

GUIDE FOR DEVELOPING A MENTORING PROGRAMME ON WOMEN'S ACCESS TO JUSTICE FOR LEGAL PROFESSIONALS



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GUIDE

FOR DEVELOPING A MENTORING PROGRAMME ON WOMEN'S ACCESS TO JUSTICE FOR LEGAL PROFESSIONALS

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INTRODUCTION

Guaranteeing equal access of women to justice is a core priority for the Council of Europe in order to ensure gender equality throughout the member states. One of six strategic focal areas for Council of Europe's work in the period from 2018–2023 is addressing the fact that “persistent economic and social inequalities between women and men, gender bias and gender stereotypes result in unequal access of women and men to justice”¹. To this end, the Council of Europe has supported a number of studies on barriers to justice that women frequently encounter and convened several expert conferences.

Within specific projects on Women's Access to Justice in the six Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine), the Council of Europe has focused its attention on developing tools for practitioners in order to enhance their competences to improve the justice systems in which they work. The key resources produced under this project so far are:

- ▶ *A Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* (2017)²
- ▶ An online course on *Access to Justice for Women* within the HELP³ [Human Rights Education for Legal Professionals] platform.
- ▶ *Country Studies on Barriers, Remedies and Good Practices for Women's Access to Justice: Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine* (2017)
- ▶ A factsheet on women's access to justice – *Women's Access to Justice: A Guide for Legal Practitioners* (2018)⁴

This Guide represents the next step in the Women's Access to Justice project. **The Guide is a tool that supports the development of a Mentoring Programme** on the topic of equal access to justice for women. The Mentoring Programme is designed to enhance the continuous learning of justice sector practitioners, specifically judges and prosecutors.

1. Council of Europe Gender Equality Strategy for 2018–2023

2. [https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice#{"14965347":{0}}](https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice#{)

3. <http://help.elearning.ext.coe.int>

4. <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

OBJECTIVES

The Mentoring Programme is intended to bridge the gap between the material that is presented in the training manual and the online HELP course and the kinds of actions that prosecutors and judges can take in their work. Taking a different approach from that used in traditional classroom teaching, textbooks or manuals, the mentoring methodology aims to establish a connection between theories about access to justice, international human rights law and the daily practice of the practitioners, with particular attention to specific areas where difficulties are commonly encountered. Mentoring engages the “student” (the mentee) in directing the learning process so that it is highly relevant to her/his own work experience.

Using this Guide, the mentoring process will allow mentees to focus on three aspects of improving women’s access to justice:

- ▶ relating abstract concepts to their everyday work;
- ▶ referring to international law in domestic cases;
- ▶ identifying and reacting to gender stereotypes and gender bias in the legal practice.

By reflecting on how gender-responsive justice could work in the mentees’ own practice, they will:

- ▶ develop new values, specifically gender sensitive views on access to justice;
- ▶ become ambassadors for making the legal practice more accessible for women;
- ▶ help to strengthen the competences of other legal professionals to ensure equal access to justice for women and men (either through further mentoring- informal or formal- or as role models in their professions).

PROCESS AND METHODOLOGY

What is mentoring? Who is a mentor?

Mentoring is a concept that is understood and interpreted in multiple ways in various sectors of education. These differences manifest mostly in the quality of the relationship between the mentor and mentee(s), the methodology used and the general expected outcome of the learning process. However, it is commonly agreed that mentoring is essentially about **supporting people to learn and develop more effectively than they would alone**.

In this project on *Access to Justice for Women* we define mentoring as a form of supportive communication between a mentor and another legal practitioner, facilitating reflection and broadening awareness about a gender sensitive approach in the justice sector. The mentor therefore needs to be able to see the connection between the subject matter and the practical implications of these theories in the everyday work of the mentee. They need to be able to listen and ask questions that supports the mentee in identifying the course of action they could take in order to develop their work and approach in terms of gender sensitivity.

Another important aspect of the process is that the mentor is an external person; the mentor is not directly involved in the daily work of the mentee, but s/he is responsible for supporting and encouraging the mentees to work towards their own individual objectives. The mentor is a companion on a learning journey.

Mentoring is a powerful tool because:

- ▶ It creates space for dialogue and reflection;
- ▶ It is people centred;
- ▶ It promotes equal partnership in the learning process;
- ▶ It facilitates a high-quality professional exchange on the subject matter due to the same sector approach;
- ▶ It allows for flexibility in adapting to the needs of the mentee,
- ▶ It is individual – each relationship will be unique to the two individuals involved;
- ▶ It is complimentary to other learning measures.

How to mentor

Skills and experiences required for a mentor:

- ▶ Sectoral know-how – the mentor should be familiar with the processes and the context within the justice sector in the region/ her/his own country;
- ▶ Credibility – the mentor should have personal and professional credibility. This refers mainly to a personal connection and professional experiences in the field of justice;
- ▶ Ability to create a safe space and empower – the mentor should be able to create a working environment where it is safe for individuals to reflect on their own biases and they feel empowered to come up with new ideas for their practice;
- ▶ Self-Awareness – a mentor should have a good understanding of their own strengths and development needs in order to be able to support others in their learning;
- ▶ Accessibility – the mentor should be willing and able to commit sufficient time to the mentees to offer support and guidance;
- ▶ Communication – the mentor needs good communication and listening skills and be able to understand the ideas and feelings of others;
- ▶ Openness and empathy – the mentor should be open to new ways of doing things and different ways of working and be able to empathize with the mentees.

The difference between a teacher and a mentor

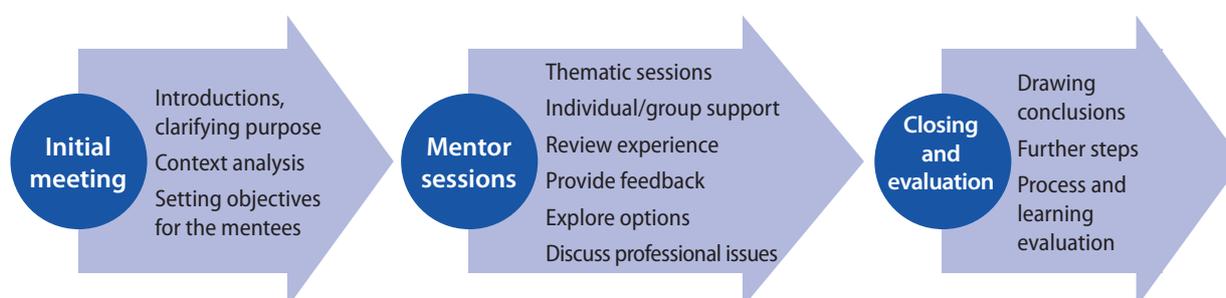
Teaching is about knowledge, mentoring is about experience

	Teacher	Mentor
Individual/group	Communication with groups of students	Mostly 1 on 1, sometimes with small group of people
Recognition	Grades, diploma	No grades, certificate
Motivation	Compulsory/volunteer participation	Self-motivated participation
Learning	Passing on knowledge and information through instruction and explanation	Information complemented by learning from experience and reflection; there is sharing between the two as mentors strive to help their mentees grow as peers.
Focus	Focus is on understanding what to do and how to do in order to reach the set goal.	Focus is more on applying knowledge in practice. Not just how to do something, but why it's useful to do it this way.
Learner-teacher/mentor dynamics	Pre-established hierarchy	Equal partnership between mentor and mentee
Content	Content standardized	Content built according to the needs of the mentee
Assessment	External assessment, examination	Self-assessment

The process of mentoring

Within the framework of this project, a sample mentoring process has been designed with specific steps and guidance. However, it is important to keep in mind the flexibility of the process and the necessary adaptation to the needs of the mentees. The steps serve as guidelines and recommendations, stepping stones to be used according to the context and possibilities.

The following phases are the basis of the mentoring process:



Setting objectives for the mentees

The objectives of the mentoring process should be specific and realistic, agreed clearly at the beginning of the process.

An example for objective could be: During the mentoring process, the mentee should learn to recognize the connections between his/her daily work on cases and the standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

Timeline (approximately eight months)

The mentoring process is designed to last approximately **eight months** to ensure the maximum learning. The mentoring meetings should be scheduled at minimum once a month for a non-disrupted learning curve. The proposed sessions can be rearranged and/or revisited if needed. Some topics might require more time than one mentoring session.

Starting a mentoring process step-by-step

1. Understand, manage expectations and establish a common ground

When you meet your mentee for the first time, make them comfortable by explaining your role and the purpose of the Mentoring Programme.

Answer any questions they may have about the mentoring process.

Explain what you expect from them (e.g. to come prepared with cases/ideas/problems to resolve or inquiries to discuss; to meet regularly, etc.).

Explain what you're prepared to do and provide for them: consultation, learning materials, discussions, case examples.

2. Carry out an informal needs assessment and set goals together

Ask the mentee what their priorities are in meeting with you. Which aspects of gender sensitivity/women's access to justice do they want to know about most? What areas are they hoping to improve in? Formulate 1–3 specific learning objectives based on their needs and the topic of the Mentoring Programme.

3. Set a meeting schedule

How often will you and your mentee meet in person? Will there be group mentoring sessions or only individual ones? How will you be in touch regarding the meetings (phone, e-mail?), what is the most convenient channel for both of you?

4. Listen carefully first, then ask and advise. Don't instruct the mentee/s on what to do.

You do have all kinds of experiences and accumulated knowledge. However, a mentee isn't an empty box where you put your expertise – your aim is more to make them realize their key learning points by themselves rather than showing your own brilliance and knowledge.

It would be easy just to tell them what to do, but this would stop them from having the experience of thinking through challenges to come to their own solutions.

Focus on what the mentee has to say before giving your opinion. Inquire about their point of view. They bring insights and perspectives which you may also learn from.

5. Check your own biases

Try to avoid letting stereotypes distort your impressions. Don't forget that we are all biased. Check on your own impressions from time to time.

6. Don't panic if you don't know an answer.

Mentors are not computers or encyclopedias that have all the answers on a certain subject. Remember, this is a good thing, not a sign of your inadequacy. Ask for support from your colleagues when needed. Turn your uncertainty regarding an answer into a learning (and mentoring) opportunity.

7. Show your support and commitment

Think of yourself as a driving instructor: You're sitting in the passenger's side, allowing your mentee full control of the journey. However, you're still there to offer advice and directions or to pull the emergency brake if needed.

Support for mentors

Mentors might also feel the need for support in their role; they may face or be dealing with a situation with the mentees when they are unsure how to approach it. This Guide offers methodological support to the mentors (contained in the session descriptions as tips and suggestions) as well as number of resources for additional reading or study, referenced throughout the Guide. Mentors can also receive support from colleagues and peers, and mentors are encouraged to support one another.

SAMPLE CONTENT FOR THE MENTORING PROGRAMME

The material in this section consists of ten separate topics, or “sessions,” designed to be used for this Mentoring Programme that covers eight months. The sessions are presented in an order that roughly follows the chapters of the *Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice* and the modules of the HELP online course on *Access to Justice for Women*. However, apart from the first and last sessions, all the sessions are intended to be adaptable, so that the mentor has the flexibility to decide in which order to work through the sessions. Several suggestions are provided for different ways that each session could be used, but creativity and adaptability are highly encouraged!

Encouraging the trainee or mentee to identify potential barriers to justice for women in their legal systems and to think differently about how the justice system could be operating is a very important part of the mentoring process. Both the training manual and the HELP course include open ended questions designed to prompt discussion. The Mentoring Programme provides even more opportunities for guided learning in which the mentee can explore these issues more deeply and reflect on their own practices and assumptions. This means that the mentor should think of the content presented here as suggestions that can be adapted and used to best meet the learning objectives developed by each mentor-mentee pair.

