



# Gender equality standards and mechanisms

Recommendation CM/Rec (2007) 17  
of the Committee of Ministers  
and Explanatory Memorandum



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE



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and Explanatory Memorandum

**Gender Equality and Anti-Trafficking Division  
Directorate General of Human Rights and Legal Affairs  
Council of Europe**

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## **Recommendation CM/Rec (2007) 17**

of the Committee of Ministers to member states  
on gender equality standards and mechanisms

*Adopted by the Committee of Ministers on 21 November 2007  
at the 1011th meeting of the Ministers' Deputies*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Bearing in mind that the enjoyment of the rights set forth in the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its protocols, as well as the rights set forth in the revised European Social Charter, must be secured without discrimination on any ground such as sex, and that Protocol No. 12 to the ECHR guarantees the enjoyment of any right set forth by law without discrimination on any ground such as sex, and considering other specific instruments such as the Council of Europe Convention on Action against Trafficking in Human Beings;

Recalling its declaration on equality of women and men, adopted on 16 November 1988, reaffirms that equality of women and men is a principle of human rights, and a sine qua non of democracy and an imperative of social justice;

Recalling that the declaration on equality between women and men as a fundamental criterion of democracy, adopted at the 4th European Ministerial Conference on Equality between Women and Men (Istanbul, 13-14 November 1997), states that the achievement of equality between women and men is an integral part of the process leading to a genuine democracy, that as a prerequisite the participation of all members of society, women and men, in all walks of life, has to be fully secured, and that democracy must become gender aware and gender sensitive;

Recalling that the resolution on achieving gender equality: a challenge for human rights and a prerequisite for economic development, adopted at the 6th European

Ministerial Conference on Equality between Women and Men (Stockholm, 8-9 June 2006), states that one of the main goals of any democratic society must be to achieve *de facto* gender equality and that there can be no sustainable economic development without the full participation of women, and bearing in mind that the appendix to this resolution draws up strategies for achieving gender equality in all spheres of society;

Bearing in mind the declaration and the action plan, adopted at the 3rd Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), in which the member states declare that equal participation of both women and men is a crucial element of democracy, and therefore confirm their commitment to achieving real equality between women and men;

Recalling all the relevant recommendations of the Committee of Ministers to member states of the Council of Europe and in particular the following: Recommendation No. R (84) 17 on equality between women and men in the media; Recommendation No. R (85) 2 on legal protection against sex discrimination; Recommendation No. R (85) 4 on violence in the family; Recommendation No. R (90) 4 on the elimination of sexism from language; Recommendation No. R (96) 5 on reconciling work and family life; Recommendation No. R (98) 14 on gender mainstreaming; Recommendation No. R (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation; Recommendation Rec (2002) 5 on the protection of women against violence; and Recommendation Rec (2003) 3 on balanced participation of women and men in political and public decision making;

Bearing in mind that the Universal Declaration of Human Rights (UDHR) proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, including distinction based on sex;

Bearing in mind that the States Parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) have the obligation to ensure the equal right of women and men to the enjoyment of all economic, social, cultural, civil and political rights set forth in these covenants, and considering also some specific instruments such as the relevant International Labour Organization (ILO) conventions;

Bearing in mind that the States Parties to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) condemn discrimination against women in all forms, and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and of achieving substantive gender equality;

Bearing in mind that the Beijing Declaration and Platform for Action adopted at the United Nations 4th World Conference on Women reaffirm that the human rights

of women and the girl child are an inalienable, integral and indivisible part of universal human rights, and that the advancement of women and the achievement of equality between women and men are a matter of human rights and a condition for social justice and should not be seen in isolation as a women's issue; recalling that the aim of the Beijing Platform for Action is to promote and protect the full enjoyment of all human rights and fundamental freedoms of all women throughout their lives, and that to this end, 12 critical areas of concern have been identified and strategic action to be taken in these areas has been set up;

Recalling that in the report of the Ad Hoc Committee of the whole of the 23rd special session of the United Nations General Assembly (Beijing +5 political declaration and outcome document), as well as in the political declaration from the 49th session of the United Nations Commission on the Status of Women in March 2005 (Beijing+10), progress was reviewed and appraised and obstacles and current challenges identified in the implementation of the Platform for Action: it was recognised that the goals and commitments made in the Platform for Action have not been fully implemented and achieved, and it was agreed upon that further actions and initiatives should be taken to overcome obstacles and to achieve the full and accelerated implementation of the Platform for Action at all levels and in all areas;

Bearing in mind the United Nations Millennium Development Goals, adopted at the Millennium Summit in 2000, which consider gender equality as a fundamental and cross-cutting goal, and also as a prerequisite for the achievement of all the other goals, and the resolution adopted by the United Nations General Assembly on the 2005 World Summit Outcome, which followed up the outcome of the Millennium Summit, in which it is reaffirmed that gender equality and the promotion and protection of the full enjoyment of all human rights and fundamental freedoms for all are essential to advancing development, peace and security, and that progress for women is progress for all;

Recalling the gender-specific provisions of the Treaty establishing the European Community (EC Treaty) introduced by the Amsterdam Treaty, as well as the relevant regulations, directives, decisions, recommendations and resolutions in this field;

Considering that, although the principle of gender equality has been widely accepted and that measures have been taken in most countries, a gap still persists between principles and practice, between *de jure* equality and *de facto* equality;

Considering also that, in order to bridge that gap, it is time not only to set standards but to ensure their implementation, conducive to an effective achievement of substantive gender equality, including the regular monitoring and assessment of such processes;

Considering, on the other hand, the specific nature of discrimination against women, as having a structural and horizontal character, that pervades all cultures and communities, as well as all sectors, levels and areas, throughout life, and the need to address such discrimination in a systematic and comprehensive way, in order to achieve full and substantive gender equality;

Considering, in this regard, that governments should encourage the respect and full implementation of the principle of gender equality also by independent bodies (private persons or enterprises, media organisations, autonomous academic institutions, etc.), and promote proactive measures for gender equality and the creation of a general climate that may be conducive to that aim,

Recommends that the governments of member states take or reinforce necessary measures to implement gender equality in practice, taking fully into account the following principles and standards:

## **A. General standards**

### **1. Gender equality as a principle of human rights and a government responsibility**

1. Gender equality is a principle of human rights and women's human rights are an inalienable, integral and indivisible part of universal human rights. Gender equality is also a requirement for the achievement of social justice and a *sine qua non* of democracy.

2. Acceptance of these principles implies not only the elimination of all forms of discrimination, legal or otherwise, on the basis of sex, but also the fulfilment of a number of other requirements that must be seen as qualitative indicators of political will to achieve substantive gender equality or *de facto* equality.

3. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. that gender equality policies be devised and included in the overall framework of human rights protection and promotion, even if specific programmes and responsible institutions are required in particular areas;
- ii. that no cultural tradition or social custom that negatively affects, in particular, women's and girls' full enjoyment of human rights or their human dignity be accepted or tolerated. The measures taken to eradicate these traditions or customs shall be complemented by appropriate measures aimed to meet the specific needs of the women concerned;
- iii. that no social, economic or political circumstance be invoked to deny or not fulfil gender equality requirements or the enjoyment by women of their human rights;
- iv. that the global nature and horizontal character of gender equality

objectives be acknowledged and pursued through comprehensive action plans and programmes that encompass different areas and different levels of governance and that must be closely monitored and evaluated;

v. that adequate human and financial resources be allocated to programmes, projects and initiatives for the achievement of gender equality and women's empowerment and that gender budgeting be used in all programmes in all areas, as a necessary tool to guarantee that the principle of gender equality is respected in the distribution and allocation of resources;

vi. that sex-disaggregated data and statistics in all areas and regarding all policies and programmes be regularly gathered and analysed, as indispensable tools to monitor progress on the way to achieving substantive gender equality.

## **2. Gender equality as a concern and responsibility of society as a whole**

4. Gender equality is not a women's issue but one that concerns men as well and affects society as a whole. Besides being a requirement of democracy and social justice, gender equality is also a public good, providing social, political and economic benefits to the individuals in society and to society as a whole.

5. Even if governments hold primary responsibility and are particularly accountable in the promotion of gender equality and women's empowerment, all other social actors, public and private, and all sectors of cultural, economic, social and political life are also responsible and must be involved in the pursuit and achievement of gender equality, as a common responsibility, and in the process of social and cultural change that it requires.

6. Elements indicating states' political will and commitment to gender equality in this regard include the following:

i. regular assessment of the relative percentages of women and men in leading bodies at all levels of the organisation and functioning of society, including leading bodies of political and administrative institutions and of civil society organisations (political parties, social partners, youth organisations, academic institutions, private sector organisations, etc.);

ii. existence of mandatory/voluntary gender equality plans in political and administrative institutions and in civil society organisations, including private sector organisations, and the adoption of norms/guidelines to achieve balanced participation of women and men in their leading bodies, including targets and time frames of implementation;

iii. existence of and support for research and policy-related analytical studies on women's participation at the different levels of these institutions and organisations, including at decision-making level, on

obstacles/barriers which prevent women's access to decision making and on effective strategies to promote that participation.

### **3. Commitment, transparency and accountability in the achievement of gender equality**

7. Because gender equality is a requirement of democracy and of human rights, governments of member states have a clear and pressing obligation to eliminate discrimination and achieve gender equality. Commitment and transparency in the adoption, implementation and evaluation of their gender equality policies are requirements that governments must follow; they must also be accountable with regard to the results of these policies.

8. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. clear identification and acknowledgement of problems and shortcomings that, in spite of equality norms and past efforts, persist with regard to the situation of women and the achievement of gender equality;
- ii. establishment of targets and time frames for the effective implementation of gender equality plans and programmes in all relevant public policy areas;
- iii. adoption and use of clear indicators, both quantitative and qualitative, to evaluate results and progress achieved;
- iv. creation or reinforcement of monitoring mechanisms, both at central and decentralised level, to pursue the process of establishment of gender equality;
- v. regular reporting to parliament on progress achieved and obstacles encountered;
- vi. regular evaluation of progress at all levels of implementation of gender equality policies;
- vii. establishment of formal co-operation structures and mechanisms and other links with civil society organisations working for the promotion of human rights and gender equality;
- viii. establishment of regular communication channels with media organisations to ensure a frequent flow of information on gender equality issues and on programmes and progress in this area;
- ix. adoption of methodologies for the implementation of the gender mainstreaming strategy, including gender budgeting, gender-based analysis/gender impact assessment, cross checking where necessary gender- or sex-related data with statistics on socioeconomic or other relevant personal circumstances.

