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**GENDER EQUALITY COMMISSION  
(DECS-GEC)**

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**CONFERENCE**

**“TOWARDS GUARANTEEING EQUAL ACCESS OF WOMEN TO JUSTICE”**

**15-16 OCTOBER 2015, BERN (SWITZERLAND)**

**PRELIMINARY DRAFT CONCEPT NOTE**



## 1. Background of the Conference

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. Adequate data on women's access to justice is needed to address remaining inequalities and discrimination, and to promote the respect and protection of women's human rights through effective remedies and adequate reparation. Equal access to justice is key to ensuring equality before the law, not only *de jure* but also *de facto*.

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 for further work to address this issue.

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

- analyse national and international frameworks to gather data and identify the obstacles women encounter in gaining access to the national courts and to international justice;
- identify, collect and disseminate existing remedies and good practices to facilitate women's access to justice;
- make recommendations to improve the situation.

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.

The Hearing on "[Access to Justice for Women Victims of Violence](#)" addressed the socio-economic and cultural barriers to equal access to justice for women victims of violence: fear and shame, lack of awareness about official procedures and assistance available, economic dependence and concern for children, and the gendered impact of austerity measures. The need to break taboos and ensure that violence against women and domestic violence are not treated as a "private" or "family" matter was also highlighted. With the Istanbul Convention in force, preventing and combatting such violence has become a legally binding obligation for parties.

Access to justice is one of the fields where more work is needed to produce reliable statistics, due to its cross-cutting nature and the complexity of the process expected to deliver justice. In June 2014, the Seminar "[Tackling the gaps in research and the lack of data disaggregated by sex concerning women's equal access to justice](#)" stressed the urgency to improve data collection and analysis on cases of violence against women, including harmonisation needs and sharing of information among the relevant actors (justice system, police, social services, health services). The lack of collected evidence on the barriers that women face to access justice needs to be addressed so that obstacles can be removed, leading to an improved protection of women's rights.

## 2. Council of Europe and other regional and international standards

This conference is framed in the context of international and European standards regarding equal access to justice by women, in particular the [European Convention on Human Rights](#)<sup>1</sup>; [the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#); [the Council of Europe Convention on Action against Trafficking in Human Beings](#); [European Convention on the Compensation of Victims of Violent Crime](#); and

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<sup>1</sup> In particular, related case-law on Articles 3, 6 and 14, as well as its Protocol 12.

Recommendations from the Committee of Ministers of the Council of Europe addressed to the member states<sup>2</sup>. Other relevant instruments<sup>3</sup> include the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the General Recommendations adopted by the CEDAW Committee as well as its jurisprudence, and a General Recommendation on Access to Justice, currently under preparation by CEDAW.

The conference will take account of the obligation for Council of Europe member States to prohibit discrimination against women and abolish laws and practices which discriminate against women, as well as of the due diligence that should be exercised to prevent, investigate, punish and provide reparation for acts of violence against women.

### **3. Objectives of the Conference:**

The Conference will be the third event organised by the Council of Europe as part of its work and activities to support member states to implement Council of Europe and other regional and international standards and, through the achievement of the objectives of the Gender Equality Strategy 2014-2017, ensure the advancement and empowering of women and the effective realisation of gender equality. The conference will build on the conclusions and recommendations of previous events and activities, facilitate the exchange of information and good practices, analyse findings and provide recommendations to improve women's access to justice in Europe.

#### The conference aims to:

- Raise awareness of persistent barriers faced by women to access justice, including socio-economic and cultural barriers, access to legal aid, the negative impact of gender-neutral legislation and stereotypes in the justice system;
- Address the challenges of intersectionality in relation to women's access to justice;
- Exchange good practices to promote equal access to justice for women;
- Promote existing standards, including the Istanbul Convention, to ensure access to justice for women victims of violence;
- Facilitate partnerships and networks among officials, professionals and civil society.

#### Expected outputs:

- Proposed measures to address the obstacles that prevent equal access to justice for women in the fields of criminal law, civil and family law, and public law;
- Proposed measures to address the research and data needs and gaps in the field of women's equal access to justice, including but not limited to women victims of violence;
- Good practices and shared experiences to promote equal access of women to justice;
- Increased networking and partnerships among relevant stakeholders;
- Proposed follow-up activities for the Council of Europe in this field.

#### Targeted participants:

- Representatives of national authorities (Ministries of Justice, Interior, Women/Equality and Social Affairs, and gender equality mechanisms);
- Representatives of legal professionals, including the judiciary;
- Members of the Council of Europe Gender Equality Commission, National Focal Points and Gender Equality Rapporteurs;
- Representatives from other Council of Europe bodies, including the European Court of Human Rights, the Commissioner, the Parliamentary Assembly, and the Congress;
- Representatives of regional and international organisations (UN, EU, OSCE, OAS);
- NGOs.

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<sup>2</sup> [Recommendation \(93\)1 on Effective Access to the Law and to Justice for the Very Poor](#) and [Recommendation \(2006\)8 on Assistance to Crime Victims](#).

<sup>3</sup> See also [EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime](#), reports by the EU's Fundamental Rights Agency (FRA) and Institute for Gender Equality (EIGE).