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**GENDER EQUALITY COMMISSION  
(GEC)**

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

**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. Equal access to justice is key to ensuring equality before the law, not only *de jure* but also *de facto*.

In 2007, former judge of the European Court of Human Rights Ms Françoise Tulkens carried out [research](#) 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*”.

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.

The Hearing on “[Access to Justice for Women Victims of Violence](#)”<sup>1</sup> called for data collection and research in this field, including gathering information on sex, age and relationship of women’s victims of violence and the perpetrators. The need to disaggregate data on all offences against a person, integrate these data and make them public, was also highlighted.

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.

## 2. Regional and international standards and activities on research and data collection disaggregated by sex regarding women’s equal access to justice<sup>2</sup>

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 Ministers<sup>3</sup> and the Parliamentary Assembly of the Council of Europe<sup>4</sup>. 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

<sup>1</sup> Paris, 9 December 2013.

<sup>2</sup> A more comprehensive description of current standards and activities on these issues will be made available at the seminar in a “Background paper”.

<sup>3</sup> [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](#).

<sup>4</sup> [Recommendation 2030 \(2013\) on Violence against Women in Europe](#).

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](#)", provides recommendations on the collection of administrative data in the area of domestic violence, including model data categories.
- 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, third and fourth rounds of monitoring the implementation of this Recommendation, include data submitted by member states.

Upon entry into force, the implementation of the Istanbul Convention 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 is hoped to expand the existing data and information on national responses to violence against women.

Other relevant instruments<sup>5</sup> include the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the General Recommendations adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), its jurisprudence interpreting States' obligations under the Convention and a General Recommendation on Access to Justice which 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 EU and recently completed a study on "Mapping Administrative Data Sources on Gender-based Violence in the EU-28: Current status and Potential". Its report on Effectiveness of Institutional Mechanisms for the Advancement of Gender Equality includes a chapter on statistics disaggregated by sex. The Fundamental Rights Agency of the EU (FRA) has also carried out an EU-wide survey on violence against women<sup>6</sup>.

In 2013, the United Nations Global Gender Statistics Programme worked on the minimum set of agreed gender indicators as a guide for the national production and international compilation of gender statistics which cover, amongst other areas, human rights of women and girls, but only in relation to violence against women and girls<sup>7</sup> and not as regards access to justice. The [Gender Statistics Manual](#) prepared by the UN Statistics Division includes violence against women but does not address women's access to justice more generally either. The United Nations "[Guidelines for Producing Statistics on Violence against Women: Statistical Surveys](#)" 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.

<sup>5</sup> 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.

<sup>6</sup> Published on 5 March 2014.

<sup>7</sup> 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.

**Aims of the Seminar:**

The seminar aims to:

- Gain an overview of women's access to the overall justice system in the areas of civil, criminal and administrative law;
- Map out existing regional and international standards and initiatives regarding research and data collection in the field of women's equal access to justice, including but not limited to women victims of violence;
- 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 the need for the harmonisation of data;
- Put forward proposals to address the research and data needs and gaps.

**Expected outputs:**

- 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 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.

**Targeted participants:**

- Representatives of regional and international organisations working in these fields: EU (FRA, EIGE), UN (CEDAW, UN-Women, UNODC).
- 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.