

**Working Session 16: Tolerance and non-discrimination II, including:**

- **Equality of opportunity for women and men**
- **Implementation of the OSCE Action Plan for the Promotion of Gender**
- **Equality Prevention of violence against women and children**

*Rapporteur: Ms. Helen Teasdale, First Secretary/Political, United Kingdom Delegation to the OSCE*

**No of statements: 39**

**Delegations: 18**

**Civil Society: 20**

**OSCE Institutions: 1**

**International Organizations: 1**

**Media: 1**

**Rights of reply: 9**

The first introducer, Amb. Melanne Vermeer in her video statement stressed that gender equality is at heart of advancing democracy, peace, security and stability. It was a moral and strategic imperative. Violence against women was one of the biggest and entrenched human rights issues. Amb. Vermeer stated that domestic violence was pervasive: no country was untouched. It was neither a private matter nor cultural - it was criminal. She stressed the toll domestic violence extracts on the victim, but also on society (through economic loss, and the cost of government response). Men and boys must be part of the solution and would also benefit given the impact on their own outlook. Amb. Vermeer also noted the role of women in political and public life.

The second introducer, Ms. Gloria Atiba Davies, explained the work of the Office of the Prosecutor in the International Criminal Court (ICC). She discussed the prevention of violence against women and children and how it was covered by the mandate of the ICC to investigate most egregious of crimes, including sexual and gender based crimes. Ms. Davies noted that her Office also focuses on combating crimes against children, which could include conscription and use of children in hostilities. Crimes against and affecting children also include attacks against buildings dedicated to education. The Prosecutor's role was to fight against impunity. Methods included: integrating gender perspective and analysis into all our work, including investigation and prosecutions; a victim responsive approach; and undertaking investigations in parallel while investigating other crimes. She explained that investigation plans had to include a component on sexual and gender based violence. If decision was made not to investigate crimes, the team leader must justify why. Ms. Davies added that children were victims of sexual and gender based crimes, including in peacetime as well as war. She cited the obligations in the Convention of rights of child.

Ms. Davies expanded on the duty on office on how it interacts with children: there was an obligation on the Court to protect the safety and physical and psychological well being of victims. Obstacles that victims face included: law enforcement officers lacking sensitivity; fear of being accused of a crime; difficulties dealing with stigma; institutional barriers that exist – such as long cumbersome legal procedures. Ms. Davies referenced UN SCR 1325, and how the ICC contributed to its implementation. Prosecutions send a message that violations of international law, including sexual and

gender based crimes will be dealt with. She also highlighted the need for public statements condemning gender based violence. The greatest potential of ICC lay with its interaction with domestic systems, to ensure complementarity. She stressed the need to ensure training, revise legislation, ensure victim support, and provide a strong evidential base. The consequences of violence were far reaching – stigma of sexual and gender based violence, how shame affects ability to come forward and reduces the ability of women and girls to come forward and fulfill lives.

She concluded with an emphasis on conducting further research into violence against women; enhancing partnerships with civil society to improve partnerships; engaging men; and having strong political commitments. She highlighted the Preventing Sexual Violence Initiative of the UK as best practice. In response, one speaker highlighted the challenges that Roma women face, including as a result of low literacy rates, early marriage and discrimination in education, work and healthcare situation.

A large number of speakers welcomed follow up to the Gender Review Conference, greater engagement of men and boys, and noted the challenges that gender discrimination presented.

Many participating States spoke about the advances within their own domestic situation, including adoption of national legislation, ratification or signature of the Istanbul Convention, support to survivors of gender based violence, including practical measures such as helplines and shelters. However, one speaker challenged the positive effect of domestic violence legislation and prosecution. One participating State spoke about the Sustainable Development Goals and Agenda 2030 and how they were working towards implementation. As well as national action plan under UNSCR 1325 and UNSCR 2242. Many other participating States also highlighted the importance of these UNSCRs and outlined their respective work in this field.

Several speakers spoke about steps to increase equality in political life. One speaker mentioned through provisions to ensure that electoral lists have no more than 70% men or women. Another participating State spoke about their domestic legislation and parliamentary committee to ensure gender equality. That participating State also spoke about the impact of the illegal occupation of the autonomous Republic of Crimea and City of Sevastopol on the realization of equality for the people there. They spoke of women's involvement in the military and in conflict resolution.

On participating State noted that equality of men and women was not about making women same as men, which would not advance efforts. They stressed the need for authentic equality between men and women and concrete practical issues, including on issues such as equal pay, fairness in the workplace and promotion, family rights, protection for working mothers as well as those who stay in the home.