Mentoring sessions

Session 1 is introductory, and it can be combined with another session on a substantive topic, such as Session 2. Session 10 is a final wrap up and evaluation, and it is recommended that time be dedicated to this session alone at the conclusion of the Mentoring Programme. The substantive sessions, 2–9, relate to various themes that are introduced in the training manual and the HELP course on women’s access to justice. The list of sessions is as follows:

1. Introduction: getting to know each other and setting objectives
2. What does “women’s access to justice” have to do with me?
3. “Justice is blind” does not mean “gender blind”!
4. Exploring barriers to justice for women
5. Access to justice in cases of violence against women
6. Applying international law on women’s rights in domestic courts
7. Working with case law
8. What can be done to eliminate gender stereotyping in judicial processes?
9. Using gender sensitive practices in real life
10. Closing, evaluation and next steps

Developing the Mentoring Programme and adapting the material

It is up to the mentor, working with mentee, to develop a roadmap for the mentoring process. The matrix below offers guidance on how the sessions could be used, with an overview of the objectives for each session and the main topics covered. The maximum number of sessions are provided to cover an eight-month programme, but it is possible that more time could be devoted to some sessions than others. Depending on the interests and needs identified by each mentee, the mentor might wish to select only parts of several sessions and combine them in different ways. Similarly, some topics could be extended over more than a single session- meaning that not all eight of the substantive sessions may be used in an eight-month programme. However, the full Mentoring Programme should include sessions that cover each of the different levels, as depicted in the session key below (introductory, intermediate and advanced).

	Process oriented sessions
	Introductory: the mentees become familiar with key concepts
	Intermediate: the mentees work with the concepts they have learned in different contexts
	Advanced: the mentees apply what they have learned to their own experience and practice

Session	Main topics addressed	Objectives
(1) Introduction	Mentoring Needs & Expectations Objectives Process	<ul style="list-style-type: none"> ▶ Getting to know each-other between mentor and mentees; ▶ Exploring the learning needs and fields of interests of the mentee; ▶ Setting specific objectives for the mentoring process
(2) What does “women’s access to justice” have to do with me?	<p>Reviewing data about cases to examine how/why women address the legal system</p> <p>Reviewing data and information women’s representation among professionals</p>	<ul style="list-style-type: none"> ▶ Introducing the topic of access to justice for women through data/statistics ▶ Mentee identifies gender differences and considers why women face barriers accessing justice ▶ Demonstrating the relevance of the topic to mentee’s own practice and country
(3) Justice is blind” does not mean “gender blind”!	<p>Impartiality vs. gender sensitivity and how these two concepts co-exist in legal systems</p> <p>Learning about a gender sensitive perspective (“gender glasses”)</p>	<ul style="list-style-type: none"> ▶ Mentee is introduced to the concept of gender-sensitive justice ▶ Mentee learns when a gender sensitive approach is necessary in the law/ legal practice to achieve substantive equality ▶ Mentee practices using “gender glasses” to review hypothetical cases/case studies
(4) Exploring barriers to justice for women	<p>Identification of specific types of barriers to justice for women</p> <p>Reflection on what actions to take to mitigate or eliminate barriers</p>	<ul style="list-style-type: none"> ▶ Identifying common barriers to justice and distinguishing those that have a particular impact on for women ▶ Understanding how different barriers intersect and may be compounded ▶ Mentee thinks critically about her/his personal role in addressing barriers
(5) Access to justice in cases of violence against women	<p>Identification of barriers to justice specific to violence against women cases using a “justice chain” exercise</p> <p>Review standards/ obligations contained in the Istanbul Convention</p>	<ul style="list-style-type: none"> ▶ Identifying critical barriers to justice for women in criminal processes related to VAW (specifically, domestic violence). ▶ Mentee becomes familiar with the standards of the Istanbul Convention through practice applying them to a case study ▶ Increase in mentee’s understanding of importance of addressing barriers throughout the justice chain
(6) Applying international law on women’s rights in domestic courts	<p>Application of international legal standards in national context (both hard and soft law)</p>	<ul style="list-style-type: none"> ▶ Mentee learns the procedure for citing international law in domestic context ▶ Mentee reviews international legal standards that would be most applicable in cases concerning violations of women’s rights

(7) Working with case law	<p>Working with cases to examine how application of different sources of law could lead to different outcomes</p> <p>Practicing applying international standards in cases concerning (A) sex/gender discrimination and (B) violence against women</p>	<ul style="list-style-type: none"> ▶ Mentee gains practice applying national law and international law to cases that were reviewed by the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) ▶ Mentee gains understanding of how international law covers gaps in national legislation by reviewing alternative scenarios
(8) What can be done to eliminate gender stereotyping in judicial processes?	<p>Gender stereotypes and gender bias in cases concerning violence against women</p> <p>The negative impact of gender stereotypes in terms of women's access to justice</p>	<ul style="list-style-type: none"> ▶ Mentee identifies gender stereotypes, bias and misconceptions concerning violence against women from real cases ▶ Recognition of the harm stereotyping causes in terms of lack of access to justice ▶ Mentee considers potential responses if she/he encounters such stereotyping
(9) Using gender sensitive practices in real life	<p>Conducting an "audit" one's own work and professional practices to identify any barriers to justice for women</p>	<ul style="list-style-type: none"> ▶ Mentee takes a critical look at own work place and practices from the perspective of a woman justice user ▶ Identifying potential barriers to justice ▶ Mentee considers concrete ways to alleviate barriers that she/he can take and what support/resources they would need
(10) Closing, evaluation and next steps	<p>Use Mentoring final evaluation form (for mentees) and Mentoring final report form (for mentors), Annexes 2 and 3.</p>	<ul style="list-style-type: none"> ▶ Reviewing the mentoring process and the learning points, takeaways of the mentee; ▶ Giving feedback to the mentor/mentee; ▶ Evaluating the mentoring process in terms of content and methodology; ▶ Defining eventual next steps for learning and development

The session descriptions are written in a generic manner, and so the mentor will have to consider how to make the content relevant to the mentees. Each session includes tips about how the session could be adapted to different mentoring situations. Several general tips for adapting the material that the mentor can also use in preparation are:

- ▶ Use data and statistics about the national situation. It is useful to either collect these in advance or identify sources of such information.
- ▶ Provide examples from the national context; this would require reviewing research and studies or tracking issues about access to justice that may have been covered by the media (for example, "controversial" cases that were in the news).
- ▶ When case law examples are provided in a particular session, substitute national cases. This would require finding cases that cover issues of women's rights and include learning points or topics that can generate a discussion with the mentee.
- ▶ Check whether the European Court of Human Rights or the CEDAW Committee has heard cases from your country concerning violations of women's rights. These judgements/ decisions could be useful as background reading material or for discussions with mentees
- ▶ Develop hypothetical case studies to prompt discussion about specific aspects of women's access to justice (such as particular barriers, different responses of legal professionals, etc.)

- ▶ Use videos to start a discussion about gender equality, women's rights or access to justice for women. Various agencies have produced short video clips with simple messages about these topics for general audiences. Mentees could assess whether these are useful/not useful for awareness-raising on the topic of women's access to justice.

Note that sources for some of these additional resources are provided after the session descriptions in this Guide.

The material presented here reflects a Mentoring Programme to be conducted with either prosecutors or judges. Mentors may find it useful to explore with the mentee her/his specific areas of interest during Session 1, but mentors may also want to plan for how to adapt the material for the different competencies of each professional group. Where possible, the session descriptions have highlighted different approaches for criminal and civil law practices. When planning for mentoring prosecutors or judges in a specific country context, think about the kinds of topics related to women's access to justice that might be particularly relevant or interesting to mentees, such as: violence against women (criminal law and criminal procedure as well as the practice of judges and prosecutors), sex- or gender-based discrimination or family law (marriage, divorce, property rights).

Mentoring requires engaging with mentees differently than with students, and it can be challenging to think of ways to encourage interactive and experiential learning. Some mentees may relate to certain exercises and methodologies more than others. Below are some ideas to prompt further ideas about how to engage mentees. These are "out of the box exercises" that the mentees could do, additional to or in place of, any of the exercises in the session descriptions.

- ▶ The mentee conducts an informal interview with a judge (from another court, city) or prosecutor (from another department, city) to find out how they view the topic of women's access to justice, what they consider barriers to justice for women and their understanding of women's rights in their practice.
- ▶ The mentee writes an editorial for the general public about a current legal issue that concerns women's rights (conforming to professional ethical standards, of course, and not commenting on specific or pending cases).
- ▶ Imagine the mentee works in a country in which a new legal mechanism of protection orders for domestic violence cases (orders that remove the perpetrator of violence from the home for a temporary period) has been adopted. Their task is to develop an outline for a training course for legal aid lawyers on how to assist women who are victims of violence to apply for a protective order. The mentee decides which topics they think should be covered in the training and include a few bullet points under each one. They should try to anticipate how the lawyers might be resistant to the new law and how to respond to their arguments.
- ▶ The mentee imagines a fictional scenario in which the justice system is not a state power but is a commercial service. And women justice users are potential customers who pay for that service. The mentee designs an advertisement that promotes the justice system and entices women to use it. What positive features would they highlight?
- ▶ The mentees watches several video clips on gender equality (in the Resources section). They develop a story board for a simple video that would explain women's access to justice for the general public. What topics would be highlighted in a public-awareness campaign?

Organising the mentees

The mentoring sessions can happen as individual sessions and/or group sessions depending on the context and availability of the mentees. Some of the sessions can be especially effective if used in a group setting, as discussions and brainstorming will be enhanced when there are more points of view. However, there are also advantages to one-to-one mentoring sessions as they give the mentee the chance to explore challenges she/he has encountered in her/his own practice in greater depth.

The mentees should have the opportunity to request and have individual sessions if they need it; the group sessions can be perceived as an additional peer learning opportunity. The mentor must take into consideration the different learning styles and preferences of the mentees. In case of group sessions, the mentor also acts as a facilitator of the meeting, making sure that all mentees have equal chances to participate and contribute their thoughts to the process.

Before beginning the mentorship

The Mentoring Programme would be especially effective for mentees who have already had been introduced to the concept of women's access to justice through other learning methods (either classroom-based, using the manual, or as independent learning through the online course). The sessions of the Mentoring Programme are developed to build upon a mentee's basic familiarity with the concept of access to justice for women, and so mentees should be encouraged to review the HELP course on Access to justice for women before meeting with their mentor for the introductory session.

The relevant modules of the HELP course are noted also in each mentoring session (as are the relevant sections of the training manual) in case either the mentor or mentee wishes to review any material. The mentor should encourage the mentees to, at minimum, enrol in and take the online course simultaneously with the Mentoring Programme⁵.

5. The course brief is available here: <http://help.elearning.ext.coe.int/pluginfile.php/154365/course/section/27343/HELP%20WAJ%20course%20brief.pdf>. Mentees can create an account and log into the course here: <http://help.elearning.ext.coe.int/login>

Session 1: Introduction: getting to know each other and setting objectives

This session is the first contact between the mentor and the mentee, and it is essential as it lays the foundation for long-term cooperation. The mentees should be able to grasp the idea of the process and to see its benefits in their work. The session should also allow time for personal and professional getting to know each-other between the mentor and the mentee.

Learning objectives

The session aims at setting the frame for the mentoring process and the work of the mentee. The objectives are:

- ▶ to introduce the Mentoring Programme,
- ▶ to clarify the purpose of the mentoring,
- ▶ to establish the first contact between mentor and mentee.
- ▶ to understand the learning needs of the mentee by discussing their context and setting the learning objectives accordingly.

