

**SUPPLEMENTARY HUMAN DIMENSION MEETING
“PREVENTING AND COMBATING VIOLENCE
AGAINST WOMEN”
FINAL REPORT**

Vienna, 18-19 March 2002

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EXECUTIVE SUMMARY

The OSCE held the first of the three Supplementary Human Dimension Meetings for 2002 in Vienna on 18-19 March. The meeting was dedicated to the topic of "Preventing and Combating Violence Against Women". The meeting was organized by the Portuguese OSCE Chairmanship and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR). It gathered 191 participants from 55 OSCE participating States, including more than 60 representatives from the NGO community. Mediterranean Partners for Co-operation, international organizations as well as OSCE institutions and field operations were also present.

The aim of the meeting was to address three categories of issues:

- Domestic violence against women as a human rights violation: its causes, manifestations, prevention and elimination.
- Violence against women in the community – private and public human rights violations in the workplace, in public institutions and by law enforcement officials: measures for intervention and redress.
- Women and conflict – pre and post conflict stages; women's role in conflict prevention and post-conflict transformation; ensuring physical, economic and social security in transformation efforts; best practices and lessons learned in the OSCE region.

The meeting sought to develop recommendations based on best practice across the OSCE region. Delegations, international organisations and NGOs were invited to make recommendations for ways to improve the implementation of relevant OSCE and international commitments. A background note containing definitions, international standards and OSCE commitments related to the issue of preventing and combating violence against women was prepared for this meeting and circulated among the participants. A compilation of OSCE commitments relating to gender equality and non-discrimination was also published and made available for participants.

In the Opening Plenary introductory remarks were made by the Moderator, Ambassador Joao de Lima Pimentel, Chairman of the Permanent Council, on behalf of the Portuguese OSCE Chairmanship. The keynote speeches were delivered by Ms. Hina Jilani, Special Representative of the UN Secretary General on Human Rights Defenders, and Ms. Anna Maria Braga da Cruz, President of the Portuguese Commission on Equality and Women's Rights.

Discussions then followed in three consecutive working sessions.

Discussions in **Working Session 1** focused on the obligation of states to address domestic violence, and examined ways to prevent and combat such violence. The two introducers provided ample food for thought and helped to start the discussion. The home, which is supposed to be like a fortress, in fact poses a threat to many women. It was underlined and illustrated that domestic violence is a characteristic of any society no matter how rich or poor it is. Research has shown that there is no ground for the popular assumption that links domestic violence with poverty, lack of education and alcohol consumption. Ms. Teresa Rosamaninho described a new program she runs in Portugal, which is intended to provide training, public outreach and appropriate facilities for Portuguese Police Officers to respond

positively and effectively to cases of domestic violence. A lively question and answer session followed as participants sought to understand and benefit from this Portuguese example. The participants agreed that a qualified police force is important for dealing with the issue of domestic violence. However, many stressed that police intervention is just one element in the broad package of necessary short-term and long-term measures, including other institutions such as courts, and medical and social centres. Participants discussed the necessity of addressing the issue at schools and to educate children (both boys and girls) in order to fight stereotypes. There was discussion on possible legal remedies for victims and on the appropriate way to deal with perpetrators. All participants agreed on the need to combat cultural views condoning violence and other forms of gender discrimination, and to change this mentality. States were encouraged to take their responsibility, and not to tolerate forced marriages and so-called "honour killings". A number of delegations described their government policies, which could be taken as examples of best practices. The OSCE was encouraged to monitor court procedures dealing with violence against women. States were encouraged to design comprehensive measures to prevent and combat domestic violence, protect victims and deal with perpetrators.

Working session 2 focussed on violence against women in the community. Again, following presentations by two experienced workers in the field, there was a lively discussion by a significant number of participants. The discussion encompassed violence in all settings of the community, and included, but was not limited to, sexual harassment in the workplace. The Norwegian example where violent men receive psychological treatment aroused much interest, and men's involvement as change agents was seen as highly desirable. Some participants made interesting interventions describing legislation and national plans of action in their own countries. They also highlighted the particular challenges and difficulties that they faced. In this connection it was underlined that explicit commitment of an institution to combat gender-based violence is an important condition for change in people's behaviour. The participants agreed that violence against women in the community was not only limited to formal institutions such as schools and offices but also occurred in informal settings such as on the street. It was highlighted that violence against women in the community is carried out both by state actors and private individuals. A number of participants commented that violence in the community is a consequence of the unequal or disadvantaged position of women in society. Participants agreed on the importance of legislation, and education and awareness raising for boys, girls, men and women alike.

Discussions in **Working Session 3** concentrated on the violence women experience in times of conflict and during the post-conflict stages. Participants spoke about changes in women's social and economic status and their vulnerability due to different factors related to the conflict. The issue of protecting the identity of women witnesses of war crimes such as rape was discussed, as well as the urgent need for post-trauma counselling services. Domestic violence was seen to have escalated after armed conflict was over. Participants brought up the problems of women refugees and displaced persons, as well as the increase in the incidence of trafficking due to the presence of many international staff. Concern was expressed that women were excluded from participation in peace-building and transformation of their societies as actors and as beneficiaries. In this respect, the need to observe Security Council Resolution 1325 was underlined.

A presentation of the OSCE/ODIHR Legislative database ("Legislationline") was organized at the margin of the meeting. This free-of-charge online database aims to provide assistance to legislators, in particular in transition countries, in drafting domestic legislation in line with

European and International Human Rights standards. The database features legislation in areas of law relevant for OSCE human dimension commitments. It is broken down into 13 topics (listed on the homepage). The website provides quick comparative information and enables users to find provisions they want to look at, instead of being drawn into browsing extensive lists of laws. Given the subject of the meeting, the presentation was focused on legislation dealing with gender equality, and particularly legislation on violence against women.

The meeting concluded with a Closing Plenary where the recommendations of the three Working Sessions were presented by the moderators and further discussed and elaborated upon by the participants. Concluding remarks on behalf of the Portuguese OSCE Chairmanship were made by Ambassador Joao de Lima Pimentel.

I. RECOMMENDATIONS

This report, just as the meeting itself, focuses on concrete recommendations arising from the three working sessions. These recommendations – from delegations of OSCE participating States and Partners for Co-operation, international organizations and NGOs – are wide-ranging and aimed at various actors (OSCE institutions and field missions, governments, NGOs). The report contains a combination of recommendations identified during the working session discussions and in written recommendations submitted by the participants during the course of the meeting.

It is emphasized that the OSCE cannot implement all of these recommendations. The recommendations have no official status, are not based on consensus, and the inclusion of a recommendation in this report does not suggest that it reflects the views or policy of the OSCE. Nevertheless, the recommendations are a useful indicator for the OSCE in deciding priorities and possible new initiatives in developing programmes aimed at preventing and combating violence against women. They can also provide a basis for measuring the degree of follow-up to this meeting.

