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## **WOMEN'S RIGHTS AND GENDER EQUALITY IN EUROPE**

Round-Table with human rights defenders  
organised by the Office of the Council of Europe Commissioner for Human Rights  
Vilnius, 6 and 7 July 2015

### **REPORT**

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## Introduction

1. The Commissioner for Human Rights of the Council of Europe (the Commissioner) actively supports the work of human rights defenders, including those who are at risk, and promotes the development of an environment conducive to their work.<sup>1</sup> The protection of human rights defenders, especially those working in difficult situations, remains a major issue in the Council of Europe area. Human rights organisations and defenders are key partners of the Commissioner.
2. The Commissioner regularly raises issues related to human rights defenders, including concerns about restrictions and obstacles to their work, in his country and thematic work, as well as through third party interventions before the European Court of Human Rights (the Court).
3. Since 2008 the Commissioner has met annually with different groups of human rights defenders from the Council of Europe area in a round-table format. Recently, several thematic consultations have taken place. Events on [post-war justice and durable peace in the former Yugoslavia](#) (2012); [the protection of migrant rights in Europe](#) (2012); and [human rights and the security sector](#) (2013) gathered human rights defenders with relevant thematic expertise. These round-tables resulted in fruitful discussions and helped develop the Commissioner's country and thematic work in the given areas and improve the support given by his Office to human rights defenders.
4. The Office of the Commissioner organised a round-table with human rights defenders on the topic of women's rights and gender equality in Europe on 6 and 7 July 2015 in Vilnius. The Commissioner's thematic work in 2014 and 2015 had a strong focus on these issues.<sup>2</sup> Gender equality and women's rights were also discussed during a number of country visits, for example in Armenia,<sup>3</sup> Serbia<sup>4</sup> and San Marino.<sup>5</sup> The round-table gathered human rights defenders from over 20 countries of the Council of Europe area, who carry out prominent work in the field of women's rights and gender equality, and members of the Commissioner's Office.
5. The event provided an opportunity to discuss several specific issues related to gender equality and the enjoyment of human rights by women, and to assess the situation of women's rights defenders as well as their work environment in the Council of Europe area. The round-table reinforced links and co-operation between human rights defenders and the Commissioner and among the participating human rights defenders.
6. The discussions focused on the following themes: violence against women and access to justice for victims; gender-based discrimination and stereotypes in the education system; and the situation of human rights defenders promoting women's rights and gender equality. The present report constitutes a concise summary of the trends and proposals identified during the discussions in relation to these themes.
7. The discussions were aimed at helping the Commissioner and his Office to further develop their work on women's rights and gender equality and to support human rights defenders, in particular those in a difficult situation. The Commissioner wishes to express his sincere gratitude to the participants of this round-table for their valuable contributions to the debate.

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<sup>1</sup> For more information, visit the Commissioner's [webpage](#) dedicated to human rights defenders.

<sup>2</sup> For more information, visit the Commissioner's [webpage](#) dedicated to women's rights and gender equality. See also the Commissioner for Human Rights Annual [Report](#) for 2014, section on Gender Equality, page 47.

<sup>3</sup> Report by Nils Muižnieks following his visit to [Armenia](#) from 5 to 9 October 2014, CommDH (2015)2, paragraphs 93 to 172.

<sup>4</sup> Report by Nils Muižnieks following his visit to [Serbia](#) from 16 to 20 March 2015, CommDH (2015)14, paragraphs 107 to 124, and paragraphs 133-134.

<sup>5</sup> Report by Nils Muižnieks following his visit to [San Marino](#) from 9 to 10 June 2015, CommDH (2015)22, paragraphs 28 to 45.

## I. Violence against women and access to justice

8. As a starting point, all participants stressed the importance of the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter: the Convention or Istanbul Convention), as a legally binding instrument clearly establishing that violence against women must be understood as a violation of human rights and a form of discrimination. They noted that domestic violence, as defined in the Istanbul Convention, includes acts of physical, sexual, psychological and economic violence between members of the family or domestic unit, irrespective of biological or legal family ties. Intimate-partner violence between current or former spouses or partners is also included. Domestic violence constitutes a form of violence which affects women disproportionately and which is therefore distinctly gendered as highlighted in the explanatory memorandum to the Istanbul Convention.
9. It was also recalled that the Istanbul Convention criminalises several forms of gender-based violence, i.e. violence directed against a woman because she is a woman or violence that affects women disproportionately, such as stalking (which includes cyber-stalking), sexual harassment, sexual violence and rape. The Convention also counters forced marriage, female genital mutilation, and forced abortion and sterilisation.
10. The participants agreed that states should ratify and fully implement the Istanbul Convention.<sup>6</sup> However, in many countries, the ratification of the Convention has been delayed due to several factors including hostile attitudes held by ultra-conservative groups who consider that the definition of gender contained in the Convention would clash with what they see as the preservation of the “traditional concept of the family”. To date, 19 Council of Europe member states have ratified the Convention.<sup>7</sup> In addition, 20 countries have signed it,<sup>8</sup> leaving eight member states with no action on this.<sup>9</sup>

### ***Obstacles and good practices concerning women’s access to justice***

11. During this session, the participants discussed at length the question of access to justice for victims of violence against women. They recalled that states can be held responsible under international human rights law, and in particular the European Convention on Human Rights, if they do not respond adequately to violence against women, including when it is inflicted by non-state actors. However, in practice, the response of European states is far from satisfactory, as the case-law of the Court shows.<sup>10</sup>
12. The participants welcomed the fact that the Council of Europe Gender Equality Strategy 2014-2017<sup>11</sup> focused on equal access to justice for women and they used it as a basis for their discussions on the obstacles and good practices which had been identified by the Council of Europe Gender Equality Commission in this field.<sup>12</sup>

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<sup>6</sup> See also: “Fighting violence against women must become a top priority”, [Human Rights Comment](#) by Mr Nils Muižnieks, Council of Europe Commissioner for Human Rights, 29 July 2014.