Discussing the expected outcomes for the mentee is also an element that can support the planning of an adequate process. **Setting the individual learning objectives of the mentee** is the most important objective of this session.

Expected impact

By the end of the session, the mentee should be familiar with the concept of mentoring and the process that they are engaged in. The mentee should become aware of the purpose of the mentoring, their own learning needs and the energy expected to be invested from their side. The mentee should clearly see how this process is going to support their practice in the field of justice.

Content / topics

Introductions and getting to know each-other

Purpose and process of the Mentoring Programme

Learning needs and individual objectives

Agreement on co-operation terms between mentor and mentee.

Exercises

The mentor could use tools such as value cards to explore the professional practice of the mentee or explore via storytelling the most relevant cases and ideas the mentee experienced in their practice in terms of gender equality and women's access to justice. Unfinished sentences prepared by the mentor can also help kick-start the discussion around experiences, such as "What I see as most problematic regarding gender is...", or "Women's rights in our country..."

As for identifying learning needs and setting the learning objectives, the objectives of the Mentoring Programme could be visualized, and the mentee could prioritize them according to how experienced they already feel in each topic.

Areas of discussion

In this session, it is worth exploring the professional experience and background of the mentee, and their connection to the topic of gender equality and women's access to justice. Basically, this is the session where the mentor needs to collect data in order to be able to adapt the mentoring process to the needs of the mentee. All process and framework related questions should be allowed and clarified.

Resources

Session report form – data sheet to be filled by the mentor after each session (use the Mentoring session report form (for mentors) in Annex 1).

Session 2: What does “women’s access to justice” have to do with me?

This session is intended as an “ice-breaker” and to familiarise the mentee/mentees with the concept of women’s access to justice. The session encourages mentees to think about how the subject matter relates to their own experiences. The session is intended for the beginning of the Mentoring Programme, but it could be adapted for use toward the end in order to draw the mentees’ attention to how they can apply what they have learned to their work.

Corresponding to

This session uses material from the training manual on women’s access to justice (specifically, from the Introduction and section 4.13), which is also used in the HELP course on Access to Justice for Women (Modules 1 and 3).

Learning objectives

The mentee becomes invested in the topic of women’s access to justice through recognition that the problem is relevant for all legal systems.

From the outset of the programme, the mentee learns that women’s access to justice is not merely an abstract concept but is a problem that exists in her/his own jurisdiction.

Expected impact

The mentee will understand the importance of the subject of women’s access to justice as well as the practical application of the course and Mentoring Programme to her/his professional life. The mentee should become excited about the topic and invested in going further with the programme.

Content / topics

- (a) Examining data about women’s use of the European Court of Human Rights.
In 2007, Françoise Tulkens (Former Judge and Vice-President at the European Court of Human Rights) studied applications to the Court. She found that only 16% of applications were lodged by women. Judge Tulkens concluded that the data suggest it may be more difficult for women to bring cases to the European Court of Human Rights- meaning their access to justice is compromised in some way.
- (b) Examining data about women’s representation in legal professions.
The Council of Europe European Commission for the efficiency of justice (CEPEJ) regularly evaluates the quality and effectiveness of judicial systems of the member states. The evaluations also include gender equality indicators. In 2016, women represented 59% of all first instance professional judges but only 36% of court presidents at this level. Also, 51% of prosecutors were women, but women were only 34% of the heads of prosecutors offices. Note that in 2020, CEPEJ will add figures from 2018 to the database.
- (c) Analysing national data about the number and proportion of cases brought by women as well as female representation in the legal profession. The mentor can request that mentees spend some time before this session looking for the kind of data that are available in their own jurisdictions.

Exercises

- (a) Mentees can be given an extract from Judge Tulkens’ study to discuss during the session or the mentor requests that they read the full article in preparation for the session.
- (b) Mentees can be asked to familiarise themselves with the CEPEJ database of European judicial systems and, specifically, to find data concerning the representation of women in various legal professions in their country. Mentees should be encouraged to explore the database and to compare data from various occupations and countries.

- (c) Either as preparatory homework or as follow up to the session, mentees could try to find additional national data to fill out the picture of how women are using the legal system (especially courts) and how they are represented in the national legal system. It is likely that such data will not be readily available, so the mentor should encourage the mentee to use her/his own knowledge and experience and to keep these issues in mind throughout the programme and keep note of anything they learn/observe.

Areas of discussion

(a)

- ▶ Considering that women represent at least half of the population of Europe, what could be some explanations for the fact that less than a quarter of applications to the European Court of Human Rights are lodged by women?
- ▶ Ask your mentee, what are most likely the main areas of the law or most common human rights violations about which women apply to the European Court of Human Rights, based on their own knowledge and experience. Note, the Court itself does not publish sex-disaggregated data about applicants or examined cases. Would such data be useful to have? Why or why not?

(b)

- ▶ What kinds of patterns did you (the mentee) observe in the CEPEJ data about women's representation in legal professions, thinking about differences within a single profession (e.g. judges, prosecutors), between professions and between countries? What could be some explanations for the variations, especially to explain the phenomenon that is expressed as the "glass ceiling" for women?
- ▶ How does women's representation as prosecutors or judges relate to the concept of "women's access to justice"?
- ▶ What connections are there, if any, to the findings about women applicants to the European Court of Human Rights and women's representation in justice systems? Thinking in broad terms, what are some of the ways we can support women in the justice sector?

(c)

- ▶ What data were available about your national legal system?- how many cases (and %) are brought by women? in which areas of the law do women most often bring cases? are they bringing cases on their own behalf or on behalf of others?
- ▶ If data were not available, how do you view the general picture of women justice users, based on your own professional experience?
- ▶ What kinds of data or information are needed to further clarify where there may be gaps or unequal access to justice for women? What are some possible sources of this information that the mentee could look out for when participating in this programme?
- ▶ Have you previously given any thought to differences in how women and men use or are represented in the national legal system? Why or why not?

Tips for adaptation

- ▶ Prosecutors may find it useful to compare data about female and male victims/defendants in criminal cases. What patterns do they see in the forms of violence that disproportionately affect women? What do the patterns suggest?
- ▶ It is possible that mentees will not be very familiar with the concept of gender gaps or gender disparities. It could be useful to have a broader discussion about inequalities beyond the legal system- looking both at the national context and patterns that are seen globally. This discussion could encompass such issues as pay gaps, "segregation" in the types of work performed by women and men, women's representation in political office, etc. The mentees can think about how such patterns of inequality are relevant to the topic of women's access to justice. [Note: this topic also relates to session 4 on "exploring barriers to justice for women"].

Resources

Human rights, rights of women. Female applicants to the European Court of Human Rights. Lecture delivered by Françoise Tulkens (2007). <https://rm.coe.int/1680597b21>

CEPEJ dashboard on Gender equality in courts and public prosecution services

https://public.tableau.com/profile/cepej#!/vizhome/CEPEJ-Genderequalityv1_3/Barcharts

<https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems>

Note: it could be useful to review the six essential components of women's access to justice as articulated by the CEDAW Committee in General recommendation No. 33 on women's access to justice, UN Committee on the Elimination of Discrimination against Women (2015)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/

[GC/33&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en)

The six essential components to women's access to justice are also summarized in section 1.1.2 of the *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* and in Module 1 of the HELP course).

Session 3: “Justice is blind” does not mean “gender blind”!

The purpose of this session is to ensure that the mentee understands what a gender perspective is and, moreover, why it is beneficial for prosecutors and judges to apply a gender perspective.

Corresponding to

The material corresponds to Chapter 1 (section 1.1) and Chapter 4 (especially section 4.8) of the Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice and Modules 1 and 5 of the HELP course on Access to Justice for Women.

Note that another session (Session 9) builds on ideas of gender-sensitive justice and engages the mentee in a more proactive way to identify changes they could make in their own practice. Session 9 is designed to be used toward the end of the Mentoring Programme. This session (3) is intended to introduce an important concept that will be reflected in later sessions. However, it is possible to combine Sessions 3 and 9 as a single learning exercise.

Learning objectives

The mentee will understand that the concept of justice being “blind” (impartiality) does not mean that no distinctions should ever be made between women and men in terms of justice. The mentee should learn when there are legitimate reasons for treating women and men differently (in the law and judicial processes). The session will help the mentee to recognise the difference between formal or juridical equality (i.e. what is written in the law) and substantive equality (equality of results and equality of opportunity)— and that in order for women to be able to access justice, attention should be given to women’s substantive equality (note that concepts of formal and substantive equality are explored in more detail in Module 3 of the HELP course).

Expected impact

The mentee will be able to distinguish when and why it is appropriate to pay special attention to gender issues (and inequalities that women experience) within legal systems that uphold principles of impartiality. Understanding what a gender perspective is and how to apply it when working within the legal system is the foundation for improving women’s access to justice. The concept of “gender sensitive justice” also underpins the training manual and online course. Finally, this session should help the mentee to internalize what a gender perspective is and give her/him the confidence to start making changes in her/his practice (a task that is reinforced in Session 9).

Content / topics

- (a) Recognizing what makes a gender blind approach problematic and practicing transforming it into a gender sensitive approach.
- (b) Reflecting on gender equality provisions in national legislation compared to the de facto situation in the country in order to improve understanding of how women’s unequal status could impact their access to justice.

Exercises

- (a) Mentees should consider the following situations and possible approaches that could be used. Note that the mentor and mentee can review all three case studies or the mentor may wish to select those that are the most relevant to the mentee. As a next step, the mentor can introduce additional cases studies that match the mentees interests or professional background.

Case study 1 (compare the scenarios)

Anna goes to the police station to make a complaint about her husband. She says that her husband has been physically and emotionally abusive towards her for years. The previous night he accused Anna of having an affair with a male co-worker. He aggressively grabbed her mobile phone and has refused to return it. When Anna tried to get the phone back, her husband pushed her away and she fell against a table. A large bruise is visible on her upper arm.

Barbara goes to the police station to make a complaint about a robbery. The previous night when she was walking home from the train station, a man came up behind her and grabbed her mobile phone from her hand. She has no idea who the man was but can identify some of his features. She tried to hold on to her phone but was pushed to the ground in the struggle. A large bruise is visible on her upper arm.

Case study 2

A public prosecutor is currently working on a case concerning sexual violence. The victim, C, says she was raped at a party. There is forensic evidence that both C and the accused were intoxicated at the time. The prosecutor interviewed C twice and now, three months after the previous meeting, calls her for an additional interview. At this interview, C is distressed about the fact that a video showing the accused performing a sexual act on C has been circulated online. She provides unclear answers to the prosecutor's questions, seems to have lapses of memory and makes some statements that contradict her earlier account of events. The prosecutor decides to drop the case due to doubts about the victim's credibility and lack of clear evidence.

Case study 3

In a divorce case, the ex-husband claims sole ownership of a family business. The court considers the ex-husband's employment history, income and acquisition of assets as well as the fact that the ex-wife made limited financial contributions to support the family or to the business. The ex-husband was employed full-time throughout the marriage. The ex-wife worked part-time as an accountant for the business for several years, but also had periods of unemployment when the couple's children were young and when caring for her elderly parents. The value of the combined marital assets, including the business, is estimated at over 5.6 m. Euros. The judge determines the financial needs of the ex-wife (maintenance) to be 110 000 Euros and awards this as a lump sum. The remainder of the property is to stay with the ex-husband.

