

Combating Violence against Women, including the girl child, before, during and after armed conflicts

High-level Tripartite Meeting, Vienna, 14 June 2010

According to the UN Declaration on the Elimination of Violence Against women, violence against women (VAW) is defined as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. Other definitions are more explicit, such as that from the Recommendation of the Council of Europe’s Committee of Ministers (2007), which also refers to violence in conflict and post-conflict situations, failure to respect freedom of choice with regard to reproduction, crimes in the name of honour, forced and early marriages and, in general, traditional practices harmful to women and girls.

1. Implementation of commitments

The international framework

The Convention on the Elimination of All Forms of Discrimination against Women (1979) requires that countries party to the Convention take all appropriate steps to end violence¹. The Convention has been strengthened by the UN Declaration on the Elimination of Violence against women (1993), the CEDAW Optional Protocol (2000) and the CEDAW Committee’s Recommendation number 19 (1992.) The Council of Europe is currently preparing a binding Convention on preventing and combating violence against women and domestic violence.

Conflict and emergency settings clearly exacerbate women’s vulnerabilities to specific types of VAW. The international community has taken steps to address women’s unique experiences in conflict situations and the role they can play in peace and security initiatives. UN Security Council Resolution 1325 on Women, Peace and Security (2000) calls for full and equal participation by women in peace processes and for the mainstreaming of gender issues in the field of security. Protecting women and girls from gender-based violence in armed conflict has been highlighted as an area that should be given particular attention. UN Security Council Resolution 1820 (2008) reaffirms obligations to protect women from violence, calls for a cessation of all sexual violence used in conflict, the development of zero tolerance policies and training programs and the strengthening of national-level institutions to assist victims. Resolutions 1888 and 1889 adopted in 2009 addressed sexual violence in a more comprehensive way. In addition, the first appointment of a United Nations Special Representative on Sexual Violence in Conflict has been welcomed by the international community.

The Statute for the International Criminal Tribunal for the Former Yugoslavia, under the leadership of Carla del Ponte, Chief Prosecutor, was the first to articulate rape as a crime

¹ All OSCE participating States have ratified the CEDAW Convention except the Holy See and the United States of America. A number of other participating States made reservations to the CEDAW Convention upon ratification. The Optional Protocol to the CEDAW has been ratified by all participating States except for Estonia, Latvia, Malta, Monaco and Uzbekistan.

against humanity. Subsequently, the Rome Statute of the International Criminal Court expanded the list to include "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable

gravity" and established that such acts also violate the Geneva Conventions. The Rome Statute has changed the global understanding of the specific impacts of conflict and war on women.

There have been also positive accomplishments thanks to the use of international instruments for individual complaints in regards to violence against women, including domestic violence, such as the European Court of Human Rights and the CEDAW Committee.

Many international efforts have focused on the area of prevention of VAW. For example, the campaign of the United Nations to end violence against women "UNITE" and the campaign of the Council of Europe to combat violence against women, which have facilitated the legal and programme reform of many national frameworks. The UN has also developed a model framework for legislation and has initiated the development of indicators on violence against women.

International organizations have also addressed the specific issue of the girl child as a victim of violence with different initiatives, such as the preparation of the United Nations study on violence against children, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and OSCE's work to combat trafficking of children.

OSCE commitments and accomplishments

"Prevention of violence against women" is a priority area identified in Paragraph 44 of the 2004 OSCE Action Plan for the Promotion of Gender Equality and reiterated in Ministerial Council Decision 15/05 on preventing and combating violence against women.

