

Second day of the Thirteenth Meeting
MC(13) Journal No. 2, Agenda item 8

DECISION No. 15/05
PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN

The Ministerial Council,

Recognizing that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security,

Reaffirming the United Nations Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women and the outcome of the twenty-third special session of the General Assembly,

Reaffirming that States have an obligation to exercise due diligence to prevent, investigate and punish the perpetrators of violence against women and girls and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms,

Recalling UN Security Council resolution 1325 (2000) on women, peace and security, which calls for, *inter alia*, the full respect for and protection of the rights of women and girls during and after armed conflict and an end to impunity for perpetrators of gender-based violence,

Reaffirming the strong commitments of the OSCE participating States in the fields of human rights, gender equality, tolerance and non-discrimination, combating trafficking in human beings and improving the situation of Roma and Sinti,

Deeply concerned at the particular targeting or vulnerability to violence and hence the need for protection of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows, women in situations of armed conflicts and women who are otherwise discriminated against, including on the basis of HIV status,

Emphasizing the commitment to gender mainstreaming in the OSCE Action Plan of 2004 for the Promotion of Gender Equality and the specific provisions regarding the prevention and elimination of violence against women in participating States,

Expressing its deep concern at the persisting level of violence against women and girls in the OSCE region, as well as the human and political costs of this phenomenon and recognizing that violence against women constitutes a threat to human security,

1. Urges participating States, with the support and assistance of the OSCE, to take all necessary legislative, policy and programmatic monitoring and evaluation measures to promote and protect the full enjoyment of the human rights of women and to prevent and combat all forms of gender-based violence against women and girls;
2. Calls on participating States to comply with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, if they are parties, and, if they have not already done so, to consider ratifying or acceding to these Conventions; and calls upon States that have ratified or acceded to these Conventions to withdraw reservations that are contrary to the object and purpose of the Conventions;
3. Calls on participating States to consider signing and ratifying or acceding to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography and, where appropriate, the Council of Europe Convention on Action against Trafficking in Human Beings;
4. Notes with regret that female victims of violence are too often left without protection and assistance and urges participating States:
 - (i) To ensure that all female victims of violence will be provided with full, equal and timely access to justice and effective remedies; medical and social assistance, including emergency assistance; confidential counselling; and shelter;
 - (ii) To adopt and implement legislation that criminalizes gender-based violence and establishes adequate legal protection;
 - (iii) To provide in a timely manner physical and psychological protection for victims, including appropriate witness protection measures;
 - (iv) To investigate and prosecute the perpetrators, while addressing their need for appropriate treatment;
 - (v) To promote the full involvement of women in judicial, prosecutorial and law enforcement institutions and to ensure that all relevant public officials are fully trained and sensitized in recognizing, documenting and processing cases of violence against women and children;
 - (vi) To meet the special needs for protection and assistance of girl victims of violence;
5. Notes that violence against women and girls often remains unreported and unrecorded and is therefore not adequately reflected in statistics, and encourages participating States to

support efforts to raise awareness; to make significant additional efforts to collect, analyse and disseminate comparable data; and to support specialized NGOs and research on the issue;

6. Calls upon participating States to take measures to strengthen the economic independence of women, including ensuring non-discriminatory employment policies and practices, providing equal access to education and training, equal remuneration for equal work, increased work and educational opportunities, equal access to and control over economic resources with a view to reducing women's vulnerability to all forms of violence, including domestic violence and trafficking in human beings;
7. Urges participating States to take all necessary steps to prevent gender-based violence against women and girls during and after armed conflict and emergencies, including the bringing to justice of perpetrators of crimes, and to take special measures to address the needs of women and girls in the post-conflict environment;
8. Acknowledges the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court and in the Elements of Crimes, adopted by the Assembly of State Parties to the Rome Statute in September 2002, and the elaboration of the circumstances in which such crimes can constitute crimes against humanity and/or war crimes;
9. Encourages the dissemination of the relevant case-law of the existing *ad hoc* International Criminal Tribunals for the former Yugoslavia and Rwanda and full co-operation with those jurisdictions;
10. Decides to intensify the co-operation of the OSCE with the relevant structures of the United Nations, the Council of Europe, the European Union and other international organizations, as well as with civil society and relevant non-governmental organizations, to promote the prevention of and the fight against all forms of violence against women and girls;
11. Tasks the Permanent Council to encourage the development by relevant OSCE institutions and structures of programmes, projects and policies to assist participating States, at their request, in combating violence against women and girls and providing assistance for victims;
12. Requests that the Secretary General pay specific attention to reporting on the implementation of this decision in the Annual Report to the Permanent Council on the 2004 Action Plan for the Promotion of Gender Equality.