<sup>7</sup> Albania, Andorra, Austria, Bosnia and Herzegovina, Denmark, Finland, France, Italy, Malta, Monaco, Montenegro, the Netherlands, Poland, Portugal, Serbia, Slovenia, Spain, Sweden and Turkey.

<sup>8</sup> Belgium, Croatia, Cyprus, Estonia, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Lithuania, Luxembourg, Norway, Romania, San Marino, Slovakia, Switzerland, “the former Yugoslav Republic of Macedonia”, Ukraine, and the United Kingdom.

<sup>9</sup> Armenia, Azerbaijan, Bulgaria, the Czech Republic, Latvia, Liechtenstein, the Republic of Moldova and the Russian Federation.

<sup>10</sup> See the Court registry [factsheet](#) on domestic violence and [factsheet](#) on violence against women. See also the case-law research [report](#) on equal access to justice in the case-law on violence against women before the European Court of Human Rights, Council of Europe, September 2015.

<sup>11</sup> Council of Europe Gender Equality [Strategy](#) 2014-2017.

<sup>12</sup> See the Council of Europe [Factsheet](#) on Guaranteeing Equal Access of Women to Justice. See also the [website](#) of the Conference on the topic “towards guaranteeing equal access of women to justice” organised on 15 and 16 October 2015 in Bern by the Council of Europe and Switzerland.

13. As concerns obstacles, women who wish to claim their rights are too often confronted with indifference, gender bias and stigmatisation by the police, prosecutors and judges. For instance, bias can result in mitigating circumstances applied to reduce the sanction of a violent partner. In other cases, some judges fail to see women who are addicted to drugs or alcohol as credible victims of violence, notwithstanding that women exposed to violence in adulthood actually demonstrate a higher risk of drug and alcohol dependence.<sup>13</sup>
14. There was also a discussion on the danger of using children's rights as a pretext to curtail the rights of a woman victim of violence who is also the mother of the children in question. In some cases, judges are receptive to the argument of the "parental alienation syndrome", despite the fact that this theory is severely criticised by specialists. In some extreme cases, women have even been held responsible for not having protected their children from domestic violence inflicted by their partners. It is important that judges consider all aspects of the problem before deciding whether to grant a violent partner the right to supervised visitation to children living with the partner victim of violence.
15. The participants also highlighted other obstacles to access to justice including the lack of awareness of procedures among victims; the lack of financial resources and restrictions on the availability of legal aid; and the emphasis placed on using out-of-court settlements to ensure a swift end to a legal dispute, often leaving women at a disadvantage.<sup>14</sup> Fear, shame and cultural and/or religious barriers can also explain difficulties in access to justice. Women, particularly members of certain minority groups, can also be reluctant to report violence due to a serious lack of trust in law enforcement officials. A study on women's access to the European Court drew attention to the low number of applications filed by women, pointing out that this possibly reflects obstacles experienced by women at national level.
16. The participants stressed that, as violence against women often goes underreported, it is necessary to collect adequate data on women's access to justice. Such data can be used to address inequalities and discrimination and promote the respect and protection of women's human rights through effective remedies and adequate reparation.
17. All participants recalled the need to have, as a prerequisite, comprehensive and specific legislation addressing all forms of domestic violence and violence against women and providing for means to prevent it, protect the victims and prosecute the offenders. The first step is to ensure that domestic violence is not seen as a "private and family affair" issue anymore but as a human rights violation.
18. It appears that in a number of member states domestic violence is not yet penalised as such. In other countries, when it is penalised, legislation sometimes fails to clearly tackle the gender perspective of this form of violence. In some countries legislation adopted on violence against women and domestic violence is fairly recent, which makes it difficult to evaluate its impact. In Albania, for example, domestic violence was criminalised as such through amendments brought to the Criminal Code in 2012 and 2013. Once legislation is in place, the most difficult challenge is to have it implemented by the main stakeholders, including the police, the prosecution service and judges. For instance, while the 2001 Ukrainian law on domestic violence authorises criminal, administrative and civil penalties for domestic violence, in practice perpetrators of domestic violence face only administrative penalties. In the Republic of Moldova, the Criminal Code provides sanctions for "family violence" of all levels. However, prosecutors and the police have been slow to apply the relevant provisions in cases of low-level injuries and often require repeated incidences of violence before bringing charges or pursuing a case.<sup>15</sup> Finally, the lack of political will and the absence of a concrete action plan can make legislation against domestic violence very ineffective.

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<sup>13</sup> See for instance, Marilyn Clark and the members of the Pompidou Group Expert Working Group on the Gender Dimension of NMUPD. [The gender dimension of non-medical use of prescription drugs in Europe and the Mediterranean region](#), Council of Europe, 2015, p. 30.

<sup>14</sup> See the Council of Europe [Factsheet](#) on Guaranteeing Equal Access of Women to Justice.

