

Exchange of views between the Commissioner for Human Rights, Dunja Mijatović, and the Council of Europe Gender Equality Commission

Strasbourg, 17 November 2022

Dear Chair, dear members of the Gender Equality Commission,

Thank you very much for inviting me to this exchange of views with you today.

The last time we met was in May 2019. Back then, I had shared with you my priorities on different human rights areas, stressing that these were flexible and adapted to the human rights reality and current trends in member states. I had also expressed my wish to react rapidly when new developments occur.

Three years from then, many events have shaken the human rights reality we live in. I can only say that I had not expected to address throughout my work the scale of human rights violations resulting from the COVID-19 pandemic and the new disastrous developments that we face today with the war in Ukraine.

Out of this reality, two trends – among others – come to the forefront:

- The rights of women and girls are increasingly targeted by groups attempting to undermine human rights as a whole and to hinder the great progress that has been achieved so far in gender equality. Gender-based violence takes new forms and domestic violence remains an acute problem, exacerbated during the pandemic. Conflict and displacement put women and girls at increased risk of violence, trafficking and exploitation.
- The backlash on the use of the word “gender” is continuing and further developing throughout Europe and beyond. This is very concerning because it has a negative impact on women’s rights and the rights of others as well. I believe that attacks against the concept of gender often aim to reject gender equality itself and tend to reinforce harmful stereotypes. They ignore the diversity of life situations and attempt to legitimate pervasive discrimination and even condone violence against women. As I have often said, it is time to move away from such false and harmful narratives. We all play an important role in refuting these.

In the period following our last encounter, the protection of women and girls’ rights and the advancement of gender equality have continued to be priority issues in my work, and I have addressed these concerns extensively in both my country visits and thematic work.

In particular, preventing and combating violence against women and domestic violence, especially through the promotion of the ratification and implementation of the Istanbul Convention, remains an essential component of my work in this field.

I have covered this issue in several country visits and dialogues with the authorities of several countries, including Armenia, Austria, Bulgaria, Estonia, the Republic of Moldova, Poland, Portugal, Romania and Ukraine and also in my recently published memorandum on Kosovo*.

* All reference to Kosovo, whether to the territory, institutions or population, in this text, shall be understood in full compliance with United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

Another tool I have used is the possibility to submit written observations before the Committee of Ministers in the context of the supervision of the European Court of Human Rights' judgments (*Rule 9 procedure*). I did so for the [Bălşan v. Romania case](#) on the issue of violence against women.

I have also held an online meeting with women's human rights defenders from Türkiye, which gave me an opportunity to obtain information about the most recent developments concerning women's human rights since Türkiye's withdrawal from the Istanbul Convention.

More generally, I have particularly expressed serious concerns about the worsening of violence against women in the context of the Covid-19 pandemic.

I have also addressed the use and abuse of technology to commit gender-based violence. In a [Human Rights Comment](#), published in March, I have referred to GREVIO's General Recommendation No.1 on the digital dimension on violence against women and girls, which provides important guidance to combat this phenomenon through the adequate implementation of the Istanbul Convention.

In another [Human Rights Comment](#), I have addressed the invisibility that women and girls with disabilities face and ensuing violence. This Monday, I was one of the speakers of a webinar, organised by the University Women of Europe and Femmes pour le Dire- Femmes pour Agir that also addressed this issue.

The ongoing backlash against women and girls' reproductive and sexual health and rights is another issue of serious concern. I have done some work on women's sexual and reproductive health and rights in recent years:

In this respect, for instance, I made a Rule 9 submission before the Committee of Ministers in the context of the supervision of the execution of the European Court of Human Rights' judgements in [three cases against Poland](#) concerning access to legal abortion and a [third party intervention](#) before the European Court of Human Rights on the same topic.

I supported the seek for redress by victims of past forced sterilisations in the case of the Czech Republic and Slovakia through letters sent to the authorities.

I also published a [Human Rights Comment](#) in which I stressed the crucial importance of comprehensive sexuality education to prevent gender-based violence and discrimination against women and girls.

On the occasion of World Contraception Day and the International Day on safe access to abortion this September, I called on states to prevent any backsliding and continue the progress achieved so far.

Next week, I will carry out a visit to Spain, where I will also address the situation of sexual and reproductive health and rights in the country among other topics.

1. Situation on women impacted by the war in Ukraine

One of the topics that I have recently addressed is the situation of women affected by conflicts. Conflict and displacement have once again shown how women and girls are at increased risk of violence: when in March my team and I visited countries neighbouring Ukraine and met with people, mainly women and children, fleeing the war, we could see that displacement increased the risk of human trafficking and sexual violence.

When I visited Ukraine in early May, I received reports of conflict-related sexual violence, including rape, gang rape, or threats of sexual violence, allegedly committed by Russian soldiers in territories under their control.

To follow up on this, in June, I facilitated an online meeting between non-governmental organisations from former Yugoslavia with experience in assisting victims of sexual violence, and a group of Ukrainian organisations involved in providing such assistance, to exchange information and provide expert advice on issues related to assistance, support services and reparation for victims of war-related sexual violence.

