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**Women's Access to Justice:
Moving closer to full ratification and implementation of the Istanbul Convention**

an International Conference of the joint EU-Council of Europe Programme
Partnership for Good Governance II

**7-8 October 2021
online**

CONCEPT NOTE

1. Background to the conference

The [Council of Europe Gender Equality Strategy 2018-2023](#) strives to achieve effective gender equality between women and men in all member states and to fulfil the Council of Europe's core mission of safeguarding human rights, upholding democracy and preserving the rule of law, by strategically focusing on six areas¹ that support and strengthen the implementation of the legal instruments and the *acquis* in the field of gender equality. It also highlights that there is an irrefutable link between sexism and violence against women and girls, and women's ability to have access to justice, to seek redress and fully enjoy their rights. The Strategy aims at obtaining better knowledge of the situation regarding women's access to justice, achieving changes in legislation and practices to better respond to women's needs and situations, ensuring women's equal access to justice, including a fair trial, and encouraging gender-friendly justice systems, free from gender bias and stereotyping. The COVID-19 pandemic has highlighted the urgency for integrating a strong gender equality perspective in all recovery policies, accompanied by appropriate resources, in order to mitigate the disproportionate gendered impact of the crisis on our societies, including a focus on access to justice.

Access to justice is a human right and an integral element of the rule of law and a well-functioning democracy. While accessing justice may be difficult for everyone, it is even more so for women due to gender inequality in society and justice systems, persistent economic and social inequalities, gender bias and gender stereotypes and the widespread violence against women. Access to suitable and effective judicial remedies is critical to combating violence against women, one of the worst forms of discrimination against women and the most pronounced expression of unequal power relations between women and men that violate the human rights of women. Guaranteeing equal access of women to justice is one of the six priorities of the Council of Europe Gender Equality Strategy 2018-2023. At the [Bern Conference](#) (October 2015), the Gender Equality Commission reaffirmed that equal access to justice for women is a central gender equality issue and an important priority for all Council of Europe member states. It also launched a [Compilation of good practices to reduce existing obstacles and facilitate women's access to justice](#) and a report on [Equal access to justice in the case law on violence against women before the European Court of Human Rights](#), prepared by the European Court of Human Rights. The first empirical data on the consequences of Covid-19 on women's access to justice² point to a bleak picture, varying from curtailed access to justice institutions, to the digital divide between women and men, from the worsening of violence against women and domestic violence to exclusion from decision making and discrimination in

¹ The six strategic areas for the period of 2018-2023 are: 1. preventing and combating gender stereotypes and sexism, 2. preventing and combating violence against women and domestic violence, 3. ensuring equal access of women to justice, 4. achieving a balanced participation of women and men in political and public decision-making, 5. protecting the rights of migrant, refugee and asylum-seeking women and girls, and 6. achieving gender mainstreaming in all policies and measures.

² IDLO, *Justice for Women amidst Covid-19*, [Justice for Women Amidst COVID-19 | IDLO - International Development Law Organization](#)

a variety of fields (work, access to health, housing, social rights, etc). Improving women's access to justice is a complex process that includes, among other, addressing the role of different stakeholders individually and in multi-institutional coordinated settings and requires examining the social context within which justice operates in terms of policy, legislation and social constructions, notably addressing harmful gender-based discrimination, violence and stereotypes. Additionally, the focus is shifting from the narrow focus of access to justice on procedural matters to a broader, multi-layered approach on quality of the justice services that involves both rights holders as well as duty bearers.

[The Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (Istanbul Convention) is one of the core standards in Europe to ensure equal access to justice for women victims of violence. The convention leaves no doubt: there can be no real equality between women and men if women experience gender-based violence on a large scale and state agencies and institutions turn a blind eye. It is the obligation of the state to address violence against women fully in all its forms and to take measures to prevent it, protect its victims and prosecute the perpetrators to ensure and guarantee respect and protection of all rights, without discrimination.