Outcome of Working Session I

DOMESTIC VIOLENCE AGAINST WOMEN

Moderator:

Mr. Steven Wagenseil, First Deputy Director, OSCE/ODIHR

Introducers:

Ms. Helle Degn, Commissioner for the Council of Baltic Sea States

Ms. Teresa Rosmaninho, Co-ordinator of Police Project “INOVAR”, Portugal

The following recommendations were made in Working Session I:

Recommendations to the OSCE participating States

- The OSCE participating States should ratify and implement all relevant treaties, including the CEDAW and its optional protocol, ICCPR, ICESCR, CAT, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination. States should ensure that these treaties are reflected in national legislation;

- The OSCE participating States should adopt national laws on domestic violence and establish adequate legal protection against all acts of violence against women whether committed by state officials or private individuals, and they should periodically review, evaluate and revise these laws including immigration regulations to ensure their effectiveness in eliminating violence against women;
- The OSCE participating States should ensure that there is co-ordination and co-operation among the relevant state institutions as well as with NGOs in addressing the issue of prevention and combating domestic violence;
- The OSCE participating States should clearly and publicly condemn acts of violence against women;
- The OSCE participating States should make efforts to prevent and punish domestic violence and any harmful traditional or customary practices affecting women's health;
- The OSCE participating States should adopt policies and legal safeguards in order to strengthen preventive measures, protect the fundamental human rights of victims, ensure proper investigation and prosecution of persecutors and provide social assistance to victims of domestic violence;
- The OSCE participating States should have national and decentralized programmes to address domestic violence, with both national and regional committees established. Such committees should include NGOs and local representatives as well;
- The OSCE and the OSCE participating States should provide gender awareness training to police officers and police monitors. Police officials should be able to recognize the problem of domestic violence, should take complaints from the victims of domestic violence and should be aware of their needs;
- The relevant institutions of the OSCE participating States (such as police, prosecutors and courts, the medical and social professions) should draw up medium- and long-term co-ordinated action plans, which provide activities for the prevention of violence and the protection of victims;
- The OSCE participating States should recognize that violence against women is a major structural and societal problem based on the unequal power relationships between women and men and should therefore encourage the active participation of men in actions aiming at combating violence against women;
- The OSCE participating States should promote research, data collection and networking at national and international levels, as well as the establishment of research centres dealing with equality issues, in particular with violence against women. Statistics on the prevalence of violence against women in the family should be made public and should be disseminated widely and shared with international partners;
- The OSCE participating States should target schools as primary education establishments to address the issue of domestic violence. Special subjects should be taught to children (with a special emphasis on boys) in order to change attitudes on male-female relationships and on the issue of domestic violence;
- The OSCE participating States should ensure that no woman or girl is forcibly returned to a country where she risks being tortured, including where the state fails to protect against torture or abusive treatment by non-state actors;
- The OSCE participating States should ensure that women who have suffered abuses are not subjected to further abuses in the process of seeking redress either because of gender insensitive laws, practices or other interventions by state officials. Law enforcement agencies should not discriminate against women from immigrant or minority communities who report abuses. States should appoint police investigating officers who specialise in such cases, and who are given additional training in the issues surrounding violence against women and the use of medical and other forensic evidence;

- The OSCE participating States should provide special training to all prosecutors, judges and lawyers to enhance understanding of violence against women, its causes and consequences. Courts at all levels should identify specialized prosecutors to handle cases of abuse and rape, who should receive additional training in the issues surrounding gender violence;
- The OSCE participating States should ensure that victims of violence and their dependants are entitled to obtain prompt reparation including compensation, medical care and rehabilitation;

Recommendations to the OSCE institutions and field missions

- Specialized training should be provided to OSCE field mission members regarding such issues as mediation and work with women survivors of domestic violence;
- OSCE field missions should co-operate with governments of the participating States, as well as with international, intergovernmental and non-governmental organizations working on the issue of domestic violence and gender sensitivity;
- Court decisions and procedures should be monitored in order to ascertain whether the legal system presents a barrier to the fight against domestic violence
- The newly established Senior Police Adviser to the OSCE should develop and present a "toolkit" for police officers, which includes information on how to deal with cases of domestic violence;
- The experience of the OSCE in training of police officers should be further used in this regard;

Recommendations to others

- NGOs should play a primary role in addressing the needs of survivors of domestic violence;
- The intergovernmental bodies, which address the issue of torture, should ensure that their work is gender sensitive. An increasing number of the women-experts should participate in these structures. Those involved in such work should receive gender-sensitive training;
- A comprehensive gender analysis should be made by the UN and other intergovernmental bodies. This gender analysis should be applied to monitoring and reporting;
- The Spanish initiative to raise awareness about domestic violence at the European level should be supported. A campaign is to be launched on 6 December 2002.

Outcome of Working Session II

VIOLENCE AGAINST WOMEN IN THE COMMUNITY

Moderator:

Ms. Madeleine Rees, UNHCHR, Bosnia and Herzegovina

Introducers:

Ms. Alie Kuiper, Director of the Expert Centre for Sexual Harassment, Bureau Bezemer and Kuiper, the Netherlands

Mr. Per Isdal, Executive Director "Alternative to Violence", Oslo

The following recommendations were made in Working Session II:

Recommendations to the OSCE participating States

- The OSCE participating States should ratify and implement all relevant treaties, including the CEDAW and its optional protocol, ICCPR, ICESCR, CAT, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination. States should ensure that these treaties are reflected in national legislation;
- The OSCE participating States should ratify and comply with the International Labour Organisation (ILO) conventions on the rights of migrant workers so as to reduce violence against women migrant workers;
- The OSCE participating States should clearly condemn all acts of violence against women in the community;
- The OSCE participating States should ensure that their legislation provides for a criminal and civil legislative framework to cover all forms of violence against women in the community, whether committed by state officials or private individuals. Special provisions relating to violence against women should be introduced. This should encompass all forms of violence against women in the community and should not be limited to the sphere of labour law;
- The OSCE participating States should train all the relevant professionals and institutions which are involved in this issue. This includes judges and lawyers, the police, employers and trade union representatives. This training should enhance the understanding of violence against women, its causes and consequences. States should also undertake legal literacy campaigns to inform men and women of women's rights;
- The OSCE participating States and the OSCE should continue their efforts in increasing representation of women in decision-making posts in order to obtain an equal representation of women at all levels of decision-making bodies: national, international and local;
- The OSCE participating States should recognize that discrimination against women is a key contributory factor to violence against women. The participating States should therefore periodically review, evaluate and revise their laws and codes to ensure that they do not discriminate against women;
- The OSCE participating States should ensure equal enjoyment of social and economic rights for men and women. The economic dependence of women perpetuates violence against them;
- The OSCE participating States should collect and make public reliable statistical data on the incidence of violence against women in the community at the national level;
- The OSCE participating States should recognise the special needs of vulnerable groups, particularly women refugees and asylum seekers. National remedies and institutions should be made more easily accessible for these women;

Recommendations to the OSCE institutions and field missions

- The OSCE Representative on Freedom of the Media should develop training programmes for journalists on gender sensitivity;
- The OSCE Parliamentary Assembly should make full use of its possibilities in mobilizing national parliaments and public opinion in the participating States to strengthen women's political participation, to develop national action plans to combat violence against women and to promote equal opportunities in general;

- The OSCE/ODIHR should promote the principle of state responsibility in preventing, investigating and punishing acts of violence against women, whether perpetrated by officials or private persons;
- Violence against women is linked with their economic and political situation. Accordingly, the OSCE should mainstream this issue into the economic and political dimensions of the OSCE;
- The OSCE/ODIHR should work closely with NGOs on the issue of preventing and combating violence against women;
- The OSCE/ODIHR should promote research and data collection on facts of domestic and community violence at the international level;
- The OSCE/ODIHR should closely monitor developments on this issue within the OSCE region.

Recommendations to others

- NGOs should organize meetings in their home countries to follow up upon this Supplementary Human Dimension Meeting.
- NGOs should encourage the active involvement of men in their efforts to eradicate violence against women in the community.

Outcome of Working Session III

WOMEN AND CONFLICT: PRE- AND POST-CONFLICT STAGES

Moderator:

Ms. Duska Andric-Ruzicic, President of Association and Coordinator of Medica-Infoteka

Introducer:

Ms. Julia Baly, Trial Attorney, International Criminal Tribunal for the Former Yugoslavia

The following recommendations were made in Working Session III:

Recommendations to the OSCE participating States

- The OSCE participating States should implement gender-sensitive human rights and humanitarian law training for all army personnel as well as personnel involved in the UN or regional peace-keeping and humanitarian aid;
- The OSCE participating States should launch public campaigns on women in armed conflicts in order to stress that acts of violence against women, including sexual violence, are prohibited under both international human rights law and humanitarian law;
- For the OSCE participating States that have experienced conflicts, not only humanitarian assistance is required, but also transfer of expertise on how to set up support systems for survivors and deal with perpetrators of violence;
- The OSCE participating States should address and give due attention to problems arising as a result of conflicts (the existence of IDPs, hostages, increased violence in families, trafficking);
- The OSCE participating States should ratify the Rome Statute of the International Criminal Court and ensure that their national legislation is in line with the ICC's requirements;
- The OSCE participating States should apply the principle of universal jurisdiction. According to this principle any state can and should bring to justice those presumed

responsible for torture, crimes against humanity, war crimes and genocide, regardless of the place where the crimes were committed, the nationality of the person responsible and the nationality of the victim. All States should also co-operate in the detection, arrest, extradition and punishment of people implicated in these crimes;

- The OSCE participating States should implement a gender sensitive approach to refugee determination procedures and refugee protection. International protection should be given to those whom their own state is unwilling or unable to protect from abuses, including abuses committed by armed groups and private individuals.