<sup>15</sup> See [Submission](#) to the Committee on the Elimination of Discrimination against Women for the 56th Session (October 2013) by the Advocates for Human Rights and Women's Law Center, Chisinau, Moldova, 2013.

19. A prerequisite for effective access to justice for women victims of violence is to find ways to reach out to the victims who are often not in a position to report the crimes against them. The participants agreed that particular attention should be given to Roma women, migrant women and women with disabilities who could meet additional barriers (including cultural ones) preventing them from reporting violence to the police and receiving adequate protection. Free legal aid should be accessible to all victims throughout the country, including in remote rural areas. Legal aid should be sufficiently specialised to ensure effective representation. Obstacles such as having to pay fees in advance, even if they are reimbursed at the end of the procedure, should be removed. At the same time, a participant stressed that a woman should not be forced to testify.
20. Shelters where women can find protection when they are threatened are a key partner in access to justice. The importance of a specialised shelter where women can find adapted legal counselling was seen as an asset. However, it is important that access to shelters is not made dependent upon co-operation with the police and other law enforcement authorities, particularly for migrant women. More generally, support provided to victims, including access to a shelter, should not depend on the victim's willingness to press charges or testify against the perpetrator(s), as stressed in Article 18 of the Istanbul Convention.
21. The positive role specialised NGOs can play has been highlighted in particular in the sad context of femicide. It is important that NGOs with legal standing can take part in proceedings both before domestic and international courts. An ombudsman institution, especially when it is specialised in gender equality issues, can also play a role by investigating the (in)action of the authorities which have failed to address cases of violence effectively.
22. As concerns domestic violence in particular, the Duluth model<sup>16</sup> was discussed as one of the solutions to ensure that the victim's needs are met. The "one stop shop court" system whereby women can find the different service providers in the same place was also described as an interesting option.
23. The effectiveness of investigations into cases of gender-based violence and the judicial process can be improved through specialised staff among the police, prosecution service and the judiciary. In Spain and in the UK, specialised courts for domestic violence have been put in place.<sup>17</sup> However, there is also the danger of depending too much on a single person, due to budgetary constraints, for instance. Solutions should be adapted to the characteristics of the unit in question and would most likely differ if the unit functioned in a rural area or a big city, for example.
24. The participants agreed that the specialisation of lawyers counselling women victims of violence was an asset. However, it was also noted that some specialised lawyers could also use their knowledge to try to protect the perpetrator from being pursued.
25. Fast-track procedures constitute interesting tools when it comes to issuing protection, eviction or other forms of emergency orders when the protection of the victim is at stake. The participants stressed that it is less clear if fast-track procedure is to be recommended in the criminal law procedure as this could jeopardise the final result of the case. The advantages of specialised courts that could deal with both the penal and the civil law aspects and therefore have the potential to accelerate the procedures were also referred to.

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<sup>16</sup> The "[Duluth model](#)", also known as the Coordinated Community Response (CCR), is a model for effective implementation of intimate partner violence legislation, involving all relevant stakeholders in a community. It rests upon a shared, gendered understanding of violence against women and prioritises the safety and autonomy of survivors along with ensuring perpetrator accountability.

<sup>17</sup> See UN Women [webpage](#) on "Specialized courts/tribunals for violence against women".

### ***Specific forms of violence against women that need further attention***

26. During the discussions, special attention was given to access to justice and redress for women victims of violence in armed conflicts on the basis of experience from states where there have been recent conflicts, including in the context of the armed conflict in Ukraine. Studies have shown that where ex-combatants fail to reintegrate into society, the consequences are far-reaching for the entire post-conflict society. It is important that in cases of armed conflicts, women victims of violence have access to redress and compensation for the specific forms of violence they have encountered as soon as possible so as to avoid large time gaps between abuse and redress.
27. The participants also discussed the less documented violence that women can encounter in healthcare settings and in obstetric care in particular, as illustrated by a recent report from Slovakia.<sup>18</sup>
28. Some women may be particularly vulnerable to violence and face additional obstacles in accessing justice. Undocumented migrant women exposed to exploitation such as domestic workers are one such group. The same goes for migrant women whose immigration status is dependent on a violent husband or partner or on a forced marriage. Roma and Muslim women confronted with violence may face multiple discriminatory behaviours by law enforcement officials and other stakeholders, in particular in the health sector.
29. Women with disabilities face the risk of multiple forms of violence when they try to report gender-based violence but instead of being protected are treated as perpetrators and are forcibly placed in institutions in contradiction with the provisions of the Istanbul Convention and the UN Convention on the Rights of Persons with Disabilities. Another problem is that emergency shelters for women victims of violence are not always open to women with disabilities.
30. The participants shared the Commissioner's concern at the current intensification of hate speech against women in many European countries, including on the Internet, which is characterised by threats of murder, sexual assault or rape. This form of hate speech targets prominent female politicians, journalists and human rights defenders<sup>19</sup> but also ordinary women at work, in the streets and at school.<sup>20</sup>

### ***Proposals resulting from the discussions***

31. As a first step, all Council of Europe member states should ratify the Istanbul Convention and fully implement it by adopting comprehensive legislation tackling violence against women and domestic violence as human rights violations. Member states should also adopt and implement legal provisions specifically aiming to combat gender-based hate crimes and hate speech.
32. Member states should draw on the good practices identified in the framework of the Council of Europe Gender Equality Strategy and follow the recommendations made in the General recommendation on women's access to justice issued by the Committee on the Elimination of Discrimination against Women (CEDAW Committee) in July 2015.<sup>21</sup>
33. It is essential to tackle the issue of violence against women, including sexual violence, in the context of conflict and post-conflict situations. Victims should be identified and encouraged to step forward so that they can be provided with assistance, redress and reparation. Individuals who took