- (b) The mentee should review the equality and non-discrimination provisions in national legislation (this could be national law that establishes equality between women and men or laws that prohibit sex-based or gender-based discrimination). The mentee then reflects on differences between formal (de jure) equality and substantive equality- considering what are the clearest examples of inequality or discrimination toward women in her/his society (i.e. pay differences, gender roles, violence against women, etc).

Areas of discussion

(a)

- ▶ In case study 1 (Anna and Barbara), what are the areas of similarity in terms of relevant law and possible responses by law enforcement (or other legal professionals)? What are the key differences and what do the differences suggest in terms of a legal response? Imagine the potential outcomes if the two incidents were treated in substantially the same way or if they were treated differently? What could be the negative and positive consequences of having the same approach or having differing approaches? What should be included in a gender sensitive approach?
- ▶ In case study 2 (the case of C), reflect on the actions and decisions of the prosecutor that could be problematic and are not gender sensitive. What makes them "gender blind"? What are some ways that the prosecutor could have approached the case differently that would have been more responsive to the situation and experiences of the victim?
- ▶ In the third case study (the divorce case), do you think the judge's decision would promote equality or inequality in terms of outcomes? How were the contributions made by the husband and wife valued?

If women's non-financial contributions (i.e. raising children, caring for family members and performing household duties) are not valued to the same extent as financial contributions, what is the result in terms of protecting women's rights? In this case do you think the civil law/judicial decision discriminatory or gender blind? Explain why.

(b)

- ▶ What are some examples of gender inequalities in your country? What are the structural factors that underpin these inequalities or lead to sex/gender-based discrimination?
- ▶ Think about how discrimination and inequality may have influence or impact the outcomes of a judicial processes. Think of examples of how societal expectations for women/men, gender roles and stereotypes can carry over into legal processes in a way that leads to unequal outcomes. What is needed to rectify such situations?
- ▶ Gender sensitivity means acknowledging the existence of gender gaps and structural inequalities and being sensitive to the differing needs of women and men in legal systems. Can you recall any examples of gender sensitive decision-making from your personal experience or in legal decisions with which you are familiar?
- ▶ In your opinion, is applying a gender sensitive approach challenging in your professional work? And if so, why, and what specifically presents the greatest challenges?

Tips for adaptation

- ▶ This session could be conducted as guided self-reflection between the mentor and mentee, or it could be useful to hold a group discussion involving a few mentees in order to include more diverse opinions and suggestions.
- ▶ The discussion about gender inequalities in part b could follow on from session 2. If the mentee is having trouble identifying gender disparities that exist in the country or expresses disbelief that there are areas of inequality between women and men, it would be useful for the mentor to prepare in advance and have data and research available to review with the mentee.
- ▶ If a mentee finds it difficult to conceptualise what is meant by applying a gender perspective or being gender sensitive, it might be useful to use the metaphor of putting on "gender glasses". This is a phrase coined by the Finnish Ministry of Social Affairs and Health to describe a process of actively examining legislation, decision-making, programmes, projects, etc. to see if they would possibly affect women and men differently from a gender perspective and to ask what are the differences in the needs and priorities of women and men? "Gender glasses" means that you are using a new perspective to look at familiar things.

Resources

If the mentees find it difficult to identify areas in which women face discrimination in their country, the following may provide additional information:

Council of Europe country studies on barriers, remedies and good practices for women's access to justice for the following countries: Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine

[https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice#{"14965347":\[\]}\]](https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice#{)

State reports and concluding observations of the Committee on the Elimination of Discrimination Against Women

<https://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

(search under Country-specific Information)

Session 4: Exploring barriers to justice for women

This session is intended to encourage the mentees to consider barriers to justice that women encounter in a more concrete, and less abstract, way and to identify the most critical barriers to women in their country/ jurisdiction.

Corresponding to

The material corresponds to Chapter 1, section 1.1, of the Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice and Module 1 of the HELP course.

Learning objectives

The mentee considers common barriers to justice and is able to distinguish between those that pertain to all justice users, those that impact women only, and those that have a particularly negative impact on women. Furthermore, the mentees should understand how legal and institutional barriers and socio-economic and cultural barriers for women intersect.

Expected impact

The mentees will be able to identify specific barriers to women's access to justice that are characteristic for their own country and legal system. After that, the mentee should plan specific actions that they can take in their practices that can mitigate some of these barriers, looking concretely at the area of law in which they work. The mentees should gain an appreciation of the fact that legal professionals can also take steps to decrease the impact of socio-economic and cultural barriers- while not necessarily eliminating these barriers.

Content / topics

- (a) Working independently, the mentee can reflect on her/his practice and develop a list of (i) legal and institutional barriers and (ii) socio-economic and cultural barriers that are prevalent in their legal systems. They can reflect on the impact of these barriers on women and men. This exercise could also be done in a group setting as a type of brainstorming. Alternatively, the mentor can provide an open-ended list of barriers (examples), that the mentee, or group of mentees, will reflect on and also add to.
- (b) After having categorised and discussed in greater detail the primary barriers to justice, the mentee, or group of mentees, should be directed to consider what actions they could personally take to mitigate barriers to women in accessing justice.

Exercises

- (a) Mentees can familiarise themselves with the chart below that represents different ways of categorising barriers to justice and discuss whether it reflects their own experiences.



Next, the mentor can provide the mentees with an open-ended list of common barriers to justice, and they can discuss in which category they should be placed (as well as whether they would be considered a legal or institutional barrier or a socio-economic or cultural barrier). Mentees should be encouraged to “unpack” what is included in these barriers and why they present problems, as very often they do not fit neatly into a single category. It is more important that the mentees consider what is involved in each barrier than that they categorise it.

- | |
|--|
| <p>Limited financial resources (additionally, high legal fees)</p> <p>Under-representation of women in the legal professional</p> <p>Discriminatory legislation</p> <p>Distrust of legal institutions</p> <p>Low level of education (i.e. lack of awareness of one’s legal rights)</p> <p>Gaps in legislation (i.e. human rights violations that are not addressed by the law)</p> <p>Gender stereotyping</p> <p>Limited training for legal professionals (for example, on violence against women)</p> <p>Minority status</p> <p>Infrastructure that is inaccessible (i.e. court buildings without ramps, lack of materials for the visually impaired, etc.)</p> <p>Corruption (i.e. lack of accountability)</p> <p>Unequal care burden (e.g. child care responsibilities)</p> <p>....</p> |
|--|

- (b) Mentees can devise a chart or checklist in which to record their thoughts on how they may be able to address barriers that have a particular impact on women, that they have identified as especially relevant. They should be encouraged to be strategic in what they can do but also to look beyond legal and institutional barriers and to think about taking a pro-active role. Sample categories are included below.

Checklist:

What can be done immediately in my work? (these are short-term solutions)

- ▶ *Develop and distribute informational bulletins about legal rights in my office*
- ▶ *Check with litigants (victims, witnesses) about whether they have made child care arrangements before scheduling meetings or hearings*
- ▶ *Be aware of and refrain from relying on gender stereotypes*

What could I work on with other legal professionals? (these require a longer-term commitment)

- ▶ *Develop continuing legal educational courses that cover women's rights issues*
- ▶ *Review recruitment, hiring and promotion practises within my institution (using a gender perspective/ "gender glasses")*
- ▶ *Become a mentor for and promote gender sensitivity!*

Where can I lend my expertise? (these are activities that can be taken over the long term)

- ▶ *Advocate for expanding free legal aid services (i.e. to include victims of domestic violence)*
- ▶ *Work within local bar associations, or other organizations, to highlight positive judicial outcomes, transparency and effectiveness of the legal system*
- ▶ *Work with media to improve the public's understanding about how the legal system can protect women's rights*

...

Areas of discussion

- (a) What are the most common reasons that people do not turn to the justice system when their rights have been violated? Are there different reasons for women and men?

Referring to the material (from the training manual or the online HELP course), what (i) legal and institutional barriers and (ii) socio-economic and cultural barriers do you see in the legal system where you work? (make a list). Looking at this list, are some barriers more common for women, or do they have a particularly negative impact on women? Spend some time looking more deeply at how a particular area of inequality will ultimately impact access to justice (i.e. if women take on the larger burden of childcare, what is the impact on: when they could go to court or meet with a prosecutor? Their decision to pursue a case of divorce or cooperate in a domestic violence prosecution?)

Are there some barriers to justice for women that are observed more often in criminal cases than in civil cases? What about other areas of the law (i.e. administrative law, family law)? Discuss the potential impacts of a particular barrier (i.e. lack of "legal literacy"/knowledge of one's rights).

- (b) Considering the different barriers to women that you have identified, what do you think is needed to either eliminate this barrier or at least to lessen its impact (brainstorm or discuss if in a group setting)?

Do you see any patterns in the kinds of responses that are needed?

Where do you see a potential role for yourself in helping to alleviate any of these barriers?

Note that the mentor should encourage the mentees to think strategically about what they may be able to do in the short-term and where they can become more active within their professions in the medium term and to affect long-term change. It could be useful to encourage mentees to make a chart where they can categorise these short-, medium- and longer-term commitments/changes they can make.

Tips for adaptation

- ▶ This session could be used effectively as a group discussion between the mentor and several mentees as a way to bring out differing perspectives on the impact of particular barriers on women and men.

Informal brainstorming on what can be done to improve the justice system for women could be included. If mentees represent different areas of the law (civil and criminal), the discussion would be enriched. But even if this is not the case, the mentor can pose questions about different fields of legal practice to broaden the discussion.

Resources

Council of Europe country studies on barriers, remedies and good practices for women's access to justice for the following countries: Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine
[https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice#{"14965347":\[\]}\]](https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice#{)

Session 5: Access to justice in cases of violence against women

This session encourages the mentees to look more closely at the barriers to justice that women who are victims of gender-based violence (especially domestic violence) encounter from the legal system. Ideally, this session would follow session 4 so that the mentees can refer to the results of their work and discussions from that session.

Corresponding to

The material is based on concepts that are presented in Module 1 (section 1.1.3) of the *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* and explored in greater detail in Module 5 of the HELP course on access to justice for women.

Learning objectives

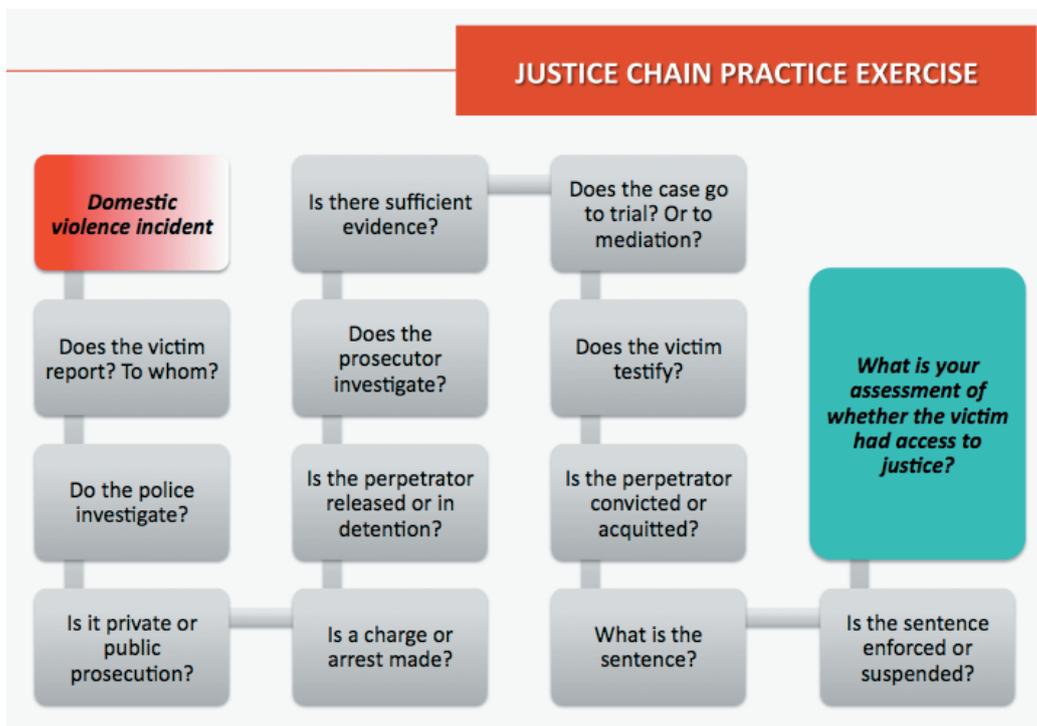
The mentee should gain a better understanding of how barriers to justice contribute to attrition in cases of violence against women (specifically, the phenomenon of such cases “dropping out” of the legal system as they progress from criminal complaint to final judgement and sentencing). Mentees should learn how actions or inactions of legal professionals along this “justice chain” impact women’s access to justice. Mentees should also reflect on how the standards set forth in the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) aim to increase women’s access to justice.

