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**GENDER EQUALITY COMMISSION
(GEC)**

**SEMINAR ON
"TACKLING THE GAPS IN RESEARCH AND THE LACK OF DATA DISAGGREGATED BY
SEX CONCERNING WOMEN'S ACCESS TO JUSTICE"**

DRAFT CONCEPT NOTE

1. Background of the Seminar

Access to justice is a human right and an integral element of promoting the rule of law. Respect and protection of human rights can only be guaranteed with the availability of effective remedies, adequate reparation and/or compensation. In addition, research and collection of reliable and comparable data is essential with a view to elaborating evidence-based policies and legislation.

One of the five objectives of the [Council of Europe Gender Equality Strategy \(2014-2017\)](#), adopted in November 2013, is to work with member states towards guaranteeing equal access of women to justice. The strategy establishes that Council of Europe action in this area will seek to:

- analyse national and international frameworks with a view to gathering data and identifying the obstacles women encounter in gaining access to the national courts and to international justice;
- identify, collect and disseminate any existing remedies and good practices aiming at facilitating access of women to justice, including out-of-court and quasi-legal stages of protection of women's rights;
- make recommendations to improve the situation.

In 2012, the Gender Equality Commission (GEC) of the Council of Europe commissioned a [Feasibility Study on Equal Access of Women to Justice](#), which highlighted a number of obstacles to women's access to justice and stressed the need to tackle gaps in research and data collection by improving data collection disaggregated by sex, at all levels, and by carrying out a qualitative analysis of jurisprudence to identify a possible gender bias in the application of the law and ways to overcome such bias. Equal access to justice is key to ensuring equality before the law, not only *de jure* but also *de facto*.

The GEC discussed the feasibility study and its findings in April 2013, and considered it to be a useful starting point, to be followed by more in-depth thematic debates. The first of such events was the Hearing on "[Access to Justice for Women Victims of Violence](#)" (Paris, 9 December 2013) where legal, institutional, social and cultural barriers faced by women victims of violence seeking justice were discussed, as well as measures to remove them.

In 2007, [former judge of the European Court of Human Rights Ms Françoise Tulkens carried out research](#) on cases where a judgment on the merits was delivered by the Court, and found that the number of applications lodged by women - between 1 November 1998 and 1 March 2006 - was "*approximately 1,300 in absolute figures, equivalent to roughly 16% of all applications*". She highlighted that the need for an in-depth quantitative examination does not exist in isolation, as the Court can only deal with cases that are referred to it, which raises the question of women's access to the European Court of Human Rights.

UN Women's 2011-2012 report "[Progress of the World's Women: In Pursuit of Justice](#)" concluded that "*in rich and poor countries alike, the infrastructure of justice – the police, the courts and the judiciary – is failing women, which manifests itself in poor services and hostile attitudes from the very people whose duty it is to meet women's rights*". The report lists 'Ten proven approaches to make justice systems work for women', including investing in women's access to justice, as only a fraction of the funding dedicated by countries to strengthening the rule of law is being spent on justice for women and girls.

2. Council of Europe and other regional and international standards and activities on research and data collection disaggregated by sex regarding women's equal access to justice¹

The seminar is framed in the context of international and European standards on research and data collection regarding women's equal access to justice, including women victims of violence. In particular, the [European Convention on Human Rights](#); [the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#) (the Istanbul Convention); and Recommendations from the Committee of Ministers² and the Parliamentary Assembly of the Council of Europe³. With the adoption of the Istanbul Convention, the Council of Europe has set legally-binding standards requiring the collection of data in the area of violence against women, while protecting personal data. The obligation on Parties to improve and step up their efforts to collect administrative and population-based data on all forms of violence against women follows up on previous work of the Council of Europe in this field:

- The report "[Administrative data collection on domestic violence in Council of Europe member states](#)", published in 2008, provides recommendations on the collection of administrative data in the area of domestic violence, including model data categories.
- Paragraph V of Recommendation Rec(2002)5 of the Committee of Ministers on the protection of women against violence calls on the governments of member states to promote research and data collection. The [analytical studies](#) of the results of the first, second and third rounds of monitoring the implementation of this Recommendation, including data submitted by member states, were published in 2006, 2008 and 2010. The analytical study of the [fourth round of monitoring of Rec\(2002\)5](#) was published in March 2014.

