



## United States Mission to the OSCE

### Session 9

## **Tolerance and non-discrimination, 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**

As prepared for delivery by Ambassador Avis T. Bohlen  
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OSCE commitments to encourage equality of opportunity among women and men go back to the Helsinki Final Act of 1975. These have been further elaborated over the years, and in 2000 and 2004, we adopted OSCE action plans addressing both the situation in participating States as well as management and staffing within the OSCE itself. But commitments are not enough – the commitments must be implemented. The question is whether the human rights of women in our countries are protected in practice as well as on as well as in law. Unfortunately, the answer is “not always.”

In some OSCE participating States, the legal framework to protect the human rights of women is still not complete or is ineffectively implemented. Law enforcement authorities do not always respond adequately to sexual or other physical assaults against women, particularly when these assaults are committed by intimate partners or other family members. For the past several years, we have identified those OSCE countries that do not yet have specific legislation protecting women against domestic violence, sexual harassment, or spousal rape. Unfortunately, the list this year has changed very little.

Although some states prosecute domestic violence under general assault laws, specific laws would strengthen authorities’ ability to hold abusers accountable and could be drafted to lift the burden of pressing charges from the survivor. OSCE participating States that do not have specific laws against domestic violence include Armenia, Belarus, and Uzbekistan. Russia has no legal definition of domestic violence, making prosecution difficult. One positive change occurred in Lithuania, where a law criminalizing domestic violence for the first time went into effect last December, providing a legal basis for rapid police reaction to instances of domestic violence as well as preventive measures and victim assistance. I also would like to recognize the good work of the OSCE Office in Tajikistan in training police to handle domestic violence cases.

Several OSCE participating States also lack specific laws addressing sexual harassment, including Armenia, Belarus, Russia, Turkmenistan, and Uzbekistan. Kyrgyzstan’s legislation deals only with physical assault, not verbal harassment. Though Kosovo’s new criminal code

does not include a specific sexual harassment crime, it does include a provision that covers sexual abuse by misuse of power.

Spousal rape is also not specifically outlawed in several OSCE participating States. It can be prosecuted under general rape laws, but specifically addressing it would help strengthen the response of law enforcement authorities, who often view it as simply a private, family matter. States in the OSCE region with no specific law against spousal rape include Armenia, Azerbaijan, Belarus, Georgia, Latvia, Ukraine, and Tajikistan. In Romania, prosecuting a rape requires both a witness and a medical certificate, making it virtually impossible for authorities to press charges even when they have independent physical evidence.

States must do more to train law enforcement officials, social workers, and others to respond to victims of domestic violence or rape. Victims must be able to obtain information and assistance easily and quickly. Governments should commit resources to help them do so, and should support civil society efforts in this regard as well. We strongly support OSCE programs in these areas, and believe the OSCE should increase its assistance to participating States, including those which do not host field missions.

Women in all OSCE States have proven that when given the same opportunity as men, they also will succeed. Equality of access for women to education, political participation, and economic opportunities and freedom from all forms of violence are key to a country's competitiveness and prosperity.

Moreover, women need to be better represented at the policy-making table. Many OSCE activities focus on conflict prevention, crisis management and resolution, and post-conflict rehabilitation. It is important that women be involved in all stages of conflict-related work. OSCE staff dealing with conflict management should be trained to identify and include women in these efforts.

While we often refer to “women’s rights,” in fact women have the same rights as men. All our citizens have the same human rights and fundamental freedoms, which we must protect. Unfortunately, women aren’t always afforded these rights. We all must work harder to ensure the human rights of women and men are both respected equally.