

# GENDER EQUALITY AND ANTI-DISCRIMINATION

## GOOD TO KNOW

- Non-discrimination is a human right under Article 14 and Protocol No. 12 of the European Convention of Human Rights and it applies to everyone.
- Ensuring non-discrimination lies at the core of building inclusive societies, which forbid differences based on sex, “race”, colour, ethnic origin, religion, language, citizenship, sexual orientation and gender identity.
- The existence of a comprehensive antidiscrimination legal framework is a key requirement to combat racism, discrimination and intolerance including against women.
- Women are part of all minorities and discriminated groups in all societies. Sometimes women are the majority in these groups.
- Integration or inclusion policies will be unsuccessful if they do not take into account the impact of the policy on different groups of women, including migrant or national minority women, into consideration.
- Women are frequently confronted with multiple and intersectional discrimination and violence, because they are women and because of their “race”, ethnicity, religion, age, disability, sexual orientation, gender identity and/or other grounds.
- Ethnic, religious and sexual minority, trans, disabled, Roma, migrant, asylum seeking and refugee women face additional barriers in accessing to basic rights and services, including health, housing and education, access to employment and access to public life.
- Sexist hate speech has serious psychological, emotional and/or physical impacts; it contributes to controlling and silencing women, obliging them to adapt their behavior. It is also a barrier to women’s participation in political and public life.
- The particular danger of hate speech targeting women on account of their gender, which is often coupled with one or more other grounds, is that it can pave the way to violence.
- Some forms of online and offline sexist hate speech, such as sexual harassment and stalking, are forms of violence against women.

# WHAT DOES THE COUNCIL OF EUROPE DO ABOUT IT?

- Council of Europe Gender Equality Strategy 2018-2023

One of the five objectives is *“Protect the rights of migrant, refugee and asylum-seeking women and girls”*

- Istanbul Convention: Action against women and domestic violence website
- Committee of Ministers (2003), Balanced participation of women and men in political and public decision-making: Recommendation Rec(2003)3 of the Committee of Ministers and explanatory memorandum
- Committee of Ministers (2007), Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms
- Parliamentary Assembly (2010), Recommendation 1931(2010) Final version on combating sexist stereotypes in the media
- Committee of Ministers (2017), Recommendation CM/Rec(2017)10 on improving access to justice for Roma and Travellers in Europe
- Parliamentary Assembly (2010), Recommendation 1931(2010) Final version on combating sexist stereotypes in the media
- Committee of Ministers (2010), Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity
- Parliamentary Assembly (2015), Resolution 2048(2015) on discrimination against transgender people in Europe
- Parliamentary Assembly (2017), Resolution 2191(2017) on promoting the human rights of and eliminating discrimination against intersex people
- Human Rights Channel – La chaîne des droits humains website : LGBTI human rights and the Council of Europe
- European Commission against Racism and Intolerance – ECRI (1997/2017), General Policy Recommendation N°2 revised on Equality Bodies to combat racism and intolerance at national level
- European Commission against Racism and Intolerance – ECRI (2000), General Policy Recommendation N°5 on Combating Intolerance and discrimination against Muslims
- European Commission against Racism and Intolerance – ECRI (2011), General Policy Recommendation N°13 on combating anti-Gypsyism and discrimination against Roma
- European Commission against Racism and Intolerance – ECRI (2012), General Policy Recommendation N°14 on combating racism and racial discrimination in employment
- European Commission against Racism and Intolerance – ECRI (2015), General Policy Recommendation N°15 on Combating Hating Speech
- European Commission against Racism and Intolerance – ECRI (2016), General Policy Recommendation N°16 on safeguarding irregularly present migrants from discrimination

# GENDER EQUALITY ASPECTS

Gender stereotypes are preconceived beliefs whereby women and men are arbitrarily assigned characteristics and roles determined and limited by their sex. Gender stereotyping can limit the development of the talents and abilities of girls and boys, and women and men, their educational and professional experiences as well as their broader life opportunities.

Stereotypes about women result from, and are the cause of deeply engrained attitudes, values, norms and prejudices against women and girls. They are used to justify and maintain the historical relations of power of men over women as well as sexist attitudes which are holding back the advancement of women.

These stereotypes are likely to be more prevalent towards of women belonging to different minority groups due to their social or ethnic origin, age, disability, sexual orientation or gender identity, among others.