Expected impact

The mentees will be able to identify barriers to justice for victims of violence against women and will recognise that such barriers are interconnected (e.g. inadequate police investigation impacts the work of prosecutors; inadequate work of prosecutors can lead to acquittals). The mentees should gain an appreciation for their role within justice chains and the importance of co-ordinated approaches, as set forth in the Istanbul Convention.

Content / topics

- (a) The mentee, as an individual, or in a group of mentees working together, should become familiar with the notion of a “justice chain” in a criminal case of violence against women (see page 18 of the *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* or work through Module 5 of the online course). A typical justice chain in this case begins with the first contact that the victim has with the justice system (usually an interaction with the police) and ends with sentencing in a criminal case and/or post-trial processes. The justice chain can be represented visually as a series of steps with questions and consequences attached to each step. It could look something like this:



At each stage of the justice chain, the responses of different law enforcement and legal professionals will affect the outcome for the victim- either stopping the case from moving forward or advancing the case along the chain. Each step can be phrased using yes/no questions (e.g. “Does the prosecutor proceed with criminal charges- yes/ no?”) and then considering the impact of each decision.

- (b) The mentee/s can imagine a scenario/ hypothetical case of violence against women with which they are familiar and work through each step of the justice chain asking what would be the outcome depending on how the relevant legal professional responds (either advancing the case along the chain or stopping the case from advancing). The mentee should assume that the victim has a legitimate claim under domestic law; the purpose is not to evaluate her legal case but to understand how decisions at different stages can prevent a victim from accessing justice.

Alternatively, the mentee/s can study the facts of the case of *Volodina v. Russia* (European Court of Human Rights judgement of 9 July 20196) and match the actions/inactions of the relevant law enforcement and legal professionals to a stage of the justice chain, looking at the consequences to the victim. Note that the facts of the *Volodina* case will not occupy an entire justice chain- meaning it will end before a case goes to trial.

- (c) After using the justice chain to identify points of attrition and discuss differing outcomes in a sample case of violence against women, the mentee can refer to the Istanbul Convention, primarily Chapter IV on investigation, prosecution, procedural law and protective measures and Chapter 2 Article 7 on co-ordination. By studying the obligations set forth in the Istanbul Convention, the mentee can match what measures are needed to prevent attrition (and improve women’s access to justice!) at various points in the justice chain.

Attention mentors!

This session uses a decision of the European Court of Human Rights concerning Russia. Make sure that the mentees do not misunderstand the task. Using a real case from another jurisdiction is not for the purpose of comparison or critique of how different states respond to violence against women. Rather, cases decided by the the Court raise issues that are problematic for many Council of Europe member states. This case was selected since it has elements that are typical for many countries.

6. Accessible from: <https://hudoc.echr.coe.int/eng?i=001-194321>

Exercises

- (a) Mentees either familiarise themselves with the sample chart provided in the training manual (or above) of a justice chain, review the justice chain exercise in Module 5 of the online HELP course or devise a justice chain that matches a particular form of violence against women with which they are familiar.
- (b) Next, the mentee can either consider a hypothetical case (a “typical” case from their practice) or work from a real case in their country. It is generally recommended that mentees not use a case with which they are familiar as they may overlook improper actions/inactions in their own legal systems or be reluctant to identify failures of certain professional groups. By using a case from another jurisdiction (here, the *Volodina* case from the Russian Federation is suggested), the mentees can discuss state failures in a more open and “impersonal” way. However, mentees should be encouraged to go further than the *Volodina* case, meaning to explore other hypothetical outcomes if the case had gone to trial. The task for the mentee is to work through each “link” in the justice chain identifying what happened (or what went wrong) at each stage and discussing the impact of each outcome on the next link in the chain and, ultimately, on the victim being able to access justice.
- (c) Once the justice chain has been reviewed, and points of attrition noted (e.g. when the police declined to open a criminal investigation it meant that the victim was subjected to further physical violence and threats by her husband), the mentee should review the Istanbul Convention. The next task is to consider what specific requirements of the Istanbul Convention are relevant at which points of the justice chain. There will be overlap and repetition (e.g. law enforcement should have conducted a risk assessment- Article 50 of the Istanbul Convention. If this had been done, a likely outcome would have been...).

Areas of discussion

- (a) What are the general “links” in a justice chain involving a criminal case of violence against women based on your own practice (note that this might differ depending on the form of violence)? Think about, first, how victims typically come to the attention of the justice system. At what stage do most cases of violence against women end- with a conviction? Acquittal? Or something else?

Are you familiar with the concept of attrition in such cases? Has the mentee seen any data about this phenomenon?

- (b) Reviewing the *Volodina* case (or another case to be selected by the mentor and mentee), systematically work through each “link” in the chain, imagining what Ms Volodina’s experience of the justice system was like. For each stage, ask: *what happened?* (what action did Ms. Volodina take and what actions did the relevant law enforcement/legal professionals take or not take?); *what was the consequence in terms of furthering the case or impeding the case?* *What other actions could have been taken that would have changed the outcome?*

- (c) Make a list of key points of attrition that you have identified, considering both the stage in the chain and the relevant law enforcement/legal professional that was involved. Keep in mind that the concept of the “justice chain” shows how each part of the system is linked to the next, so do not focus attention only on one professional group! Instead, consider how they interact (e.g. how do prosecutors inform police about what evidence should be collected at the investigation phase?)

Now, review the Istanbul Convention, especially the obligations concerning investigation and prosecution. Which particular measures could possibly prevent attrition or escalation/repetition of violence? What measures would improve access to justice for a victim of violence against women (e.g. Ms. Volodina) and how would they mitigate or remove typical barriers to justice?

Tips for adaptation

- ▶ This session was developed around a “typical” case of domestic violence. But the exercise could be equally applied to other forms of violence against women, such as rape, sexual harassment, stalking, honour-based crimes, etc. The mentor may discuss with the mentee the areas of criminal law in which they have the most experience. If they are already familiar with the justice chain concept, it might be a useful challenge the mentee to consider how a form of violence against women that they have not

worked on extensively might proceed through the chain. On the other hand, if the justice chain idea is new to them, it is advisable that they use a “typical” violence against women case that they are familiar with.

- ▶ There are several European Court of Human Rights judgements concerning violence against women, and all can be used in a justice chain exercise. Alternatively, the mentor can devise a hypothetical case in order to highlight certain issues for the mentee (e.g. concerning the specific actions of prosecutors or judges).

Resources

The European Court of Human Rights judgement in the *Volodina* case is available here: <https://hudoc.echr.coe.int/eng?i=001-194321>

The text of the Istanbul Convention is available in all languages of the Council of Europe here: <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>

In addition to the HELP course on Access to Justice for Women, mentees may wish to enrol in the HELP course on Violence Against Women and Domestic Violence to explore the topic in more detail. This course also includes a module on women’s access to justice. It is available in several languages⁷.

The publication *Progress of the World’s Women: In Pursuit of Justice* includes a chapter on the justice chain concept (Chapter 2), with a case study from Bulgaria (*Bevacqua and S. v. Bulgaria*, European Court of Human Rights, 2008⁸) and information about attrition in rape cases based on studies conducted in South Africa.

(UN Women, 2011). Available in several languages: <https://www.unwomen.org/en/digital-library/publications/2011/7/progress-of-the-world-s-women-in-pursuit-of-justice>

The publication *Resource book for trainers on effective prosecution responses to violence against women and girls* includes a chapter on barriers to women accessing criminal justice with a sample justice chain exercise (p. 102) that could be useful reference material. (UNODC, 2017). https://www.unodc.org/documents/justice-and-prison-reform/Gender/16-09583_ebook.pdf

7. <http://help.elearning.ext.coe.int>.

8. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805a32ab>

Session 6: Applying international law on women's rights in domestic courts

The purpose of this session is to strengthen the skills of practitioners to effectively apply international legal standards in domestic legal proceedings.

Corresponding to

This session logically follows on from the material presented in Chapter 2 of the *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* and Module 2 of the HELP course, both of which are overviews of relevant international law (both hard [legally binding] and soft law, of the UN, Council of Europe and European Union).

Learning objectives

The mentee should learn how to apply international legal standards in their regular practice to protect women's rights. They should understand which treaties or conventions (including soft law) might be applicable to specific cases and the procedure for introducing them in legal cases.

Expected impact

Even if the mentees are already familiar with international legal standards relevant to women's rights issues, they may not know how to apply these standards in their day-to-day practice. The mentee will become more comfortable with referring to international human rights standards pertaining to women, especially in areas where domestic legislation may be lacking.

Content / topics

This session could work as guided self-study in which the mentee explores the procedure for applying international law in her/his jurisdiction.

Exercises

The exercises can take the form of sequential tasks, as follows:

- (a) Review the sources of law under the national legal system and specifically the applicability of international law (is it treated the same way as national law in domestic proceedings?).
- (b) Identify where there are gaps in national law that are addressed by international law (treaties and soft law)- pertaining to women's rights or gender issues.
- (c) Review jurisprudence and legal practice to find examples of domestic courts interpreting the application of or relying on international law.
- (d) Identify several specific ways that the mentee could try to introduce international standards in her/his practice.

Areas of discussion

- (a) Is international law an additional or binding source of law? Are there differences in the applicability of treaty law (hard law) and soft law? What are the procedural aspects of using different sources of law?
- (b) After reviewing core human rights instruments that pertain to women's rights (e.g. through the online HELP course or as additional reading), what issues have you identified that are more thoroughly addressed under international law than in domestic law? Or in which areas do you think that specific international law would provide further information about how to best protect women's rights?

- (c) How is international law commonly referred to in domestic cases? In which areas of the law?
- (d) Where might it be possible to refer to international law or standards in, for example, developing legal arguments, presenting legal reasoning or in judgements? Can you think of specific opportunities to use international law in cases concerning women's rights?

Tips for adaptation

- ▶ If the mentor determines that the mentee needs additional guidance, this session could be presented in another way. The mentee can select a case from her/his own practice or one in which they are familiar (a case concerning women's rights and ideally a complex case). They can identify all the relevant national law that was cited. Then they can review core international treaties (the European Convention on Human Rights [ECHR], Istanbul Convention, the Convention on the Elimination of All Forms of Discrimination against Women [CEDAW], etc.) and find where there are areas of overlap or of difference. Particularly where do international standards enhance legal arguments in cases concerning violations of women's rights?
- ▶ If it is not possible to find a single case that is suitably complex, the mentor can develop hypothetical cases that are based on different areas of the law.