#### **4. Ratification of relevant treaties and implementation of all relevant international legal instruments**

9. International legal instruments on human rights in general and on women's and girls' full enjoyment of human rights in particular are a fundamental and authoritative basis and a framework for national policies to eliminate discrimination on the grounds of sex and promote gender equality. Their ratification is a first decisive step towards these objectives and their full implementation must be ensured and constantly monitored and evaluated.

10. Fundamental international instruments in this regard can be of a general nature, like the ICESCR and the ICCPR, where Article 3 recognises that women and men are equally entitled to the rights set forth in the covenants; the ECHR and the revised European Social Charter which have similar provisions in Article 14 and Article E respectively; Protocol No. 12 to the ECHR, which follows the same principle but extends this protection to any right set forth by law; or the revised European Social Charter which, in Article 20, provides for an express ban on discrimination on the grounds of sex in matters of employment and occupation.

11. Other instruments, instead of having a core and cross-cutting provision, integrate the principle of non-discrimination on the grounds of sex/gender equality in a systematic manner throughout the text, as in the case of the Council of Europe Convention on Action against Trafficking in Human Beings.

12. Finally, other instruments like the CEDAW, although comprehensive in scope, address specifically the matter of discrimination against women and the achievement of substantive gender equality in a variety of sectorial areas on the basis of cross-cutting provisions, such as those contained in Articles 1 to 5 of the CEDAW.

13. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. ratification without reservations of all relevant instruments addressing matters related to the elimination of all forms of discrimination against women or based on sex and to the achievement of gender equality and speedy withdrawal of reservations where they have been formulated;
- ii. fulfilment without delay, where necessary, of the relevant internal procedures for the implementation of the provisions of the international legal instruments, including the adoption of the necessary national regulations and measures;
- iii. regular monitoring and evaluation at national level of the implementation of international obligations;
- iv. timely fulfilment of reporting obligations on the implementation of international legal instruments.

## **5. Adoption and effective enforcement of gender equality legislation and integration of a gender perspective in legislation in all areas**

14. National gender equality legislation is a necessary basis for effective policy measures to promote gender equality and eliminate discrimination on the grounds of sex, as well as a basic tool for raising awareness on gender equality. Governments should give priority to the development, adoption and enforcement of effective national gender equality legislation, and to the integration of a gender perspective into all areas of governance, both in laws and policies.

15. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. inclusion of the principle of non-discrimination on the grounds of sex and of the principle of equality of women and men in national constitutions or in other fundamental laws;
- ii. adoption/existence of legislation prohibiting sex-based discrimination in all aspects of life and all areas of society, and ensuring *de jure* gender equality, including effective sanctions in cases of violation of the law;
- iii. adoption/existence of legislation allowing the use of positive action/temporary special measures to overcome the effects of structural and historic discrimination and to accelerate the achievement of *de facto* equality;
- iv. adoption/existence of mechanisms for regular and systematic scrutiny of all internal laws in order to guarantee that no direct or indirect sex-based discriminatory provisions are adopted or maintained in the existing legislation;
- v. establishment/existence of specialised institutional mechanisms for the enforcement of gender equality legislation;
- vi. establishment/existence of specialised institutional mechanisms entrusted with the task of receiving complaints from individuals and groups on alleged violations of gender equality provisions. The submission of a complaint to such a mechanism and the subsequent opinion it may result in must not preclude further consideration by the courts;
- vii. adoption/existence and implementation of guidelines on the inclusion of a gender perspective in the drafting of legislation and in the designing of policies in all areas.



## **6. Elimination of sexism from language and promotion of language that reflects the principle of gender equality**

16. Language has a fundamental role in forming an individual's social identity and interacts with social attitudes and culture. The use of language in which the presence, equal status and roles of women and men in society are reflected equally and treated with the same value and dignity is both an essential aspect of gender equality and an approach to achieving substantive equality.

17. Actions of member states must be targeted at the promotion of the use of non-sexist language in all sectors, particularly in the public sector and at all levels and in all forms of education and media.

18. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. adoption/existence and implementation of norms imposing an obligation on the public sector to use non-sexist language in official documents, particularly in legal texts, policy papers, programmes, forms and questionnaires;
- ii. existence of a clear mandate of gender equality institutions and other relevant institutions to monitor the implementation of the principle of the use of non-sexist language;
- iii. existence/promotion of gender-based research into language used particularly in the information sector, including media, and in education;
- iv. existence of initiatives to encourage the elimination of discriminatory expressions, which describe women and men in terms of their physical appearance or the qualities and gender roles attributed to their sex.

## **B. Standards in specific areas**

19. Achievement of substantive gender equality requires the adoption, without delay, of proactive policies to guarantee the implementation of existing legal provisions and norms in specific areas of civil, political, economic, social and cultural life.

20. Progressive realisation of the objective of gender equality, both *de jure* and *de facto*, must be regularly monitored and assessed. This involves a process that requires the creation and use of tools and instruments, including quantitative and qualitative indicators, to evaluate change and measure progress in achieving the required standards in all spheres of public and private life.

21. It is important to note the fact that measures and policies in different specific areas are complementary to each other, often cutting across various sectorial areas and must therefore be implemented simultaneously. For instance, measures in the field of education and training, including vocational and technical training, influence the situa-

tion of women and men in the labour market and their opportunities in social and political life. Similarly, measures aiming at a more qualified integration in the labour market have a decisive impact in social protection entitlement. In the same vein, measures aiming at balanced participation of women and men in political and public life are instrumental for a more democratic society and responsive and accountable governance.

### **1. Private and family life**

22. Women and men are equal in dignity and rights in all spheres, including private and family life. Social significance of maternity and paternity and the role of both parents in the upbringing of children must be taken into consideration to ensure that both women's and men's human rights are fully and equally respected. The government should promote the equal sharing of tasks with regard to family responsibilities, and ensure that these family responsibilities are not a basis for discrimination.

23. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. ratification and full implementation of relevant international treaties, taking particularly into account Articles 9, 15 and 16 of the CEDAW, together with General Recommendation No. 21 on equality in marriage and family relations adopted by the Committee on the Elimination of Discrimination against Women, Article 10 of the ICESCR, Article 23 of the ICCPR, Articles 8 and 12 of the ECHR, Article 5 of Protocol No. 7 to the ECHR, and Articles 16, 20 and 27 of the revised European Social Charter;
- ii. full implementation of relevant international non-binding legal instruments, in particular Article 16 of the UDHR;
- iii. adoption/existence and enforcement of legal provisions securing women and men equal rights and responsibilities with regard to marriage, family life and dissolution of marriage, and an equal right to choose one's own family name, as well as one's own professional occupation, in accordance with relevant international instruments ratified by the member states;
- iv. adoption/existence and enforcement of legal provisions securing women and men equal social and economic rights and responsibilities during marriage and cohabitation, and also in case of divorce and separation, including provisions stating that paid and non-paid contributions – such as childcare and household maintenance, or work in family business – must both be considered as valuable contributions to the household;
- v. adoption/existence and enforcement of legal provisions against forced

and early marriages, ensuring free and full consent and establishing the adult age of 18 years as a minimum age for marriage for both women and men, and of measures that protect, assist and support girls/women and boys/men who have been forced into such marriages or been threatened with the possibility of such a marriage, as well as awareness-raising measures, including dialogue with ethnic and religious communities and their leaders, educational institutions, healthcare institutions, etc. In cases where exceptions to the age of marriage are justified, the principle of gender equality must be fully respected;

vi. adoption/existence and implementation of measures to ensure that the right to decide freely and responsibly on the number and spacing of children is fully guaranteed to women and men on the basis of equality;

vii. adoption/existence and enforcement of provisions that secure women and men the same parental rights and responsibilities, irrespective of marital status, including provisions on economic maintenance for children, parental responsibilities and contact with children in cases of separation;

viii. adoption/existence and enforcement of equal provisions for women and men on the personal right to acquire, change or retain nationality, as well as to transmit it to children, including norms that do not automatically change spouses' nationality, render her/him stateless, or force one spouse to adopt the nationality of the other;

ix. adoption/existence and enforcement of equal provisions for women and men on legal capacity in civil matters irrespective of marital status, for example ownership, ability to conclude contracts, administer property and heritage, as well as equal treatment at all stages of procedure in courts and tribunals;

x. existence of regular time-use surveys indicating women's and men's average use of time, particularly on childcare or care of dependants, household maintenance and other family tasks;

xi. existence and regular implementation of measures, such as awareness-raising campaigns, aiming at eliminating gender stereotypes of girls' and boys', women's and men's roles in family life, and at overcoming traditional social and cultural barriers that prevent girls and boys, women and men from enjoying their rights equally.

## **2. Education, science and culture**

24. Educational choices and achievements influence women's and men's professional career and the well-being of their individual and family life, as well as their life in society. Governments have the obligation to promote access to education as a right

for girls as well as boys, women as well as men, on an equal basis, at all levels of education, lifelong learning, science, research and culture.

25. Equal opportunities with regard to education, science and culture are essential for better human and economic development and are a driving force for social change. On the other hand, equal access of women to high level qualifications is not only a basic right, but it is also instrumental for a more balanced society and for the achievement of gender equality.

26. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. ratification and full implementation of relevant international treaties, taking particularly into account Article 10 of the CEDAW, Articles 13 to 15 of the ICESCR, Article 2 of the Protocol No. 12 to the ECHR, and Articles 10, 17 and 20 of the revised European Social Charter;
- ii. full implementation of relevant international non-binding legal instruments, in particular Articles 26 and 27 of the UDHR, as well as of strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section B (education and training of women);
- iii. explicit inclusion of the principle of gender equality in national framework legislation on education and of a gender perspective in all education policies;
- iv. inclusion of a gender equality perspective, in the framework of human rights, in teachers' initial training, retraining and in-service training programmes;
- v. inclusion of a gender perspective in policies and plans for developing and implementing new information and communication technologies (ICTs), including measures to increase women's capacity-building with regard to ICTs;
- vi. regular monitoring of educational curricula, subject contents, education standards, teaching and learning resources, and classroom and school organisation in order to eliminate gender stereotypes at all levels of the educational system;
- vii. implementation of positive actions/temporary special measures to ensure that girls and boys have equal access to education and vocational training in those fields where there is traditionally an over-representation of one of the sexes, as well as to ensure equal development of personal skills which stereotyped views of sex roles have tended to associate with one of the sexes, such as self-esteem, teamwork, talking to an audience or peaceful conflict resolution;
- viii. integration, in formal and non-formal education, of the principle of

equal rights and equal access of girls and boys, women and men to the enjoyment of all human rights, in particular civil, political, economic, social and cultural rights;

ix. existence of gender/women's studies and research in universities and research institutions and their adequate support and financing;

x. regular monitoring and assessment of girls' and boys', women's and men's participation at all levels of the educational system;

xi. regular monitoring of women's and men's access to postgraduate programmes and completion of degrees, including access to grants and scholarships on an equal basis;

xii. regular assessment of women's participation in scientific research programmes and projects and in their management or co-ordination;

xiii. awareness-raising campaigns addressed to the general public on gender equality/non-discrimination as a human rights principle, aiming at cultural change with regard to gender stereotypes and traditional roles of women and men.

### **3. Economic life**

27. Equal opportunities in the labour market and in economic life, economic independence and the opportunity to exercise power in economic decision-making structures are vital to the achievement of gender equality. There are still considerable differences between men and women in this respect.

28. Women participate less than men in remunerated work, they more often work part time, their average salary is substantially inferior to that of men and the principle of equal pay for equal work and work of equal value is not always fully respected. Furthermore, women are poorly represented in economic decision making, whether in the formulation of public, economic and financial policies or in the private sector, as entrepreneurs or in decision-making positions in economic life in general.

29. The gender gap in time used on paid and unpaid work, due to stereotyped gender roles, unequal sharing of family responsibilities and insufficient care services, as well as the persistence of a gender-segregated labour market, are important explanations for this situation, which governments must address.

30. Elements indicating states' political will and commitment to gender equality in this regard include the following:

i. ratification and full implementation of relevant international treaties, taking particularly into account Articles 11 and 13 of the CEDAW, Articles 7 and 10 of the ICESCR, ILO Conventions No. 100, 111 and 183, Article 1, paragraph 2, Article 4, paragraph 3 and Articles 8, 20, 26 and 27 of the revised European Social Charter, as well as the promotion of the

- full implementation of the standards contained in European Union legislation requiring equal treatment of women and men with regard to employment, including access, working conditions, *inter alia*, flexible working time, career development and promotion, equal pay, dismissal, reversal of the burden of proof in cases of discrimination on the grounds of sex, sexual harassment, protection of pregnancy, maternity and paternity, as well as in the access to and supply of goods and services;
- ii. full implementation of relevant international non-binding legal instruments, as well as of strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section F (women and the economy);
  - iii. adoption/existence of national and/or regional and local plans for gender equality in work and employment in the public sector, and creation/existence of institutional mechanisms to monitor their implementation and evaluation of progress, as well as encouragement of the creation of such plans in the private sector;
  - iv. adoption/existence and enforcement of laws and measures to prevent, combat and punish sexual harassment and other forms of victimisation in the workplace and to protect victims;
  - v. adoption/existence and implementation of plans/programmes to promote the vocational training of women and their integration in the labour market, as well as proactive measures for women and men to overcome the persisting horizontal and vertical segregation on this market;
  - vi. adoption/existence and implementation of legal and administrative measures to promote women's equal participation in economic decision making, including implementation of plans for gender-balanced participation in boards and other decision-making structures of economic and financial institutions and private enterprises;
  - vii. adoption/existence and implementation of national programmes, which should include instruments and services such as financial advice and availability of loans, for supporting female entrepreneurship;
  - viii. adoption/existence of training and competence-building programmes in the field of gender equality for policy makers and decision makers;
  - ix. information and awareness-raising campaigns addressed to the general public on the right of women and men to equality in the labour market and in economic life;
  - x. regular gathering, analysis and dissemination of sex-disaggregated statistics on women's and men's participation in the labour market and economic life, including sectors, hierarchical levels, career development, income, wages, full-time/part-time employment, employment contract

conditions, etc.

#### **4. Political and public life**

31. Participation in political and public life is a basic right of citizenship and must be enjoyed by women and men on a parity basis. The balanced participation of both sexes at all levels of political and public life, including at decision-making level, is therefore a requirement of human rights that can ensure the better functioning of a democratic society.

32. The existence and regular functioning of a parity democracy is also a guarantee that women's and men's interests and needs are fully taken into account in policy making and in the running of society. In achieving the goal of equal participation of women and men, a minimum participation rate of 40% for each sex is considered as the parity threshold to be attained.

33. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. ratification and full implementation of relevant international treaties, taking particularly into account Articles 7 and 8 of CEDAW, together with General Recommendation No. 23 on political and public life adopted by the Committee on the Elimination of Discrimination against Women, and Article 25 of the ICCPR;
- ii. full implementation of relevant international non-binding legal instruments, in particular Article 21 of the UDHR and Recommendation Rec(2003)3 of the Committee of Ministers of the Council of Europe on balanced participation of women and men in political and public decision making, as well as of strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, with regard to the electoral system, that may guarantee in particular Section G (women in power and decision making);
- iii. adoption/existence and implementation of norms, legal or administrative, including balanced participation of women and men in elected assemblies or bodies;
- iv. adoption/existence and enforcement of laws/regulations or other initiatives aiming at balanced participation of women and men in government appointed posts;
- v. adoption/existence and implementation of equality plans in decision-making bodies in political and public life, including senior management of public administration, judiciary, diplomacy, etc., and the setting of progressive time frames;
- vi. regular assessment of the participation of women and men in decision-making bodies, both elected and appointed, including percentages of

- members of each sex in these bodies and identification of obstacles encountered and strategies needed to overcome the identified barriers;
- vii. existence of capacity building and training programmes aimed at political participation and representation on a parity basis, for both women and men, and in particular for youth groups and other relevant audiences;
  - viii. regular monitoring of progress towards gender balance within political parties, particularly with regard to their decision-making bodies, electoral lists and other selection processes of candidates;
  - ix. systematic inclusion of the gender dimension in campaigning for all elections for bodies at national, regional or local levels, as well as bodies at international level;
  - x. information and awareness-raising campaigns addressed to the general public on gender-balanced/parity participation of women and men at all levels of political and public life.

## **5. Reconciliation of private/family life and professional/public life**

34. Gender stereotypes and a strong division of gender roles influence social models that tend to see women as mainly responsible for family and private life (in the area of unpaid work) and men in the public sphere and professional work (in the area of paid work). Such division leads to the persistence of unequally shared domestic and family responsibilities, being one of the major reasons for discrimination against women in the labour market and for their limited social and political participation.

35. The balanced participation of women and men in professional/public life and in private/family life is, therefore, a key area for gender equality and is essential for the development of society. On the other hand, reconciliation of work and public life with family and private life, promoting self-fulfilment in public, professional, social and family life, is a precondition for a meaningful quality of life for all, women and men, girls and boys, and for the full enjoyment of human rights in the political, economic, cultural and social spheres.

36. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. ratification and full implementation of relevant international treaties, taking particularly into account Article 11 of CEDAW, ILO Convention No. 156 and Article 27 of the revised European Social Charter;
- ii. full implementation of relevant international non-binding legal instruments, in particular Recommendation No. R (96) 5 of the Committee of Ministers of the Council of Europe on reconciling work and family life, as well as of strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section F



(women and the economy);

iii. adoption/existence and enforcement of legislation on maternity and paternity protection, including provisions on paid maternity leave, paid parental leave equally accessible to both parents, and paid non-transferable paternity leave, as well as specific measures addressed equally to women and men workers, to allow the fulfilment of family responsibilities, including care and assistance to sick or disabled children or dependants;

iv. existence of a network of public-funded or public-supported services for families – childcare and care for elderly, disabled or other dependent persons – on a wide, adequate coverage basis, able to respond to personal and family needs;

v. adoption/existence and implementation of initiatives to encourage private and public sector management to introduce and develop family-friendly management practices at work, equally accessible to women and men, such as flexible working time arrangements, different kinds of personal leave programmes, etc.;

vi. adoption/existence and implementation of measures and initiatives to encourage the harmonisation between hours of operation of schools and child-care institutions and regular working hours;

vii. awareness-raising campaigns addressed to the general public on the importance of an equal sharing of family tasks and responsibilities between women and men, including the need of boys' and girls' contributions to the household as a meaningful element in their education;

viii. existence of regular time-use surveys indicating women's and men's average use of time on paid and unpaid work.

## **6. Social protection**

37. Social protection is a basic human right and a means to effectively promote social cohesion. However, women are often disadvantaged in this regard, due to a number of factors linked to their situation in the labour market and to varying degrees of social vulnerability on the basis of traditional gender roles and social norms. Less qualified jobs, lower salaries, shorter professional careers or longer career breaks with negative consequences on personal entitlement to pensions are among the factors leading to this situation. Additional difficulties may arise from traditional situations where women have no individual rights to social security, but are dependent on their husbands'/partners' rights. Individualisation of rights would, therefore, appear as a more favourable system in terms of gender equality.

38. An increased risk of poverty can particularly affect certain categories of the population where women are often the majority: the unemployed, single parents, older

people living alone, and families with several dependants. Furthermore, poverty and material deprivation are often compounded by an inability to participate fully in social life as a result of an inadequate access to employment, education and training, housing, or health care.

39. In planning and implementing social protection policies, it is the responsibility of governments to take fully into account the specific situation of women and men in the labour market and society at large, as well as their current social responsibilities, in order to guarantee formal and substantive equality for both sexes in the access to and enjoyment of social protection rights and entitlements.

40. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. ratification and full implementation of relevant international treaties, taking particularly into account Articles 11 and 13 of the CEDAW, Article 10 of the ICESCR, ILO Convention No. 102, Articles 12, 13, 14, 30 and 31 of the revised European Social Charter, and the European Code of Social Security;
- ii. full implementation of relevant international non-binding legal instruments, in particular Articles 22 and 25 of the UDHR;
- iii. adoption/existence of sustainable and adequate social protection schemes that take into account specific situations of women in the labour market and in social and economic life, for example part-time work, career interruptions, lower average salary, etc.;
- iv. existence of pension systems that take into account specific aspects of working careers and the current unequal sharing of responsibilities between women and men (childcare, care for dependant family members, etc.), including, when appropriate, compensatory measures in order to mitigate negative consequences of current pension systems on women;
- v. existence/organisation of subsidiary social protection (assistance, supplementary benefits, minimum income) in such a way that payment of the benefits concerned is not subject to humiliating conditions or compromised by arbitrary controls;
- vi. existence of gender-sensitive training programmes aimed at specific groups at risk of poverty and exclusion, often female dominated, in order to promote their integration into the labour market;
- vii. existence of social protection measures to ensure that break-up of marriage or cohabitation (divorce, separation) does not imply for any of the partners, with or without children, any intolerable consequences with regard to housing, indebtedness or similar circumstances, so as to avoid the risk of social exclusion;

viii. existence of social protection measures to secure the right to housing and decent living conditions to single-parent families, headed mostly by women.

## **7. Health, including sexual and reproductive matters**

41. The equal right of women and men to health, including sexual and reproductive health, embraces many other human rights that are recognised in international treaties and human rights documents and which must be enjoyed by both women and men on an equal basis.

42. The health of women and men is clearly influenced by their biological sex. However, socially constructed gender roles and gender inequalities also have a major impact on well-being. Reasons for these variations and consequently different needs of women and men related to their biological differences and the social context must be observed in the provision of health care throughout their lives, from infancy to old age.

43. Gender equality requires that women and men be given equal opportunities to realise their potential for health, including through equal access to services and quality of care.

44. This further implies that women's and men's health must be considered of equal value and that both women and men must have a non-negotiable right to decide over their own body, including sexual and reproductive matters. Such acknowledgement must be reflected in the development, implementation, access to, monitoring and evaluation of healthcare services and in research priorities.

45. Elements indicating states' political will and commitment to gender equality in this regard include the following:

i. ratification and full implementation of relevant international treaties, taking particularly into account Article 12 of the CEDAW, together with General Recommendation No. 24 on women and health adopted by the Committee on the Elimination of Discrimination against Women, Article 12 of the ICESCR, and Article 11 of the revised European Social Charter;

ii. full implementation of relevant international non-binding legal instruments, in particular Article 25 of the UDHR, as well as of the Programme of Action of the International Conference on Population and Development (Cairo, 5-13 September 1994), and of the strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Sections C (women and health) and I (human rights of women);

- iii. existence and promotion of gender-sensitive education and information about health, including sexual and reproductive health, namely through the educational system and awareness-raising programmes and full information on family planning options, aimed at the general public, including through the media and health services;
- iv. existence of equal quality and gender-sensitive healthcare services for women and men, both as regards common health concerns and different ones, arising from biological differences, for example with regard to reproductive health and socioeconomic inequalities between women and men;
- v. existence of full and equal access to relevant, appropriate, timely and understandable information and counselling services, necessary for women and men to make decisions about their health, regardless of their marital status and age and even if specific methods and treatments are not available in a given country;
- vi. existence of gender-sensitive preventive, biomedical, behavioural, epidemiological and health-service research, including in the testing of new and emerging drugs and medical technologies, benefiting women and men equally;
- vii. provision of gender equality training in basic and continuing education for health professionals, including integration of this dimension as part of training in healthcare ethics, to ensure that the interests and needs of both women and men are equally addressed and that they are treated with respect, dignity, privacy and confidentiality;
- viii. existence of policies and effective implementation of measures – including the training of professionals – addressing health aspects of violence, including domestic and sexual violence and harmful traditional practices, in particular female genital mutilation, forced and early marriages, honour crimes, etc., aimed both at providing adequate health care to victims and preventing future cases.

## **8. Media**

- 46. Media in modern societies hold an immense potential for social change as they can either hinder or hasten structural change towards gender equality.
- 47. While respecting fully the independence of the media and the freedom of expression, states should encourage effective measures to ensure that gender equality, as a principle of human rights, is respected in the media, in accordance with the social responsibility that is linked to the power they hold in modern societies.
- 48. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. full implementation of strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section J (women and the media);
- ii. adoption/existence and implementation of norms, consistent with freedom of expression, against threats to human dignity, gender-based violence and the negative use of women's and men's image in the media, including in advertising, as well as guidelines for the safeguard of human dignity and for the projection of positive, balanced and diverse portrayals of women's and men's images and roles;
- iii. encouragement, to the extent consistent with freedom of expression, of adoption and implementation of self-regulatory measures, guidelines, codes of conduct or other forms of regulations within media organisations that include the matter of sex-based discrimination/gender equality, promote the use of non-sexist language and the presentation of non-stereotyped images and exclude the use of violent or degrading materials;
- iv. regular assessment of the participation of women in decision-making and management levels and in technical services of media organisations, both public and private, as well as in advisory, regulatory and monitoring bodies of the media sector;
- v. regular assessment and encouragement of women's presence as journalists and participants in the different content areas of printed, broadcast and electronic media – news, politics, culture, entertainment, advertising, etc.;
- vi. encouragement of research projects on media coverage of women's participation in education, science and culture, politics, economy and social life, as well as the impact of the media in the shaping of values and attitudes, needs and interests of women and men throughout their lives;
- vii. encouragement of gender-sensitive training for media professionals, including owners and managers.

## **9. Violence against women**

49. Violence against women takes place in our world under various forms, such as rape and other forms of sexual violence, physical and psychological violence within and outside the family or domestic unit, sexual harassment, violence in conflict and post-conflict situations, violence in institutional environments, failure to respect freedom of choice with regard to reproduction, female genital mutilation, crimes in the name of honour, forced and early marriages and, in general, traditional practices harmful to women and girls.

50. Violence against women is one of the most serious violations of human rights and fundamental freedoms of women and an obstacle to the enjoyment of those rights and

freedoms. Furthermore, violence against women is a waste of capacities and resources for economic and social development; it is also one of the means by which women are forced into a subordinate position compared with men and is, therefore, a decisive impediment to the achievement of gender equality.

51. The prevention and elimination of violence against women are essential components in protecting women's full enjoyment of human rights and are prerequisites for the achievement of gender equality.

52. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. ratification and full implementation of relevant international treaties, taking particularly into account Article 6 and other relevant provisions of the CEDAW, together with General Recommendation No. 19 on violence against women adopted by the Committee on the Elimination of Discrimination against Women, and Article 16 of the revised European Social Charter;
- ii. full implementation of relevant international non-binding legal instruments, in particular the Declaration on the Elimination of Violence against Women (Resolution 48/104 of the United Nations General Assembly), the Intensification of efforts to eliminate all forms of violence against women (Resolution 61/143 of the United Nations General Assembly) and Recommendation Rec(2002)5 of the Committee of Ministers of the Council of Europe on the protection of women against violence, as well as of the strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Sections D (violence against women) and I (human rights of women);
- iii. adoption/existence and enforcement of legislation and effective judicial procedures to prevent violence against women, protect the victims and punish the perpetrators, as well as protection against retaliation upon victims of violence or those that denounce it or accept to testify;
- iv. adoption/existence and implementation of preventive measures of a legal, political, social, educational and cultural nature, namely addressed to potential victims, as well as potential perpetrators;
- v. adoption/existence of comprehensive national action plans, the implementation of which must be regularly monitored and evaluated;
- vi. adoption/existence of adequate measures, establishment of services and implementation of activities to support and protect victims of violence, such as women's shelters and hotlines, as well as intervention programmes for perpetrators of violence, and appropriate support, including financial support, to NGOs working in these areas;
- vii. adoption/existence of educational programmes and specific training

for all professionals involved in any kind of intervention with victims of violence, namely judicial, health and educational personnel, social workers, the police, etc.;

viii. existence of a clear political message addressed to the general public, including media professionals, of zero tolerance to any kind of violence against women;

ix. information and awareness-raising campaigns addressed to the general public on the issue of violence against women as a human rights violation, including specific information addressed to boys and men on their responsibility with regard to prevention and elimination of violence against women;

x. systematic and regular gathering and analysis of data and information, including sex-disaggregated statistics on the type and extent of gender-based violence against women, and dissemination of such information to the general public.

## **10. Trafficking in human beings**

53. Violations of certain human rights, including discrimination on the grounds of sex, are both a cause and a consequence of trafficking in human beings. This increasing phenomenon is a specific manifestation of violence and a modern form of slavery that entails grave violations of human rights and is an offence to the dignity and integrity of human beings. Protection of human rights must, therefore, be the framework of all actions against trafficking.

54. Women and girls are often discriminated against and their human rights are violated even before becoming victims of trafficking, because they are more often faced with marginalisation, poverty and unemployment than men. Inequalities between women and men must be systematically addressed in the development and implementation of actions against trafficking in human beings.

55. Elements indicating states' political will and commitment to gender equality in this regard include the following:

i. ratification and full implementation of relevant international treaties, taking particularly into account Article 6 of the CEDAW, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Council of Europe Convention on Action against Trafficking in Human Beings;

ii. full implementation of relevant international non-binding legal instruments, in particular Recommendation No. R (2000) 11 of the Committee of Ministers of the Council of Europe on action against trafficking in human beings for the purpose of sexual exploitation, as well as the strategic objectives and actions contained in Chapter IV of the

Beijing Platform for Action, in particular Section I (human rights of women);

iii. adoption/existence and enforcement of legislation and effective judicial procedures to protect victims of trafficking and punish perpetrators;

iv. adoption/existence and implementation of comprehensive national action plans against trafficking in human beings in which gender equality is fully taken into consideration, namely with regard to prevention, including measures for discouraging the demand, to protection, including rehabilitation, and to prosecution;

v. creation/existence of mechanisms for an effective co-ordination of actions of all sectors whose involvement is essential in preventing and combating trafficking, in which gender equality and human rights mechanisms, relevant NGOs and other organisations of civil society must participate and where gender-balanced participation must be ensured;

vi. existence of proper training in preventing and combating trafficking in human beings and in identifying and assisting victims and protecting their human rights, for all those actors, who, in the course of their work, have contact with victims;

vii. adoption/existence and implementation of measures to favour programmes for reintegration of victims into society, including reintegration into the education system and the labour market;

viii. existence of appropriate technical and financial support to NGOs and other relevant organisations/groups of civil society engaged in assistance to victims;

ix. systematic and regular gathering and analysing of data and information, including sex-disaggregated statistics on the type and extent of trafficking in human beings, and dissemination of such information to the general public.