The OSCE Gender Section conducted a multi-part programme to compile good practices and innovative approaches to address various forms of violence against women. In October 2008, the Gender Section organized an "Experts' seminar on innovative approaches to combating violence against women," in Dushanbe, Tajikistan. The seminar brought together nearly one hundred experts from Europe and Central Asia to discuss concrete examples of successful practices to prevent violence, protect victims and prosecute perpetrators². The information obtained from this event was the starting point for a resource book, *Bringing Security Home: Combating Violence against Women in the OSCE Region. A Compilation of Good Practices*³, published in June 2009. The reference comprises more than 95 examples of good practices, successfully applied both by the OSCE and other organizations. The compilation was formally launched in Vienna at a symposium that included keynote speakers, Minister Elisabeth Rehn, an expert on women and armed conflict, Professor Yakin Ertürk, the then UN Special Rapporteur on Violence against Women, and Todd Minerson, Executive Director of the White Ribbon Campaign, a global effort led by men and boys to end violence against women. This publication has been disseminated in English, French, Montenegrin, Russian and Serbian throughout the OSCE region, and is included as a reference document in UNIFEM's "Virtual Knowledge Centre to End Violence against Women and Girls."

The OSCE has also devoted significant attention to the issue of combating violence against women through the work of its field offices. Collectively, the field offices have

² The conference report and experts' presentations can be accessed from http://www.osce.org/gender/item_6_32383.html.

³ The publication can be accessed from http://www.osce.org/gender/item_1_38054.html.

managed programmes that addressed prevention, protection and prosecution. Just a few of these examples of these programmes are:

- In the area of prevention, the "Destinies and Destinations" programme of the OSCE Mission to Moldova which included a two-part DVD, each with ten episodes dedicated to the topic of violence against women. The OSCE Mission in Kosovo developed and distributed 4,000 leaflets, in Albanian and Serbian, on "Safety tips for young girls" outlining risks for gender-based violence.
- In the area of protection, the OSCE continues to support women's services and shelters. In 2008, over 1,700 women received assistance through the telephone hotline of the Shelter for Female Victims of Violence, the only such centre in Tajikistan. The OSCE Office in Tajikistan is also supporting a project to create Women's Resource Centres, of which there are currently ten across the country, that offer much-needed legal and psychological consultations to women and girl victims of violence.
- In the area of prosecution, the OSCE Project Co-ordinator in Ukraine provided assistance in improving national domestic violence legislation. As a result, the Ukrainian Law on the Prevention of Domestic Violence, the first such law in the CIS, was amended in 2008. The OSCE Centre in Albania published a handbook that provides practical guidance to Albanian judges in guaranteeing effective protection to victims of domestic violence. The OSCE Gender Section assisted the OSCE Office in Skopje with the preparation of an action plan to integrate a gender perspective in the work of the Community Policing Department. One of the outcomes of this initiative is that the Police now receive training on how to deal with sexual abuse and domestic violence.
- Increased attention was given to the role of men in combating violence against women, an emerging area of work for the region. In both Moldova and Ukraine, field offices supported seminars on developing counselling programs for perpetrators of violence. The Mission to Montenegro sponsored a campaign for the 16 Days of Action Against Gender-Based Violence which focused on men's efforts to combat violence against women and encouraged men to serve as role models.

Initiatives taken at national level

Countries have taken different steps for the prevention of VAW, the prosecution of offenders and the protection of victims.

With regards to **prevention efforts**, both government and non-governmental organizations have implemented various initiatives, such as awareness raising campaigns, legal literacy programmes to empower women, training of media professionals, etc. Fewer programmes have focused on empowering women through the provision of education and employment. A more recent development has been the work done with young people and with men. However, only a few countries have done this in a systematic and sustainable way.

An innovative example is the work done by the NGO Elektra in Sweden. Elektra is a Swedish organization that addresses the prevention of honour-based violence, as well as other forms of VAW, through the promotion of human rights, gender equality and democratic values. A group of young men from the organization has formed a new project – Honor Heroes- that aims to provide role models for other men and boys who reject the "honor culture". The organizers point out that while women and girls suffer the greatest oppression, men, too, feel the negative impact of living in a culture that limits women's freedom. Honor Heroes works among immigrant populations, with the "heroes" themselves representing diverse immigrant backgrounds.