Recommendations to OSCE institutions and field missions

- The OSCE and the international community should ensure that in the process of post-conflict transformation women and women's organizations are fully involved as decision-makers and actors;
- The OSCE and the OSCE/ODIHR should continue its programmes to promote women's role in civil society and politics;
- The OSCE should support the OSCE participating States in initiating processes for addressing violence that has occurred during conflict by designing measures to support survivors and bring offenders to justice;
- The economic position of women after conflict should be vigorously supported as an integral part of economic reconstruction/transformation. The OSCE should support women's participation in determining the directions for the future.

Recommendations to others

- Parties to a conflict, including armed opposition groups, should issue clear orders that torture, including rape and other sexual abuse of women and girls, will not be tolerated under any circumstances;
- In the process of post-conflict transformation women and women's organizations should be fully involved as decision-makers and actors;
- Donor countries, humanitarian agencies and national governments should fund and adopt gender-sensitive assistance programmes for women survivors of violence;
- Codes of conduct and guidelines to ensure that humanitarian assistance is gender-sensitive and does not discriminate against women should be adopted by all agencies involved in humanitarian programmes. Women must be given a voice in the design and implementation of assistance programmes;
- In order to break the cycle of repetition of role models, educational materials and school curriculum should be screened and improved.

ANNEXES:

1. AGENDA

Day 1

18 March 2002

9.00-10.00

OPENING SESSION:

Opening and welcoming remarks by Ambassador Joao de Lima Pimentel, Chairman of the Permanent Council

Keynote speeches by

Ms. Hina Jilani, Special Representative of the UN Secretary General on Human Rights Defenders

Ms. Anna Maria Braga da Cruz, President of Portuguese Commission on Equality and Women's Rights

Technical information by Ms. Lydia Grigoreva, Monitoring Unit, OSCE/ODIHR

10.00 - 10.30

BREAK

10.30 - 13.00

SESSION 1: DOMESTIC VIOLENCE AGAINST WOMEN

Moderator: Mr. Steven Wagenseil, First Deputy Director, ODIHR

Introducers:

Ms. Helle Degn, Commissioner for the Council of Baltic Sea States

Ms. Anna Maria Braga da Cruz, President of Portuguese Commission on Equality and Women's Rights

13.00 – 15.00

LUNCH

15.00-18.00

SESSION 2: VIOLENCE AGAINST WOMEN IN THE COMMUNITY

Moderator: Ms. Madeleine Rees, UNHCR, Bosnia and Herzegovina

Introducers:

Ms. Alie Kuiper, Director of Expert Centre for Sexual Harrassment, Bureau Bezemer and Kuiper, the Netherlands

Mr. Per Isdal, Executive Director "Alternative to Violence", Oslo

18.00

CLOSE OF DAY ONE

Day 2

23 October 2001

9.00 – 11.00

SESSION 3: WOMEN AND CONFLICT: PRE AND POST CONFLICT STAGES

Moderator: Ms. Duska Andric-Ruzicic, President of Association and Co-ordinator of Medica-Infoteka

Introducer:

Ms. Julia Baly, Trial Attorney, International Criminal Tribunal for the Former Yugoslavia

11.00 – 12.00

BREAK

12.00 - 13.00

CLOSING PLENARY

Moderator: Ambassador Joao de Lima Pimentel, Chairman of
the Permanent Council

Reports by the Working Session Moderators

Comments from the floor

Close

2. ANNOTATED AGENDA

OVERVIEW

International organizations, as well as the OSCE, have recognised violence against women not only as a pervasive and insidious phenomenon, but also as a serious human rights issue.

The UN Special Rapporteur on Violence against Women has divided the issue into three main categories: domestic violence, violence in the community and violence in connection with armed conflict. This meeting will address these three categories in the specific context of the OSCE region:

- Domestic violence against women as a human rights violation: its causes, manifestations, prevention and elimination
- Violence against women in the community – private and public human rights violations in the workplace, in public institutions and by law enforcement officials: Measures for intervention and redress
- Women and Conflict - Pre and post conflict stages; women's role in conflict prevention and post-conflict reconstruction; ensuring physical, economic and social security in reconstruction efforts; best practices and lessons learned in the OSCE region

The meeting will seek to develop recommendations based on the best practice across the OSCE region. Recommendations may be addressed to the OSCE as a whole, its institutions including the Office for Democratic Institutions and Human Rights, its field offices or the participating States.

SESSIONS

1. DOMESTIC VIOLENCE AGAINST WOMEN

Domestic violence against women is particular to their private persona and occurs most often in the context of family relations whether by blood, law or other relationship. It affects the lives of many women across the OSCE region regardless of their ethnicity, social and economic status, sexual orientation or cultural ties. It has a severe impact on the future of the child-witness of violence and results often in a vicious circle of violence reproduction.

Among the principal causes of domestic violence are socio-economic inequality together with cultural norms and traditions. Domestic violence is a violation of human rights, of the principle of non-discrimination, and of the freedom from torture and cruel and inhuman treatment. As a human rights violation, participating States have an obligation to combat and prevent domestic violence with all “due diligence”. Domestic violence has many manifestations including battery, sexual assault, marital rape, incest and honour crimes. Although these manifestations are crimes in most legal systems, they are infrequently successfully prosecuted. This lack of due diligence reinforces a cycle of abuse affecting not only women victims, but also other members of their families.

In order to break this cycle, it is necessary not only to pass effective legislation, but also to raise public awareness, and to train law enforcement officials, the judiciary, medical professionals, social workers and community leaders. These actions must be complemented by the provision of social services both to the victims and to their abusers.

Possible questions for discussion will be:

- What are the causes of violence against women
- What are the economic aspects?
- Is there a need for special legislation to address domestic violence or do provisions in the criminal and civil codes etc suffice?
- How can law enforcement officials and judges bring perpetrators to justice while ensuring the protection of victims' rights?
- What is the significance of this issue for the education of children?
- What social services does the state or civil society need to put in place to assist victims and their abusers and to break the cycle of domestic violence?
- How can the ODIHR and OSCE field missions co-operate with State authorities and civil society in order to prevent and respond to domestic violence?
- How can best practices be replicated?

2. VIOLENCE AGAINST WOMEN IN THE COMMUNITY

According to Article 2b of the UN Declaration on the Elimination of Violence against Women this category is defined as "Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution".

Rape is a crime of which usually women are the target. Sexual harassment and intimidation form a part of many women's everyday experience, whether in the street, public transport, the school or the workplace. Harassment by public officials (for example by police, prison guards) is a serious human rights violation. Public awareness that these types of violence constitute discrimination and human rights violation is often lacking.

Different strategies are needed to respond to different types of community based violence. Common to all are the need for adequate legislation, professional training, public awareness, and service provision to victims.

Possible questions for discussion during this session will be:

- What are the economic causes and effects?
- What problems do women face when seeking for justice?
- What problems exist in the legal sphere, and what reforms are needed?
- What is the role of the police and judiciary in protecting victims and bringing offenders to justice?
- How can support to victims be improved?
- How to increase public awareness on this issue?
- What are the roles of the state and civil society?
- How can the ODIHR and the OSCE support State authorities and civil society in combating these forms of violence?
- How can best practices be replicated?