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<sup>18</sup> See Debrecéniová, J. (ed.), *Ženy – matky – telá: ľudské práva žien pri pôrodnej starostlivosti v zdravotníckych zariadeniach na slovensku* [women – mothers – bodies: women's human rights in obstetric care in healthcare facilities in slovakia] (2015), Občan, demokracia a zodpovednosť & Ženské kruhy, available at [http://odz.sk/wp-content/uploads/Z-M-T\\_publ\\_el1\\_pod\\_sebou.pdf](http://odz.sk/wp-content/uploads/Z-M-T_publ_el1_pod_sebou.pdf). See p. 185-209 for the English summary and annexes.

<sup>19</sup> See below section III, The situation of human rights defenders promoting women's rights and gender equality.

<sup>20</sup> [Hate speech against women should be specifically tackled](#), Human Rights Comment of the Commissioner, 6 March 2014.

<sup>21</sup> CEDAW Committee, [General recommendation on women's access to justice](#), 23 July 2015.

part in conflicts should have access to psychological support with a view to prevent societal consequences of conflicts, such as gender-based violence, including domestic violence.

## II. Gender-based discrimination and stereotypes in the education sector

34. During the second session, the participants discussed how to tackle gender-based discrimination and stereotypes in the education sector. They all agreed that discrimination in this field of life translates into future discrimination in employment and other fields of life and this is why it should be combated as a priority. They also agreed that promoting gender-sensitive education in general is a good pedagogic means for countering gender stereotypes and ensuring gender equality in all fields of life.
35. The participants addressed some of the remaining obstacles on the way to education free of discrimination and stereotypes. In this context, they noted that one of the focuses of the above-mentioned Council of Europe Gender Equality Strategy is “combating gender stereotyping in and through education”<sup>22</sup> and that the Council of Europe Committee of Ministers’ Recommendation on gender mainstreaming in education<sup>23</sup> provides guidelines and standards for improving the situation, in particular as supplemented by a recent publication outlining good practices in this field.<sup>24</sup>

### **Gender stereotyping**

36. Gender stereotypes are generalised views or preconceived ideas, according to which individuals are categorised into particular gender groups, typically defined as “women” and “men” and are arbitrarily assigned characteristics and roles determined and limited by their sex. Stereotyping becomes problematic when it is used as a vehicle to constrain existing gender diversity and, in particular, to degrade and discriminate against women.<sup>25</sup>
37. The participants recalled that states have international human rights obligations to address harmful gender stereotypes<sup>26</sup> and wrongful gender stereotyping.<sup>27</sup> In particular, Article 5 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) requires states parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. The Article also requires states to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.
38. In its General Comment No. 28,<sup>28</sup> the UN Human Rights Committee stressed that: “Inequality in the enjoyment of rights by women throughout the world is deeply embedded in tradition, history and culture, including religious attitudes (...) States parties should ensure that traditional,

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<sup>22</sup> See in particular the [Compilation](#) of good practices from member states concerning gender stereotypes and education.

<sup>23</sup> Committee of Ministers Recommendation [CM/Rec\(2007\)13](#) on gender mainstreaming in education, 10 October 2007.

<sup>24</sup> Gender Equality Commission, [Compilation](#) of good practices to promote an education free from gender stereotypes and identifying ways to implement the measures which are included in the Committee of Ministers’ Recommendation on gender mainstreaming in education, Council of Europe, April 2015.

<sup>25</sup> See the Council of Europe [Factsheet](#) on Combating Gender Stereotyping and Sexism in and through Education.

<sup>26</sup> A gender stereotype is harmful when it limits women’s and men’s capacity to develop their personal abilities, pursue their professional careers and make choices about their lives and life plans. See OHCHR [webpage](#) on gender stereotypes/stereotyping.

<sup>27</sup> Gender stereotyping is wrongful when it results in a violation or violations of human rights and fundamental freedoms.

<sup>28</sup> Human Rights Committee, General Comment No. 28, Article 3 (The equality of rights between men and women), CCPR/C/21/Rev.1/Add.10, 29 March 2000.

historical, religious or cultural attitudes are not used to justify violations of women's right to equality before the law and to equal enjoyment of all Covenant rights."

39. The European Court of Human Rights in its judgment *Konstantin Markin v. Russia* of 22 March 2012<sup>29</sup> also stressed that "gender stereotypes, such as the perception of women as primary child-carers and men as primary breadwinners cannot, by themselves, be considered to amount to sufficient justification for a difference in treatment, any more than similar stereotypes based on race, origin, colour or sexual orientation."
40. The participants noted that, despite all these international standards, wrongful gender stereotyping remains prevalent in Europe and they provided a number of examples from their respective countries. One of the most striking examples can be found in the Irish Constitution that still contains a provision under which the state shall "endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home".<sup>30</sup> In other cases, wrongful stereotyping can lead to strong signs of gender inequality, for instance pre-natal sex selection.<sup>31</sup>
41. The participants shared the view that in the field of education as well as elsewhere, there are clear threats to women's rights linked to the resurgence of reactionary trends targeting women who try to move out from the subordinated role in which they have been kept for centuries.<sup>32</sup> Some would like to constrain women to a role of mothers, giving birth and staying at home to rear children. Any attempt to fight gender stereotypes is seen by some ultra-conservative/nationalist groups as a threat to "traditional values" such as marriage, family and maternity, which, according to their views, are based on a clear-cut difference between the sexes. The participants gave examples from several European countries of strong opposition by some groups against what is pejoratively-called "genderism", "gender theory", "gender ideology" and/or "promotion of homosexuality". They also stressed that the alleged traditional values some wished to protect appeared in fact to be based on a highly patriarchal structure of society, perpetuating discrimination against women.
42. This new regressive trend is sometimes linked to demographic concerns. However, in its concluding observations on Hungary, the CEDAW Committee pointed out that the state party's policy priority of "increasing the population" increased the prevalence of gender stereotypes by portraying women mainly, if not exclusively, in the role of mothers and caregivers.<sup>33</sup> This trend is also in contradiction with the CEDAW provisions guaranteeing women's rights in deciding freely and responsibly about the number and spacing of their children and their right to access information, education and means to enable them to exercise these rights.<sup>34</sup>