Resources

If mentees would like to review core documents pertaining to women's rights, they can find summaries here, for the Council of Europe and UN systems:

CoE standards and mechanisms on gender equality

<https://www.coe.int/en/web/genderequality/standards-and-mechanisms>

Women's Rights are Human Rights, UN Office for the High Commissioner for Human Rights (2014)

<https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf>

If mentees find it difficult to identify areas in which domestic law (or practice) does not adequately protect the rights of women in their country, they could review judgements of the European Court of Human Rights. The judgments offer insights about where the Court has found that national law and/or practice is not in compliance with international standards (i.e. the European Convention on Human Rights) that could be applied to other member states. These judgements are summarised in the Court's fact sheets, which are periodically updated:

Fact sheet on gender equality: https://www.echr.coe.int/Documents/FS_Gender_Equality_ENG.pdf

Fact sheet on domestic violence: https://www.echr.coe.int/Documents/FS_Domestic_violence_ENG.pdf

Fact sheet on violence against women: https://www.echr.coe.int/Documents/FS_Violence_Woman_ENG.pdf

The Gender Equality Division has also compiled European Court of Human Rights case law on gender equality issues: <https://rm.coe.int/compilation-echr-case-law-1-august-2019/168096d977>

Council of Europe country studies on barriers, remedies and good practices for women's access to justice for Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine may also be consulted:

[https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice#{"14965347":\[0\]}](https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice#{)

Session 7: Working with case law

The purpose of this session is to engage the mentee in working with real cases to explore how the legal outcomes might differ if they had been litigated in her/his own country.

The session has two “tracks”- (Case A) working with a case of sex-based discrimination, for practitioners in civil law and (Case B) working with a case of violence against women, for criminal law practitioners. The mentor should decide with the mentee which type of case they will work with and discuss. It is also possible to work through both cases.

For the **civil law case**, the purpose is to allow the mentees to explore how a case of sex/gender-based discrimination should be litigated, by looking at the standards, evidentiary issues, and the evidence required to shift the burden of proof.

For the **criminal law case**, the purpose is for mentees to explore how a case from a country that has not ratified the Istanbul Convention might have been decided differently (or what legal arguments would be made differently) had the country been a party to the Convention.

Corresponding to

This session builds on legal concepts that are presented in various sections of the *Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice* and of the HELP course. For a case concerning discrimination (Case A), the reference material can be found in Module 1 (section 1.3) and Module 4 (section 4.3 on evidentiary issues). Module 3 of the HELP course is on discrimination on the grounds of sex and gender.

For a case concerning violence against women (Case B), the reference material is found in Modules III and 1V of the *Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice*, as well as Modules 2 and 5 of the HELP course.

Learning objectives

The mentee should gain practice in applying international standards that might not be commonly used in their countries. By reflecting on international practice, the mentees should learn where international law offers protection for rights violations and standards that are not always covered in domestic law.

Expected impact

The mentee will gain an appreciation for the relevance of international law and standards. They will also be able to practice how they could make legal arguments based on their own national law as well as international law.

Content / topics

It is suggested that the fact patterns that the mentee studies be based on real communications that were reviewed by the CEDAW Committee. The Committee review is not a judicial process, but it does include reference to national law and procedure. The mentee should review the cases and the CEDAW Committee findings. Then, the mentee should discuss how the same case would be tried and decided in her/his jurisdiction. The mentee should develop their own legal arguments, with references to domestic law as well as any relevant international law. It is suggested that the mentees first be given the facts (from the communications to the CEDAW Committee) and then later read the Committee’s conclusions- after they have come up with their own legal arguments.

Attention mentors!

This session uses decisions of the CEDAW Committee concerning Slovakia and Russia. Make sure that the mentees do not misunderstand the task. Using real complaints from other jurisdictions is not for the purpose of comparison or critique of how different states respond to violence against women. Rather, these cases include legal issues that are problematic for many countries in the Council of Europe.

Case A: Sex-based discrimination

Based on the facts of the D.S. (Slovakia) communication to the CEDAW Committee.

The case concerns the dismissal of D.S. from her job after taking maternity leave. D.S. claimed that she was the subject of gender-based discrimination by her employer.

The mentee should read the facts and the complaint and develop a theory of the case, determine the applicable law (as if the case were being litigated in the mentee's own country), identify potential forms of evidence, discuss the evidence that is sufficient to establish a prima facie case and to shift the burden of proof, and determine a judgement as if the case were being tried in the mentee's legal system. Only then, the mentee should review the conclusions of the CEDAW Committee. In this case, the Committee found that there was discrimination in violation of CEDAW.

Case B: Violence against women

Based on the facts of the X and Y. (Russian Federation) communication to the CEDAW Committee.

The case concerns the X and Y who were both subjected to domestic violence and claimed that the state failed in its obligation of due diligence, namely to investigate and prosecute the perpetrators of the violence.

The mentee should read the facts and develop a theory of the case, determine the applicable law (as if the case were being litigated in the mentee's own country), identify potential forms of evidence and areas for investigation/prosecution and determine a judgement as if the case were being tried in the mentee's legal system. Only then, the mentee should review the conclusions of the CEDAW Committee. In this case, the Committee found that there were violations of CEDAW, considering also several general recommendations to the Convention.

Note that as of the time of this communication, Russia had not ratified the Istanbul Convention. One of the mentee's tasks should be to look for potential violations of the Istanbul Convention.

Exercises

Instructions for mentees for Case A

The exercise can take the form of sequential tasks, as follows:

- (a) Review only the facts of the case about gender-based discrimination (here, concerning employment).
- (b) Consider the facts of the case in the context of your jurisdiction. Set forth the legal arguments for a case of gender-based discrimination, relying on relevant domestic law as well as international standards (any that the mentee thinks are applicable).
- (c) Identify possible forms of evidence. These can go beyond those that are mentioned in the facts of the case itself. The mentee should think about what forms of evidence will be sufficient to present a prima facie case and then to shift the burden of proof to the defendant/employer to prove that the decision to terminate employment was not discriminatory.
- (d) The mentee and mentor can discuss the legal arguments and evidence. Ultimately, the mentee should take on the role of a judge and arrive at a potential judgement.
- (e) The final step is to review the decision and recommendations of the CEDAW Committee, taking note that this is not a binding legal judgement. At this point, the mentor and mentee could discuss differences had this case been (a) heard by a court in the mentee's country or (b) heard by the European Court of Human Rights, with the idea of identifying whether there are inadequacies in the law in the domestic legal setting that are addressed by international law.

Instructions for mentees for Case B

The exercise can take the form of sequential tasks, as follows:

- (a) Review only the facts of the case about violence against women (here, concerning domestic violence)

- (b) Consider the facts of the case in the context of your jurisdiction. Determine which laws would apply to this case (both criminal law and criminal procedure as well as potentially civil or administrative law).
- (c) What international standards would apply to the facts of this case? Note that the Russian Federation was not a party to the Istanbul Convention at the time the case was heard. But the mentee should approach this case as if the state were bound by the Convention. Also consider any other applicable international standards.
- (d) Identify evidence of state inaction from the case. Also identify other actions that the police or prosecutors should have taken, if this case had happened in your country.
- (e) The mentee and mentor can discuss the legal arguments and evidence of state inaction. Ultimately, the mentee should take on the role of a judge and arrive at a potential judgement.
- (f) The final step is to review the decision and recommendations of the CEDAW Committee, taking note that this is not a binding legal judgement. At this point, the mentor and mentee could discuss differences had this case been (a) heard by a court in the mentee's country (b) heard by the European Court of Human Rights concerning the same facts but taking place in a country that had ratified the Istanbul Convention.

Areas of discussion

For Case A

- (a) After reading the facts as submitted by the author (D.S.), are there any differences in how the national law in this case (here, Slovakia) and in your country treat gender-based (or sex-based) discrimination? What are these differences?
- (b) Putting yourself in the role of the lawyer for D.S., what law applies to discrimination cases in your country?
- (c) What international legal standards could be invoked? Think about CEDAW as well as Council of Europe conventions.
- (d) After reading the state party's observations (the "defence") and the complainant's comments, what are the potential forms of evidence that the complainant could present and those that the state (the "defendant") could provide (you could create a list)? Be creative and think outside of the facts of the case and consider evidence that could be available in your country. What evidence would be sufficient for D.S. to make a prima facie case under domestic legislation? Think about other case law with which you may be familiar. If this question is difficult to answer, keep it in mind when you later review what the CEDAW Committee determined about whether the burden of proof was shifted.
- (e) Now, putting yourself in the role of a judge, what would you decide, or how would you explain a judgement in favour of D.S. (meaning, a finding that her employer discriminated against her)?
- (f) Review the conclusions of the CEDAW Committee. Note that the Committee found violations of the Convention. Do you think the judgement would be the same if this case were heard in your legal system?- either relying only on domestic law or also invoking international law (such as CEDAW)? Would you expect to see any differences if this case had been heard by the European Court of Human Rights, relying on the European Human Rights Convention?

For Case B

- (a) After reading the facts as submitted by the authors (X and Y), are there any differences in how the national law in this case (here, the Russian Federation) and in your country address domestic violence? What are these differences?
- (b) Putting yourself in the role of lawyer for X and Y what law applies to domestic violence cases in your country (consider criminal law, criminal procedure, administrative and civil law)? Are there remedies in your country that were not available to X and Y?
- (c) What legal duties of the police or prosecutors would be implicated if this case had taken place in your country?

- (d) Imagine that the facts of this case had taken place in a state that was a party to the Istanbul Convention- what articles would you invoke to prove state inaction in this case?
- (e) What is the potential evidence of state failures to meet the due diligence obligation in this case?
- (f) Review the state party's observations (the "defence")- how would you, as counsel for X and Y respond to these arguments?
- (g) Now, putting yourself in the role of a judge, what would you decide, or where would you find violations of domestic and international law?
- (h) Review the conclusions of the CEDAW Committee. Note that the Committee found violations of CEDAW. Do you think the judgement would be the same if this case were heard in your legal system? What about if the case had been heard by the European Court of Human Rights, relying on the Istanbul Convention?

Resources

Discrimination cases:

Communication of D.S. (Views adopted by the CEDAW Committee concerning Communication No. No. 66/2014) <https://digitallibrary.un.org/record/854547>

Communication of R.K.B. (Views adopted by the CEDAW Committee concerning Communication No. 28/2010) <https://juris.ohchr.org/Search/Details/1720>

Violence against women cases:

Communication of X and Y (Views adopted by the CEDAW Committee concerning Communication No. No. 100/2016) <https://undocs.org/pdf?symbol=en/CEDAW/C/73/D/100/2016>

Communication of O.G. (Views adopted by the CEDAW Committee concerning Communication No. 91/2015) <https://juris.ohchr.org/Search/Details/2429>

Session 8: What can be done to eliminate gender stereotyping in judicial processes?

This session focuses on a critical barrier to justice for women- the reliance on gender stereotypes in cases of violence against women. The purpose is to ask the mentee to consider several egregious examples of gender bias in judicial decision-making and to reflect on both the harm caused and how the legal system responded in each case.

Corresponding to

It is recommended that this session be conducted after the mentee has already had an introduction to the topics of judicial gender stereotypes and bias. This material can be found in section 1.4 of the *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* and Module 4 of the HELP course. It is advised that to the goal of this session it to look more deeply at gender stereotyping and reflect on the negative consequences in legal cases, with the mentor's guidance.

