



United States Mission to the OSCE

Session 16:

Tolerance and Non-Discrimination

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 Cynthia Efirid
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Madam Moderator,

OSCE commitments concerning equality of opportunity for women and men go back to the Helsinki Final Act in 1975, in which participating States agreed to “respect human rights and fundamental freedoms.... for all without distinction as to race, sex, language, or religion.” In 2000 and again in 2004, we adopted OSCE action plans on gender issues, addressing both the situation in participating States as well as management and staffing within the OSCE itself. Although there have been several ministerial decisions strengthening our commitments, OSCE documents are not enough. The question is whether the human rights of women in our countries are protected both in law as well as in practice, and whether women have the same opportunities as men—to get an education, to find employment, or to take part in political life. Unfortunately, these opportunities are not yet available in every participating State.

In some participating States, the legal framework to protect women from human rights abuses is still incomplete or not fully implemented. Sometimes, law enforcement authorities do not respond adequately to physical or sexual assaults against women, particularly if those are perpetrated by spouses or other family members.

Although some States prosecute domestic violence under general assault laws, more specific legislation would strengthen authorities’ ability to hold abusers accountable; these laws can be drafted to take the onus of pressing charges off of the victim. We commend Azerbaijan for passing a law on domestic violence. OSCE states that do not have specific laws against domestic violence include Andorra, Armenia, Belarus and Uzbekistan. Tajikistan drafted laws several years ago which still have not been adopted. Russia has no legal definition of domestic violence, making prosecution difficult.

Like all persons, women should make their own informed decision about how they dress, regardless of religious or cultural diktats. A March Human Rights Watch report details violent attacks on women whose clothing is considered immodest. Human Rights Watch further noted that Chechen leader Ramzan Kadyrov has condoned the documented attacks by unidentified men, some believed to be law enforcement officials. We urge Russian federal officials to address this troubling development.

Spousal rape is not specifically outlawed in several participating States. It only can be prosecuted under general rape laws. Specifically criminalizing spousal rape strengthens the response of law enforcement authorities, who often view it as simply a family matter. States in the OSCE region with no specific law against spousal rape include Armenia, Azerbaijan, Belarus, Georgia, Ukraine, Tajikistan, and Kosovo. (I would note that although Kosovo continues to be the only country in Europe deprived its place at the OSCE table, the United States still holds Pristina accountable for adhering to OSCE principles and commitments.)

Several participating States also lack specific laws addressing sexual harassment, including Armenia, Belarus, Kosovo, Russia, Turkmenistan and Uzbekistan. Kyrgyzstan's legislation deals only with physical assault, not verbal harassment such as threats and intimidation.

However, there are positive recent examples. France has passed a law on combating violence against women which strengthens protection for victims by providing a provisional "protection order" for at-risk women. It also provides for increased legal protection for foreign nationals and undocumented immigrants who are victims of abuse. Moldova has amended its criminal code to better promote the safety and well-being of victims and their children by requiring an abuser to leave housing shared with the victim regardless of who owns the property, providing for victim counseling, forbidding the aggressor from approaching the victim either at home or at a place of business, and forbidding visitation of children pending a criminal investigation.

Laws, of course, are not enough. States should do more to train law enforcement officials, judicial sector officials, social workers, healthcare providers, men and boys, religious and community leaders, and communities at large to address and prevent domestic violence, and violence against women more broadly. Victims should be able to quickly obtain information and assistance, and governments should commit resources to help them do so, as well as support similar civil society efforts. 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.

Madam Moderator,

Women in all OSCE States have proven over and over that given the same opportunity as men, they will succeed. And equality of access for women to education, healthcare, political participation, and economic opportunities is key to a country's competitiveness and prosperity.

Moreover, women need to be represented at the policy- and decision-making table, including at the senior levels of OSCE itself. 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- and post-conflict-related work. OSCE staff dealing with conflict management should be trained to identify and include women in these efforts.

As you said in Kyrgyzstan in July of this year, “Women play a critical role in achieving peace and security.” We applaud your joint visits to participating states with the Special Representative and Coordinator for Combatting Trafficking that highlighted gender inequality and conflict as contributors to human trafficking.

All citizens, men and women alike, are entitled to equal protection in the enjoyment of their human rights and fundamental freedoms. We all must work harder to ensure the rights of women and men are respected equally.