Once the Istanbul Convention enters into force, its implementation will be monitored by the Council of Europe's Group of Experts on action against violence against women and domestic violence (GREVIO) and the Committee of the Parties. This will be done on the basis of data collected from state parties with the help of a questionnaire, which will greatly expand the existing data and information on national responses to violence against women.

Other relevant instruments⁴ include the [International Covenant on Civil and Political Rights](#), the [Convention on the Elimination of All Forms of Discrimination against Women](#) and [General Recommendations](#) adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), as well as its [jurisprudence](#) interpreting States' obligations under the Convention. A General Recommendation on Access to Justice is under preparation by CEDAW.

The European Institute for Gender Equality (EIGE) has carried out work to [identify data and resources on sexual violence against women](#) in the European Union, as well as [international activities in the field of data collection on gender-based violence](#) across the EU. The Fundamental Rights Agency of the EU (FRA) has carried out an [EU-wide survey on violence against women](#), interviewing over 42,000 women between 18 and 74 years of age.

¹ A more comprehensive description of current standards and activities on these issues will be made available at the seminar in a "Background paper".

² [Recommendation \(2002\)5 on the protection of women against violence](#); [Recommendation \(2006\)8 on Assistance to Crime Victims](#); [Recommendation \(2007\)17 on gender equality standards and mechanisms](#).

³ [Recommendation 2030 \(2013\) on Violence against Women in Europe](#).

⁴ See also [EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime](#) (November 2012) and reports on access to justice by the EU's Fundamental Rights Agency. See also the [UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#) (December 2012).

In 2013, the [United Nations Global Gender Statistics Programme](#) included work on the minimum set of [agreed gender indicators](#) as a guide for the national production and international compilation of gender statistics, and the provision of training and assistance to strengthen the capacity of countries to produce and disseminate gender statistics for policy-making. These gender indicators cover, amongst other areas, human rights of women and girls, but only in relation to violence against women and girls⁵ and not access to justice. The UN Statistics Division has produced a [Gender Statistics Manual](#), which includes violence against women but does not address women's access to justice more generally either. In 2013, the United Nations also published "[Guidelines for Producing Statistics on Violence against Women: Statistical Surveys](#)" which provides national statistical offices with detailed guidance on how to collect, process, disseminate and analyse data on violence against women.

The United Nations Office on Drugs and Crime (UNODC) regularly collects and disseminates statistics on crime and criminal justice and provides analyses and studies on trends and patterns, including on violence against women. In July 2013, the Economic and Social Council (ECOSOC) adopted a Resolution on "[Improving the quality and availability of statistics on crime and criminal justice for policy development](#)" requesting UNODC to continue developing technical and methodological tools to assist countries in producing and disseminating accurate and comparable statistics on crime and criminal justice, and to continue providing technical assistance to enhance national capacities to collect, analyse and report data on crime and criminal justice.

3. Aims of the Seminar:

The seminar on "Tackling the gaps in research and the lack of data disaggregated by sex concerning women's equal access to justice" seeks to:

- Map out existing regional and international standards and initiatives regarding research and data collection in the field of women's equal access to justice;
- Identify good practices and policies in this field at the national level;
- Identify and discuss existing gaps in standards and methodologies regarding research and data disaggregated by sex, including on access to justice of women victims of violence;
- Put forward proposals to address the research and data needs and identified gaps.

4. Targeted participants:

- Representatives of regional and international organisations working in these fields: EU (FRA, EIGE), UN (CEDAW, UN-Women, UNODC), OAS.
- Members of the Gender Equality Commission, National Focal Points and Gender Equality Rapporteurs.
- Representatives from other CoE bodies, including the European Court of Human Rights.
- NGOs.

5. Expected outputs:

- Proposed measures to address the research and data needs and gaps in the field of women's equal access to justice, including women victims of violence;
- Good practices to promote research and data collection disaggregated by sex concerning women's equal access to justice across Europe;
- Increased networking and partnerships among relevant stakeholders;
- Proposed follow-up activities for the Council of Europe on women's equal access to justice.

⁵ The agreed gender indicators on human rights of women girls are: total rates of women subjected to physical and sexual violence in the last 12 months by their intimate partners and persons other than them; prevalence of female genital mutilation; percentage of early marriages; and adolescent birth rate.