Many of its provisions aim at ensuring the right to access to justice and the provision of adequate protection and assistance during judicial proceedings. In particular, the states parties are required to:

- provide adequate legal information (Article 19);
- encourage reporting (Article 27);
- provide victims with adequate civil remedies (Article 29), and compensation (Article 30);
- criminalise or otherwise sanction a broad range of forms of violence against women (Articles 33-40);
- ensure that investigations and judicial proceedings are carried out without undue delay (Article 49) and that prosecutors can initiate and continue proceedings, even if the victim withdraws the complaint (Article 55);
- ensure that evidence relating to the sexual history and conduct of the victim is permitted only when relevant and necessary (Article 54);
- ensure that mandatory alternative dispute resolution processes or sentencing, including mediation and conciliation, are prohibited (Article 48);
- ensure the protection of victims at all stages of investigations and judicial proceedings (Article 56);
- provide victims with access to legal assistance and to free legal aid (Article 57).

In the previous two Partnership for Good Governance (PGG) regional projects "*Strengthening Access to Justice for Women Victims of Violence in the Six Eastern Partnership Countries*" (2015-2017) and "*Improving Women's Access to Justice in the Eastern Partnership Countries*" (2018), national studies on barriers to women's equal access to justice and curriculum programmes were prepared for all the beneficiary countries. The capacity of judges, prosecutors and other legal

professionals to include a gender-sensitive approach in their work has improved as a result of the implementation of a series of national training and seminars that led to the finalisation of the [Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice](#). It raised awareness and increased competences of professionals in the justice system on Istanbul Convention standards on guaranteeing equal access to justice and the importance of ratification for the Eastern Partnership countries citizens.

The 2019-2021 PGGII regional project *“Women's Access to Justice: delivering on the Istanbul Convention and other European gender equality standards”* aims at tackling challenges and closing the gaps in women's full and equal access to justice in all six Eastern Partnership countries.³ Particular focus is placed on access to justice for women victims of violence, in line with the standards of the Istanbul Convention, as member states begin to implement relevant domestic law and/or further national dialogue on the ratification of the Istanbul Convention.

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

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

As of March 2021, the Istanbul Convention counts 34 ratifications and 12 signatures. Among the Eastern Partnership countries, only Georgia has ratified the Istanbul Convention (2017); Armenia, Republic of Moldova and Ukraine have signed but not ratified; Azerbaijan has neither signed nor ratified the convention. Belarus is not member state of the Council of Europe.

All six Eastern Partnership countries have taken steps to advance gender equality and provide for legal protection of women victims of violence. All countries have specific laws on gender equality and laws on preventing and combating domestic violence: Azerbaijan (2010), Armenia (2017), Belarus (2014), Georgia (2006), Republic of Moldova (2008) and Ukraine (2017). Furthermore, Eastern Partnership countries have carried out broad judicial reforms, including criminal justice and free legal aid reforms. Despite implementing international standards on gender equality at the national level and aligning most of the national normative framework to the provisions of the international treaties in the area, the Eastern Partnership countries continue to face challenges related to the enforcement of laws, independence and quality of justice systems.

³ Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine

2. Objectives of the conference

In the framework of the PGG regional project “*Women’s Access to Justice: delivering on the Istanbul Convention and other European gender equality standards*”, and in the 10th anniversary year of the Istanbul Convention, the Council of Europe is organising an international conference on 7-8 October 2021 to promote the full ratification and implementation of the Istanbul Convention standards, including measures and practical actions to ensure women’s access to justice, and discuss practical measures and challenges on the path towards ratification of the Istanbul Convention by the Eastern Partnership countries, in the midst of the global pandemic.

Through a participatory, rights-based approach, **the conference aims to:**

- promote and enhance understanding of the Istanbul Convention as a whole and as a sum of its parts;
- exchange good practices on how to address barriers and challenges for women accessing justice and advance on the path to the ratification of the Istanbul Convention;
- offer a platform for reflection and action on the impact of Covid-19 and its consequences on women’s access to justice;
- generate knowledge about concrete steps and strategies to ensure access to justice for women victims of violence and domestic violence;
- provide an impetus for closer co-operation among international organisations and national governments in implementing gender equality standards, as/with priority in the post pandemic recovery efforts

Participants:

- High-level decision makers from Council of Europe member states, including all Eastern Partnership countries.
- Representatives of Council of Europe relevant intergovernmental committees.
- Members of the Gender Equality Commission and Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO).
- High-level decision makers from international organisations, including donor organisations.
- Civil society experts, academia, media representatives and other relevant stakeholders.