## **11. Conflict and post-conflict situations**

56. Women and children make up an estimated 80% of the world's refugee population. They are particularly vulnerable in conflict situations; effective protection must, therefore, be provided to them in these situations, either in armed or other conflicts and foreign occupation. Their voice needs to be heard in the prevention and resolution of conflicts and their specific needs must be dealt with in post-conflict reconstruction.

57. Women's participation in conflict prevention and resolution at decision-making levels must, therefore, be increased, as women have a significant contribution to make, particularly as regards peace building and prevention of further armed conflicts. Their participation in decision-making institutions and mechanisms for the pre-



vention, management and resolution of conflict, including peace negotiations, and democratisation of societies after conflict must not fall under 40%, considered as the parity threshold.

58. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. ratification and full implementation of relevant international treaties, taking particularly into account the Rome Statute of the International Criminal Court;
- ii. full implementation of relevant international non-binding legal instruments, in particular the United Nations Security Council Resolution 1325 on Women, Peace and Security, and the Council of Europe Resolution on the roles of women and men in conflict prevention, peace building and post-conflict democratic processes – a gender perspective, adopted at the 5th European Ministerial Conference on Equality between Women and Men, as well as of the strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section E (women and armed conflicts);
- iii. regular assessment and dissemination of information on the incidence of abuse of the human rights of women in conflict situations aiming at the reduction of this incidence, alongside with active promotion of non-violent forms of conflict resolution;
- iv. introduction/existence of mechanisms for adequate consideration of the special needs and contributions of women and men in restructuring projects in post-conflict society;
- v. existence of arrangements for the inclusion of women in structures and mechanisms aimed at the reconstruction of societies in post-conflict situations, such as peace negotiation committees, and other decision-making bodies, along with the regular assessment of women's participation in these bodies, to ensure that gender balance is progressively reached;
- vi. promotion/existence of initiatives to encourage the participation of women in peacekeeping missions in order to ensure the inclusion of women peacekeepers in national contingents participating in international operations;
- vii. encouragement/existence of systematic training for members of peacekeeping operations by governments/states who contribute to peacekeeping forces, which takes into account gender equality concerns, with a view to preventing, in particular, violence against women and trafficking in human beings;

- viii. existence of mechanisms to provide protection, assistance and training to refugee women and other displaced women in need of international protection, as well as to internally displaced women;
- ix. systematic consideration of the gender dimension at every stage of the procedures on asylum and reception of refugees.

## **12. Specific situation of vulnerable groups exposed to multiple discrimination**

59. Certain groups of women, due to the combination of their sex with other factors, such as their race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status, are in an especially vulnerable position. In addition to discrimination on the grounds of sex, these women are often subjected simultaneously to one or several other types of discrimination.

60. Governments must, therefore, pay special attention to the specific needs that women of these groups have for protection against discrimination and for positive action to gain *de facto* equality.

61. Elements indicating states' political will and commitment to gender equality in this regard include the following:

- i. ratification and full implementation of relevant international treaties, taking particularly into account Articles 3.g and 6 of the United Nations Convention on the Rights of Persons with Disabilities, Protocol No. 12 to the ECHR, Articles 1, paragraph 2, 16, 19 and 20 of the revised European Social Charter and Council of Europe Framework Convention for the Protection of National Minorities;
- ii. full implementation of relevant international non-binding legal instruments, as well as of the strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section I (human rights of women);
- iii. adoption/existence and enforcement of legal prohibitions of discrimination on any of the above-mentioned grounds;
- iv. adoption/existence and implementation of an active policy to prevent all forms of discrimination;
- v. adoption/existence and implementation of positive action to combat multiple discrimination, in view of achieving *de facto* equality;
- vi. establishment/existence of institutional mechanisms tasked with the responsibility to co-ordinate actions to raise awareness and combat discrimination on any grounds, always taking into account the gender specificities of such discrimination and the need for gender-balanced participation in these mechanisms;

vii. regular assessment of the integration of a gender perspective in policies and programmes addressed to groups exposed to multiple and coexisting discrimination;

viii. regular assessment of the integration into gender equality policies of the specific concerns of women belonging to groups exposed to multiple and coexisting discrimination;

ix. regular gathering and analysis of sex-disaggregated statistics, whenever possible, of documentation/information on the specific aspects of women belonging to groups exposed to multiple and coexisting discrimination, and promotion of research on multiple discrimination, always bearing in mind the gender aspects of such discrimination;

x. information and awareness-raising initiatives addressed to the general public and groups exposed to multiple and coexisting discrimination on the issue of multiple discrimination, including its gender-specific aspects and problems.

### **C. Strategies, mechanisms and tools to achieve gender equality**

#### **1. Implementation of complementary strategies as obligations of the state in its commitment to equality**

62. The setting of legal standards to guarantee the enjoyment of the principle of gender equality and non-discrimination is not sufficient to achieve substantive gender equality. To comply with the commitments made, governments must put in place and efficiently implement proactive policy measures and various strategies which have been recognised by international organisations as indispensable to pursue the objective of gender equality in an effective way. A dual approach to these strategies is commonly accepted: on the one hand, specific actions including positive action/temporary special measures and, on the other hand, gender mainstreaming to be applied to all policy areas and processes.

63. The extent of development and use of these strategies in national gender equality policy varies from country to country and often depends on the existence of a number of conditions. The effective functioning of institutional mechanisms for gender equality is a precondition for the successful development of these complementary strategies, which are instrumental if properly understood, developed and used.

64. Specific actions, including positive actions and temporary special measures, addressed to women and society at large, are recognised as the traditional mandate of national institutional mechanisms for gender equality; however, they must be complemented by gender mainstreaming, a strategy which must involve a variety of actors responsible for policies in all sectors and levels of governance.

65. To organise the efficient complementary and parallel use of specific gender equality policies and the strategy of gender mainstreaming, the availability of certain instruments is crucial to support their development and implementation and to organise responsibility for pursuing the achievement of gender equality in a systematic and planned manner.

66. Systematic information and communication strategies and national gender equality action plans are further basic requirements for governments in their task to devise and pursue a gender equality policy in the dynamic context of our societies.

67. Elements indicating states' political will and commitment to fulfil these responsibilities include the following:

- i. ratification and full implementation of relevant international treaties, taking particularly into account Articles 1 to 5 of the CEDAW, together with General Recommendation No. 25 on temporary special measures, adopted by the Committee on the Elimination of Discrimination against Women, Article 3 of the ICESCR and the ICCPR; Article 14 of the ECHR and Article E of the revised European Social Charter, which provide a cross-cutting basis for the enjoyment of all the rights enshrined in these treaties, as well as Article 20 of the revised European Social Charter, which provides for an express ban on discrimination on the grounds of sex in matters of employment and occupation and obliges states to promote equal opportunities and equal treatment;
- ii. full implementation of relevant international non-binding legal instruments, in particular Recommendation No. R (98) 14 of the Committee of Ministers of the Council of Europe on gender mainstreaming and the Resolution on achieving gender equality: a challenge for human rights and a prerequisite for economic development, adopted at the 6th European Ministerial Conference on Equality between Women and Men (Stockholm, 8-9 June 2006), as well as of the strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section H (institutional mechanisms for the advancement of women);
- iii. existence and explicit recognition of a legal basis for introducing specific actions, including positive actions or temporary special measures, according to Article 4 of the CEDAW;
- iv. existence and enforcement of a binding obligation to adopt and pursue a strategy of gender mainstreaming, including gender budgeting and gender-based analysis/gender impact assessment in all areas of governance and clear identification of actors responsible for its development, implementation and evaluation;
- v. adoption/existence and effective implementation of periodic national action plans for gender equality and of indicators to measure their

outcomes and progress achieved in their implementation, to support systematic and regular reporting and, if necessary, the reviewing of actions and strategies in order to better achieve the objectives of such action plans;

vi. development and implementation of adequate information and communication strategies aiming at an understanding and a broad consensus on the development of national gender equality policy, its promotion and implementation, and at fostering public opinion, new perceptions and cultural changes in public opinion, including through raising awareness of social organisations and the media.

## **2. Establishment or reinforcement of institutional mechanisms/national machinery for gender equality**

68. Institutional mechanisms/national machinery are essential instruments that governments must establish or reinforce to pursue their obligation to eliminate discrimination on the grounds of sex and to achieve gender equality.

69. There is an overall trend towards the diversification and multiplication of gender equality mechanisms and their progressive establishment in various policy areas and at different levels of power, including in parliaments, regional and local level bodies and also as independent institutions.

70. As regards institutional mechanisms within government structures, there are no ideal, fixed models valid for every country. Economic, social, cultural and political realities differ from country to country and institutional mechanisms, to be effective and sustainable, must fit into the national context and be sensitive to these realities.

71. However, some basic requirements for the creation, reinforcement or effective functioning of these mechanisms can be pointed out and envisaged as indicators of the political will and commitment and of the strategic goals of states with regard to the achievement of gender equality.