### **Education system**

43. The participants stressed that the CEDAW requires that states eliminate any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging the education of boys and girls together and other types of education which will help to achieve this aim and, in particular, through the revision of textbooks and school programmes and the adaptation of teaching methods (Article 10-c).
44. However, the participants noted that in Europe gender stereotyping is one of the main factors of discrimination in education. In particular, problems persist in equal access to education, including vocational training, science and technology. Schools tend to conform to gender stereotypes, for instance by encouraging different subject choices depending on the sex of the students. This can

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<sup>29</sup> ECtHR, 22 March 2012, [Konstantin Markin v. Russia](#), (Application no. 30078/06).

<sup>30</sup> Article 41 of the Irish Constitution.

<sup>31</sup> See [Report](#) by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Armenia from 5 to 9 October 2014, paragraphs 156-160. See also Sex-selective abortions are discriminatory and should be banned, [Human Rights Comment](#) of the Commissioner, 15 January 2014.

<sup>32</sup> See also: "Fulfilling women's rights", [Statement](#) of Mr Nils Muižnieks for the 8 March International Women's Day, issued on 5 March 2015.

<sup>33</sup> CEDAW Committee, [Concluding Observations](#), CEDAW/C/HUN/CO/7-8, paragraphs 8 and 18, 1 March 2013.

<sup>34</sup> Article 16(e) of the CEDAW.

lead to gender segregation on the basis of subject choices. Informal education (i.e. outside schools, by parents and other stakeholders) can also be a strong factor conveying harmful gender stereotypes. The participants gave several examples of gender stereotyping at school, including expressions such as “women are too sensitive to become lawyers” or instances where a girl expressing the wish to become a doctor would be reoriented to a “more suitable job” such as a nurse, particularly if she belonged to a minority group.

45. In some countries, such as Turkey, the general reform of the education system proved to be detrimental to girls’ school attendance as attendance became non-obligatory at a relatively early age. The participants also highlighted the specific challenges met by Roma girls when they face multiple discrimination. Socio-economic difficulties were referred to as a further factor for early drop-outs.
46. As concerns the school curriculum, the fact that in some countries religious leaders are consulted by ministries of education before taking decisions on teaching moral values has been mentioned as a factor endangering women’s rights and gender equality given the restrictive attitudes of some religious leaders towards the role of women in society.
47. All participants agreed that women are insufficiently represented in schoolbooks and curricula, which at the same time still contained stereotyped portrayals of women. While many ministries of education have started to take measures to remedy this situation, they are sometimes confronted with resistance from ultra-conservative groups.

#### ***Teaching sex education in schools to guarantee women’s sexual and reproductive rights***

48. Gender stereotyping also raises the question of sex education in schools which is crucial for the protection of the sexual and reproductive rights of all and, in particular, of women. The CEDAW Committee in its General Recommendation 24 on women and health<sup>35</sup> recommends that states should prioritise the “prevention of unwanted pregnancy through family planning and sex education”. The UN Committee on the Rights of the Child has stressed that states should ensure that adolescents have access to appropriate information on sexual and reproductive issues, including family planning, contraception and the prevention of sexually transmitted diseases. While in recent years women’s sexual and reproductive rights have been increasingly under attack, sex education at school has also been met with similar resistance from some parents and other stakeholders.
49. The discussion revolved around the backlash resulting from the current political and economic context which has had a serious impact on the sexual and reproductive health and rights (SRHR) of women. In this context, for some, the return to “traditional values” is seen as a solution that would bring stability and security. As an example of what can be called a step backwards, one participant mentioned the rejection by the European Parliament of the Report on Sexual and Reproductive Health and Rights prepared by the MEP Edite Estrela in 2013.<sup>36</sup> Among many crucial issues for women’s rights, the report stressed that very conservative positions regarding SRHR had arisen all around Europe and highlighted the need for a comprehensive, age-appropriate, evidence-based, scientifically accurate and non-judgemental sexuality education. However, the draft resolution prepared on the basis of the report was replaced by a new one in the final vote, just noting that “the formulation and implementation of policies on SRHR and on sexual education in schools is a competence of the [EU] Member States”. The Resolution did note, nevertheless, that even though it was a competence of the member states to formulate and implement policies on health and on education, the EU could contribute to the promotion of best practices among member states.<sup>37</sup>

<sup>35</sup> CEDAW Committee, [General Recommendation 24](#) on women and health, 20<sup>th</sup> session, 1999.