3. WOMEN AND CONFLICT: PRE AND POST CONFLICT STAGES

During times of armed conflict civilian populations, especially women and children, may be subjected to many severe types of physical, often sexual, abuse, for example rape, systematic rape, enforced prostitution, sexual slavery, and forced pregnancy. Armed conflict and resulting changes in women's socio-economic status may cause specific forms of vulnerability, for example due to becoming the single head of household in a post-war crisis situation. The Vienna Declaration on Human Rights states that "violation of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law". Armed conflict often leads to displacement of which women and children are the most frequent victims.

Possible questions for discussions are:

- What experiences have been gained in promoting women's participation in conflict prevention?
- What socio-economic problems do women experience in post-conflict situations?
- What obstacles are there for women to play a role in post-conflict reconstruction?
- What experiences have been gained in post-conflict support to victims, for example in post-trauma rehabilitation?
- What problems are there in protecting and compensating victims, and bringing offenders to justice?
- How to deal effectively with post-conflict violence: domestic and community violence?
- What role can the ODIHR and OSCE play to support State authorities and civil society in dealing with these questions?
- How can best practices be replicated?

3. KEYNOTE SPEECHES

KEYNOTE SPEECH OF ANNA MARIA BRAGA DA CRUZ, PRESIDENT OF PORTUGUESE COMMISSION ON EQUALITY AND WOMEN'S RIGHTS

VIOLENCE À L'ENCONTRE LES FEMMES - UNE QUESTION DE DROITS DE LA PERSONNE HUMAINE

Le Portugal entend que sa Présidence de l'OSCE est une occasion de manifester une fois de plus son attachement à une politique des Droits de l'Homme, une politique d'enracinement de la démocratie et de l'Etat de Droit, et de consolidation de la paix, de la stabilité et de la prospérité dans le monde et, en particulier, dans le vaste espace euro-atlantique de Vancouver à Vladivostok. Cette réunion supplémentaire de la Dimension Humaine, qui débute aujourd'hui avec comme thème " Prévenir et Combattre la violence à l'égard des Femmes", s'intègre dans la dimension des droits de la personne humaine qui préoccupe l'OSCE et en est un objectif.

Travaillant depuis de longues années dans mon pays sur les questions de la violence - notamment sur la violence au foyer, la prostitution et le trafic - juriste, formée dans une profonde tradition des droits de l'homme, je suis heureuse en ce jour de pouvoir partager mes réflexions, mes doutes et mes espoirs.

La violence à l'encontre des femmes n'est pas un problème de femmes: c'est un problème qui concerne les hommes, c'est un problème de la société toute entière.

Kofi Annan, Secrétaire Général des Nations Unies a déclaré:

"La violence à l'encontre des femmes est peut-être la plus honteuse des violations des droits de la personne humaine. Elle n'a ni frontières géographiques, ni frontières culturelles ou de fortune. Tant qu'elle existera, nous ne pourrons affirmer avoir fait de vrais progrès sur la voie de l'égalité, du développement et de la paix."

La Déclaration Universelle des Droits de l'Homme (1948) interdit toute forme de discrimination fondée sur le sexe, garantit le droit à la vie, à la liberté et à la sécurité personnelle; elle reconnaît le droit à l'égalité face à la loi et une égale protection contre toute discrimination qui enfreindrait la Déclaration..

La Charte des Nations Unies comprend, comme l'un de ses principes de base, la coopération internationale dans le développement et l'encouragement au respect des droits de la personne humaine et des libertés fondamentales de toutes et de tous, sans établir de distinction fondée sur le sexe (article 1.3).

La Convention Européenne des Droits de l'Homme (article14) établit que la jouissance des droits de la personne humaine devra être assurée, sans discriminations, et notamment sans discriminations fondées sur le sexe.

Le principe de l'égalité et de la non-discrimination est donc l'un des éléments fondamentaux du droit international en matière de Droits de l'Homme: Déclaration des Droits de l'Homme (article 7), Pacte international sur les droits civiques et politiques (article 26), Convention Européenne des Droits de l'Homme (article 14). Le principe fondamental de l'égalité signifie que les personnes sont égales face à la loi et qu'elles ont droit à une protection égale de la loi.

Le principe de l'égalité exige que des situations égales soient traitées de manière égale et que des situations non-égales soient traitées de manière différenciée. Les mesures prises pour promouvoir une égalité pleine et effective ne sont pas interdites par le principe de non-discrimination, dans la mesure où elles correspondent à une justification objective et raisonnable: Convention Internationale sur l'Elimination de toutes les formes de Discrimination à l'encontre des Femmes (article 4 point 1); Recommandation R (85) 2 du Conseil de l'Europe sur la protection juridique contre la discrimination fondée sur le sexe (article 3); Traité instituant la Communauté Européenne (article 3)

Il faut également mentionner l'interdiction générale de discrimination - la jouissance de tout droit prévu dans la loi doit être garantie sans aucune discrimination de la part des autorités publiques: Protocole 12 de la Convention de Sauvegarde des Droits de l'Homme et des Libertés Fondamentales(point 1 de l'article 12).

Le principe d'égalité suppose l'idée fondamentale selon laquelle la démocratie n'existe qu'à travers la participation de chaque individu, femme et homme, sur un même plan d'égalité.

Le principe d'égalité des femmes et des hommes est une condition *sine qua non* de la démocratie et c'est un impératif de justice sociale - Déclaration sur l'Egalité entre les Femmes et les Hommes, Conseil de l'Europe, 1988. L'égalité entre les femmes et les hommes en tant que principe de base des droits de la personne humaine est un objectif fondamental pour une société démocratique bâtie sur la notion du plein respect de l'individu.

L'absence de protection contre la discrimination dans les relations entre particuliers peut être nette et grave au point d'impliquer clairement la responsabilité de l'Etat.

Les droits des femmes sont inaliénables et font intégralement partie des droits de la personne humaine: Déclaration de la Conférence des Nations Unies sur les Droits de l'Homme (Vienne 93).

La discrimination à l'égard des femmes non seulement viole les droits fondamentaux et le respect de la dignité des femmes, mais les empêche également de contribuer et participer à la vie politique, sociale, économique et culturelle, aux niveaux national et international, dans des conditions identiques à celles des hommes. Elle est un obstacle à l'amélioration et au progrès de la société parce qu'elle la prive de la contribution intégrale et complète de plus de la moitié de la population.

L'on constate, en termes de droit positif, l'absence de :

- reconnaissance d'une donnée évidente et incontournable: la dualité sexuelle de l'humanité qui impose l'égalité de statut de ses deux composantes: hommes et femmes.
- reconnaissance d'un droit fondamental à la non-discrimination et à l'égalité entre les femmes et les hommes - un droit individuel de statut des femmes et des hommes, judiciairement invocable et formulé de façon concise.
- protection légale de l'égalité entre les femmes et les hommes en tant que droit fondamental indépendant, notamment dans les relations entre particuliers.
- instrument légal qui garantisse le caractère effective du droit à l'égalité des femmes et des hommes.

Des clauses générales de non-discrimination n'existant pas d'une façon autonome et indépendante, celles-ci ne peuvent être invoquées, de façon subsidiaire, que quand l'on a

constaté une discrimination dans l'exercice ou la jouissance de l'un des droits fondamentaux déjà protégés. Ne sont appréciées que les conditions dans lesquelles un droit principal est exercé.

Le droit autonome à l'égalité entre les femmes et les hommes n'étant pas reconnu, il n'y a pas de protection contre la discrimination sexuelle par rapport à des droits non reconnus dans les instruments en question.

Par ailleurs, l'approche légale et conceptuelle de la discrimination en fonction du sexe est critiquable, dans les clauses générales de non-discrimination, parce que l'expérience et la pratique de la législation anti-discriminatoire montre que, dans les cas de discrimination fondée sur le sexe, ce dernier est, singulièrement, un facteur de nature structurelle. Tous les autres facteurs de discrimination (race, couleur, origine, religion, langue, opinion politique, etc.) sont expérimentés par les sujets sexués et de ce fait, sujets de droit sexués. Ce sont les sujets de droit sexués qui peuvent être soumis à des discriminations du fait de leur couleur, de leur religion, de leur handicap, etc.

