violence against Women

Introducer: Ms. Sabiha Husić, Executive Director, Medica Zenica, Bosnia and Herzegovina

Ms. Husić is the Executive Director of the NGO Medica Zenica, working to provide psychosocial support and conflict transformation assistance to people traumatized during conflicts. Ms. Husić served as a member of the academic team developing the study course under the European Project for Interreligious Learning – an educational programme created to provide training students to understand and manage religious diversity in order to build equitable and peaceful communities. Medica Zenica is a women's non-governmental organization, staffed by professional psychologists and social workers, offering psychosocial and medical support to women and children who are victims of war and post-war related violence, including war rapes, domestic violence, and trafficking in human beings. Ms. Husić has studied Islamic theology and psychotherapy in Bosnia and Herzegovina.

Moderator: Ms. Ananda Millard, Senior Researcher, Bonn International Center for Conversion (BICC), Germany

Ms. Millard is a Senior Researcher at the Bonn International Center for Conversion where she works on research on wartime rape. She has extensive field research experience from conflict and post-conflict zones in multiple countries worldwide, including Bosnia and Herzegovina. Over the last 12 years she has conducted research on issues related to child soldiers, the impact of landmines on civilian populations, small arms and light weapons, armed violence and conflict resolution. Throughout her career, she has worked extensively on the development of methodological tools for use in difficult field research environments.

Session II – Investigation and Prosecution of Cases of Violence Against Women

Introducers: Mr. Oleksandr Musienko, Department of Public Safety, Ministry of Internal Affairs of Ukraine

Mr. Musienko joined Ukraine's police force as a precinct police officer in 1997, and following several years of working experience at one of the capital's police precincts, became the Chief Precinct Police Inspector in Kyiv with primary responsibility for domestic crimes. Following the adoption of the Law of Ukraine on Prevention of Domestic Violence in 2002 he was among the first practitioners to implement the law. In 2004 he co-authored a toolkit on Prevention of Domestic Violence for Precinct Police Officers. Starting 2007 Mr. Musiyenko works in the Department for Public Security of the Ukraine's Ministry of Internal Affairs, being responsible for the implementation of the law and analysis of domestic violence situation at the national level. Based on his hands-on experience in combating crimes of domestic violence, he, together with other officials at the ministry led active efforts to reform the law on domestic violence, in order to align it to internationally accepted human rights standards.

Ms. Sonia Chirinos, Judge, General Council of the Judiciary, Spain

Ms. Chirinos is a judge at the Gender-Based Violence Court #2 in Madrid and has more than 20 years of experience working as a judge, focussing, among other issues, on cases involving gender-based violence and domestic violence. Ms. Chirinos has served as the Adviser on Issues of Gender-based Violence and of International Judicial Co-operation to the Secretary of State of Justice. Additionally, she has directed three different support programmes in the field of Reform and Modernization of the State and Strengthening the Justice System in Latin America. In previous years, Ms. Chirinos has also served as the Inspector Delegate of the Spanish Courts, and General Director of Justice at the Council of the Judiciary. In the past several years Ms. Chirinos has been actively involved in providing expertise to ongoing reform initiatives for combating violence against women in the OSCE region.

Moderator: Ms. Genoveva Tisheva, Gender Research Association, Bulgaria

Ms. Tisheva currently serves as the Managing Director of the Bulgarian Gender Research Foundation, Director of the Women's Human Rights Training Institute, and is the former executive director of the Bulgarian Centre for Human Rights. Ms. Tisheva served as a member of the team of legal experts on gender issues advising the European Commission, and represents women's NGOs in the Advisory Committee on Gender Equality of Bulgaria - an advisory body to the Bulgarian Council of Ministers and in the Civil Society Council to the Minister of European Integration. In 2006, Ms. Tisheva served as the Regional Coordinator of a research project in the framework of the BHRN/ Balkan Human Rights Network/ "Prevention of trafficking for purpose of sexual exploitation" (final publication under

preparation). As a trained lawyer, her expertise lies in the reviewing and commenting on laws concerning victims of gender-based violence, including domestic violence, and participated in working groups for the elaboration of draft legislation on equal opportunities, combating trafficking in human beings and law for protection against domestic violence. She has led the drafting of the alternative reports to UN bodies and is member of the European Women's Lobby Observatory on Violence against Women.

Session III - Prevention of Violence against Women

Introducer: Mr. Vladimir Korotenko, NGO Social Technologies Agency, Kyrgyzstan

Mr. Vladimir Korotenko is a member of the leading human rights and gender-equality watchdog organization in Kyrgyzstan - Social Technologies Agency- which, together with other local NGOs has actively campaigned for the reform of Kyrgyzstan's laws and practices related to violence against women, including domestic violence, bride kidnapping as well as for the abolishing of polygamy. Furthermore, together with other civil society leaders, he has led the civil society's efforts to promote participation of women in political and public life through changes in Kyrgyzstan's constitution and electoral legislation. The Social Technologies Agency, with the support of the OSCE/ODIHR and the OSCE Centre in Bishkek has launched numerous public-awareness campaigns for combating gender-based discrimination and violence against women, which have led to successful reforms in country's legal and policy frameworks related to women's rights and gender equality.