<sup>36</sup> [Report](#) on Sexual and Reproductive Health and Rights, 2 December 2013, (A7-0426/2013), Committee on Women's Rights and Gender Equality, Rapporteur: Edite Estrela.

<sup>37</sup> European Parliament [Resolution](#) of 10 December 2013 on Sexual and Reproductive Health and Rights (2013/2040(INI)).

50. The participants highlighted the fact that the recent backlash affecting women's sexual and reproductive rights by limiting their choice in a number of countries had also had an impact on teaching sex education in schools. They stressed that children's access to appropriate information on sexual and reproductive issues in accordance with their age was being endangered by several initiatives throughout Europe geared against the so-called "genderism" or "gender ideology". Specific reference was made to some protest initiatives in France and Switzerland against alleged attempts of "sexualisation of children in schools".
51. In Russia, amendments to the Federal Law "On Protection of Children from Information Harmful to Their Health and Development" have had a negative impact on sexuality education. In Latvia, an amendment to the Law on Education was approved recently stipulating that educational institutions must provide moral education to students in compliance with constitutional values, such as on marriage and the family.<sup>38</sup>
52. The participants stressed that the homophobic stance of some extremist groups had a negative impact on not only lesbian but also other women's rights. Several NGOs defending "traditional values" have been created recently in several European countries. Many of these NGOs seem to be well funded and their main aim appears to be to oppose those who fight against gender stereotyping and who promote women's rights. Worryingly, several participants also mentioned examples of threats and attacks against those who try to introduce a gender dimension in sex education and more generally in the school curriculum.<sup>39</sup>
53. In some schools, sex education is sometimes carried out by external actors who develop misleading and harmful arguments against abortion. This has been the case in Ireland, for example. The Department of Education in Ireland issued a circular to schools, advising them that outside visitors, including those who deliver sex education, should not use scare tactics, sensationalism or moral lectures.<sup>40</sup> Worryingly, there are even cases where there is no sex education in schools and, worse, where boys at school are still encouraged to adopt a violent attitude towards others, including women.

### ***Proposals resulting from the discussions***

54. Member states should take sustainable measures to fight against gender-based discrimination and stereotypes in the education sector in consultation with women's rights and gender equality experts.
55. Efforts should be made to deconstruct ideological attacks on gender equality notably by teaching human rights, critical thinking and democracy in all schools and using social media in a positive and constructive way to that end.
56. All schools should provide comprehensive sex education that is age-appropriate, evidence-based, scientifically accurate and non-judgemental.
57. Member states should facilitate national and international networks of women's rights and gender equality NGOs dealing specifically with gender-sensitive school curricula.
58. Member states should carry out a gender-sensitive review of school curricula in all subjects. Particular attention should be given to sex education and the contents of morality/ethical teaching to ensure a positive representation of women and that teaching does not infringe upon individual's rights and reproduce gender stereotypes. It is also essential to avoid any negative impact on students belonging to especially vulnerable groups, including LGBTI people.

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<sup>38</sup> Delfi, Latvian parliament [approves](#) moral education in schools, 24 April 2014.

<sup>39</sup> See also below section III, The situation of human rights defenders promoting women's rights and gender equality.

<sup>40</sup> See [Irish Times](#), "Sex Ed in Ireland: 'It's all disease, risk and crisis pregnancy'", 18 May 2015.

59. Member states should draw on the good practices identified in the framework of the Council of Europe Gender Equality Strategy and implement the recommendations made in the Committee of Ministers' Recommendation CM/Rec(2007)13 on gender mainstreaming in education.

### III. The situation of human rights defenders promoting women's rights and gender equality

60. In the third session, the participants discussed the situation of human rights defenders promoting women's rights and gender equality. They stressed that the issues addressed during the two preceding sessions, i.e. violence against women and gender-based stereotypes and discrimination in education, as well as all other women's rights, were legitimate subjects of work for human rights defenders and civil society organisations.<sup>41</sup>
61. Those working to protect the human rights of women and gender equality perform an essential role in Europe. They provide much-needed assistance to victims of gender-based violence; combat discrimination against women; contribute to peacebuilding; hold authorities accountable for fulfilling their human rights obligations under national and international law; engage in advocacy for human rights-compliant policies, legislation, institutions and practices; and raise awareness about women's rights and gender equality.<sup>42</sup> Unfortunately, the round-table discussions revealed that women's rights defenders face serious obstacles in their work both as human rights defenders in general and specifically as defenders of women's rights and gender equality.

#### ***Multiple challenges as human rights defenders***

62. The situation and the work environment of human rights defenders are affected by several negative trends in the Council of Europe area. Depending on the country, obstacles to their work may take the form of: legal and administrative restrictions impeding the registration of NGOs and their access to funding; burdensome financial and reporting requirements; smear campaigns; threats and intimidation; judicial harassment; abusive inspections and surveillance; confiscation and destruction of working materials; unlawful arrest or detention; ill-treatment; and even disappearance and killings. The absence of effective investigations into violations committed by state and non-state actors against human rights defenders targeted because of their human rights work remains a major problem. This results in the impunity of perpetrators and the recurrence of violations.<sup>43</sup>
63. In some countries, increased restrictions in the fields of freedom of association, peaceful assembly and expression have resulted in a deterioration of the working environment for human rights defenders. In Azerbaijan, the situation of human rights defenders and other civil society actors sharply worsened in recent years. A number of NGOs, especially those operating in the field of human rights and those openly critical of the government, encounter several obstacles in carrying out their work. This includes the restrictive application of the regulations on registration, which can result in long delays or the absence of any formal decision on registration. Shortcomings in NGO legislation provided the basis for the crackdown on human rights defenders in Azerbaijan which intensified from the summer of 2014. As a result, many of them were targeted with criminal proceedings and are now detained.<sup>44</sup> This situation effectively resulted in seriously disabling the Azerbaijani civil society sector, as, for example, a number of human rights

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<sup>41</sup> This section is partly based on the previously published [Human Rights Comment](#) by the Commissioner for Human Rights, "Remove obstacles to the work of women's rights defenders", 22 September 2015.