Les inégalités en fonction du sexe ne peuvent pas être éradiquées en traitant le sexe comme une variable indifférenciée qu'il suffirait d'éliminer pour atteindre une égalité abstraite entre sujets de droit asexués. Cette approche fait fi de l'importance de la division sexuelle du travail, des tâches, des rôles, des ressources et des pouvoirs entre femmes et hommes, division qui est bâtie et entretenue par la société sur la base de différences biologiques de sexe.

Le sexe n'est pas un facteur variable en fonction du contexte légal, social, culturel ou géographique.

La différence entre les sexes est une caractéristique structurelle et permanente de l'humanité, humanité constituée de femmes et d'hommes, indépendamment de la couleur de leur peau ou de leur religion, et le respect des personnes exige que la dualité sexuelle des sujets de droit soit reconnue... Cette reconnaissance signifie tenir compte de la manière dont le genre structure la loi et l'organisation des relations sociales, économiques, politiques, privées et culturelles.

" Les femmes ne constituent pas une catégorie socio-légale digne d'intérêt ou de protection. Les femmes sont la moitié de l'humanité et elles ont droit à une égalité de statut avec les hommes en tant que droit principal, autonome et subjectif" (La citoyenneté européenne et les femmes. Eliane Vogel-Polsky- 1994). Cette approche contemporaine du droit à l'égalité substantive refuse de traiter les femmes comme si elles étaient des hommes ou de poursuivre des politiques abstraites d'assimilation entre les sexes; elle reconnaît pour chaque femme et chaque homme - en tant qu'être sexué- le droit inaliénable à la dignité et au respect des droits fondamentaux.

Il est donc important de reconnaître le droit fondamental à l'égalité des hommes et des femmes, ce qui présuppose de reconnaître que l'égalité n'est pas une condition subsidiaire de plus à la jouissance de tout droit fondamental.

La violence à l'encontre des femmes est une tache noire qui couvre de honte l'humanité toute entière. Phénomène si étendu que, selon des données, les femmes entre 15 et 44 ans risquent plus d'être victimes de la violence masculine ou d'en mourir qu'elles ne risquent d'être victimes d'un cancer, de la malaria, d'un accident de voiture ou de la guerre. Les Nations Unies réfèrent que 200 millions de femmes ont disparu: des femmes qui auraient dû naître ou

grandir mais qui ont été tuées suite à un infanticide ou un avortement sélectif. L'Afrique du Sud enregistre le plus fort taux de viols au monde. Une femme est violée toutes les vingt secondes; et seule une sur 35 porte plainte à la police.

Les mouvements sociaux, les mouvements de droits civiques, les mouvements de femmes ont entrepris des actions méritoires pour la reconnaissance de la citoyenneté des femmes: à l'heure actuelle, pratiquement dans le monde entier, les femmes ont le droit de voter et d'être élues. Mais l'on n'a pas encore assuré aux femmes le droit à la vie, à l'intégrité en tant que personne. Les femmes sont battues, achetées, vendues, menacées de mille manières.

En 1998, en Irlande, plus de la moitié des femmes assassinées l'ont été par leur compagnon ou leur mari. En Finlande, près de 22% des femmes ont été victimes de violences de la part de leur compagnon. Chaque semaine au Portugal, en moyenne, près de six femmes sont victimes d'un crime contre leur vie pratiqué par des hommes. Et nous pourrions poursuivre d'autres .

Il faut s'interroger sur le pourquoi de cela. Pour quelle raison la violence à l'égard des femmes a-t-elle été ignorée pendant des siècles: Dans les années 60, un tribunal portugais qualifiait le comportement criminel d'un mari comme " un pouvoir modéré de correction domestique". Un autre tribunal portugais "culpabilisait" deux jeunes victimes de viol en soulignant qu'elles n'auraient jamais dû aller à pied sur une route dans une région considérée comme "une réserve du mâle latin".

La situation doit être connue; les études sont importantes: études quantitatives et qualitatives, évaluation systématique des actions qui sont menées, des lois qui sont publiées et de la façon dont elles sont appliquées.

Le système légal doit être analysé et reformulé. En ce qui concerne la violence, il faut souligner le consensus atteint aussi bien par rapport à la définition même de la violence (voir la définition établie par le groupe d'experts du Conseil de l'Europe et de la Convention pour l'Elimination de toutes les formes de Discrimination à l'égard les Femmes), que par rapport aux politiques de prévention de la violence domestique et qui résultent de Conventions, Recommandations, Résolutions, Programmes et lois nationales.

Diverses évaluations effectuées peuvent cependant nous mener à conclure qu'il est nécessaire de passer de la théorie (dont fait partie l' appareil législatif) à la pratique. D'aucuns affirment qu'une campagne "tolérance zéro" devra s'étendre aux pouvoirs exécutif et judiciaire. Il faut savoir également comment rendre concret un fonds juridique vaste et si souvent dispersé. Il faut vérifier si le modèle de justice pénale en vigueur donne une réponse adéquate au problème spécifique de la violence à l'encontre des femmes. Il faut, au-delà du symbolisme sous-jacent, vérifier si la qualification du crime pour mauvais traitements comme crime public - dépendant ou non de la plainte de la victime- sert mieux ou pire les intérêts de la victime, de l'agresseur, de la société en général. La nature public du crime donne lieu à une augmentation statistique des plaintes; mais cette augmentation peut ne pas correspondre à une augmentation des condamnations étant donné les difficultés probatoires. Et là, on se pose des questions sur le type de preuve et l'inversion de l'onus de la preuve - questions sensibles en termes de droit pénal, concepts consolidés par des traditions juridiques séculaires qu'il importe d'approcher de façon critique mais avec la nécessaire prudence.

Le modèle de justice pénale rétributive a cédé la place au modèle de justice pénale préventive. On parle aujourd'hui en terme de justice réparatrice (M^a João Antunes), centrée ni sur le crime, ni sur le criminel mais sur la restauration, la compensation des dommages et

intérêts, centrée sur la victime. On recherche dans ce modèle l'intégrale satisfaction des intérêts de la victime et l'auto-responsabilisation de l'agresseur.

Il semble clair qu'il n'y a pas de solutions universelles et radicales. Il nous faudra apprendre avec l'expérience, les bonnes pratiques et la réflexion des uns et des autres. Les lois ont beau être parfaites, elles ne sont pas l'unique solution. La double approche "prévention - répression" ne s'est pas particulièrement montrée efficace. Il y a des questions de changement de mentalités - du public en général, des victimes et des agresseurs, des autorités publiques, judiciaires et policières- qui doivent être travaillées. Le silence sur ces questions n'est plus de mise et c'est une énorme victoire des droits de la personne humaine: Il faut travailler les réponses légales. Il faut changer les mentalités (changer les hommes disait Mme Theorin).

Il faut soutenir les victimes. L'un des soutiens essentiels se trouve dans ladite alphabétisation juridique qui permettra aux femmes de connaître la loi, et de comprendre ce que la loi signifie dans le contexte de leur vie. Les femmes pourront ainsi réfléchir à leur vie et comprendre les violations de la loi qui ont eu lieu dans leur vie; elles pourront établir un lien entre ces violations et leurs causes structurales,- telles que classe, genre- , et comprendre comment ces structures se fondent sur la loi. Il en surgira une plus grande critique à la position de subordination des femmes dans la société, et du rôle que joue la loi dans le renforcement de cette subordination, et cela conduira peut-être au développement de stratégies de changement social. Les services sociaux d'appui devront se développer quantitativement et qualitativement, respectant la décision des victimes, les informant correctement, clairement pour que leurs décisions soient assumées en toute liberté.