72. Such elements include:

- i. full implementation of the strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section H (institutional mechanisms for the advancement of women);
- ii. that gender equality mechanisms be at the highest political level; more specifically, that the national co-ordinating unit be at the highest level of government, under the direct responsibility of the president, prime minister or cabinet minister, and that units or focal points be set up within ministries or other government departments or within regional and local power structures, at the highest level of those departments and structures;

- iii. that institutional mechanisms have the necessary authority, visibility, political recognition, necessary funding and human resources, and that their action is fully supported by political power at the different levels of its exercise;
- iv. that the overall structure of gender equality machinery includes an interdepartmental/interministerial structure with high level representatives with decision-making powers from all relevant policy areas in order to ensure the effective functioning of the process of gender mainstreaming;
- v. that the mandate of institutional mechanisms has a clear legal basis with well-defined functions and responsibilities; and that these necessarily include the dual-track approach to gender equality work: 1. specific policies and actions, including positive action when appropriate, in critical areas for the advancement of women and for gender equality; 2. promotion, monitoring, co-ordination and evaluation of the process of gender mainstreaming in all policies and programmes;
- vi. that institutional mechanisms develop gender expertise both within themselves and as capacity builders for gender equality at different levels of government and administration and for that purpose develop methods, instruments and tools for gender analysis/gender impact assessment and gender budgeting, as well as training on gender equality and the use of these methods, instruments and tools;
- vii. that resources for the core operational costs of institutional mechanisms – staff, facilities, regular functioning of the institution – are the sole responsibility of the state, even if funding for specific actions and projects can also be found from various sources;
- viii. that institutional mechanisms establish formal and informal links of co-operation with other public institutions and administrations in general;
- ix. that institutional mechanisms establish formal and informal links of co-operation with a wide range of civil society organisations, namely women's and human rights NGOs, the media, the research and academic community, social partners and other relevant social actors, as well as with international and European organisations pursuing gender equality objectives;
- x. that mechanisms for gender equality are established at parliamentary level, as well as independent agencies and other bodies, such as ombudspersons that may receive complaints for discrimination on the basis of sex.

### **3. Development of studies and instruments to evaluate women's and men's situation and measure progress of that situation**

73. While formal gender equality can be achieved quite rapidly by enshrining this principle into constitutions, laws or specific norms, the same does not happen with regard to substantive gender equality. Its achievement is a complex process which must be regularly monitored and evaluated.

74. As a first step it requires an in-depth knowledge of women's and men's real situation in all areas of life, and of the obstacles and barriers that stand in the way of gender equality. A second step consists in the devising of strategies, plans and programmes to overcome these obstacles and barriers. A third step is the implementation of these strategies and plans and their regular assessment and evaluation, a process that requires adequate tools and instruments to measure progress.

75. Elements indicating states' political will and commitment to fulfil these responsibilities include the following:

- i. development and adoption of quantitative and qualitative indicators to capture the real situation of women's and men's lives and to measure progress in the changing of that situation where the achievement of gender equality so requires;
- ii. regular collection and analysis of sex-disaggregated statistics and other data necessary to support the indicators, either by specialised dedicated surveys or by the inclusion of routine gender-relevant variables into mainstream, regular surveys; in both cases the involvement of the entities responsible for the statistical system is essential;
- iii. inclusion of clear targets, time frames and benchmarks in policies and programmes adopted for the achievement of gender equality and regular monitoring of their implementation;
- iv. adoption/existence of tools and instruments for gender-based analysis/ gender impact assessment of laws and policies (checklists, manuals, handbooks, statistics, questionnaires, specific software, surveys, forecasts, or other similar tools), and for gender budgeting; these practices must become a matter of routine in policy making, both before and after planning and implementation;
- v. existence and support of studies and research into gender relations, including women's studies and gender studies in universities and other research institutions and the financing of such studies and research projects.

#### **4. Establishment of co-operation and partnerships**

76. Because gender equality is a concern of all members of a society, the full involvement of boys and men is decisive and instrumental to achieve that aim, which will have a positive impact on and bring added value to the lives of girls and boys, women and men.

77. The establishment and development of effective channels of co-operation and partnership within governmental and administrative structures, in all areas and at all levels, and between government and civil society organisations have been recognised as an important strategy for the effective promotion of gender equality, which, being a common objective, concerns society as a whole.

78. Women's NGOs and human rights NGOs, social partners, academic and research institutions, and the media are among the most relevant of civil society organisations whose co-operation is fundamental to achieve gender equality.

79. Elements indicating the states' political will and commitment to reach this common objective include the following:

- i. establishment of strategies to involve boys and men in gender equality;
- ii. creation/existence of interdepartmental structures with high-level representatives from all policy areas and at all policy levels responsible for planning, co-ordination, implementation and evaluation of gender mainstreaming in all policies and programmes;
- iii. creation/existence of regular channels of institutionalised dialogue and co-operation with civil society organisations working for gender equality, such as women's and human rights organisations; for example, their inclusion in consultative bodies and the establishment of regular consultation procedures in relation to equality policies and plans;
- iv. creation/existence of programmes of technical/financial support for civil society organisations, particularly women's organisations and human rights organisations, in their work for gender equality and regular assessment of projects developed in this context;
- v. establishment of regular dialogue/co-operation with other civil society organisations, including media organisations, social partners, research and academic institutions, professional organisations and specific interest groups, in order to raise gender equality awareness;
- vi. regular assessment of co-operation and partnership with civil society organisations in the development and implementation of programmes and projects aiming at the achievement of gender equality (number of programmes/projects, audiences targeted, rate of success, etc.);



vii. effective co-operation at regional and international levels, including through bilateral and transnational projects and sharing of experiences and good practices.



## **Explanatory memorandum to Recommendation Rec (2007) 17**

### **Introduction**

#### **1. Historical and conceptual background**

1. The equal right of women and men to the enjoyment of universal human rights is a fundamental principle acknowledged in the main international human rights instruments and generally accepted by international law.

2. In a process that goes back a few decades, different approaches and different expressions have been adopted in this regard by the wider international community. A general prohibition of discrimination on a number of grounds, including sex, was the first step and such an approach is included both in the Charter of the United Nations of 1945 and in the Universal Declaration of Human Rights of 1948. The two covenants, on Economic, Social and Cultural Rights and on Civil and Political Rights respectively, adopted in 1966, which, together with the declaration, constitute the broad framework of human rights doctrine, go a little beyond and recognise the equal right of women and men to the enjoyment of all the rights enshrined in the covenants.

3. An emphasis on the specific discrimination against women in several areas and under different forms was another approach followed at world level, particularly in the 1950s and 1960s, when a number of conventions were adopted which identified the most critical aspects of gender inequality, namely in the fields of employment, remuneration and maternity protection, of political rights, and of rights with regard to marriage.

4. The 1970s saw a new development, particularly linked to the celebration of International Women's Year in 1975 and the establishment of the United Nations Women's Decade (1976-1985) that gave women's and equality issues a new legitimacy in international thinking. The Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in 1979, became the reference document at world level and covered new ground in its provisions. Even though its title still focuses on the elimination of discrimination against women, its provisions go beyond this view and point to the creation of conditions to achieve effective equality for women in all areas of life and to the obligation of States Parties to fulfil such conditions without delay and to guarantee equal rights, both in a formal and in a substantive way. A global and horizontal view of the implications of women's right to equality starts to be adopted that will be further developed.

5. Similar approaches can be found at Council of Europe level. Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in 1950, also follows the approach of non-discrimination on the basis of sex, an element that comes first in the list of grounds of discrimination. Protocol No. 12, adopted in 2000 and recently entered into force, brings a new development by enlarging that provision to the enjoyment of any right set forth by law and not only the rights included in the Convention, as previously established.

6. On the other hand, at Council of Europe level, progressive thinking led to a new and deeper understanding of the issue of equality of women and men. In 1988 the Committee of Ministers adopted the Declaration on Equality of Women and Men, a pioneering document which considers that “equality of women and men is a principle of human rights” and “a sine qua non of democracy and an imperative of social justice”. It became a substantive and political landmark and remains a reference text in the Council of Europe’s views and policies on gender equality. Not only does it affirm this principle of human rights, but it also draws its consequences in terms of human rights doctrine and of the devising of strategies and policies deriving therefrom, as well as the areas where action is needed in order to achieve gender equality.

7. In line with this recognition, women’s human rights have also been proclaimed by the international community since the World Conference on Human Rights (Vienna, 1993) as being an inalienable, integral and indivisible part of the universal human rights.

8. At Council of Europe level, such views are further developed and the Declaration on Equality between Women and Men as a fundamental criterion of democracy, adopted by the 4th European Ministerial Conference on Equality between Women and Men (Istanbul, 1997), clearly states that “the achievement of equality between women and men is an integral part of the process leading to genuine democracy”. A close relationship between the concepts of gender equality, democracy and human rights is definitely and firmly established which opens up new horizons in the way that women’s issues and gender equality issues are to be envisaged.

9. We can rightly say that a progressive development has taken place in this regard which has deepened and enlarged the view of gender equality in several ways. From the concept of non-discrimination to a positive understanding of building equality; from a sectorial approach to the issue of gender equality to a more global and comprehensive one; from an emphasis on the situation of women, only or mainly, to a view of women and men, as essential partners for social change and to their gender relations; from a question that could be considered as marginal with regard to general political concerns to one that is placed at the very centre of these concerns, as it is deeply linked to the matter of universal human rights, their protection, promotion and fulfilment.

10. Human rights, being universal, are to be enjoyed by real persons, women and men, not by neutral human beings. Under this framework, it is no longer possible to speak of human rights and their realisation in absolutely neutral terms. Their realisation is embodied in concrete persons and their full enjoyment is the right of women and men in their specific situations and conditions; on the other hand, obstacles to that enjoyment on an equal footing, that is to say, obstacles to gender equality, can also be gender specific, linked to women's and men's situations as defined by history, culture and social circumstances and must be addressed as such. Such a view can lead to the adoption of positive actions/special temporary measures that cannot be considered discriminatory, as they are meant to overcome past discrimination linked to those circumstances and to accelerate the establishment of gender equality.

11. Awareness of the importance of gender – the fact of being a man or being a woman – and of the significance of gender equality, with all it implies with regard to historical background, social organisation and cultural understanding, is more and more present in international thinking as an essential element of good governance to achieve the aims of democracy and fulfilment of human rights.

12. Such a perspective is present in the documents adopted by the UN world conferences and summits of the 1990s, in which the issue of gender equality is envisaged as an essential element in the addressing of the global problems of the modern world, whether they be related to the environment and development (Rio, 1992), human rights (Vienna, 1993), population and development (Cairo, 1994) or sustainable social development (Copenhagen, 1995)

13. The last decade, from 1995 onwards, has witnessed this new understanding and the need for its practical realisation. In this regard, the importance of the 4th World Conference on Women (Beijing, 1995) and of the Declaration and Platform for Action adopted therein must be particularly underlined. Nowadays, it is not enough to establish formal provisions prohibiting discrimination on the basis of sex; it is not enough to proclaim that gender equality is a principle of human rights; and it is not enough to set standards with regard to its achievement in different areas. The challenge of our time is to fully implement gender equality principles and standards that have been progressively set, in order to bring positive changes into people's lives and thus transform the existing formal equality into substantive equality.