<sup>42</sup> On the role and contribution of NGOs, see Preamble of the [Recommendation](#) of the Council of Europe Committee of Ministers on the legal status of non-governmental organisations in Europe, adopted on 10 October 2007, CM/Rec(2007)14.

<sup>43</sup> [Human rights defenders in the Council of Europe area](#), Report of the 2011 Commissioner's Round-Table with human rights defenders, paragraphs 10-28. [Human rights and the security sector](#), Report of the 2013 Commissioner's Round-Table with human rights defenders, paragraphs 35-53.

<sup>44</sup> See for example the Third party [intervention](#) by the Council of Europe Commissioner for Human Rights in the case of Intigam Aliyev v. Azerbaijan, 16 March 2015.

organisations no longer operate in the country. In this situation, there is a risk that nobody will fulfil the essential role and functions of these independent organisations and individuals, thus leaving pressing needs of society and its members unaddressed.

64. In the Russian Federation, the adoption and implementation of amendments to the Law on non-commercial organisations related to foreign agents (the so-called "Foreign Agents Law") resulted in a wide campaign of inspections and stigmatisation targeting NGOs, effectively contributing to cutting their sources of funding. Many NGOs have been subjected to heavy fines for not registering as foreign agents voluntarily. As of October 2015, nearly a hundred NGOs have already been registered in the official list of foreign agents. More than 20 NGOs have initiated self-liquidation proceedings or have already been liquidated. Sanctions, court proceedings and closures have seriously affected the independent civil society sector in Russia. This situation also resulted in diminishing co-operation and interaction between NGOs and state authorities on acute human rights issues, for example related to the functioning of law enforcement agencies, closed institutions, special services and the army. Women's rights NGOs and defenders were also affected by these developments. As assessed by the Commissioner, the application of the Foreign Agents Law raises issues with the principles of legal certainty, the prohibition of arbitrariness, proportionality and the prohibition of discrimination. Concern was also expressed regarding the recent adoption of the Law on Undesirable Foreign or International NGOs.<sup>45</sup>
65. The on-going crisis and conflict in Ukraine present major challenges to human rights defenders on the ground who regularly report intimidation, harassment, or threats against them. There is a crucial need to ensure safe and favourable conditions for the work of human rights NGOs and to provide them with protection in line with international standards.<sup>46</sup>
66. In Hungary, stigmatisation and measures targeting human rights NGOs receiving foreign funding started in May 2014 and concerned, among others, several organisations promoting women's rights and gender equality. Governmental offices played a significant role in a defamation campaign against NGOs. Audits, inspections and collection of data targeting NGO beneficiaries of the Norwegian NGO Trust Fund were carried out based on public allegations that the Fund was used to support political activities in Hungary.<sup>47</sup> At the time of the Round-table, seven NGOs receiving Norwegian funds were still under investigation by law enforcement bodies and tax authorities. It appears that some of the measures taken against NGOs were declared illegal by the judiciary.
67. In Belarus, human rights organisations and defenders operate under extremely difficult conditions. Numerous restrictions affect freedoms of association, peaceful assembly and expression. Human rights defenders experience arrests and detention, tight surveillance, abusive travel bans, deportation and selective tax inspections. Several human rights NGOs continue to operate without official registration. This makes them vulnerable under Belarusian legislation as it outlaws operations of non-registered groups and criminalises activities of their individual members. For example, this is the case of the Human Rights Centre Viasna, a prominent NGO conducting human rights work in Belarus.<sup>48</sup> In fact, several Belarus human rights organisations and activists now operate outside the country.

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<sup>45</sup> [Opinion](#) of the Commissioner for Human Rights on Legislation and practice in the Russian Federation on non-commercial organisations in light of the Council of Europe standards: an update, CommDH(2015)17, 9 July 2015. [Opinion](#) of the Commissioner for Human Rights on the legislation of the Russian Federation on non-commercial organisations in light of Council of Europe standards, CommDH(2013)15, 15 July 2013.

<sup>46</sup> [Report](#) of the Commissioner following his visit to Ukraine in February 2014, paragraphs 61-62. [Report](#) of the Commissioner following his visit to Kyiv, Moscow and Simferopol in September 2014, paragraphs 41-43.

<sup>47</sup> [Letter](#) of the Commissioner for Human Rights to the Hungarian Prime Minister's Office concerning the situation of non-governmental organisations in Hungary, 24 July 2014.

<sup>48</sup> "Human rights defenders need solidarity from all parts of Europe when repressed by their governments", [Human Rights Comment](#) by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 13 September 2011.

