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CONSEIL DE L'EUROPE

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EU / CoE Joint Project Improving Women's Access to Justice in the Six Eastern Partnership Countries

Programmatic Cooperation Framework

Implemented in: Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine **2015-2016**

Belarus joined in 2017

Presentation for the Gender Equality Commission Meeting, Strasbourg, 5 April 2017

Antonina Vykhest

Project Manager

Gender Equality Unit

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Project Overview and Updates

- Implemented under the Programmatic Cooperation Framework Phase I
- Responding to CoE GE Strategy 2014-2017
- Initially project implemented in 2015-2016
- Belarus joined as the sixth country in 2017 to participate in activities this year
- Extension confirmed at the end of 2016
- Project will end on 31 October 2017
- New Project staff as of February 2017

Antonina Vykhrest and Najla Chaffai

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Project Objectives

1. Identify and support the removal of obstacles to women's access to justice.
2. Strengthen the capacity of Eastern Partnership countries to design measures to ensure that the justice chain is gender-responsive, including through the training of legal professionals.

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Project Partners – National Partners Institutions

- Academy of Justice of Armenia
- Academy of Justice of Azerbaijan
- Office of the Prosecutor of Georgia
- High School of Justice of Georgia
- National Institute of Justice of Moldova
- National School of Judges of Ukraine
- National Academy of the Office of the Public Prosecutor of Ukraine
- Institute of Qualification and Training of the Belarusian State University

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Project Publications

- 1. Fives studies identifying main obstacles to justice for women in the original 5 EaP countries**
 - Still *de jure* discrimination of women. e.g. labour legislation restricts women's access to certain professions; women not allowed to do night work
 - **Anti-discrimination laws** need to be strengthened, but good examples in the region (e.g. Georgia – notion of multiple discrimination)
 - Even when it exists, **limited use of anti-discrimination legislation on the ground of sex** (good examples: Equality Council in Rep. Moldova and Public Defender's Office of Georgia)
 - **Limited use of international standards in judicial decisions** (e.g. only 18 judicial acts in Ukraine contain references to the CEDAW, mostly by applicants)
 - **Indirect discrimination of women**
 - **Employment area:** access of fathers to parental leave; determination of alimony and payment of alimony; unlawful dismissal or refusal to hire pregnant women
 - Significant **underrepresentation of women in the judiciary** in Armenia and Azerbaijan
 - **Violence against women:** not all forms are criminalised; severe under-reporting of crimes of violence against women; very few convictions of rape
 - **Gender stereotypes and bias** in the justice system (e.g. investigation of sexual violence)

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Project Publications

2. Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice

A. Common general part, covering four main sections:

Conceptual framework on women's access to justice

- overview and key definitions of women's rights, non-discrimination and gender equality, judicial gender stereotypes, etc.
- **International Legal Framework**
- Thematic overview of **Violence Against Women, Family Law and Employment Law** as it pertains to the role of judges and prosecutors
- **Practice of judges and prosecutors** and ensuring women's access to justice
 - Legal standing
 - Procedural issues and investigation
 - Evidentiary issues
 - Legal reasoning
 - Remedies
 - Sentencing
 - Gender-sensitive case and courtroom management
 - Interaction with women witnesses and litigants
 - Supporting women in the justice sector

B. Four national parts specific to Armenia, Georgia, the Republic of Moldova, and Ukraine

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Project Activities 2017

- 10 pilot trainings planned May – September 2017
- Feedback from trainings will inform the final revision of the Training Manual
- Publication of the Training Manual Fall 2017
- Additional tools developed and support provided to the partner institutions
- Engaging with HELP Programme to prepare an e-learning course on women's access to justice on the basis of the training manual
- Making the National Studies available as electronic publications
- February 2017 Conference organised by CoE and DG1 on Women's Access to Justice in Eastern Partnership Countries
 - Presentation of Project and Training Manual to DG1
 - Participants included representatives of Ministry of Justice, judges, prosecutors lawyers, national human rights institutions, national training institutions, international and national experts on women's rights and representatives of women's human rights NGOs
 - Some highlights:
 - Bringing together both national partners exposed to issues related to women's access to justice and those that were not
 - Judicial stereotyping in courts sparked dialogue
 - Presentations on national context as linked to project activity