



EQUAL RIGHTS TRUST

Equal Rights Trust

Statement for the Organisation for Security and Cooperation in Europe Human Dimension Implementation Meeting 2017

Working Session 16: Tolerance and non-discrimination, including: Equality of opportunity for women and men

1. The Equal Rights Trust is an international organisation which exists to combat discrimination and promote equality as a fundamental human right and a basic principle of social justice.¹ In the last ten years, we have been engaged in combating discrimination and promoting equality in seventeen of the Organisation for Security and Cooperation in Europe (OSCE) participating states.²
2. We welcome today's discussion, and the statements made today by many participating states about their commitment to gender equality steps which they are taking to address serious issues such as gender-based violence and gender inequality in political participation.
3. In the view of the Equal Rights Trust, these issues will only ever be properly addressed in the context of a genuinely comprehensive legal framework which prohibits all forms of discrimination against women. Such a framework is a necessary, but not sufficient condition for addressing violence against women and other issues of gender inequality.
4. The vast majority of OSCE states are participants in the Convention on the Elimination of All Forms of Discrimination Against Women.³ Many participating states also have specific legislation aimed at increasing gender equality, or addressing discrimination against women. This is, of course, to be welcomed. However, many states have yet to put in place the kind of legislation required to eliminate *all forms of discrimination against women*.
5. As states will be aware, in 2010, the Committee on the Elimination of Discrimination Against Women issued a General Recommendation on states' obligations under Article 2 of the Convention, which sets out states parties' obligations in respect of laws and policies to eliminate discrimination.⁴ In this General Recommendation, the Committee clarified that eliminating all forms of discrimination necessitates the passing of "legislation that prohibits discrimination in all fields of women's lives under the Convention and throughout their

¹ For more information about the Equal Rights Trust and our work, and to download any of the Equal Rights Trust publications cited below, please visit: www.equalrightstrust.org.

² These states are: Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russian Federation, Serbia, Tajikistan, Turkey, Ukraine, the United Kingdom and Uzbekistan.

³ Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. 34/180, 1979.

⁴ UN Committee on the Elimination of Discrimination against Women, *General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc. CEDAW/C/GC/28, 16 December 2010.

lifespan”.⁵ The General Recommendation goes on to elaborate that such legislation should, amongst other things:

- a. Explicitly define and prohibit direct and indirect discrimination,⁶ and harassment;⁷
 - b. Provide protection from discrimination committed by “public authorities, the judiciary, organizations, enterprises or private individuals, in the public and private spheres”;⁸
 - c. Recognise and prohibit intersectional discrimination on grounds including but not limited to ethnicity, disability, health status, sexual orientation and gender identity.⁹
6. The Equal Rights Trust’s experience indicates that gender equality legislation in a significant number of OSCE participating states – including Azerbaijan, Kazakhstan and Kyrgyzstan, but also others – fails to meet this standard.¹⁰ This is true in particular in the essential third aspect – providing protection from intersectional discrimination on all grounds recognised at international law. Others here today have given examples of how, in the absence of effective and comprehensive legal frameworks on discrimination, Roma women, lesbians and young women and other particular groups experience multiple discrimination in many areas of life, and are particularly exposed to gender based violence.
7. States which have yet to enact legislation which clearly and effectively provides protection from such forms of discrimination are failing in their obligations, under the CEDAW, to

⁵ *Ibid.*, Para 31.

⁶ *Ibid.*, Para 9.

⁷ While the Committee does not make explicit reference to harassment in its General Recommendation 28, in its General Recommendation 19, the Committee clearly establishes that harassment is a form of violence against women and as such is a form of discrimination encompassed within Article 1, and that as such, states have an obligation to take effective legal measures to prevent it. Paragraph 1 of the General Recommendation states: “The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately.” Paragraph 24 goes on to state “That States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia: Effective legal measures, including penal sanctions, civil remedies compensatory provisions to protect women against all kinds of violence, including, inter alia, violence and abuse in the family, sexual assault and sexual harassment in the workplace. See: UN Committee on the Elimination of Discrimination against Women, *General recommendation No. 19: Violence against women*, UN Doc. A/52/38, 1992.

⁸ See above, note 4, Para 17.

⁹ *Ibid.*, Para 18.

¹⁰ See for example, Equal Rights Trust, *In the Name of Unity - Addressing Discrimination and Inequality in Kazakhstan*, July 2017, Part 3.3, available at: http://www.equalrightstrust.org/ertdocumentbank/Kazakhstan_EN_0.pdf; Equal Rights Trust, *Looking for Harmony - Addressing Discrimination and Inequality in Kyrgyzstan*, December 2016, Part 3.4, available at: http://www.equalrightstrust.org/ertdocumentbank/Kyrgyzstan_EN_0.pdf; Equal Rights Trust, *After the Padishah Addressing Discrimination and Inequality in Uzbekistan*, December 2016, Part 3.4, available at: http://www.equalrightstrust.org/ertdocumentbank/Uzbekistan_EN_0.pdf.

eliminate all forms of discrimination against women. I urge participating states who have yet to do so to bring their national laws into line with international standards, and in so doing provide a basis for women's equal participation in all areas of life.