Il faut faire taire le silence: au niveau mondial, la sensibilisation passe par la mise à la disposition de données, par le développement d'indicateurs, par l'articulation internationale et par des partenariats agiles et efficaces avec la société civile. Les ONG, notamment celles liées aux droits de la personne humaine et aux mouvements de femmes, sont fondamentales. L'appui aux victimes (nous devrions plutôt dire aux survivantes) est fondamental, en particulier pour ce qui est de l'information, de la sensibilisation, des appuis dans la période de crise, dans l'insertion sociale. La ligne téléphonique SOS de la CIDM reçoit environ 6000 appels par an. En 2000, les services de police du Portugal ont reçu 12.000 plaintes. Nous disposons de 600 places dans des maisons abris (de responsabilité privée mais financées par l'Etat) et nous allons ouvrir encore 4 maisons. Nous sommes en train de mettre en oeuvre un réseau national de structures publiques et privées qui travaillent sur les situations de violence. Je n'oublie pas 3 femmes dont je me suis occupée dans les années 70 et 80 et, qui, par manque d'appuis sociaux et de police, ont été par la suite tuées par leur compagnon. Je n'oublie pas les enfants qui m'ont raconté que c'est eux qui avaient appelé la police. Je n'oublie pas une femme défigurée par des brûlures à l'acide sulfurique. Je n'oublie pas une enseignante violée chaque jour par son mari qui lui introduisait les objets les plus divers dans le vagin.

Comme l'affirme une poétesse portugaise (Sophia de Mello Breyner) " Nous voyons, nous entendons et nous lisons, nous ne saurions ignorer."

4. INTRODUCTIONS TO WORKING SESSIONS

- **Working Session I:**
- **Introductory remarks by Ms. Helle Degn, Commissioner for Council of Baltic Sea States**

FORTRESS “HOME” – A THREAT TO WOMEN?

Your Excellencies,
Ladies and Gentlemen:

First of all I would like to thank the Portuguese OSCE Chairmanship for giving me the opportunity to address this forum. Unfortunately Domestic Violence Against Women constitutes a very relevant contemporary topic.

Even though reliable figures are hard to come by, reports from the Council of Europe, the UNICEF, the United States Department of State and Population Reports from the Hoskins University estimate that between 20 to 50 per cent of women have been exposed to physical violence either by an intimate partner or a relative. Figures from the WHO indicate that violence is the third most important cause of death among the 15 – 44 year old. Moreover, violence has an economic impact. Thus in 2001 a Finnish report estimated the relevant expenses of the Finnish health sector to be approximately Euro 150 million per year and the figures for Denmark estimate the expenses to be Euro 50 million. Not only is it difficult to find valid figures and statistics in this field. It is even more difficult to compare these numbers as the questions posed vary due to factor such as cultural and religious traditions. The increase in the number of ombudspersons and human rights commissioner’s institutions – like my own – should, however, inspire all of us to monitor the situation closely.

In addition I would urge member states to strive to get an overview of the extent of domestic violence at the national level. In my home country Denmark an effort to this effect has recently been undertaken. In the annual public health survey 2002 researchers asked questions related to domestic violence. A random sample of 11.000 women was interviewed about their health situation and provided with a questionnaire dealing inter alia with violence. The survey showed that 24,2 percent of the women interviewed have experienced physical violence and / or threats thereof. 4 percent state that they have been victims of physical violence within the past year with a percentage increasing to 10,6 percent in the age group of the 16 – 24 year old. This is a typical picture indicating that this age group is the most vulnerable.

Domestic violence involves many and complex questions, but first and foremost it must be recognised as a criminal action and thus in clear violation of international norms, including OSCE commitments, as **women’s rights are human rights** – Even if it seems very difficult to implement human rights in the private sphere, we have to set “An agenda for change!” We must strive to establish equal rights inside families as well as on the labour market. Some times it can be hard to advocate because women often refuse to admit abuse – even to themselves.

This situation is of course due to taboos. We are used to regard family matters as private matters and we have viewed families as fortresses, where its members were able to protect themselves from all evil and harm from the outside world. What we experience today is that

the threats are coming from inside the fortress instead. A lot of women and children are trapped in a family fortress, which is actually more a prison or a dungeon, as it is contrary to the existing code of conduct to tell the outsiders about domestic violence. In the larger perspective - and this is directly relevant to the OSCE as an agency for conflict prevention - we must realise that efforts to rid our societies from violence must start at home. Any society that exposes the female half of its population, as well as its children, to a latent risk of violence is inherently a society which is prone to violence against its own members as well as to conflict with other societies. Let me add that usually such risks of conflict inside or between societies of this kind will be aggravated by the fact that they tend to keep women far away from their decision-making processes.

The legal system can also be a barrier to the fight against domestic violence. Court decisions and procedures have to be surveyed and monitored in order to keep focus on the topic. Unfortunately we see a number of cases being rejected due to the lack of sufficient legal instruments and we see that court decisions too often result only in suspended sentences. Abused and violated women are “helped” by giving them room in shelters - if shelters are established at all - instead of forcing the abusive husband to leave the home. Solutions like this put the violated person in the position of a criminal and leave the women with only one option - to return to their home and continued violation, if they want to provide as normal conditions as possible for the children.

While legal measures cannot stand alone but must be accompanied by a lot of other measures intended to improve the social situation of married women and young girls as well as steps to make domestic violence socially unacceptable, it remains of crucial importance that the states enact and, even more importantly implement, laws providing for effective legal remedies against domestic violence, including adequate punishment of the perpetrators. In my home country Denmark the newly appointed Minister for Justice has recently submitted a bill providing for longer and more severe prison sentences regarding such crimes as rape, violence, manslaughter and trafficking in human beings. Another initiative to protect women is the offering of electronic equipment with possible contact to the nearest police – a lifeline for women to wear in families with violent and abusive husbands.

We must also focus on a type of domestic violence which has recently attracted much attention in Scandinavia but which is also an increasing problem in many other states. This type of violence is particularly nasty, as its effects are often deadly. I am alluding to cases where male family members guided by tenets of fundamentalist religion have killed their daughters, sisters or nieces because they have chosen a man by the choice of their heart and not by the choice of their family. This is called “killing in the name of honour” – I call it murder! And it must be treated as a seriously criminal offence and severely punished. Our efforts to understand foreign cultures in the context of our national integration policies should not lead us to make consideration for religious fanatic beliefs of other persons an excuse for not taking the necessary measures to eradicate this crime.

Mr. Chairman,

I do not think there is any reason to re-invent international conventions and solutions as we have some excellent Platforms for Action – so to speak, both from Beijing 1995 and the follow-up in New York at the Special Session “Women 2000”, where I spoke on behalf of the OSCE and informed the participants of that gathering about the salient features of the OSCE’s contribution to the Special Session, the excellent OSCE Action Plan for Gender Issues.

It must be now up to national governments and regional bodies to take effective steps to implement these commitments, as an example shelters have to be established by governments. On an overall level I would recommend that Governments, if they have not yet done so, ratify the CEDAW, the UN Convention on the Elimination of All forms of Discrimination against Women and the additional protocol and, in particular, make sure that the implementation is effective. Here I see an important role for the OSCE and its field missions and acting in Cupertino with its partners such as my own institution. In this context I want to commend the efforts deployed by the gender advisers of the various OSCE institutions. I also want to salute the efforts undertaken by the ODIHR, and Ambassador Stoudmann personally, to fight the trafficking in women.

Before concluding I want to recall that at the meeting on this very subject held here in June 2001 I reported on the seminar on “Modern Slavery” which I had hosted shortly before in order to intensify co-operation between the 11 member states of the Council of the Baltic Sea States on how to combat trafficking on both a short term and long term basis. I am pleased to inform you that I have an agreement of intention with the OSCE/ODIHR to follow-up on this seminar during this year when the necessary funding is available.

I want to conclude by quoting the words of UN Secretary General Mr Kofi Annan from the Special Session in New York in 2000 “the future of this planet depends on women”.

Thank you for your attention.

- **Introductory remarks by Ms. Teresa Rosmaninho, Co-ordinator of Police Project “INOVAR”, Portugal**

PROJECT INOVAR

MINISTRY OF INTERNAL ADMINISTRATION OF PORTUGAL

1. About Project INOVAR

INOVAR is a structural Government project of the Ministry of Internal Administration.

INOVAR main purposes are:

- to develop a new Police attitude towards Victim’s rights, with special concern on victimised women;
- to create new Police services and infrastructures for helping and supporting crime Victims, with particular focus of vulnerable social groups including victimised women;
- to increase network action between Police and NGO’s and other Public Agencies;
- to promote the lodge of complaint.