Within the framework of **protection efforts**, both government and non-governmental organizations have implemented programmes to ensure women and children victims of

violence have access to basic and specialised services such as anonymous telephone help lines and on-line advice and referral, housing, psychological services and legal aid.

One innovative example is the work done by the United Kingdom in creating a system of Sexual Assault Referral Centers - safe locations where victims of sexual assault can receive immediate and long-term medical care and counselling. The referral centers bring together all of the relevant legal and medical agencies and departments in a single center, which provides better assistance for the victim and facilitates criminal investigation. For victims the referral centers system reduces the stress of having to deal with multiple service providers and criminal investigators. Furthermore, practice has shown that victims who receive immediate care and counselling recover more steadily and are less likely to need long-term care. From the perspective of law enforcement, the centers assist the police by providing a centralized facility where they can meet with the victim and gather evidence.

In order to improve the protection of victims of VAW as well as to increase the **prosecution** of perpetrators, most countries have reviewed existing civil and criminal laws and provided training for judges and prosecutors. Revising existing law is, however, a minimalistic approach to addressing violence against women, and many countries have gone further to enact stand-alone laws that criminalize VAW generally, or specific types of violence, such as domestic violence, human trafficking or sexual harassment.

An innovative example has been the case of Spain. In 2004, Spain passed the Act on Integrated Protection Measures against Gender Violence, which dramatically changed how the legal system dealt with cases of VAW. An important aspect of the law is its focus on awareness raising, prevention and early detection of acts of violence. The Act establishes the responsibility for awareness raising initiatives in schools, by the media and within the healthcare system. The rights of women survivors are comprehensively defined by the law, which guarantees their civil and economic rights, protects their employment status in both the public and private sectors and ensures specialized assistance, housing and legal aid. An important feature of the law is the establishment of specialized Courts of Violence against Women which operate in coordination with a psycho-social team (psychologist and social worker) and a Victim Assistance Officer. The Act is complemented by the introduction of a Protection Order for Victims of Domestic Violence declared in an expedite hearing where, within 72 hours, the examining judge determines the duration of the order.

Overall, these legal changes have had positive effects in Spain in making, what was regarded as a private affair, a public issue. Moreover, with the enactment of the law, the police, the prosecutor's office and judiciary have been able to better coordinate their work⁴.

2. Challenges

Despite all efforts, the prevalence of violence against women and girls continues. Continued efforts, including a strong political commitment and substantial resources are necessary in order to combat VAW. In order to effectively eliminate the issue of violence against women, however, its root cause must also be addressed: gender inequality.

⁴ Since the approval of the law, the government of Spain has invested almost 800 Million Euro in different policies to prevent and combat violence against women. Since the approval of the law 240.723 cases have been prosecuted and more than 53.000 men sentenced with prison. 12.000 "Guardias Civiles" and more than 5.300 police officers have been trained. The government telephone hotline 016 receives an approximate number of 828 calls every day.

Below are several recommendations that address major existing challenges:

- Ensure implementation of national legal frameworks to combat violence against women, with a special focus on guaranteeing that crimes are prosecuted and effective judicial procedures are in place. Justice must be equitable and accessible for all. Unfortunately, women victims of violence are too often left without adequate protection and assistance in seeking justice. While many women may fear stigma and rejection by their communities for speaking out about the violence they have suffered, judicial institutions also often lack sensitivity about the experiences of women or treat violence against women as a low priority in comparison to other crimes.
- Take any necessary steps to ensure that services for the protection of victims are given adequate human and financial resources to guarantee quality of delivery. NGOs are, unfortunately, very often working with minimum resources or are funded by international organizations in an unsustainable system. Lack of sufficient resources may cause the quality of the services to fall. Governments must ensure that services, whether managed by NGOs or by government agencies, have sufficient, continuous resources to offer adequate protection and rehabilitation services to female victims of violence.
- Establish effective co-ordination and consultation mechanisms with civil society and acknowledge their important, often even leading, role in the fight against violence against women. NGOs are often the source of valuable expertise in the prevention of VAW, in the protection of its victims as well as in the provision of legal assistance, victims and witness support. Governments should establish communication channels and opportunities for the genuine participation of NGOs in the development of legislation, policies and programmes.
- Monitor and evaluate the effectiveness of policies and programmes developed at national and international level. The collection of information is essential in order to analyse progress, identify challenges and make necessary adjustments. Despite all efforts, violence against women continues to be present in all countries. Therefore, more needs to be done in order to analyse the specific problems and barriers that need to be tackled. Resources are necessary, but they also need to be used in a cost-effective and efficient manner.

