

Statement to Working Session 10: Gender aspects of Security I:

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

Many Participating States still fail to implement fully their commitments to exercise due diligence to prevent, investigate, and punish perpetrators of violence against women and to provide protection to victims. Amnesty International's recent research in **Albania, France, Georgia, Greece, and Russia**, for example, illustrate how in participating states across the region thousands of women every year are hit, beaten, raped and in some cases even killed by their husbands or partners – or fall victim to the modern-day slavery of trafficking in human beings.

In **Albania** Amnesty International welcomes the entering into force, on 1 June 2007, of the law "On Measures against Violence in Family Relations" drafted by a coalition of domestic NGOs, and was adopted by the parliament in December 2006. This civil law aims both to prevent such violence and to introduce procedures to give victims of domestic violence effective protection. Article 25 requires the government to issue enabling legislation within three months of the law coming into force (i.e. by 1 September); Amnesty International is concerned that so far no progress in drafting such legislation was reported by the end of June.

Over the year, Amnesty International has noted an increased reporting of domestic violence to the authorities; however prosecutors had reportedly expressed concerns that they were obliged to stop proceedings in all these cases because the injured party withdrew the complaint.

In a report, issued in November 2006, the OSCE noted that "domestic violence is under-reported, under-investigated, under-prosecuted and under-sentenced" and that "the overwhelming majority of perpetrators are granted impunity". There were signs, however, that official and general public awareness of this issue had increased.

Amnesty International continues to be concerned that domestic violence is not specifically criminalised in the Albanian Criminal Code, and it remains unclear whether violation of a protection order will be treated as a criminal offence.

In **Georgia** Amnesty International continues to be concerned about the widespread impunity enjoyed by perpetrators of domestic violence and insufficient measures and services to protect victims of domestic violence including temporary shelters, adequate and safe housing. Some steps have been taken by the authorities and Parliament to address the concerns, for example in May 2006 the Law of Georgia on Combating Domestic Violence, Prevention of and Support to Its Victims (Law on Domestic Violence) was adopted, which, among other issues, provides a legal basis for the issuance of protection and restraint orders.

On 30 July 2007, with a delay of over nine months, the government approved the Action Plan on Measures to Prevent and Combat Domestic Violence outlining

measures and activities necessary to implement the Law on Domestic Violence. While Amnesty International welcomes aspects of the Action Plan the organization considers that additional measures need to be taken in order to effectively combat domestic violence and protect its victims.

In **Hungary** two thirds of sexual crimes are committed by people known to the victim, yet few of the perpetrators are tried for their crimes. Widespread prejudice, government inactivity and deficiencies in the criminal justice system pose at times insurmountable obstacles for women to obtain justice or redress. These were the main findings of Amnesty International's research on the issue, published on May 2007.

In 1997, rape within marriage was recognized as a crime within the Hungarian penal code. However, the most serious failing in the Penal Code's definition of rape is its requirement that women must prove that they physically resisted, no matter the level of threat or violence that they face. This stipulation leaves unprotected thousands of women in intimate relationships.

Rape in the family is rarely discussed publicly. As a result, in Hungary there is a high rate of attrition for cases of rape and other crimes of sexual violence, women do not have access to justice and redress, and do not receive adequate support and services for victims. On the contrary they are being blamed, stigmatized and humiliated.

In **France**, since the publication, in 2006, of Amnesty International's report *Violence against women: a matter for the state*, EUR 21/001/2006, a number of new and welcome legislative measures have been taken by the French authorities to address the concerns raised in the report. However, Amnesty International remains concerned about the continued reluctance on the part of the French government to draw up a comprehensive inter-ministerial action plan to tackle violence against women.

In 2005 Amnesty International published its research on domestic violence in the **Russian Federation** highlighting the complete lack of a constructive government plan to address this human rights concern. Today the situation remains the same; there is still no legislation on prevention and prosecution of domestic violence and no state budget for this specific problem. Amnesty International calls on the Russian authorities to review its legislation in view of CEDAW and Council of Europe recommendations to end violence against women in the family and encourages local, regional and federal government authorities to cooperate with non-governmental organizations working against violence against women to develop sustainable mechanisms to protect women from violence in the family.

Greece has been a transit and destination country for trafficked persons since the early 1990s and from that time has seen a continuous increase in the number of women and girls trafficked and forced into prostitution. Although the Greek government has responded to trafficking in human beings with a series of new laws since 2002, the reality still remains grim. Amnesty International's June report details the failures of the current system of protection and assistance including: barriers to identification such as lack of identification guidelines for police, deportation without assessment often to countries where they are at risk of further human rights abuses including re-trafficking, inadequate hotline services, protection dependent on giving evidence in criminal proceedings, inadequate witness protection, lengthy trial proceedings and limited access to reparation.

Recommendations

Amnesty International calls on Participating States to:

- Ensure that all forms of domestic violence are treated in law and practice as criminal offences, that acts of domestic violence are investigated, prosecuted and punished in accordance with the gravity of the crime, and that victims receive appropriate reparations.
- Fund and implement compulsory training to programmes for officials – including police, lawyers, judges, forensic and medical personnel, social workers, immigration officials and teachers – in how to identify cases of domestic violence, how to ensure the safety of survivors and how to collect, safeguard, consider and present evidence.
- Fund and establish temporary shelters or other places for women, without compromising their privacy, personal autonomy and freedom of movement.
- Uphold the rights of women and girls trafficked for sexual exploitation by identifying women who may have been trafficked; strengthening protections for them in law; upholding the right to protection and assistance; and ensuring reparation and rehabilitation. All relevant Participating States should ratify and fully implement the Council of Europe Convention on Action against Trafficking in Human Beings.