Learning objectives

The mentee will recognize common biases/ stereotyped decision-making (such as victim blaming in cases of violence against women; failure to understand the dynamics of sexual violence/rape; misinformation about consent in such cases, etc.) and begin to decipher where these stereotyped notions come from as well as the harm they cause. The mentee should also devise potential responses to such gender bias and how they, as legal professionals, can block them or prevent them from causing harm.

Expected impact

The mentee will come to an understanding that stereotypes and misconceptions about sexual violence (as well as other forms of violence against women), are unfortunately, common reactions that happens throughout society. When these stereotypes influence legal decision-making, it results in one of the most critical barriers to justice for victims of gender-based violence (and also a reason why such crimes are considered latent). The mentee will understand that it is the responsibility of legal professionals to ensure that bias and reliance on stereotypes to interpret evidence and apply the law are not part of legal decision-making. They should feel empowered to recognize such bias and stereotyping and to prevent it from happening in their own decision-making and in legal processes generally.

Content / topics

The mentee is given information (or asked to do mini research) about recent and particularly egregious cases of gender stereotyping/bias. Three examples are provided, and the mentor can ask the mentee to consider one, or all three, or may chose other problematic cases. The mentor guides the mentee to reflect on what is behind the judicial decisions, what are the particular stereotypes being reinforced, the harm caused, and also the public responses that followed.

Attention mentors!

The summaries given below are not full case histories. The purpose of the exercise is not to review judicial decision-making for an entire case but to focus on examples of how gender stereotyping can improperly influence legal proceedings.

There are clear examples of gender stereotyping in each case, and the mentee should not be encouraged to find justifications for this practice.

Keep in mind that some mentees may have the same misconceptions- after all, these beliefs are common in most societies. Thus the mentees might try to diminish them or give explanations. It is important that the mentor conveys a key learning point- these are examples of legal professionals improperly relying on gender stereotypes, and it cannot be justified.

Exercises

Three proposed examples are as follows. Further information about these particular cases can be found via many news outlets, in the references.

Spain: (the “wolf pack” case)⁹ In 2018, five men were accused of gang raping an 18 year old girl. They were found guilty of a lesser offense of “continuous sexual abuse”, but not rape. There were several problematic aspects of the case. For instance, the offense of rape under Spanish law must involve violence or intimidation. The defence attorney argued that the victim consented, using phone video footage showing the victim immobile with her eyes closed as evidence that there was no violence/intimidation. The defence also submitted evidence, obtained from a private detective, of the victim smiling with friends several days after the incident. The judge determined that the victim’s “passivity” meant there was no rape. After the verdict, there were widespread public protests in Spain and calls to amend the legislation on sexual offenses. In 2019, the Supreme Court overturned the verdict and raised the sentences from 9 to 15 years. The law on the crimes of rape and sexual assault is currently under review and may be amended.

Italy¹⁰: In 2016, a first instance court convicted two men of raping a 22 year old woman (who was originally from Peru). In 2017, the men were acquitted by the Court of Appeals. The reasoning of the appellate court (a panel of 3 female judges) included the fact that the victim’s testimony was not credible because she was ugly/ “too masculine looking” to be desirable (based on the judges seeing her photo and the defendants’ statements that they were not attracted to her). There was forensic evidence in the case that the victim had injuries consistent with rape and of having been drugged. In 2019, the Supreme Court ordered a retrial. The Ministry of Justice has ordered an inquiry into the ruling.

Northern Ireland¹¹: In a 2018 trial in which a 17 year old girl accused a 27 year old man of rape, a crucial issue was whether the victim consented to any sexual acts. In her closing address to the jury, the defence attorney made the following statement: “Does the evidence out-rule the possibility that she was attracted to the defendant and was open to meeting someone and being with someone? You have to look at the way she was dressed. She was wearing a thong [underwear] with a lace front”. After deliberation, the jury acquitted the defendant. This was followed by widespread protests and statements condemning the verdict in parliament. The case ultimately led to the Criminal Justice Board commissioning an independent review of law and procedures concerning sexual offenses in Northern Ireland.

Areas of discussion

- ▶ What is problematic in each of the cases? What are the specific gender stereotypes, or misconceptions about sexual violence, that are being reinforced? Why is this practice problematic?
- ▶ Consider how the stereotypes and myths about rape and sexual violence were reinforced in each of these cases. Was it through the legal arguments, the decision of the court or even in the laws themselves? What differences are there in terms of impact on the case when the gender stereotype have different “sources”?
- ▶ Does the legal decision-making or legal arguments in each of these cases suggest an understanding of the dynamics of rape cases? What is not understood?
- ▶ What could have been done differently? Put yourself in the role of a prosecutor or judge (or other relevant legal professional) and consider possible actions, in terms of objections, jury instructions, your own deliberation, legal amendments etc.

9. <https://www.theguardian.com/world/2018/apr/26/protests-spain-five-men-cleared-of-teenagers-gang-rape-pamplona>; <https://www.forbes.com/sites/anagarciavaldivia/2019/06/22/wolf-pack-case-spains-supreme-court-finds-the-5-men-guilty-of-rape/#6ee37e4c5fb9>

10. <https://www.theguardian.com/world/2019/mar/11/men-acquitted-of-charges-because-victim-judged-too-masculine>

11. <https://www.irishexaminer.com/breakingnews/ireland/comment-investment-needed-to-change-attitudes-towards-consent-and-rape-885955.html>

- ▶ If any of these cases had happened in your country, what could be done to “send a signal” that gender bias and the reliance on gender stereotypes are unacceptable? (e.g. are there disciplinary procedures? What about independent inquiries or legal reform processes?)
- ▶ The three examples were the subject of national protests and covered in the international press. Why do you think this happened? Do you think these cases are atypical or contain some familiar elements?
- ▶ What was the ultimate result of these three cases in terms of making the justice system work better for victims of rape or other forms of sexual violence? What were the lessons learned?
- ▶ Can you think of ways that the legal system (and professionals in it) can more pro-active in addressing gender stereotyping and bias, rather than reacting to cases such as these that cause considerable harm (to the victim, but also more generally undermine trust in the institutions)?

Tips for adaptation

- ▶ It is expected that this session will be used once the mentee has already studied gender stereotypes (either from the training manual or online course). However, if the mentor can see that the mentee is having trouble identifying the problematic gender stereotyping in the scenarios provided the mentor should require that the mentee read some of the materials from the Resources section, below. This can also be a way to begin the session- to refresh the memory of the mentee.
- ▶ A more advanced approach can be to ask the mentee to review examples from their own experience and practice. This requires self-reflection on personal biases and preconceptions. The purpose is not to blame the mentee but to understand that myths about sexual violence are common (note the different countries/legal systems in the examples that are given in the exercise) and our thinking has also progressed over time (consider how cases of violence against women were treated in the law 20 years ago or 100 years ago).
- ▶ Mentees could also identify and discuss types of gender stereotyping that can be seen in cases pertaining to legal issues other than sexual violence. One example would be to discuss how cases of spousal or marital rape are addressed in national law- are there defences to rape when the perpetrator and victim are married? Have there been changes to the law, and in the legal treatment of such cases? What were those changes and why are they important?

Resources

For further information about gender stereotyping and gender bias, the following may be useful additional reading for mentees:

Eliminating judicial stereotyping: Equal access to justice for women in gender-based violence cases (Office of the High Commissioner for Human Rights, 2014)

Gender stereotyping as a human rights violation (Office of the High Commissioner for Human Rights, 2013)
<https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/GenderStereotypes.aspx>

Session 9: Using gender sensitive practices in real life

The purpose of this session is to encourage the mentee to put themselves in the shoes of a female justice user- for instance, a victim of gender-based violence- in order to identify barriers to justice that can be remedied.

Corresponding to

The session could be used at any time in the Mentoring Programme. It corresponds to material presented in Chapter 4 of the training manual and Modules 5 and 6 of the HELP course on women's access to justice.

Learning objectives

The mentee should see their own practices and work spaces through the eyes of a women trying to access justice. They should critically analyse their working environment and identify potential barriers to justice and systems or practices that could be improved. The objective is not for the mentee to find fault with co-workers or other staff but to look holistically at the types of issues a woman trying to access justice might encounter.

Expected impact

The mentee will apply what she/he has learned from the training course and the programme itself to identify concrete areas where improvements can be made in the working environment. Potentially, mentees who are from the same practice/office could do this exercise together, and the mentee could also engage other professionals in this "review".

Content / topics

The session could take the form of a "mini gender audit" in which the mentee critically examines the working environment (not only the physical space but also policies, procedures, etc.) from the perspective of a hypothetical woman justice user. The next step would be for the mentee to report on what they found (either individually with the mentor or in a group setting) and to develop recommendations for improvements.

Gender audits are usually used to enhance gender mainstreaming in an organization and can be an extensive process. Gender audits can also be used to assess national legislation from a gender perspective. Here, the process is much more limited and intended to be carried out by a mentee over several days.

Exercises

The mentor asks the mentee to perform the task of examining their own work place with a critical eye and spotting the kinds of issues that she/he has learned about already. The exercise could be described as a "mini gender audit" that is far less extensive than a full audit, or it could be a walk-through exercise in which the mentee puts herself/himself in the role of a woman who is trying to access justice (see Resources, below).

The mentor and mentee/s could together develop a checklist for this gender audit, using the suggestions below, and adapting the list of the mentee's work (i.e. whether they prosecutors, civil or criminal judges). The mentor should encourage the mentee to not only look at the physical space but also, to the extent possible, the knowledge and actions of people in the office (e.g. assistants to prosecutors, clerks in court, bailiffs, etc.), the processes, policies, etc. The mentees should also move around the work environment (not just think about it), talk to staff, look at the physical space, and look at procedural issues to try and identify potential issues/barriers for women. Potentially, if there is a mixed group of mentees, they could also visit each other's offices.

Checklist:

Review of **policy, procedures and processes** from the perspective of gender sensitivity/ neutrality/ gender blindness (i.e. are there internal instructions or guidance on interviewing a victim of gender-based violence?)

Staff knowledge and sensitivity to gender issues (i.e. do staff have an adequate understanding of the needs of women as justice users? Is there any training for staff?) Note: mentees could interview selected staff members or hold a focus group meeting.

Conduct a **walk-through of the physical space** (i.e. is information available that specifically addresses potential questions for women justice users- such as brochures, leaflets or referrals to local services? Are there separate waiting areas for people who come to the office/court with children? Are safety issues taken into account?)

...

Areas of discussion

- ▶ What were your main findings from the walk-through “mini gender audit” in terms of women’s access to justice? Did anything surprise you? What was it?
- ▶ Where did you most often find potential barriers to justice? Were they related to procedures or the space itself, or something else?
- ▶ What concrete steps do you think are needed to improve access to justice for women in your work environment?
- ▶ How would you characterise these barriers in terms of being able to address them yourself?
- ▶ Would you need to work with others to improve the situation for women justice users? If so, with whom? What support or resources would you need to address these barriers? What can you plan in terms of making sure you have the necessary support and resources?
- ▶ How do you think this exercise would have gone if you had completed it at the beginning of the mentorship (i.e. 8 months previously)? Do you think you would have had a different perspective on women’s access to justice as it applies to your own work environment?

Resources

If the mentees are unfamiliar with the concept of a gender audit, they could read a description of the process here: <https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-audit>

However, the mentor should explain clearly that the mentee is not expected to conduct anything like a full gender audit; the exercise is intended to be a process of looking systematically at the work environment, using some basic methods that are applied in gender audits.