3. Suggestions for cooperation for the Tripartite

The Council of Europe, the United Nations and the Organization for Security and Co-operation are at present cooperating at international and country level; usually through regular consultation, joint organization of activities and exchange of good practice. For example, the OSCE is a member of the Task force preparing the Council of Europe Convention on violence against women and domestic violence. In November 2009 in Montenegro, the Council of Europe, the UN Country Team and the OSCE joined efforts in the "16 days of activism campaign against violence against women" organising different activities including the participation of the President of Montenegro, the Prime Minister, and the Speaker of Parliament.

Some areas where the Tripartite could intensify co-operation could be:

1. Involvement of men in the prevention of VAW as agents for changing attitudes and behaviour that perpetuate violence. Efforts to involve men in combating VAW are new in many countries. Concrete results, good practices and specialised publications are not yet widely available⁵. Therefore, further cooperation could be carried out for

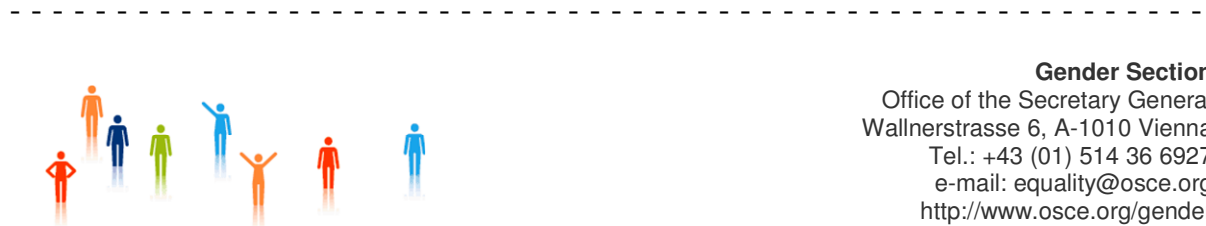
⁵ Among these few resources available is UNPFA, *Partnering With Men To End Gender-Based Violence, Practices that work from Eastern Europe and Central Asia (2009.)*

the promotion of good practices, research and joint advocacy.

2. Development of indicators to ensure all organizations and partners are able to evaluate change and measure progress in addressing VAW. The UN has already initiated this crucial exercise. Partners of the Tripartite organizations should contribute their expertise to the on-going process.

3. Implementation of national legislation and development of international instruments, such as the (currently under development) Council of Europe Convention on violence against women and domestic violence. All organizations could contribute, more often, to efforts at country level in the support of national institutions through the implementation of joint programmes and projects that puts an emphasis on legislation ensuring the effectiveness of judicial institutions when prosecuting violence before, during and after conflict situations. Tripartite organizations should also continue their involvement in the on-going process to prepare a Council of Europe Convention.

4. Initiation of complimentary projects on the topic of VAW in order to promote good practices and to share lessons learned. Tripartite organizations could facilitate the implementation of these projects between different countries to exchange experiences and lessons learned and implement previously tested strategies. Resources, such as the OSCE Compilation of good practices and the resources contained in the UNIFEM's "Virtual Knowledge Centre" are of great practical use.



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