



# GENDER EQUALITY AND WOMEN'S RIGHTS

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Standards



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**G**ender equality is central to the protection of human rights, the functioning of democracy, respect for the rule of law, and economic growth and competitiveness. The Council of Europe's work in the fields of human rights and gender equality has resulted in comprehensive legal standards and policy guidance aimed at achieving the advancement and empowerment of women and the effective realisation of gender equality in Council of Europe member states and beyond.

## COUNCIL OF EUROPE CONVENTIONS

■ **The European Convention on Human Rights (1950)** is Europe's core human rights treaty. The Convention guarantees civil and political human rights. Article 1 establishes the obligation for Parties to secure the rights and freedoms in the Convention "to everyone within their jurisdiction". The enjoyment of these rights must be respected without discrimination on any ground, including sex (Article 14 of the Convention). Protocol 12 to the Convention reaffirms the principle of non-discrimination: Article 1 reiterates that the enjoyment of rights set forth by law shall be secured without discrimination on any ground, including sex. The European Court of Human Rights rules on individual or State applications alleging violations of the civil and political rights set out in the European Convention on Human Rights.

■ **The European Social Charter (1961)** is the counterpart to the European Convention on Human Rights in the field of economic and social rights. The Charter guarantees the enjoyment of rights in the areas of housing, health, education, employment, legal and social protection and movement of persons. All the rights must be implemented without discrimination on any ground, in particular on the ground of sex. The Charter was revised in 1996 and provides for equality between women and men from the perspective of education, work and family life, and for positive measures in order to ensure equal opportunities and the right to equal remuneration. The European Committee of Social Rights monitors the conformity of national situations with the undertakings set out in the Charter, through a reporting system, as well as a procedure of collective complaints.

■ **The Council of Europe Convention on Action against Trafficking in Human Beings (2005)** aims at preventing and combating trafficking in women, men and children for the purpose of sexual, labour or other types of exploitation, as well as at protecting the victims and prosecuting traffickers. It includes a non-discrimination provision in Article 3, and the obligation for parties to promote gender equality and use gender mainstreaming in the development, implementation and assessment of measures to implement the Convention. The Convention set up an independent monitoring mechanism to assess how its provisions are put into practice by state parties. This monitoring mechanism consists of two pillars: the independent Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

■ **The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention, 2007)** is the first treaty to criminalise all forms of sexual offences against children. The Convention notably criminalises engaging in sexual activities with a child, child prostitution, child pornography, the solicitation of children for sexual purposes ("grooming") and "sex tourism". The Convention establishes that individuals can be prosecuted for certain offences even when the act is committed abroad. Preventive measures outlined in the Convention include the screening, recruitment and training of people working in contact



with children, making children aware of the risks and teaching them to protect themselves, as well as monitoring measures for offenders and potential offenders. The “Lanzarote Committee” (i.e. the Committee of the Parties to the Convention) is the body established to monitor whether Parties effectively implement the Lanzarote Convention.

■ **The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, 2011)** is the most far-reaching international treaty to tackle violence against women in all its forms. Preventing violence, protecting victims, prosecuting the perpetrators and the need for integrated polices at the national level, are the cornerstones of the Convention. The measures required by the Convention are firmly based on the premise that violence against women cannot be eradicated without investing in greater equality between women and men and that in turn, only real equality between women and men and a change in power dynamics and attitudes can truly prevent this serious violation of human rights. The Istanbul Convention foresees a two-pillar monitoring mechanism to assess and improve the implementation of the Convention by state parties: the independent Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), and the Committee of the Parties.

## COMMITTEE OF MINISTERS RECOMMENDATIONS TO MEMBER STATES

■ **Recommendation No. R (79)10 concerning women migrants** calls on member states to ensure that national legislation and regulations concerning women migrants are fully adapted to international standards. It also recommends that measures are taken to provide relevant information to women migrants, prevent discrimination in their working conditions, promote their socio-cultural integration and their access to vocational guidance and training.

■ **Recommendation No. R(85)2 on legal protection against sex discrimination** exhorts member states to take or reinforce measures for the promotion of equality between women and men, including through legislation in the field of employment, social security and pensions, taxation, civil law, the acquisition and loss of nationality and political rights. The Appendix to the Recommendation refers to the need to give consideration to the adoption of special temporary measures designed to accelerate the realisation of *de facto* equality between men and women in those areas where inequalities exist. In addition, member states are encouraged to adopt suitable machineries and legislation containing effective remedies and sanctions in order to discourage discrimination.

■ **Recommendation No. R (90)4 on the elimination of sexism from language** calls on member states to promote the use of language reflecting the principle of equality between women and men, and take appropriate measures to encourage the use of non-sexist language, taking account of the presence, status and role of women in society. The recommendation also calls on member states to bring the terminology used in legal drafting, public administration and education into line with the principle of equality as well as to encourage the use of non-sexist language in the media.

