

Partnership for Good Governance



CONCEPT NOTE

Regional Conference

Access to Justice for Women Victims of Violence: realising the standards of the Istanbul Convention

PGG Regional Project “Strengthening Access to Justice for Women Victims of Violence in the Six Eastern Partnership Countries”

Strasbourg, 18-19 October 2018

1. Background to the conference

Access to justice is a human right and an integral element of the rule of law and a well-functioning democracy. Respect for and protection of human rights can only be guaranteed by the availability of effective remedies (including the right to a fair trial), adequate reparation and/or compensation.

The [Council of Europe Gender Equality Strategy 2018-2023](#) includes the strategic objective of working with the member states to guarantee the equal access of women to justice. Work in this area builds on the results of the previous Gender Equality Strategy (2014-2017) and will seek to consolidate achievements, tackle identified challenges and close remaining gaps. Accessing justice can be difficult for all, but can be even more difficult for women, due to gender inequality in society including in the justice system. Persistent economic and social inequalities between women and men, gender bias and gender stereotypes result in unequal access of women and men to justice. Evidence also points to the existence of a glass ceiling in the judiciary. The Strategy aims at obtaining better knowledge of the situation regarding women’s access to justice, achieving changes in legislation and practices to better respond to women’s needs and situation, ensuring women’s equal access to justice, including a fair trial, and encouraging gender friendly justice systems, free from gender bias and stereotyping.

In 2018, focus will be on the implementation of the [Partnership for Good Governance \(PGG\) regional project “Strengthening Access to Justice for Women Victims of Violence in the Six Eastern Partnership Countries”¹](#). The project builds upon the outcomes and achievements of the PGG Project “[Improving Women’s Access to Justice in the Eastern Partnership Countries](#)” implemented in 2015-2017. Under this project, national studies on barriers to women’s equal access to justice and curriculum programmes were prepared for all the beneficiary countries. The capacity of judges, prosecutors and other legal professionals to include a gender-sensitive approach in their work has improved as a result of the implementation of a series of national trainings and seminars that led to the finalisation of the [Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice](#).

¹ Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova, and Ukraine

The 2018 regional project aims at tackling remaining challenges and closing the gaps in women's full and equal access to justice. Particular focus is placed on access to justice for women victims of violence, in line with the standards of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ([Istanbul Convention](#)), as member states begin to implement relevant domestic law and/or further national dialogue on the ratification of the Istanbul Convention. As of May 2018, the Istanbul Convention counts 45 signatures and 30 ratifications. Among the Eastern Partnership countries, only Georgia has ratified the Istanbul Convention (2017); Armenia, Ukraine and the Republic of Moldova have signed but not ratified. Azerbaijan and Belarus have neither signed nor ratified the Convention.

The objective of all activities carried out under this project is two-fold:

1. To improve the gender-responsiveness of justice systems in the Eastern Partnership countries and strengthen access to justice for women victims of violence, in particular through capacity building of legal professionals to implement gender-sensitive measures.
2. To increase awareness on, and support the ratification of the Istanbul Convention.

All six Eastern Partnership countries have taken steps to advance gender equality and provide for legal protection of women victims of violence. All countries have specific laws on gender equality and laws on preventing and combating domestic violence: Azerbaijan (2010), Armenia (2017), Belarus (2014), Georgia (2006), the Republic of Moldova (2008) and Ukraine (2017). Furthermore, Eastern Partnership countries have carried out broad judicial reforms, including criminal justice and free legal aid reforms.

Notwithstanding progress, significant challenges to women's equal access to justice persist. These were discussed at the [regional conference](#) of the Partnership for Good Governance regional Project "*Strengthening Judicial Capacity to Improve Women's Access to Justice*" in Chisinau on 25-26 October 2016. Despite implementing international standards on gender equality at the national level and aligning the major part of the national normative framework to the provisions of the international treaties in the area, the Eastern Partnership states continue to face challenges related to the enforcement of laws.