## **2. Purposes and reasons for adopting a recommendation**

14. The Council of Europe's work to promote and favour the achievement of gender equality is an integral part of its central mission, which is the safeguard and promotion of pluralist democracy, the rule of law and human rights and freedoms. To better serve these aims, some legal instruments have been adopted, as well as an im-

portant corpus of other documents, such as declarations, recommendations, resolutions, action plans and reports of various groups of specialists on achievements, obstacles encountered and innovative strategies to achieve gender equality. They have been developed and adopted to complement the normative framework with standard setting in areas where inequality affects women in different ways and to a different extent and/or where the involvement of men and the creation of partnerships between women and men is crucial for successfully working towards a society where gender inequality may be overcome.

15. Assessment of how the Council of Europe member states have been achieving their obligations laid down in the international human rights legal instruments and how they have been implementing their commitments in order to achieve substantive gender equality as defined in other legal and programmatic texts of the United Nations and the Council of Europe has been secured through the monitoring systems established for the insurance of effective implementation of international treaties, as well as through surveys and evaluations carried out under other monitoring and reporting activities.

16. The results achieved by the Council of Europe's member states in their endeavours towards equality of women and men were also examined by the Committee of Ministers in the context of its thematic monitoring procedure in 2003.<sup>1</sup> In the light of the results of the consideration of replies of the member states on mechanisms, which exist at national level to secure equal rights for women and men in compliance with the relevant Council of Europe instruments, and of the compilation of comments prepared by the Council of Europe Monitoring Department of the Directorate of Strategic Planning, the Committee of Ministers requested that a recommendation be drafted on minimum standards on equality between women and men, including national equality mechanisms.

17. Because, despite the remarkable progress achieved, when comparing the inequalities between women and men today with those of few decades ago, it is undeniable that women and men are still not treated equally and that gender equality policies, methods and strategies used across the Council of Europe's member states have not yet been implemented according to their full potential.

18. The recommendation is an additional response of the Council of Europe role of standard setting, the aim of which is to support the practical realisation of member states' obligation to continue and accelerate their progress with a view of achieving substantive gender equality.

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1. Compliance with member states' commitments (CM/Monitor (2003) 15).

19. In this regard, member states' obligations go beyond the strict competence of governments and include all state bodies, at all levels. For that reason, indicators of political will and commitment refer to states and not only governments.

### **3. Definition and descriptions of concepts and tools**

20. In the framework of this recommendation, some definitions and descriptions of concepts and tools are relevant for the full understanding of its meaning and purposes. These definitions and descriptions are taken from instruments and documents of the Council of Europe and United Nations.

- **Gender equality** means an equal visibility, empowerment and participation of both sexes in all spheres of public and private life. Gender equality is the opposite of gender inequality, not of gender difference, and aims to promote the full participation of women and men in society. It means accepting and valuing equally the differences between women and men and the diverse roles they play in society. Gender equality includes the right to be different. This means taking into account the existing differences among women and men, which are related to class, political opinion, religion, ethnicity, race or sexual orientation. Gender equality means discussing how it is possible to go further, to change the structures in society which contribute to maintaining the unequal power relationships between women and men, and to reach a better balance in the various female and male values and priorities.<sup>2</sup>
- **Discrimination against women:** any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.<sup>3</sup>
- **Direct discrimination** occurs when a difference in treatment relies directly and explicitly on distinctions based exclusively on sex and characteristics of men or of women, which cannot be justified objectively.<sup>4</sup>

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2. Gender mainstreaming – Conceptual framework, methodology and presentation of good practices. Final report of activities of the Group of Specialists on Mainstreaming (EG-S-MS), EG-S-MS (98) 2 rev., Council of Europe.

3. Convention on the Elimination of All Forms of Discrimination against Women, Article 1.

4. General Comment No. 16 (2005) – The equal rights of men and women to the enjoyment of all economic, social and cultural rights (Article 3 of the *International Covenant on Economic, Social and Cultural Rights*) of the Committee on Economic, Social and Cultural Rights (E/C.12/2005/4, 11 August 2005).

- **Indirect discrimination** occurs when a law, policy or programme does not appear to be discriminatory, but has a discriminatory effect when implemented. This can occur, for example, when women are disadvantaged compared to men with respect to the enjoyment of a particular opportunity or benefit due to pre-existing inequalities. Applying a gender-neutral law may leave the existing inequality in place, or exacerbate it.<sup>5</sup>
- **Parity democracy**: the concept of parity democracy is understood to mean full integration of women on an equal footing with men at all levels and in all areas of the workings of a democratic society, by means of multidisciplinary strategies.<sup>6</sup>
- **Balanced participation** of women and men in political and public decision making is taken to mean that the representation of either women or men in any decision-making body in political or public life should not fall below 40%.<sup>7</sup>
- **Positive action**: it has been clearly recognised that protection against discrimination is not enough to ensure the equal treatment of women and men in practice. This implies that unequal situations should be treated unequally. In the different international conventions and other legal texts which contain a definition of the concept of discrimination, a definition of positive action is also included. Such definitions differ, depending on the legal instrument in question. There is, however, a certain pattern, which shows where different treatment is not considered discriminatory. The most important categories of measures which justify the different treatment are “protective measures”, “genuine occupational qualifications” and “positive measures to promote equality”.

Because of the intertwining of the concepts of non-discrimination and positive action, positive action must be defined within the framework of each convention, or within the framework of each national legislation. It is therefore extremely difficult to give an overall or a common definition of positive action. The chapter “Description of the legal background” presents a number of definitions as they appear in international legal texts, together with an analysis of each instrument. This is intended to make available, in one document, all the main texts, including references to positive action.<sup>8</sup>

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5. *Ibidem.*

6. Group of Specialists on Equality and Democracy, Final report of activities, p. 11, Council of Europe Publishing, 1996.

7. Recommendation Rec (2003) 3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision-making – Council of Europe.

8. Positive action in the field of equality between women and men – Final report of the Group of Specialists on Positive Action in the field of Equality between Women and Men (EG-S-PA), EG-S-PA (2000) 7, Council of Europe.



- **Temporary special measures:** aimed at accelerating *de facto* equality between men and women shall not be considered discriminatory, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.<sup>9</sup>
- **Gender mainstreaming** is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making.<sup>10</sup>
- **Gender impact assessment** has its roots in the environmental sector and is a typical example of an existing policy tool that has been adapted for the use of gender mainstreaming. Gender impact assessment allows for the screening of a given policy proposal, in order to detect and assess its differential impact or effects on women and men, so that these imbalances can be redressed before the proposal is endorsed. An analysis from a gender perspective helps to see whether the needs of women and men are equally taken into account and served by this proposal. It enables policy makers to develop policies with an understanding of the socioeconomic reality of women and men and allows for policies to take (gender) differences into account. Gender impact assessment can be applied to legislation, policy plans, policy programmes, budgets, concrete actions, bills and reports or calls for research. Gender impact assessment methods do not only have to be applied to policies in the making, they can also be applied to existing policies. They can be used in the administration as well as by external actors; in both cases they require a considerable amount of knowledge of gender issues. The advantage of these tools lies in the fact that they draw a very accurate picture of the effects of a given policy.<sup>11</sup>
- **Gender budgeting** is an application of gender mainstreaming in the budgetary process. It means a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality.<sup>12</sup>

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9. Convention on the Elimination of All Forms of Discrimination against Women, Article 4.

10. Gender mainstreaming – Conceptual framework, methodology and presentation of good practices. Final report of activities of the Group of Specialists on Mainstreaming (EG-S-MS), EG-S-MS (98) 2 rev., Council of Europe.

11. *Ibidem*.

12. Final report of the Group of Specialists on Gender Budgeting (EG-S-GB), EG-S-GB (2004) RAP FIN, Council of Europe.

## **4. Comments on the recommendation**

### **4.1 Scope of the Recommendation**

21. The scope of the recommendation is a very wide one, as gender equality is a fundamental principle that concerns all areas and all aspects of life. In each of them, working towards its achievement requires the adoption of laws and norms to establish formal equality or equality *de jure*. However, laws and norms are not enough; the full implementation of such laws and norms and the adoption of policies and programmes to give them full effect are also necessary in order to achieve substantive equality or equality *de facto*. The ground that the recommendation covers is, therefore, very wide, both in terms of areas and in terms of aims.

22. As regards the personal scope of application of the recommendation, the achievement of gender equality obviously refers to all persons, women and men. However, because women are mostly affected by different forms of gender inequality, formulations are often addressed to their particular situation. On the other hand, while speaking of women, it obviously refers to women of all ages, from childhood to adolescence, adulthood and old age. However, when provisions or requirements are particularly relevant for young women/children the formulation of “women and girls” has been used.

23. Following the Preamble, in the first substantive part – General standards – the fundamental principles, that constitute the framework under which all actions to achieve gender equality must be pursued, are enunciated and complemented by the objective requirements they demand to become operative.

24. In the second part – Standards in specific areas – the basic principles in a variety of policy areas and of critical aspects of life in our societies are also recalled, together with the objective elements that demonstrate states’ political will to achieve gender equality in those areas.

25. These specific areas can be classified in different groups, according to their specific nature: the first refers to those aspects of social life where women’s and men’s integration and participation mainly take place – private and family life; economic life; public and political life; and the possibility to reconcile these different areas. Others address those matters that correspond to the exercise of basic personal rights – education and culture; social protection, health, etc.

26. On the other hand, these specific areas also include particularly critical aspects that mainly affect women’s lives and their human rights, thus impeding the achievement of gender equality – the issue of violence against women, of trafficking in persons for purposes of sexual or commercial exploitation, of the position of women in conflict and post conflict situations, etc.

27. Particular attention is also given to the role of the media as possible agents of change with regard to the achievement of gender equality and to the specific case of vulnerable groups of women exposed to multiple discrimination, due not only to their sex, but to other factors linked to race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or any other factor.

28. Common to all areas is the need of legal provisions, in line with the defined international standards that formally guarantee gender equality; common to all areas is also the need of mechanisms to enforce and monitor such provisions and to provide remedies in cases of their violation. Equally necessary, on the other hand, are co-ordinated strategies, policies and plans in order to achieve full and equal enjoyment by women and men of human rights in all areas of life.