■ **Recommendation No. R(96)51 on reconciling work and family life** calls on member states to take action to enable women and men to better reconcile their working and family lives. Proposed measures include the organisation of working time (flexible employment practice, maternity and parental leave); the abolition of discrimination between women and men in the labour market; the development of adequately financed services in favour of families; the adaptation of social security schemes and tax systems to the increasing diversity of working patterns, and the organisation of school time and curricula.

■ **Recommendation No. R (98)14 on gender mainstreaming** calls on member states to create an enabling environment and facilitate conditions for the implementation of gender mainstreaming in the public sector on the basis of the Council of Europe Report on Gender Mainstreaming. The report sets out the conceptual framework for gender mainstreaming and a methodology for its implementation, accompanied by examples of good practices.

■ **Recommendation Rec(2002)5 on the protection of women against violence** sets out a series of measures to end all forms of violence against women, including legislative and policy measures to prevent and investigate violence against women, assist victims, work with perpetrators, increase awareness, education and training, and collect relevant data. Its implementation has been regularly monitored to evaluate progress and provide member states with information on progress and existing gaps.

■ **Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision making** sets out the standard which has since been followed by other organisations and countries: balanced participation of women and men is defined as a minimum 40% representation of each sex in any decision-making body in political and public life. A set of legislative, administrative and supportive measures is recommended to member states in order to achieve balanced participation and equal sharing of decision making power between women and men. Its implementation by member states has been monitored to provide member states with information on progress and existing gaps.

■ **Recommendation Rec(2007)13 on gender mainstreaming in education** calls on member states to promote and encourage measures aimed at implementing gender mainstreaming at all levels of the education system and in teacher education. It puts forward a set of comprehensive measures to ensure effective gender mainstreaming in education, including legal frameworks, school organisation and school curricula. Its implementation is regularly monitored to evaluate progress.

■ **Recommendation Rec(2007)17 on gender equality standards and mechanisms** provides an extensive list of measures to achieve gender equality in practice, taking into account human rights and the integration of a gender perspective in legislation in all sectors. It recommends specific gender equality standards in private and family life, education, science and culture, economic life, social protection, health, including sexual and reproductive matters, violence against women, trafficking in human beings, conflict and post-conflict situations and specific situation of vulnerable groups exposed to multiple discrimination. The Recommendation also puts forward strategies, mechanisms and tools to achieve gender equality, such as the implementation of complementary strategies; strong institutional mechanisms/national machinery for gender equality; studies and instruments to measure and evaluate progress on the situation of women and men, and the establishment of co-operation and partnerships.

■ **Recommendation Rec(2008)1 on the inclusion of gender differences in health policies** asks member states to make gender a priority area, by addressing the specific health needs of men and women and by incorporating gender mainstreaming in their health policies and strategies. It also recommends member states to promote gender awareness and competency in the health sector, to ensure the balanced participation of women and men in decision-making, and to monitor and evaluate progress on gender mainstreaming in health policies. Producing regular gender-based health reports, including gender analysis, and promoting the use of gender sensitive indicators in data collection for national health reports are among the measures put forward in the Recommendation.

■ **Recommendation Rec (2010)10 on the role of women and men in conflict prevention and resolution and in peace building** provides guidelines on how to address the different roles attributed to women and men in conflict prevention, resolution and peace building activities, and in the development of related strategies and mechanisms in the following fields: respect of human rights and non-violent conflict resolution; combating gender based violence; balanced participation of women and men in decision-making; gender equality and gender mainstreaming for the empowerment of women. The Appendix to this Recommendation includes general measures for its implementation as regards legal and policy frameworks; gender mainstreaming; the role of NGOs and civil society; education and the media.

■ **Recommendation Rec (2012)6 on the protection and promotion of the rights of women and girls with disabilities** asks member states to adopt the appropriate legislative measures and conduct other positive actions likely to encourage the participation of women and girls with disabilities in all areas of life. Noting that women and girls with disabilities may suffer multiple discrimination, the proposed measures cover areas such as education and training; employment and economic situation; health care; access to social protection; sexual and reproductive rights, motherhood and family life; access to justice and protection from violence and abuse; participation in culture, sport, leisure and tourism and raising awareness and changing attitudes.

■ **Recommendation Rec (2013)1 on gender equality and media** includes guidelines and suggested actions to combat gender stereotyping in the media and is addressed to both member states and media organisations. The Recommendation contains sixteen implementation measures, covering issues such as the review and evaluation of gender equality policy and legislation; the adoption and implementation of national indicators for gender equality in the media, the provision of information and promotion of good practices; accountability channels, research and publications media literacy and active citizenship. A Handbook to help member states in the implementation of this Recommendation is available on the Gender Equality website of the Council of Europe.

■ **Recommendation Rec (2015)2 on gender mainstreaming in sport** calls on member states to promote and encourage policies and practices aimed at introducing, implementing and ensuring gender mainstreaming in all fields and at all levels of sport, including legislation; policies and programmes; data collection and research on women and girls in sport and women's sport and awareness raising and training on gender equality issues for public authorities and personnel involved in sport.



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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are 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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