2. Council of Europe standards and co-operation activities on women's access to justice

The Istanbul Convention is the [core standard](#) to ensure equal access to justice for women victims of violence. Many of its provisions aim at ensuring the right to access to justice and the provision of adequate protection and assistance during judicial proceedings. In particular, the State parties are required to:

- provide adequate legal information (Article 19);
- encourage reporting (Article 27);
- provide victims with adequate civil remedies (Article 29), and compensation (Article 30)
- criminalise or otherwise sanction a broad range of forms of violence against women (Articles 33-40)
- ensure that investigations and judicial proceedings are carried out without undue delay (Article 49) and that prosecutors can initiate and continue proceedings, even if the victim withdraws the complaint (Article 55)

- ensure that evidence relating to the sexual history and conduct of the victim is permitted only when relevant and necessary (Article 54)
- ensure that mandatory alternative dispute resolution processes or sentencing, including mediation and conciliation, are prohibited (Article 48)
- ensure the protection of victims at all stages of investigations and judicial proceedings (Article 56)
- provide victims with access to legal assistance and to free legal aid (Article 57)

The Council of Europe Plan of Action on “Strengthening Judicial Independence and Impartiality”, adopted in April 2016, includes among its objectives and actions the need to advance gender equality in the justice system and implement gender mainstreaming in order to achieve gender balance in the judiciary and combat gender stereotyping. The European Commission for the Efficiency of Justice (CEPEJ) carries out regular evaluations of the judicial systems of Council of Europe's member states. These biannual reports contain detailed data about the number of women and men within justice systems and some information about legislation regarding crimes of violence against women. In October 2017, CEPEJ published a [dashboard on gender equality in courts and prosecution services](#).

The Council of Europe also implements targeted capacity building and co-operation projects in order to provide national authorities with information about relevant standards, as well as with the tools and the expertise necessary to comply with them. Co-operation projects and capacity building initiatives provide added value towards national efforts to implement Council of Europe standards in the area of gender equality and women’s rights, as well as the relevant case law of the European Court of Human Rights.

The Council of Europe is currently implementing targeted bilateral projects in Armenia and Georgia aiming at increasing the capacity of legal and law enforcement professionals to deal with cases of violence against women and domestic violence, through awareness raising activities, targeted trainings, peer-to-peer exchanges, expert support to policy instruments and the development of operational tools.

In 2017, a bilateral project in Ukraine developed working tools for police, judges, prosecutors, social services and for those authorities in charge of raising awareness on gender equality and combating violence against women among the general public.

3. Objectives of the conference

In the framework of the regional project *“Strengthening Access to Justice for Women Victims of Violence in the Six Eastern Partnership Countries”*, the Council of Europe is organising a conference on 18-19 October 2018 (Strasbourg, France) to discuss measures and practical action to ensure women’s access to justice, with a particular focus on women victims of violence.

Through a peer to peer approach, **the conference aims to:**

- Promote and enhance the understanding of the applicable standards of the Istanbul Convention to ensure access to justice for women victims of violence.
- Define the needs and discuss strategies to build the capacity of judicial systems and legal professionals to ensure equal access to justice for women, especially of women victims of violence.
- Disseminate tools to enhance professionals’ capacity to ensure fair and equal treatment of women accessing the justice system and, in particular, the European Programme for Human

Rights Education for Legal Professionals (HELP) courses on women's access to justice and violence against women.

- Facilitate networking and exchanges among training institutions for legal professionals in the countries of the regional project.

Expected outputs:

- Peer exchanges on the challenges to effectively implement the standards of the Istanbul Convention, including an enhanced understanding of the requirements of the Istanbul Convention
- Exchange of good practices and shared experiences on measures for capacity building of members of the judiciary and training for legal professionals to ensure a gender-responsive victim-centre approach to women's access to justice, including women victims of violence.
- Dissemination of the HELP course on women's access to justice and the course on violence against women and domestic violence among legal professionals and training institutions.
- Increased networking and contacts among training institutions for legal professionals as well as with other relevant stakeholders.
- Identification of a summary of measures to promote gender-responsive judicial systems.

Participants:

Around 70 participants, including:

- Government representatives from the regional project beneficiary countries including Ministries of Justice, gender equality bodies, training institutions of judges and prosecutors, law associations and other organisations of legal professionals, etc.
- Council of Europe representatives dealing with access to justice, effective judicial systems, gender equality and prevention and protection of violence against women and domestic violence
- Legal experts from the Council of Europe, including civil society experts, media representatives, regional and international organisations, academics, etc.

Working languages: English and Russian

Venue: Palais de l'Europe Room 3