



COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



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## ***European Parliament Plenary***

Brussels, 1 March 2018

### **Address by Nils Muižnieks**

Council of Europe Commissioner for Human Rights

Dear President  
Dear Ms Commissioner on Gender Equality  
Ladies and Gentlemen

I would like to thank you for your invitation to speak on women's rights and gender equality a few days before International Women's Day.

It is a great honour to address you on an issue to which I have given considerable attention throughout my six-year mandate as the Council of Europe Commissioner for Human Rights. I have examined women's rights in many of my visits to the 47 member states of the Council of Europe. I have engaged with women's rights activists to hear their concerns and sought to support their work. I have published many articles and much research to try to raise awareness. But the situation is contradictory, and in some countries and issue areas, we are seeing backsliding.

First, though, let me mention some of the progress that has been achieved.

Women's suffrage, the development and availability of contraceptive means that can be controlled by women, the strengthening of anti-discrimination law, the establishment of equality bodies in many countries and other gains appeared to mark steps in an inexorable process that would culminate in full equality.

However, as shown by the Gender Equality Index, no EU state has yet fully achieved equality between women and men. A certain complacency seems to have set in after progress in recent decades. This could explain the stagnation in some areas.

Gender discrimination in employment has proven to be persistent and widespread. It is even more pronounced among minority and migrant women, especially women who wear headscarves. The gender pay gap is universal and has proven resistant to change. Women's representation in leading positions in business and politics remains inexcusably low. The same holds true for the average share of women on company boards.

To achieve full equality in the long-term requires a cultural change that can only come about through a comprehensive set of measures. These include creating more favourable conditions for an adequate work-life balance. I therefore follow and support the interesting initiatives that are being developed at national and EU levels such as the Commission's Proposal for a Directive on Work-Life Balance for Parents and Carers.

While stagnation or standing still is the norm in some areas, in others, we have witnessed retrogressive trends.

Violence against women, in all its forms – including domestic violence, rape, stalking and sexual harassment - constitutes a violation of human rights. The entry into force of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the so-called Istanbul Convention) in 2014 and the rapid movement towards its ratification constitute progress. So far, 17 European Union member states have ratified it and all the 11 others have signed it. I was also pleased to note that the European Union signed it in June 2017.

However, I have also seen in my country work the depth of resistance to change in this area in the reluctance of countries to ratify the Istanbul Convention or to rectify shortcomings in its implementation. In particular, I have encountered strong objections and a backlash towards the very use of the word “gender” in several EU member states.

Some pretend that the use of the word “gender” in the Convention has hidden purposes and effects. In effect, that there is a hidden agenda. This is simply not true. The text of the Convention itself indicates that while the term “sex” refers to the biological characteristics that define humans as female and male, gender “shall mean the socially constructed roles, behaviours, activities and attributes that a society considers appropriate for women and men.”

This term is used to define the phenomenon of “gender-based” violence against women, that is violence directed against them because they are women or that affects women disproportionately. This term also serves to make the point that “gender stereotypes” need to be tackled because they play a part in the perpetuation of violence against women.

An argument often used against the Convention is that it could endanger “traditional families”. I have had to stress repeatedly that it is violence that endangers families, not the fight against gender role stereotyping, which is essential to confront the ingrained patterns of inequality between women and men that lead to violence against women. I encourage each of you as parliamentarians to engage in the debate not only in this assembly, but also in your home country. We need to collectively deconstruct the misconceptions about the Istanbul Convention, overcome the unjustified resistance to it and speak up for ratification and full implementation of the Convention by each of our states.

Given the crucial role of the Istanbul Convention in advancing gender equality, I was very pleased to learn about the strong commitment shown by the EU institutions when signing it. I was heartened to see that the European Parliament spoke in favour of the rapid ratification of the Convention by the European Union in its 2017 Resolution adopted with a large majority. I would like to join my voice to this call and encourage the European Union, and all European Union member states that have not yet done so, to quickly ratify the Istanbul Convention and take all necessary measures to fully implement it.

The most striking domain in which progress has stalled or is even being rolled back is in women’s sexual and reproductive health rights.

In some EU member states, the problem is that sexuality education is not comprehensive, evidence-based and mandatory. With regard to contraception, some states impede women’s access through a number of barriers including third party authorisation requirements or denial of health insurance reimbursements. In childbirth and maternal health care, coercive and discriminatory practices continue to be reported from various European countries including within the EU.

A number of countries maintain extremely restrictive legal frameworks denying or limiting women’s access to safe and legal abortion care. Even in the great majority of countries where abortion care may be accessible in theory, it is less so in practice notably because medical professionals sometimes refuse service on grounds of conscience and governments do not sufficiently regulate this sector to ensure the availability of care.

I recommend that states that have restrictive laws bring them into line with international human rights standards and regional best practices by ensuring that abortion is legal on a woman’s request in early pregnancy, and thereafter throughout pregnancy to protect women’s health and lives and ensure freedom

from ill-treatment. In addition, in all states, any practical, financial and other barriers in access to safe and legal abortion care should be removed.

I call upon all states and members of society, men and women alike, to join efforts to make Europe a place where all women live the life they want, free from gender-based violence and sexism. I invite you to add your voice to the call for laws, policies and behaviour that finally respect women's dignity.

Thank you