MC.DEC/15/05
6 December 2005
Attachment 1

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER PARAGRAPH 79
(CHAPTER 6) OF THE FINAL RECOMMENDATIONS OF THE
HELSINKI CONSULTATIONS**

By the Delegation of the United States of America:

“Thank you. The United States supports the adoption of this decision. We would, however, like to clarify our views in relation to the reference in the text to the Beijing Declaration and Platform for Action.

The United States is firmly committed to the empowerment of women and the promotion of women’s fullest enjoyment of universal human rights and fundamental freedoms.

The Beijing Declaration and Platform for Action express important political goals that the United States endorses. We reaffirm the goals, objectives, and commitments of the Beijing Declaration and Platform for Action based on several understandings. We understand these documents constitute an important policy framework that does not create international legal rights or legally binding obligations on States under international law.

During the 2005 meeting of the United Nations Commission on the Status of Women (CSW), there was international consensus that the Beijing documents create no new international rights, including a right to abortion, and this was confirmed by the CSW Chairperson.

Our reaffirmation of the goals, objectives, and commitments of these documents does not constitute a change in the position of the United States with respect to treaties we have not ratified.

The United States fully supports the principle of voluntary choice regarding maternal and child health and family planning. We have stated clearly and on many occasions, consistent with the ICPD, that we do not recognize abortion as a method of family planning, nor do we support abortion in our reproductive health assistance.

The United States understands that there is international consensus that the terms “reproductive health services” and “reproductive rights” do not include abortion or constitute support, endorsement, or promotion of abortion or the use of abortifacients.

The United States supports the treatment of women who suffer injuries or illnesses caused by legal or illegal abortion, including for example post-abortion care, and does not place such treatment among abortion-related services.

We are glad to join the nations assembled here in committing ourselves to tangible efforts on the ground devoted to continually helping women enjoy better, more free lives throughout the world.

We request that this interpretive statement be attached to the journal of the day.

Thank you.”

**INTERPRETATIVE STATEMENT UNDER PARAGRAPH 79
(CHAPTER 6) OF THE FINAL RECOMMENDATIONS OF THE
HELSINKI CONSULTATIONS**

By the Delegation of the Holy See:

- “1. The Holy See deeply respects and promotes the dignity of women and girls, their human rights and fundamental freedoms, and therefore it is strongly committed to preventing and combating violence against women and girls.
2. In joining the consensus on the OSCE Ministerial Council Decision on Preventing and Combating Violence Against Women, the Holy See reaffirms its reservations and statement of interpretation on the documents of the Fourth World Conference on Women, as included in the report of that Conference, and its statement of interpretation on the final documents of the twenty-third special session of the UN General Assembly. The Holy See, therefore, understands the references to the Beijing documents and the outcome of the twenty-third special session of the General Assembly in accordance with those reservations and statements. There are no changes in the position of the Holy See regarding the issues addressed therein.
3. The Holy See also understands that the Beijing documents do not establish any new human rights, or legally binding obligations.
4. The Holy See reserves its position regarding references to other international instruments mentioned in the Decision, consistent with its international obligations. Furthermore, the fact that the Holy See is joining the consensus on this Decision does not imply in any way a change in its position regarding the international instruments to which it is not a party.
5. We request that this interpretative statement be attached to the journal of the day.”