Police provides an obvious front office service for victimised women support, working 24 hours per day, 365 days per year, with full geographical coverage of Portugal (more than 725 Police Stations open to the public). The Police manage the 112 national emergency telephone line.

2. Police Statistics concerning Domestic Violence

Since October 1998 the Ministry of Internal Administration has implemented a data collection system that provides statistical data on Domestic Violence – the Ministry of Internal Administration National Report on Domestic Violence (The year 2000 report is available at <http://www.inovar.online.pt/violenciadomestica>).

This system assembles data from the two Police forces under the Ministry of Internal Administration jurisdiction (GNR – Guarda Nacional Republicana and PSP – Polícia de Segurança Pública).

This report allows an individual criminal case classification using the following description:

- Crime classification according to the Portuguese Penal Code
- Suspect classification by gender and age
- Victim classification by gender and age
- Classification of the kinship (suspect/victim)
- Weapon utilisation

The report has been permanently improved and in year 2000 it was possible (for the first time in Portugal) to know the domestic violence numbers for each territorial unit (*concelhos*) with a case per thousand inhabitants indicator. This was an incentive for the improvement of local responses to domestic violence needs. The 2000 Ministry of Internal Administration National Report on Domestic Violence was disseminated through the 307 *concelhos* and was presented in a press conference by the Minister of Internal Administration.

Table 1. Key figures on domestic violence cases reported to Police forces.

	1998 (October- December)	1999 (January- December)	2000 (January- December)
<u>Domestic Violence criminal cases reported to Police</u>	2,254	10,080	11,765
<u>Number of cases per thousand inhabitants</u>	-	-	1.19
<u>Percentage of total criminal cases in Portugal</u>	-	-	3.3%
<u>Murder cases</u>		21	26
<u>Percentage of total murder cases in Portugal</u>	-	-	11%
<u>Offences to physical integrity</u>		7,648	8,657
<u>Percentage of total offences to physical integrity in Portugal</u>	-	-	23%
<u>Percentage of male suspects</u>	87%	87%	89%
<u>Percentage of female victims</u>	81%	87%	84%
<u>Percentage of marital kinship (suspect/victim)</u>	69%	72%	69%
<u>Number of cases with weapon utilisation</u>	-	1,208	1,558

3. Specialised services targeted at victimised women, infrastructure investments, police training, tools and quality standards

Specialised Units

INOVAR has developed two specialised domestic violence police units in Braga and Coimbra involving 14 ranked police officers and 64 police officers. These units work together with other government agencies and NGO's and have gathered a set of experimental work that will permit the extension of such services to the rest of the country.

Infrastructures

Under a directive of the Ministry of Internal Administration all new Police Stations have a room for attending the Victims with privacy and comfort. Existing buildings are being renewed in order to fulfil this new Government directive. Most victimised women can now

present their complaints in a protected environment and, whenever possible, they are received and accompanied by a female police officer.

The number of Police stations with such equipment is 223 out of the 720 total number (107 installed in new police stations and 116 installed in other police stations) representing 31% of all police facilities.

Training

A distance learning program of the Ministry of Internal Administration has reached all police officers in Portugal (more than 42,000) since 1998. This program, using video, handbooks and classroom sessions, focused several relevant police issues including domestic violence. More profound training in domestic violence was provided to more than 5,000 police officers since 1999, including 3,769 new recruits that received this kind of training in the last term of police school.

Tools

In 1999 INOVAR created and distributed to all police stations in Portugal a database of organisations (including NGO's) and services in the area of domestic violence. Recently this database was converted into a software tool allowing each police station to develop relationships with local domestic violence resources and services. This tool increases the quality of police service provided to victimised women and is essential to effective community policing guiding women towards the available local resources.

Quality standards

INOVAR has implemented a Quality Standard for Policeman behaviour and attitude when dealing with victims of crime - *The 5 Golden Rules*, that are publicly exposed:

- *Each Victim constitutes a specific case*
- *The Victim deserves sympathy and respect*
- *The Victim is not to be blamed*
- *The Victim must be informed*
- *The Victim must be guided*

4. Employment of Women in Police Forces

For political and social reasons common to other European countries police careers were open to women in Portugal late in the 20th century. This fact accounts for the low percentage of female officers in the two Portuguese Police forces. The recruitment of female officers started in 1980 for PSP and 1994 for the GNR.

The Ministry of Internal Administration pursues a fair opportunity access for women in Police forces. There is a set of positive discrimination recruitment rules for women concerning physical specifications and tests.

There are 1406 women in PSP representing 6.5% of the personnel; GNR has 212 female officers representing 0.8% of the personnel. Women perform the same kind of tasks as men, including command of Police stations.

There is a clear attractiveness of police careers among young women: in 1999 the number of women applications for GNR service grew more than 500% compared to 1998 (1196 female candidates); PSP has a record of consistent women recruitment with 1337 candidates in 1999 and a average of about 1200 candidates between 1995 and 1998). It is expected that the percentage of female officers increase dramatically in this decade.

The number of women in Police services is considered crucial to provide better services for victimised citizens, particularly for women victims of violence.

Since 1999 INOVAR has promoted, in co-operation with Police forces and High Schools, a special program for promoting women in Police service: *Verão Azul* (Blue Summer). *Verão Azul* is a one week summer vacation camp for girls in two of the Police School Campus. This program was a huge success with a total number of 2,727 candidates for 480 vacancies and has gained a large support from the media.

Every year since 1998 the Ministry of Internal Administration commemorates the 8th of March – International Day of Women promoting the importance of women in the police service and publicly addressing the problem of violence against women.

Police forces are using more women in public relations tasks, particularly in television programs and other kind of media coverage.

5. Public information and Victimised Women information

Portuguese Police has attended the Vienna (1998), Helsinki (1999) and Lisbon (2000) international Conferences on Violence Against Women. This participation is considered very important because it has allowed the exchange of experiences and internationally recognised police best practices. In the Vienna Conference Portuguese Police shared a pioneer work on weapon utilisation in domestic violence crimes.

Since 1998 INOVAR together with GNR and PSP has a record of participation in tens of national conferences by invitation of other government agencies, universities and NGO's.

Internet is a media with growing importance in Portugal. The web sites of the Ministry of Internal Administration (<http://www.mai.gov.pt>), the GNR (<http://www.gnr.pt>), the PSP (<http://www.psp.pt>) and INOVAR (<http://www.inovar.online.pt>) include information targeted to women, with prevention and safety tips. INOVAR web site also provides a Personal Safety Plan for women at risk.

More than 200 newspaper articles were published in co-operation with INOVAR and Police forces focusing domestic violence and other relevant issues to women.

Television and radio have provided a valuable form of effective public information on violence against women matters. In many cases INOVAR and Police officers were invited as experts to correctly inform women on their rights and provide safety procedures.

INOVAR has launched a national initiative to disseminate information on the 7/2000 Law, 27th May, making violence against women / domestic violence a public offence. A mailing including guidelines for action and a poster was sent to 2,217 organisations (Mayors, NGO's, government agencies, churches). An indoor display is publicly exposed in all 720 Police stations giving information on the new law and women rights.

An outdoor display advertising campaign involving more than 30 densely populated cities was developed in co-operation with local authorities. This campaign is now being extended with co-operation of further cities and public transportation companies (for instance the Lisbon subway will display about 300 posters in subway stations and carriages).

- **Working Session II:**
- **Introductory remarks by Ms. Alie Kuiper, Director of Expert Centre for Sexual Harassment, Bureau Bezemer and Kuiper, the Netherlands**

SEXUAL HARASSMENT AT WORK

Current situation in the EU

In 1991 the EU adopted a Code of Practice on preventing and combating sexual harassment at work. It was called: "On the dignity of men and women at work". Research had shown that sexual harassment at work was a problem in every country of the EU.