War-related sexual violence was also addressed in the [Memorandum](#) on the human rights consequences of the war in Ukraine published in July. I wish to reiterate here that while all such allegations should be duly investigated, the priority should be to create safe conditions for survivors, ensure their effective

access to redress and justice, and prioritise the protection of their dignity and well-being. I also would like to stress the need for survivors to be treated individually in terms of the type of response needed and their wishes in this regard should be always respected.

In this respect, I welcome the recent ratification of the Istanbul Convention by Ukraine, which will provide an additional important tool to ensure better protection of and assistance to the victims of gender-based violence and war-related sexual violence in Ukraine, in peacetime and during the war.

I am particularly concerned about those women and girls fleeing Ukraine who may be in need of accessing sexual and reproductive health services, for having suffered, for example, conflict-related sexual violence. Depending on their country of arrival, they might find obstacles and delays in their access to such time-sensitive services, such as safe and legal abortion care, or have access denied altogether. As noted throughout my work before the war, a range of pre-existing legal and policy restrictions on sexual and reproductive health and rights and cost-barriers in the countries of arrivals may severely impeding access to urgent and essential care to women and girls, including now those fleeing the war.

The important challenges posed by the war in Ukraine should be an opportunity for member states to reconsider their policies and practices in this area, facilitate the removal of legal and policy barriers that are impeding the provision of essential sexual and reproductive health care and guarantee these rights once and for all.

Special attention should also be paid to groups of women and girls at risk of or exposed to intersecting forms of discrimination who might face increased vulnerabilities, such as young women and girls and women with disabilities, African women and women of African descent, women belonging to minority such as LGBTI women and to ethnic groups, such as Roma women, and respond to their specific protection needs and vulnerabilities. Women and girls who are stateless, at risk of statelessness or lacking documentation must also be paid particular attention. As we know, statelessness is a risk factor for trafficking and exploitation.

It is the responsibility of all international organisations, state and humanitarian actors to effectively mainstream protection against gender-based violence, trafficking and exploitation across all response activities and prioritise guaranteeing sexual and reproductive health and rights of all women and girls on the move, in Ukraine and in transit and host countries.

2. Committee of Ministers' Recommendation on protecting the rights of migrant, refugee and asylum-seeking women and girls

Speaking of women and girls fleeing from Ukraine and the need to design and mainstream measures that effectively respond to their needs, I am glad to note the adoption by the Committee of Ministers on 20 May of the [Recommendation](#) on protecting the rights of migrant, refugee and asylum-seeking women and girls.

This is a very important and needed piece of work and I will use it as a reference in my dialogue with the national authorities and in country visits. Its adoption is also very timely considering the sharp contrast between how member states have been dealing with people fleeing the conflict from Ukraine and other realities of migration where basic human rights of migrants, including asylum seekers, have not been – and continue not to be – respected.

As I noted in my recent [Recommendation](#) on pushbacks, in many Council of Europe member states, migrants and asylum seekers have been subjected to pushbacks over several years, becoming a systematic, established practice. Nonetheless, the immediate response of European countries to the humanitarian crisis stemming from the war in Ukraine shows that it is possible to put the protection of human dignity and the observance of international obligations at the centre of state action. Such a principle should apply also to the protection of refugees, asylum seekers and migrants, including women and girls, coming from other parts of the world and I am confident that the Committee of Ministers' Recommendation can further guide states to make this to happen.

My team and I have followed the drafting of this CM Recommendation since the start. I am pleased to note that the importance of guaranteeing women and girls' sexual and reproductive health and rights is duly acknowledged in the Recommendation. As I said, sexual and reproductive health and rights are human rights, and they are an essential part of the protection of women's rights and promotion of gender

equality. There are of particular importance for women on the move like migrant, refugee and asylum-seeking women as the recent events related to the war in Ukraine have shown.

3. Current and Future Council of Europe Gender Equality Strategy

It is on these last two points that I wish to end my intervention while reflecting on the current and future Council of Europe Gender Equality Strategy.

First, I wish to congratulate you for the significant work done in advancing and mainstreaming gender equality in these past years across the Council of Europe region, particularly your work on combating stereotypes and sexism as well as violence against women and domestic violence. I note with interest that you are working now on *Draft guidelines on the place of men and boys in gender equality policies and in policies to combat violence against women* and I look forward to learning more about the outcome of that work.

As to the future Council of Europe Gender Equality Strategy, to be launched in 2024, I believe it is important to take this dimension of women's sexual and reproductive health and rights into account when designing any responses that are aimed at fully guaranteeing women's rights and advancing gender equality. Protection of women's sexual and reproductive rights should be an integral part of the efforts to prevent and combat violence against women, particularly when it comes to access to these rights for victims of sexual violence.

It is also important in any gender equality strategy to pay special attention to women and girls facing marginalisation and intersectional discrimination - such as LGBTI women, women with disabilities and those of lower socio-economic status. These are among the most at risk of gender-based violence and, often, remain the least protected and supported by existing efforts to prevent and tackle violence. An inclusive and intersectional approach to advance gender equality and prevent discrimination and violence against women should be integrated in all responses and policies.

I also believe that important measures are still needed to dismantle ingrained patterns of patriarchy and sexism in society. Politicians and public authorities play a key role in influencing society's attitudes. Finally, it is essential to support women human rights defenders and female journalists, who are increasingly the target of attacks, online and offline, and to provide an enabling environment for all of them everywhere in Europe.

Thank you for your attention.

I am looking forward to discussing these issues with you.