- Gender-disaggregated data is available for some areas of life/countries but rarely comprehensive ([Council of Europe tools and sources for statistical data – Gender equality website](#))
- The absence of comprehensive equality data across a range of fields and policies are a major obstacle to devising policies to address the problems faced by minority and vulnerable groups. Data on women's experience of racism, racial discrimination and intolerance, as actual or potential victims, is required.
- States should adopt a wide range of measures and proactively take action to counter negative stereotypes towards vulnerable groups, including where women are affected, which could hinder their human rights and increase hostility towards them in society. Local authorities should also carry out or support actions in order to promote greater equality in all areas, including in their role as employers.
- A gender equality perspective should be an integral part the development of all policies and actions. This involves analysing whether the needs, situation and experiences of both women and men have been equally taken into account and addressed in the equality body's plans and activities.
- Women and girls with disabilities often face additional barriers and higher levels of discrimination in their access to human rights and employment in comparison to men and boys with disabilities. Women and girls with disabilities are also often at greater risk of all forms of violence, both within and outside the home.
- Women with diverse sexual orientations and gender identities require targeted policies and activities to address the discrimination and violence they are confronted with.
- There is a strong gender dimension to Islamophobia and anti-Muslim hatred. This materialises in widespread discrimination in everyday life. A major point of difficulty for Muslim women on their chances of finding, or remaining in, employment is the impact of their choice to wear a headscarf.
- Anti-Muslim hate targeting Muslim women has increased on public spaces and particularly online, via social networking sites, resulting in a permanent sense of vulnerability, fear and insecurity.
- Roma women and girls often fall victim to hate speech, hate crime and other forms of violence

- Access to quality health care and reproductive health care support should be a matter of permanent concern for state authorities, particularly for vulnerable groups such as those experiencing early/child marriages, who will carry extra health burdens which authorities must account for.
- The media should pay particular attention not to perpetuate gender stereotypes. Measures should be taken by all relevant stakeholders to combat the use of sexism and sexist hate speech (national authorities, media, platform providers etc.) More information: [Combating Gender Stereotypes and Sexism on Council of Europe Gender Equality website.](#)

## DO NOT FORGET

- Fear, shame and mistrust of victims of discrimination, hate speech and hate-motivated violence may prevent women from reporting and accessing justice. This is often even more pronounced for women victims due to lack of resources and sometimes lower levels of legal literacy.
- Reports about participation of women and minorities online show that these groups are much more likely to withdraw from participation in online communities or debates, with the result of their voice being made even less audible in the political arena.
- Intersectional discrimination is an important notion that pinpoints intertwined forms of inequality and shows how an individual can face multiple threats of discrimination when their identity overlaps with other characteristics, such as “race”, gender, ethnicity and religion.

## Questions to keep in mind with regard to “gender- sensitive legislation”:

- What kind of information, indicators and data is available concerning legislative proposals with respect to the women and men/girls and boys?
- Do indicators and data regarding the current situation point out different needs and interests on the basis of sex?
- Where sex-disaggregated data is available on the subject matter of the legislative proposal, what kind of situation does it portray? Is there a pattern that changes on the basis of sex?
- In the light of the situation before the drafting of the legislative proposal, does the legislative proposal have any direct or indirect purpose with respect to ensuring gender equality?
- Does the purpose of the legislative proposal differ on the basis of sex? What potential effects does the legislative proposal carry for different sexes?
- Does the purpose of the legislative proposal reinforce gender-based discrimination or gender stereotypes directly or indirectly? Does the purpose of the legislative proposal require taking positive measures with a view to eradicate gender stereotypes?
- Does the legislative proposal take different kinds of discrimination into consideration? Are there concrete references as to direct discrimination, indirect discrimination, multiple discrimination, positive measures/positive discrimination as well as protective measures?
- If there are protective measures, do they reinforce gender stereotypes?
- Can positive measures with a view to eradicate gender-based discrimination and/or stereotypes be adopted within the scope of the legislative proposal?

- Does the legislative proposal take into consideration factors such as age, social and ethnic origin, religion, language and regional disparities which are likely to affect women and men differently and that would reinforce inequality? Can the impact of the legislative proposal differ due to these changing factors on the basis of sex?

### Other activity (programme, communication campaign, event):

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- Were gender equality issues taken into account when devising the content of the activity?
- Are women from the different target groups included as participants/speakers in the activity? If not, why?
- Are relevant organisations working with/for women's rights/gender equality (including public authorities, NGOs) involved/ consulted?
- Are women visible in the communication material produced (posters, websites, publications) (see also factsheet on communication)?
- Is the portrayal of women and men on communication material reinforcing gender stereotypes?

### GOT INTERESTED?



- United Nations Human Rights Office of the High Commissioner – OHCHR (1979), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- United Nations Committee on the Elimination of Discrimination Against Women – CEDAW (2014), General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women
- United Nations Committee on the Elimination of Discrimination Against Women – CEDAW (2017), General recommendation No.36 on the right of girls and women to education
- United Nations Human Rights Office of the High Commissioner – UNOHCHR (1990), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- United Nations Human Rights Office of the High Commissioner – UNOHCHR (1969), International Convention on the Elimination of All Forms of Racial Discrimination
- United Nations Human Rights Office of the High Commissioner – UNOHCHR (2000), General Recommendation No.25: Gender related dimensions of racial discrimination
- United Nations Committee in the Elimination of Racial Discrimination – CERD (2013), General recommendation No.35 on combating racist hate speech