One participating State called on countries to ensure equal attention to motherhood, childhood and the family. Stressing that children are our future, they spoke about threats to rights of children: trafficking; sexual exploitation; homelessness; lack of education; risks to disabled children; and child migrants. They said that women should be able to combine career and family. For example through vocational training, support for small and medium sized enterprises, support for civil society

organizations that work on women's issues. They noted the international nature of the threat, as a result of trafficking, migration and increased risk of conflict.

Another participating State noted some of the challenges in other participating States, and highlighted best practice and positive steps. Issues included ending early and forced marriage, domestic violence, female genital mutilation, providing support to victims, including migrant survivors of sexual and gender based violence. Another speaker also highlighted issues such as female genital mutilation and honour killings, and the need to educate religious leaders.

Several speakers raised the issue of lack of shelters for victims of domestic violence and problems that women faced when interacting with law enforcement. Other speakers talked of the positive benefit of shelters, and of working with women in rural areas.

More than one participating State noted that when girls are empowered and can make decisions, we see positive effect on the state. When girls and women controlled their sexuality and reproductive lives, including when to have children and child-spacing, the wider situation in the country improved.

One speaker noted how gender inequality affects all, including transgender persons. LGBT persons, sex workers and people with HIV were at risk. They noted the challenge sex workers faced in engaging the police, and suggested that they also faced threats and intimidation from law enforcement. Another speaker highlighted discrimination against LGBT persons in one part of the OSCE region.

One speaker noted provisions in the UN Convention to Eliminate all forms of Discrimination against Women (CEDAW), that set out steps on combating discrimination. The speaker noted that this should include tackling indirect and direct discrimination (for example when encountering public authorities, judiciary and so on). They also stressed the need to recognize and prohibit intersectional discrimination, including sexual orientation, gender identity, disability etc. They noted that Roma and Sinti, lesbians, and young women face multiple discrimination, including gender based violence. Participating States that did not protect them, were failing under CEDAW.

More than one speaker drew attention to the issue of the amendment to legislation of one participating State that decriminalized domestic violence. The speakers suggested that the issue had been misrepresented, and was a matter of equality. One speaker suggested that prosecution of domestic violence without the consent of the victim was a violation of the victim's rights. One speaker raised concerns over legislation that removed children at risk from families, and suggested that the rights of families and of blood relatives should be given weight.

One speaker raised concern over legislative practices, such as naming of children, restrictions on religious rights that had an impact on the rights of children. And on the ability of children to move about without an adult, and the impact this had on their mental health and growth. One speaker raised concerns about the impact on children when their parents were living in exile and unable to return to their homeland. Another speaker highlighted concerns over women's access to the internet and free

media within the OSCE region. They noted the impact it had on women's empowerment.

One speaker briefed on how civil society organizations were working together to improve gender equality and to share best practice and ideas. They would cover a range of issues: multiple aspects of discrimination; not just women as victims, but as agents of change; migration and women migrants; IDPs and conflict areas; economic empowerment; and women's political participation. They noted that the issue of shrinking space for civil society was not gender neutral.

One participating State noted the role of women in situations of conflict and that no woman should be left behind. Women were also the victims of military action. A separate speaker also spoke of women victims of conflict.

One OSCE field operation briefed on the work of their dedicated gender unit. It had provided support to the government on legislation, on protection of victims, and on encouraging reporting of domestic violence.

In exercising their rights of reply, a number of participating States directly addressed the challenges raised by speakers regarding legislation and support for victims of domestic violence. One speaker challenged the assertion that LGBT persons had faced discrimination as had been outlined by another speaker. A number of participating States spoke to condemn the illegal annexation by the Russian Federation of the Autonomous Republic of Crimea and the city of Sevastopol.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Mainstream gender aspect in Roma strategies;
- Ensure equal and non-discriminate access for Roma women in education, political and public life;
- Address child marriage in Roma and Sinti communities;
- Renew domestic measures to address violence against women;
- Adopt a multi-sectoral approach to address violence against women;
- Work towards implementation of the UN resolutions on women, peace and security;
- Ratify Istanbul convention;
- Adopt anti-discrimination legislation;
- Address gender-based violence in armed conflict and in vulnerable groups, including refugees and internally displaced persons;
- Involve women in conflict resolution.

**Recommendations to the OSCE and OSCE participating States:**

- Promote awareness of economic social cost of violence against women;
- Include in training, units on sexual and gender based violence as well as measures on impact. Engage community based policing more on this;
- Support police reform, from force to service.

**Recommendations to the OSCE institutions, executive structures and field operations:**

- ODIHR to continue assistance to participating States in advancing political participation of women;
- ODIHR to ensure that engagement is based on common understanding of participating States;
- Promote women's access to all fundamental rights;
- Ensure that recommendations as part of gender review conference are followed up;
- Engage in wide ranging campaign to end gender stereo types;
- Dedicate more resource to women, peace and security agenda;
- Use its role to promote human rights and fundamental freedoms of women residing in conflict areas.