In most cases women were the victims and men the harassers. Of course a man could be a victim as well, but in most cases their perpetrators were also male. In Holland research made clear that one out of three women experienced sexual harassment while they were working for their present employer. Investigations in other European countries gave similar results. In all EU countries the consequences of sexual harassment seemed to be serious for the victims, their organisations and the society as a whole. The European Work Environment Survey (1996) showed for example that in Holland sexual harassment costs 17,3 days of extra sick leave per victim per year. The cost for organisations are not only a deterioration of the productivity but also a destruction of human capital: lots of victims are (thinking of) leaving the organisation where they don't feel safe. For the society as a whole it means that there are branches - as well in the private as in the governmental sector- which are very unattractive for female employees. For various organisations and companies with a so called 'macho' image it is difficult to contract women workers. And especially in some Western European countries where employers are confronted with a lack of qualified workers, it is becoming a serious problem. Less women accept working conditions which implied that sexual harassment is part of the job. Today employees feel more and more legitimated to refuse and to complain about such working conditions also because of the statement the EU made on sexual harassment at work. The Code of Practice defines sexual harassment as unwanted sexual behaviour with negative implications for the working conditions of an employee. Just as in the USA the EU defined sexual harassment from the point of view of the victims. When an employee feels harassed his or her complaint should be taken very seriously and not be denied or played down.

In the Code of Practice the members of the EC were called to develop legislation on the national level in order to prevent and combat sexual harassment. The governments were also called to stimulate the social partners in their own countries to develop policies within the companies and organisations.

A lot of countries within the EU developed national legislation on sexual harassment in the past ten years. In Great Britain they already had adopted a paragraph on this issue in the Equal Treatment Act. In France it became a part of the Penal Code and in Holland and Belgium a paragraph on sexual harassment became part of the Law on Labour Conditions. The largest organisation of trade unions in Europe developed models for their members on this issue and the most important organisation of employers in Holland suggested in October last year that employees should be rewarded when they succeeded in reducing sexual harassment (and other unwanted behaviour as mobbing and discrimination). A special effect of the law on sexual harassment in Holland is that the inspectors of the National Department of Social Affairs can force individual organisations to have a policy in place and to develop a

complaining-procedure. Last week a director HRM of an international company in Holland called me for an urgent consultation. First he complained about the governmental inspectors that forced him to take complaints of some female workers seriously and then he asked me to help him. He risks to pay a fine when he can't show the inspectors within the time fixed that he took adequate measures.

Near future

The Code of Practice of the EU does not oblige individual member states to adopt a law on sexual harassment at work. In the countries that have adopted legislation on this issue we can perceive a lot of major differences.

These are some of the reasons why the EU wants to sharpen her policy and measures on sexual harassment at work.

This year sexual harassment will be a part of the Directive on Equal Treatment. The European Parliament pointed out that prevention of sexual harassment should become an explicit part of this Directive.

The most important consequences of these changes are:

1. The EU defines sexual harassment at work as illegal and an act of discrimination.
2. All member states will be obliged to adopt the same law on sexual harassment.
3. Employees who experience sexual harassment can go to the European Court if they think that their employers and the judges on a national level do not take their complaints seriously.
4. Member states are obliged to report on a regular base to the EU about the developments in their country on implementing the Directive.
5. And for the European countries who want to become a member of the EU: they have to adopt these European Directive in their national laws.

Implementing directives and laws

Is it sufficient to have directives and laws in order to reduce and prevent sexual harassment at work?

According to my experience it is not. We can consider legislation as a moral and juridical standard that sexual harassment is illegal and that everyone has to take the problem seriously. But it is not enough to change attitudes in daily life.

When the law on sexual harassment passed through the Dutch parliament in 1994 the Department of Social Affairs observed a lot of resistance. Some employers called to the department and reacted very angrily; they shouted to the civil servants that the authorities had become mad.

In Holland the government invested for five years in an expert-centre on sexual harassment at work. They also organised investigations on the number, nature, causes and consequences of sexual harassment at work. And for some years a large awareness-campaign was organised: posters and leaflets for employers and for employees were distributed with information on how to deal with sexual harassment at work.

The social partners also took their responsibility: they made agreements on combating sexual harassment in Collective Labour Agreements. For example they agreed that companies should appoint confidential counsellors where victims can go to for help. Trade unions and organisations of employers also developed standards for a policy. This is very useful for their members in the different organisations. And last but not least the existence of an expert centre

like ours showed to be important. It can offer organisations support in order to implement the policy in their own company. Our psychologists, jurists and other specialists can help organisations to put a proper policy in place, to draw up an inventory of the specific risks, to train the managers how to deal with victims and harassers and how to raise the awareness of the employees.

In spite of all efforts mentioned above, sexual harassment still exists in Holland. I think it will take a long time before we have prevented it. But when everybody - and especially governments, trade unions and organisations of employers - will take their responsibility, I believe we can make a lot of progress to make the workplace a better and safer place: For the dignity of man and women at work.

- **Introductory remarks by Mr. Per Isdal, Executive Director “Alternative to Violence”, Oslo**

Like in all other countries violence against women is a serious social problem, a major health problem and a serious human rights issue also in Norway. Violence against women leads to great personal, health-related and economic costs in our society and is the most severe threat against women’s freedom, health and human rights.

Compared to other countries we have reason to believe that Norway still has lower levels of violence against women than many other countries. We believe that this is a result of women’s position in the Norwegian society, the level of equality and women’s economical independence. Extremely important in this respect has been the economic support offered to single mothers, 12 months maternity leave on 80% wages and a closing of the gap between wages in typically male professions compared to female professions. Nevertheless there is still a difference, we have not achieved actual gender equality yet.

Women in powerful positions have been of great importance in the fight for women’s human rights, both on a governmental level, an educational level and in political parties and trade unions. An example of this we found in how the police changed their routines and started to work seriously against violence against women when they got their first woman as chief of command in the city of Oslo.

Nevertheless, to really be successful in fighting against the violence women are subject to in today’s society, we need to engage and activate men. Men and the male society bear the responsibility for the violence women are subject to. They are responsible for maintaining conditions and power distributions that cause and allow the violence. To create change men have to change and to take part in the work against violence.

I lead an organisation named Alternative to Violence, which started its work in 1987. ATV has the aim to defeat violence against women and our task is to offer treatment, research and education in the field of men’s violence against women. We offer treatment for violent men and over the years we have taken part in many preventive projects both in schools, workplaces and educational institutions. Our experience is that our work has resulted in a greater social focus and consciousness on violence against women, among men in general, and among male politicians and decision-makers in particular.

ATV has a pro-feminist ideology and this has been essential in creating a strong and important co-operation both with the Norwegian women’s movement and the shelter movement. I strongly believe that Norwegian experience shows that it is possible for men

and women to work together to end violence against women. When our project started many feared that this would create a competition and that projects for women would lose their funding. This fear has shown itself to be wrong, rather our experience is that together we have achieved a lot and that the funds for women's projects have increased not decreased. It is fundamental for this co-operation that women and men share the same understanding of the causes of violence against women and have the same main goal in working for gender equality.

The last 10 years several important changes in both politics, legal practice and health service have taken place in Norway. Most recently the Norwegian government appointed a committee on violence against women.

We see education and consciousness raising as important areas in order to create long-term change. In schools it is also important to address boys especially if we want to develop a non-violent society. For example: if we want to prevent sexual harassment or violence against girls in our schools, it's not enough to offer education and protection to girls. We also have to educate boys in non-violent behaviour, empathy and to respect girls and their human rights. The same can be said about work life, together with legal interventions against for example sexual harassment or exploitation, we must try to educate men and change male attitudes. Preventive programs must also include men, and boys and men will need specifically designed interventions.

It is very important that some men start to speak up against and fight violence against women. These men can serve as important new role models for men and for boys. Men can and should change men.

In Norway they even try to inspire men to fight against suppression of women. The Norwegian council of gender equality has instituted a prize given each year to a man who fights for gender equality and against suppression of women. The prize is called something like "Brave Man Prize". No money comes with the prize, it's just a great honour.

I strongly believe that men and male society must change, but I think that punishment can not be the only strategy to achieve change in men and their behaviour.