In 2015–2017, the Swedish court system underwent a gender mainstreaming process, and the results are documented in a feedback report. This report could be useful as background reading because it describes the activities that were used to evaluate the gender sensitivity of the court system. Note that section 3.6.6 of the report describes how a “gender walk in the users’ footsteps” was carried out. <https://rm.coe.int/gm-feedback-swedish-court/16808f14d8>

Session 10: Evaluation, next steps and closing

The aim of this final session is to close the mentoring process: draw conclusive observations, collect learning achievements, evaluate the results and identify steps for the future in order to integrate the learning into the everyday work of the legal practitioners.

Learning objectives

The mentor should support the mentee in reviewing the learning journey they went through over the course of the programme, in identifying their learning points and in coming to conclusions about the experience. In this session, the main objective is to evaluate the learning, reflect upon the impact and to transfer the learning into the daily work of the mentees.

The session should provide space for feedback and suggestions from the side of the mentees, regarding both the mentoring process and the content of the mentoring sessions.

Expected impact

The mentees should be able to identify their most important learning outcomes and points that can be integrated to their daily work from the learning process in order to ensure better access to justice for women.

Content / topics / areas of discussion

- ▶ Learning points and conclusions;
- ▶ Future steps, eventual further needs for support and learning;
- ▶ Extending the impact – reaching fellow colleagues with the topic of access of women to justice;
- ▶ Process evaluation – mentor-mentee co-operation;
- ▶ Feedback.

Exercises

This session could be particularly useful to be done at least partly in a group, so that the learning outcomes and future steps can inspire all the mentees. The evaluation activity could include reviewing the mentoring notes and remembering the most important discussion points from each session. Some aspects of learning that could be discussed:

- ▶ What are things/practices that I have already been doing but I became more aware of their importance regarding women's access to justice?
- ▶ Are there any additional things that I am going to do differently after this process?
- ▶ What could be done from my side in the future to ensure better access to justice for women?
- ▶ Which cases and examples did I find the most useful for my own practice?

Resources

Mentoring Final Evaluation Form (for mentees)- Annex 2.

ADDITIONAL RESOURCES FOR DEVELOPING MENTORING SESSIONS

Council of Europe

Materials on equal access of women to justice

<https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice>

The Istanbul Convention (text in all Council of Europe languages)

<https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>

Group of experts on Action against Violence against Women and Domestic Violence (GREVIO) reports

<https://www.coe.int/en/web/istanbul-convention/>

European Court of Human Rights

Case law (HUDOC database)

[https://hudoc.echr.coe.int/eng#{"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\]}](https://hudoc.echr.coe.int/eng#{)

Factsheet on violence against women

https://www.echr.coe.int/Documents/FS_Violence_Woman_ENG.pdf

Factsheet on domestic violence

https://www.echr.coe.int/Documents/FS_Domestic_violence_ENG.pdf

Factsheet on gender equality

https://www.echr.coe.int/Documents/FS_Gender_Equality_ENG.pdf

European Programme for Human Rights Education for Legal Professionals (HELP) online courses:

<http://help.elearning.ext.coe.int>

Sources of gender statistics

UNDP Human Development reports, data and country profiles

<http://www.hdr.undp.org/en>

<http://www.hdr.undp.org/en/data>

UNECE Gender statistics database

<https://w3.unece.org/PXWeb/en>

<https://w3.unece.org/PXWeb/ru>

World Bank databank

<https://databank.worldbank.org/source/gender-statistics>

National statistics agencies

CEDAW Committee

General recommendations (including on women's access to justice and violence against women)

<https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>

Jurisprudence

<https://juris.ohchr.org/en/search/results?Bodies=3&sortOrder=Date>

Videos

Council of Europe multimedia on gender equality
<https://www.coe.int/en/web/genderequality/multimedia>

Council of Europe videos on violence against women
<https://www.coe.int/en/web/istanbul-convention/>
<https://www.coe.int/en/web/human-rights-channel/domestic-violence-and-violence-against-women>

UN Women digital library
<https://www.unwomen.org/en/digital-library/videos>

UN Women for Europe and Central Asia
<https://eca.unwomen.org/en/digital-library/videos>

Gender equality (and gender pay gap)
<https://www.youtube.com/watch?v=TWvJ3Dd2Y9M>
<https://www.youtube.com/watch?v=t2JBPIFR2Y>
<https://www.youtube.com/watch?v=pF1j22x-yU8>
https://www.youtube.com/watch?v=snUE2jm_nFA

Gender stereotypes
<https://www.youtube.com/watch?v=G3Aweo-74kY>

Gender mainstreaming
<https://youtu.be/udSjBbGwJEg> (English)
<https://youtu.be/Dh2B7ausEJo> (Ukrainian)

ANNEXES

- (1) Mentoring session report form (for mentors)**
- (2) Mentoring final evaluation form (for mentees)**
- (3) Mentoring final report form (for mentors)**

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MENTORING SESSION REPORT FORM

(Annex 1, for mentors)

This report form will be filled in by you after each mentoring session you hold. Please read and fill in the form carefully as this will be used for the documentation of the Mentoring Programme, and it will help others to better understand your process, how you adapted the programme and what you learned from it. It is also a unique opportunity to understand how to improve the Mentoring Programme based on your experience.

Try to be specific so that we can best understand how the processes went and what challenges you encountered with your mentees. Before using anything from your report, the Council of Europe will ask your permission and let you edit those parts.

Your name, country: _____

Individual mentoring session Group mentoring session

Name of mentee(s): _____

Date and place of the mentoring session: _____

Topics / area addressed:

--

Short summary of the meeting and your experiences:

--

Results achieved and challenges encountered during the meeting:

--

Experiences with the proposed methods, things you adapted or suggest using differently:

Any other comments, things to remember from this session:

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MENTORING FINAL EVALUATION FORM

(Annex 2, for mentees)

This evaluation form will be filled in by all the mentees towards the end of the Mentoring Programme, after concluding the Evaluation session with the mentor. Please read and fill in the form carefully as this will be used for documentation of the Mentoring Programme, and it will help others to better understand your process and what you learned from the experience of mentoring. It is also a unique opportunity to understand how to improve the Mentoring Programme based on your experience.

Try to be specific so that we best understand how your process went.

Your name, country: _____

Mentoring process dates (starting and ending dates) – from the 1st mentoring meeting until the last one –
this can also include preparatory meetings if you think they were integral part of your process.

A. CONTEXT

Context in which the project has been implemented: please describe any contextual information of your work that might be necessary to consider when reading your report:

B. YOUR EVALUATION OF THE PROCESS

Please describe your experiences with the mentoring process. What were your biggest takeaways?

How useful was the Mentoring Programme for your future work?

Not useful at all A little useful Useful Very useful

If you want to share your comments:

Please rate the following aspects of the Mentoring Programme:

Relevance of topics addressed

Not good Satisfactory Good Very good

Facilitation by mentors

Not good Satisfactory Good Very good

Time reserved for practical exercises

Not good Satisfactory Good Very good

The length of the Mentoring Programme was appropriate

Not good Satisfactory Good Very good

Please indicate your opinion:

The Mentoring Programme increased my competences on issues related to women's access to justice and combating violence against women.

Strongly disagree Disagree Don't know Agree Strongly agree

I learnt new things that I will apply in my work.

Strongly disagree Disagree Don't know Agree Strongly agree

I am motivated to become a resource person for my colleagues regarding the issues addressed.

Strongly disagree Disagree Don't know Agree Strongly agree

If you want to share your comments:

Please indicate any topics that you think were not covered in the Mentoring Programme, but should have been included, or to which more time should have been devoted:

Additional suggestions for improvements (as to content or organisation of similar processes):

Thank you for sharing your comments!

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MENTORING FINAL REPORT FORM

(Annex 3, for mentors)

This report form will be filled in by you towards the end of the Mentoring Programme, after concluding the Evaluation session with your mentees. Please read and fill in the form carefully as this will be used for the documentation of the Mentoring Programme, and it will help others to better understand your process, how you adapted the programme and what you learned from it. It is also a unique opportunity to understand how to improve the Mentoring Programme based on your experience.

Try to be specific so that we best understand how the processes went and whether you encountered any challenges with your mentees. Before using any of the material from your report, the Council of Europe will ask your permission and let you edit those parts.

Your name, organisation, country: _____

Name of mentee(s): _____

Mentoring process dates (starting and ending dates) – *from the 1st mentoring meeting until the last one – this can also include preparatory meetings if you think they were integral part of your process.*

A. CONTEXT

Context in which the project was implemented: please describe the contextual aspect of your work that might be necessary to consider when reading your report:

B. PARTICIPANTS

Participants: With whom have you been working?

Numbers: Please provide us with information about your mentees

Mentees	Background (judge, prosecutor)	Total number of meetings	Main focus, topics covered

C. KEY MENTORING ACTIVITIES

Please provide a description of the key activities within the process. The description should include:

- ▶ How and when the mentoring processes happened (individual vs group mentoring meetings, experiences with facilitating the mentoring process);
- ▶ Experiences with the methodology and methods;
- ▶ What were the main outcomes of the mentoring process in terms of change you saw with the mentees?

D. ACCESS TO JUSTICE

Which topics were addressed by the process and how?

<p><i>The proposed sessions in the Mentoring Guide:</i></p> <p><i>Please check the sessions that were delivered in your process</i></p>	<input type="checkbox"/> What does “women’s access to justice” have to do with me? <input type="checkbox"/> Justice is blind” does not mean “gender blind” <input type="checkbox"/> Exploring barriers to justice for women <input type="checkbox"/> Access to justice in cases of violence against women <input type="checkbox"/> Applying international law on women’s rights in domestic courts <input type="checkbox"/> Working with case law <input type="checkbox"/> What can be done to eliminate gender stereotyping in judicial processes? <input type="checkbox"/> Using gender sensitive practices in real life <input type="checkbox"/> Closing, evaluation and next steps <input type="checkbox"/> Other topics or areas explored:
---	--

How did you address the different topics/sessions (selected above)? How was your experience with the different topics? Please describe any modifications you made (e.g. using additional materials, focusing on other issues within the topic, etc.).

Please provide us with the original mentoring objectives set with each mentee at the beginning of your process.

<i>Mentee:</i>	<i>Mentoring objectives:</i> ▶ ... ▶ ... ▶ ...
<i>Mentee:</i>	<i>Mentoring objectives:</i> ▶ ... ▶ ... ▶ ...
<i>Mentee:</i>	<i>Mentoring objectives:</i> ▶ ... ▶ ... ▶ ...

The project has contributed to the improvement of access to justice for women in the following way/s:

E. RESULTS – RESOURCES AND DIFFICULTIES

Please, list what you consider to be the most successful outcomes/impact of the mentoring processes.

Try to be as specific as you can.

To what extent did the results correspond to your expectations and plans?

Please, mention if all your planned objectives were achieved or not, and also if there were any unexpected results.

Did you encounter any difficulties during the mentoring process? If yes, what were they? How did you overcome them?

Please, mention concrete examples...

F. FOLLOW UP & SUSTAINABILITY

Have you planned any follow up of the mentoring processes?

Please, try to mention concrete examples and plans of your mentees.

G. ABOUT YOU

Please complete the following sentences:

By being a mentor in this Programme I learned that....

The biggest motivation that kept me active within the mentoring was...

What I found most difficult as a mentor was...

Thanks to the mentoring, I...

H. ANY ADDITIONAL COMMENT

Please share any comments and/or feedback that did not fit the questions above:

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European convention on Human rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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The Member States of the European Union have decided to link together their know-how, resources and destinies. Together, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders.

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