Moderator: Ms. Jamila Seftaoui, Senior Advisor on Gender Issues, OSCE Secretariat

Jamila Seftaoui is the OSCE Senior Adviser on Gender Issues. Since 2007, she has been heading the Gender Section at the Office of the OSCE Secretary General. An experienced manager of international development programmes and a gender expert, Ms. Seftaoui has focused much of her 18 years-long professional career on mainstreaming gender in national and regional economic and social policies and on building capacities for the full inclusion of women as planners, implementers, leaders and beneficiaries of efforts to build strong societies. She has worked in conflict-affected countries worldwide and served as senior adviser and team leader for the German Technical Cooperation (GTZ) in a number of overseas postings, such as Tanzania, Central African Republic, North Africa and on several West-African projects. She also served as a regional director for the South-South Partnership programme on behalf of the United Nations Fund for Population Activities (UNFPA) in Bangladesh. In her advisory and managerial capacity, Ms. Seftaoui has frequently written on women's rights and gender-based violence, on gender and health systems, on organizational development through gender analysis, on gender in the environment, migration, disarmament and economic inclusiveness.

ANNEX VI. OPENING AND CLOSING REMARKS BY AMBASSADOR JANEZ LENARČIČ, ODIHR DIRECTOR

OPENING REMARKS

*Excellencies,
Ladies and Gentlemen,*

It is with great pleasure that I welcome you to this OSCE Supplementary Human Dimension Meeting on ‘*Gender Equality with a Special Focus on Violence Against Women*’.

I would first like to express my appreciation to the Greek OSCE Chairmanship for having proposed this topic. In 2002 already, combating and preventing violence against women was the subject of a supplementary human dimension meeting, but the angle chosen this year is different as it tackles the complex relationship between gender and violence. This is a welcome approach, and, as we will see later today and tomorrow, indicative of both the magnitude and intricacies of the challenges ahead of us.

My appreciation also goes to other OSCE institutions and field operations not only for their participation in this meeting, but also and most importantly, for their contribution to overcoming these challenges within their respective mandates. I also appreciate the participation of our partner international organizations and representatives of civil society from across the entire OSCE region.

Ladies and Gentlemen,

A life free of violence is an inalienable and fundamental right of all, women and men alike. Nevertheless, women continue to be exposed to gender-based violence, within their homes and in their communities, sometimes perpetrated or condoned by state actors.

Gender inequalities actually increase the risk of violence by men against women and inhibit the victims’ ability to seek protection.

Concerted action at the international level over the last several years has succeeded in having the issue considered within the **broader human rights framework**. In this context, emphasis is placed on the responsibility of states to make all necessary efforts to **prevent** all forms of violence against women, to **prosecute** perpetrators and to provide adequate **protection** to victims of violence.

At the 2005 Ministerial Council in Ljubljana, OSCE participating States confirmed their commitment to addressing violence against women. *MC Decision 15/05 on Preventing and Combating Violence against Women* reaffirms the commitment of the OSCE States to existing international legal instruments that recognize violence against women as a violation of fundamental human rights. The Decision also urges participating States to – I quote - “*ensure that all female victims of violence will be provided with full, equal and timely access to justice and effective remedies, medical and social assistance, including emergency assistance, confidential counselling and shelter*”. It also urges States to “*adopt and implement legislation that criminalizes gender-based violence and establishes adequate legal protection*” (MC. DEC/15/05, 6 Dec 2005, §§4 i, ii).

One year earlier, in Sofia, the Ministerial Council adopted the *OSCE Action Plan for the Promotion of Gender Equality*, which calls on States to make the prevention of violence against women a priority and to address it by taking proactive steps through law and policy.

Drawing upon these commitments and developments, allow me a few observations that could guide our discussions today and tomorrow.

Clearly, at the core of all of our efforts is the recognition that gender equality is essential to peace, democracy, economic development and therefore to security and stability – the OSCE’s core business, if you wish. Violence against women is global, systemic and rooted in power imbalances and inequalities between men and women. It is also based on long-standing stereotypes, and compounded by a history of impunity for perpetrators of violence.

These phenomena cannot be effectively fought if their root causes are not acknowledged at the highest level of state authorities within a society. While concrete measures can achieve a lot, there is little they can do if there is no public acceptance of what is at stake, of what needs to be done, and how this needs to be done. Combating harmful stereotypes requires more than one-off measures that may look nice on paper; it requires action at all levels of society, in different forms, through different means, from education to politics.

In other words, it requires an inter-disciplinary, rights-based approach particularly in the three areas we will focus at this meeting: protection, prosecution and prevention.

Protection: We should aim at comprehensive and integrated protection measures and support services. This includes immediate responses such as **legal, psychological and medical support**, but also encompasses mitigating the consequences of violence through **housing, financial and employment assistance**.