### ***Specific obstacles to the work of women's rights defenders***

68. In addition to facing problems that affect human rights NGOs generally, women's rights defenders face specific obstacles when they challenge values, sexist stereotypes and traditional perceptions of gender roles. They can be portrayed as destroyers of family values and national traditions or as agents of what has pejoratively been labelled "gender ideology". For example, in Armenia, women's rights organisations and defenders were violently targeted in 2013 during the discussion and adoption of the Law on Equal Rights and Equal Opportunities between Women and Men. Conservative and radical groups reportedly disseminated misleading and defamatory information about human rights organisations and defenders supporting the law, describing them as "traitors to the nation", "destroyers of families" and "a threat to Armenian values". The NGO Women's Resource Centre was the subject of on-line harassment, including threats to bomb the Centre and burn women's rights defenders for speaking out on gender issues. No charges were brought against the authors of these threats.<sup>49</sup> As in other countries, issues connected to LGBTI persons were instrumentalised against women's rights defenders and officials avoided using the term "gender".
69. Women's rights defenders also face intimidation, pressure, threats, verbal and physical attacks, defamation, cyber-attacks and disruption of victims' hotlines. Those working on sexual and reproductive rights, promoting gender equality education or advocating the rights of women victims of domestic violence have often been specifically targeted. For example, in Ireland,<sup>50</sup> defenders working on abortion issues experienced a smear campaign and stigmatisation. In Georgia, NGOs faced obstacles when working on the issue of early marriages. In many countries, segments of ultraconservative movements and far-right or extremist religious groups have been the instigators of such attacks. As noted above, a serious problem lies in impunity for such actions.
70. Most defenders of women's rights are women. Women human rights defenders are at a high risk of experiencing gender-based violence, rape and other forms of sexual violence, harassment and verbal abuse as well as attacks on their reputation online and offline. A worrying phenomenon which has been identified recently is the increasing use of hate speech targeting women human rights defenders. In Serbia, for example, members of the NGO Women in Black have faced gender-motivated hate speech because of their human rights work.
71. National authorities often fail to consult or listen to women's rights defenders on relevant policies and laws. In some countries, independent activists feel overshadowed by NGOs which are close to the government – the so-called "GONGOs" (Government-Organised Non-Governmental Organisations). Another disturbing element is that women's rights defenders are not considered as equals by some fellow human rights defenders, who mistakenly consider women's rights and gender equality as secondary human rights issues.
72. The current period of austerity has made it particularly difficult for civil society organisations, especially small grassroots structures, to find sustainable and long-term funding. NGOs running shelters for women victims of violence, for example, have been weakened by cuts in public services at the local level.<sup>51</sup> The difficulties faced by women's rights defenders in securing national and international funding also result from hindrances put in place by the authorities in some countries as mentioned previously and allocation of funds to an increasing number of GONGOs. A number of women's rights defenders referred to the lack of transparency in relation to the selection criteria and process. The participants reflected on the importance of preserving the independence of human rights civil society actors from sources of funding. This is particularly the

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<sup>49</sup> [Report](#) by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Armenia from 5 to 9 October 2014, CommDH (2015)2, paragraphs 163-172.

<sup>50</sup> Report of the UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, [Addendum: Mission to Ireland](#) (19-23 November 2012), 26 February 2013.

<sup>51</sup> See also "Protect women's rights during the crisis", [Human Rights Comment](#) by Nils Muižnieks, Council of Europe Commissioner for Human Rights, 10 July 2014.

case when they are dependent on a unique or regular source of funding and when they are acting as service providers in co-operation with governmental agencies.

73. The difficult situation of defenders of women's rights highlights the fact that the progress achieved towards gender equality has not yet been fully consolidated. As most defenders of gender equality are women themselves, the enduring discrimination of women can affect their work directly. Therefore even today it is essential to stress that equality between women and men is a fundamental right and a crucial element of the human rights agenda.

***Proposals resulting from the discussions***

74. Council of Europe member states should reaffirm and implement the national and international obligations they have undertaken to end discrimination and human rights violations based on sex and gender.
75. Member states must meet their obligations to protect human rights defenders and ensure an enabling environment for their work free from intimidation and pressure. These obligations are recalled in the 1998 UN Declaration on human rights defenders and the 2008 Declaration of the Council of Europe Committee of Ministers to improve the protection of human rights defenders and promote their activities. In 2013, the UN General Assembly adopted a specific resolution on the protection of women human rights defenders urging states to protect them and support their work. In July 2015, the UN Committee on the Elimination of Discrimination against Women called on states parties to ensure that women human rights defenders are able to access justice and receive protection from harassment, threats, retaliation and violence. As noted above, member states should specifically tackle hate speech against women, a measure which also reinforces protection of human rights defenders active in the field of women's rights and gender equality.
76. International, regional and national networks of human rights defenders should co-operate in assisting those defenders who face difficulties in their work and threats to their personal security. It is essential for the wider community of human rights defenders to support women's rights defenders and fully co-operate with them.
77. There should be more intense co-operation and joint action between national human rights structures (NHRs) and human rights defenders to advance human rights agendas and to assist those who are at risk. It is essential that NHRs fully take on board issues related to the human rights of women and gender equality, and work together with women's rights defenders in this area.
78. Partnership between women's rights defenders and the media should be encouraged in order to counter attacks, including smear campaigns against women's rights defenders, and to raise public awareness of the latter's work and the importance of protecting the human rights of women and of promoting gender equality. It is essential to foster a culture of human rights and to strengthen the defenders' interaction with the public.
79. Women's rights defenders should have access to adequate and sustainable resources, including funding, to operate. States should not impede NGO access to funding from national or international sources. The independence of NGOs acting as service-providers should be respected, including by governmental actors with whom they co-operate.