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OSCE HUMAN DIMENSION IMPLEMENTATION MEETING 2006 STATEMENT IN WORKING SESSION 4: TOLERANCE AND NON- DISCRIMINATION I

Prevention of violence against women

In **Albania, France, Georgia, Spain, Russia and many more Participating States** tens of thousands of women are hit, beaten, raped and in some cases even killed by their husbands or partners. Amnesty International's research indicates that many Participating States are failing to implement fully their commitments to exercise due diligence to prevent, investigate, and punish perpetrators of violence against women and to provide protection to victims. Violence against women in the family – domestic violence – is a fundamental violation of human rights.

A recent Amnesty International report on **Georgia** outlines past government failure to protect women from further violence, to deal adequately with complaints and to initiate criminal prosecutions. At the same time it calls on the authorities to urgently and effectively implement recent legislation.

Amnesty International considers that the adoption by the Georgian Parliament in May 2006 of the Law of Georgia on Combating Domestic Violence, Prevention of and Support to Its Victims (Law on Domestic Violence) was an important step forward in meeting the government's obligations to prevent domestic violence and to protect survivors of such violence. The law introduces for the first time a definition of domestic violence into Georgian legislation. In addition, it provides a legal basis for the issuance of protection and restraint orders. A major drawback of the law, however, is that while stipulating that temporary shelters for victims of domestic violence should be set up, the implementation of this provision has been postponed until 2008.

During a televised debate of the first reading of the law in parliament in February 2006 many parliamentarians ridiculed the issue of domestic violence and made jokes about the law. Their behaviour demonstrated that discriminatory views towards women are still deeply entrenched in society. To date, in Georgia most work in relation to prevention of domestic violence and protection of victims has been carried out by NGOs, with virtually no financial or other material support from the authorities.

Amnesty International believes that in order to put in place a system that provides protection to women and aims at eradicating domestic violence, strong political will is needed and concerted

action must be taken by the authorities. It is crucial that the Georgian authorities closely cooperate with local NGOs working on domestic violence when devising strategies on how to implement the relevant international principles and how to apply them in the Georgian context.

A recent Amnesty International report presents a comprehensive discussion of the types of violence experienced by women in **France**

The report focuses on two major types of violence:

- Violence against women by a spouse or partner, irrespective of the origins, nationalities, occupations or social positions of the women concerned;
- Trafficking in women for the purpose of prostitution.

The report also explores gender-based violence and the obstacles to justice faced by migrant women, in particular in relation to forced marriages and female genital mutilation.

Amnesty International calls on the government of France to design and implement appropriate legislation and an inter-ministerial action plan – specifically focusing on prevention, prosecution, punishment and compensation, thus ensuring that the French government shows due diligence in eradicating gender-based violence against women on French territory, both domestically and in the context of trafficking for the purpose of prostitution;

In **Spain** Amnesty International has taken a keen interest in the drafting and progress of the Basic Law on Comprehensive Protection Measures to Tackle Gender-Based Violence (*Ley Orgánica de Medidas de Protección Integral contra la Violencia de Género*), which we shall refer to as the "Law Against Gender-based Violence" and made recommendations in relation to it during its passage through parliament.

The organization welcomed the step taken by the Spanish government to adopt a law designed to protect the rights of women facing gender-based violence.

On the first anniversary of the full entry into force of the Law Against Gender-based Violence, Amnesty International assessed the progress of its implementation to monitor the effectiveness of the measures introduced. Within this first year, some of the measures provided for have been adopted. These include:

- The creation of a Special Government Office dealing with Violence against Women;
- The establishment of specialized courts dedicated to hearing cases of violence against women;
- The creation of the National Observatory on Violence against Women;
- The appointment of a Public Prosecutor to deal with cases involving Violence against Women.

Nonetheless, the lack of material and human resources remains an enduring factor in every link of the chain of agencies responsible for assistance, protection and justice in the face of gender-based violence. Amnesty International is calling for a sufficient and appropriate budgetary allocation to enable the measures set out in the Law Against Gender-based Violence to be put into practice.

Those resources which are available continue to be inadequate and unevenly distributed. Women who are irregular migrants are not entitled to the same assistance as Spanish nationals under the new Law.

One major shortcoming identified in every field subjected to analysis in this report concerns compulsory, adequate training, sensitive to gender issues and which probes deep into the roots of violence, designed for all professionals working with victims of gender-based violence. Currently, fewer than 10 per cent of health professionals, both men and women, benefit from any training.

This is an area of vital importance in dealing with physical and psychological consequences in victims of gender-based violence and the early detection of this kind of violence. In spite of the commitments made in the Law Against Gender-based Violence, violence against women does not appear to be a priority in the health sector; it is not included in the health indicators for the population or in the current draft Mental Health Strategy.

With regard to policing, Amnesty International welcomes the increase in numbers of specialist units in the national security forces, but points out that the number of such units is still insufficient. Amnesty International stresses the need for training initiatives not only for members of specialist units, but for police officers in general.

The road to justice is still barred by obstacles. Although the Law Against Gender-based Violence establishes the right to free access to justice for women, there is presently no lawyers' association (including those in Madrid and Vitoria and throughout Andalusia) providing legal representation for victims at police stations, resulting in a lack of legal assistance available for women when they file a complaint. On the other hand, the filing of a complaint can be a risky procedure for women who are irregular migrants in the country as they risk expulsion if their attempt to obtain a protection order is unsuccessful. This has a dissuasive effect on these women who wish to file a complaint.

Amnesty International believes that a specialized judicial response to gender-based violence is fundamental. However, the courts are not able to guarantee victims their privacy or security, due to lack of resources, excessive workload, delays in processing the civil cases and most significantly, a lack of staff training.

In **Albania** Amnesty International welcomes reports in the Albanian press earlier this year that the Director General of the State Police had "issued a directive for measures to be taken to implement the recommendations of Amnesty International for the protection of women who are victims of violence in the family."

Among the measures reportedly included in the directive which were recommended in the recent Amnesty International report are that police should refer women with physical injuries to a forensic medical specialist; that local police are required to give priority to all telephone complaints from injured women or witnesses concerning domestic violence, and to give immediate assistance, with the aim of protecting them from the risk of further violence; and that local police directors are required to cooperate with women's NGOs, to facilitate the help and support they give to women who suffer domestic violence.

The Director General of Police has also apparently asked, in his directive, that police directors should take disciplinary measures against police officers who neglect or treat with indifference complaints or reports of ill-treatment by women. The State Police have set up a new dedicated telephone number - 129 - for citizens to use to report incidents of domestic violence.

Despite these welcome developments, Amnesty International has outstanding concerns relating to the actual implementation in practice of the directive, as well as full implementation of the recommendations made in the report.

In 2005 Amnesty International published its research on domestic violence in the **Russian Federation**, there is no legislation on prevention and prosecution of domestic violence. Without shelters, restraining orders and adequate legal support, women find it very difficult and often too dangerous to take legal action against the perpetrator. Among those who do turn to the police the number who later withdraw their complaint is very high, which – according to many police officers Amnesty International spoke to - led the police to not take such complaints seriously in the first place. While women's NGOs in Russia consider the high incidence of domestic violence to be a threat to national security, the Russian authorities have yet to acknowledge the seriousness of the problem and recognize its responsibility and obligation towards the victims of domestic violence. Amnesty International calls on the Russian authorities to review its legislation in view of CEDAW and Council of Europe recommendations to end violence against women in the family and encourages local, regional and federal government authorities to cooperate with non-governmental organizations working against violence against women to develop sustainable mechanisms to protect women from violence in the family.