Prosecution: As I said, there is a long history of impunity that explains today’s reality. In order to end impunity for violence and in order to secure effective prosecution, it is the State authorities – and not the victims - that need to take responsibility and respond accordingly. Effective investigation and prosecution of crimes of violence against women, leading to appropriate sentencing of perpetrators, **sends a strong message of zero-tolerance for violence against women**.

Finally, prevention: Three types of preventive measures need to be distinguished:

- (1) preventive measures in the narrow sense, aimed at preventing violence from happening through a wide range of initiatives that address the root causes of violence;
- (2) another set of measures include the immediate response intended to mitigate harm after violence has occurred; and
- (3) measures of long-term care and support for the victims.

Prevention is a multi-faceted effort, and can be conducted at the international, regional, national and local levels.

Ladies and Gentlemen,

The OSCE, with all its components, takes concrete actions to support participating States in implementing their commitments in this field.

The ODIHR works with participating States to promote women's rights, gender equality and to combat violence against women. We conduct activities that aim to ensure that women's rights are known to women and men, and that they are protected by law and in practice. This work includes capacity-building for professionals working on these matters, such as law-enforcement personnel. Real achievement depends on the level of mobilization of society as a whole, and I should add that we at the ODIHR have been particularly keen on promoting and supporting co-operation between state and non-state actors in this field.

Let me also point out the work carried out by the OSCE's Gender Section, which has recently compiled a resource guide for practitioners and policy makers entitled: *Bringing Security Home Combating Violence Against Women: A Compilation of Good Practices*.

Ladies and Gentlemen,

This meeting is an opportunity to share such good practices and to review the progress achieved. In order to continue to move ahead we must identify the approaches that have proven successful, but also to examine the challenges that still lie ahead.

I am looking forward to a fruitful and enlightening discussion and thank you for your attention.

CLOSING REMARKS, 6 NOVEMBER 2009

Excellencies, Ladies and Gentlemen,

Following two days of intense discussions, allow me to review some of the key points made, that I hope we will all take with us from this Supplementary Human Dimension Meeting.

Protective measures for victims of violence against women were the focus of the first session. We heard about the experience of an NGO from Bosnia and Herzegovina that has done very useful work to address violence against women, beginning during the war. The problems faced nowadays are different, but the focus of their efforts is still on providing psycho-social support to women who approach them. This support has recently been expanded to empowering women economically, and to tackling the scourge of domestic violence. One lesson from their experience is the importance of having men involved in the work carried out to address violence against women. This remains a challenge, and more efforts are needed.

In the second session, discussions concentrated on the prosecution of perpetrators of violence against women. The lessons that can be drawn from the interventions of the two introducers, one coming from the police in Ukraine and the other one from the judiciary in Spain, is the need for full clarity as to the specific responsibilities of different actors in terms of both prosecuting perpetrators of violence and protecting the victims.

This requires **specific measures** to be taken at the stage of the investigation and sufficient **resources** in support of such measures. It also means close co-operation of all those, institutions and individuals alike, who are involved in identifying, protecting and supporting not just victims but also potential victims.

It has also been stressed that laws on violence against women must be **clear and comprehensive** in scope. The clearer the definition provided in the law, the more likely it is that cases of violence against women are properly prosecuted.

Prevention of violence against women was the subject of the last session. Prevention is a **cross-cutting theme** with ramifications in all areas discussed at this meeting. The last session underscored the importance of creating conditions within societies and justice systems that deter violent actions.

There must be a clear message of a zero tolerance of violence, but for this to happen, a comprehensive approach is needed.

A call for zero tolerance of violence was also at the centre of the impressive key note speech delivered by Ms Cheryl Thomas.

Allow me to recall the **key points** she made:

- Violence against women is **rooted** in the **unequal position of women and men in society**. Achieving gender equality is thus not just a goal of its own but paramount for preventing violence against women;
- Second, **legal reform is a key step**, and legislation needs to comply with the relevant international standards, draw upon examples of good practice available from other countries, and also take lessons from what did not work;
- Third, the **impact of laws must be assessed**, and such assessments should involve a broad range of expertise and interests; it should not be confined to the law enforcement dimension, but also take a comprehensive look at all aspects covered by the legislation, including social assistance and psychological care.

Ladies and Gentlemen,

The ODIHR has long-standing experience in providing legal advice on draft and existing legislation in the field of gender equality and violence against women. We are supporting cooperation of law enforcement and civil society in combating domestic violence. We also assist participating States in enhancing their efforts to integrate issues of women's rights and gender equality in the security sector.

Let me conclude here, by thanking all of you who attended this SHDM and contributed not just with ideas and expertise, but also for your dedication and enthusiasm.

Thank you also to the introducers for their thorough insight into the issues we had on the agenda, and for the detailed answers they provided to the many questions that came from the floor.

Thanks also to the moderators for their ability to keep the discussions free-flowing and orderly. Finally, my thanks go to the interpreters and to the ODIHR team for their hard work in preparing this meeting.

With this, I would like to bring this SHDM to a close.

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