29. Strategies, mechanisms and tools are, thus, the object of the third part of the recommendation, which aim to define those which are indispensable for effective planning, effective implementation and effective assessment of all policies and plans. Also fundamental in this regard is the close and co-ordinated co-operation with institutions of civil society, because what is at stake in the pursuit of gender equality is social and cultural change that involves and affects all stakeholders – persons, institutions, organisations – in all areas and all layers of society.

#### **4.2 – Preamble**

30. The preamble of the recommendation recalls the main fundamental instruments that build the normative and programmatic framework under which the matter of gender equality, as a human rights principle, must be envisaged and addressed.

31. Starting with Council of Europe documents, reference is made to its basic instruments – the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the Revised European Social Charter – as well as the Declaration on Equality of Women and Men, adopted by the Committee of Ministers in 1988. As mentioned above, this is a reference document of a pioneering character in its vision of gender equality in the framework of human rights and of its implications, in terms of doctrine, policy and areas of state intervention. Particularly relevant is also the recently adopted Council of Europe Convention on Action against Trafficking in Human Beings.

32. Other recent Council of Europe documents, namely declarations, recommendations and plans of action, emphasise some crucial aspects where gender equality must be pursued and achieved – in language, in the media, in political and public decision making with regard to gender-based violence, trafficking and exploitation, reconciliation of professional and family life, gender mainstreaming into all government policies, etc.

33. United Nations documents that reflect the thinking of the broad international community with regard to gender equality are also recalled, both instruments of a general nature – the Universal Declaration on Human Rights and its Covenants and their provisions on non-discrimination and equal rights of women and men – and also gender-specific documents – the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action – which constitute the two basic and complementary documents: the legal framework and the programmatic framework for action at world level respectively.

34. Reference is also made to the relevant instruments of the European Union, namely the EEC Treaty, as amended by the Treaty of Amsterdam, and the Charter of Fundamental Rights.

35. The preamble also introduces the main reason and the objective of the recommendation, that aims to provide a tool to help to overcome the present gap between equality *de jure* and equality *de facto*, a gap that persists in every country in spite of the standard-setting and of the on-going efforts taking place everywhere.

36. To move from standard-setting to the implementation of standards and norms is the aim of this recommendation and, for that purpose, areas are defined and indicators are given that are meant to help states in their task to work for gender equality.

37. This task must be accomplished not only at the level of state institutions, but in society as a whole, including the active involvement and responsibility of non-state actors, as clearly expressed in the CEDAW Convention – Article 2 e) – when requiring State Parties “to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise.”

### **4.3 – Provisions of the recommendation**

#### **A – General Standards**

##### **1. Gender equality as a principle of human rights and a government responsibility**

38. In the Declaration on Equality of Women and Men, adopted by the Committee of Ministers of the Council of Europe in 1988, it is clearly stated that “equality of women and men is a principle of human rights, upheld as a fundamental right in many international instruments”. It is further acknowledged that “sex-related discrimination in the political, economic, social, educational, cultural and any other fields constitutes impediments to the recognition, enjoyment and exercise of human rights and fundamental freedoms”.

39. Similar views have also been expressed by various instruments and programmes of action adopted by the wider international community, including the formal recognition that women’s human rights are an inherent part of universal

human rights that states must uphold, respect and promote. That is the case of the Vienna Declaration and Programme of Action of 1993, of the Cairo Programme of Action of 1994 and, particularly, of the Beijing Declaration and Platform for Action of 1995, which is viewed as “an agenda for women’s empowerment” that requires “a strong commitment on the part of governments, international organisations and institutions at all levels.”

40. The scope of states’ responsibility in the promotion of gender equality is clearly established in human rights treaties, both gender specific ones, like the Convention on the Elimination of All Forms of Discrimination against Women, which encompasses all areas of life with its core articles (1 to 5) being reflected in all the sectorial provisions, as well as in the general ones, like the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, where a substantive provision on gender equality (Article 3) covers all the rights enshrined therein. The same happens in regional treaties, like the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Revised European Social Charter, where Article 14 and Article E, respectively, guarantee the enjoyment of all the rights with no discrimination on any grounds including sex.

41. In this vein, it is clear that promotion of gender equality is a responsibility of the state and that it must work towards its achievement, not only through the elimination of discrimination on the grounds of sex, but also through the adoption of proactive and consistent policies and programmes of a global and horizontal nature, encompassing all policy areas and all levels of governance.

42. In line with these requirements, such policies must also be seen in a human rights framework and, as such, there can be no economic, social or political circumstance invoked to impede the active pursuit of gender equality or the enjoyment by all persons, women and men, of their human rights. On the other hand, because what is at stake in the elimination of discrimination based on sex and achievement of gender equality is the enjoyment of human rights, no custom or tradition that goes against these rights should be accepted or tolerated. The measures taken to eradicate these traditions or customs must be complemented by appropriate measures aimed to meet the specific needs of the women concerned.

## **2. Gender equality as a concern and responsibility of society as a whole**

43. The responsibility of the state, being of a primordial nature, is not exclusive. The pursuit and achievement of gender equality involves and challenges all the living forces of any given society, both private and public sector organisations, women’s and human rights organisations, youth organisations, academic and research institutions, political parties, social partners, etc. And above all, it involves women and men, whose lives are deeply affected by the existence or denial of gender equality in all

areas of life. Gender equality requires, therefore, a structural change that affects all and for which all are bound to contribute.

44. This view has been confirmed by the international community, namely in the Beijing Platform for Action of 1995 and in the outcome document of the special session of the General Assembly in 2000, as well as in the Political Declaration from the 49th session of the United Nations Commission on the Status of Women in 2005. These have consistently reaffirmed the necessary multifold involvement of all social actors in all efforts to achieve gender equality.

45. On the other hand, because it is a requirement of democracy and of social justice, the process of its achievement must be constantly monitored and assessed, through the means of objective instruments and indicators. Among those, the assessment of women's and men's presence in the leading bodies of institutions and of civil society organisations, the identification of obstacles to equal participation of women and men in those instances, the search of solutions and plans to overcome these, etc.

46. Gender equality plans, including practical measures, targets and time frames of implementation are essential tools to pursue this process and they must be obligatory in political and administrative institutions. As for civil society institutions, encouragement for their adoption in a voluntary manner must also be pursued.

47. Achievement of gender equality is a joint and common effort of all sectors of society and only through their co-operation will historical and cultural inequalities between women and men be overcome and will change be effective.

### **3. Commitment, transparency and accountability in the achievement of gender equality**

48. Elimination of discrimination on the grounds of sex and the progressive achievement of equality of the sexes is not an easy nor a linear task. It requires strong political will and commitment, as it is not bound to happen easily in a natural way. Gender equality challenges a status quo that has long-lasting historical and cultural roots. For that reason, the commitment by states towards the achievement of gender equality must be strong and sustained.

49. Its pursuit must be planned, monitored and carefully assessed. A true knowledge of reality and the identification of obstacles is the first step; the will to change and the adoption of plans and programmes, with targets and time frames, is the second; and the regular monitoring and assessment of progress is the third.

50. In this process, for which governments are accountable before their citizens, total transparency must be the rule: transparency at political level with regard to political partners, namely the parliament at national level and other representative bodies at other levels of power; transparency also with regard to all non-state actors,

namely civil society organisations and media organisations, that can function as positive channels of information and communication, and whose co-operation and interest is essential to achieve social change.

#### **4. Ratification of relevant treaties and implementation of all relevant international legal instruments**

51. International human rights instruments, including gender specific human rights instruments, constitute the codified and internationally accepted set of standards for the achievement of gender equality. They must function as the framework, guidelines and directives for ratifying states in their efforts to build gender equality and to protect and promote the human rights of men and women on equal terms.

52. Such instruments can have a different character and a different way of dealing with gender equality concerns. They can be of a general nature with specific and cross-cutting provisions on non-discrimination or on gender equality that influence all the other provisions, as is the case of the Universal Declaration on Human Rights (Article 2) and the International Covenants on Economic Social and Cultural Rights (Article 3) and on Civil and Political Rights (Article 3) or the Convention on Human Rights and Fundamental Freedoms (Article 14) and its Protocol 12 or the Revised European Social Charter (Articles 20 and E); they can also deal with general problems but include a gender dimension in all or most of its provisions, as is the case of the Council of Europe Convention on Action against Trafficking in Human Beings; or they can be of a gender specific nature, like the UN Convention on the Elimination of All Forms of Discrimination against Women.

53. Ratification of all the significant international legal instruments is, in all cases, to be considered as a demonstration of serious commitment and as a pre-requisite for serious action. A ratification must be without reservations; or, if reservations are justified at the time of ratification or accession, work must be done without delay in order to allow for their withdrawal as soon as possible. On the other hand, attention must be paid to the reservations put forward that should never be incompatible with the object and purpose of the treaty in question.

54. A further step, when international instruments are not directly applicable after ratification, is their immediate incorporation into national law, whatever the system to achieve it may be, and their pro-active implementation.

55. Fundamental as they are, these instruments, which are the letter of the law, must become practice in the real life of the people concerned. Bringing rights into effect is the ultimate aim of these instruments and of their acceptance. Such a process must be regularly monitored, both nationally, through regular mechanisms of evaluation, and internationally, through the timely fulfilment of reporting obligations.

**5. Adoption and effective enforcement of gender equality legislation and integration of a gender perspective in legislation in all areas**

56. The equal right of women and men to the enjoyment of civil, political, economic, social and cultural rights, like all human rights laid down in the international legal instruments, imposes on states the legal obligation to respect, protect and fulfil this right.

57. The obligation to respect requires that member states adopt laws, policies, administrative measures and programmes which shall result in the ability of women and men to enjoy their human rights on a basis of equality.

58. The obligation to protect requires that member states adopt constitutional and legislative provisions and administrative measures and programmes for the elimination of all forms of direct and indirect discrimination based on sex, as well as establishing public institutions, agencies and other bodies to protect women against discrimination and to promote gender equality.

59. The obligation to fulfil requires that member states take all necessary steps to ensure that women and men, in practice, enjoy their human rights on an equal footing, including measures such as availability and accessibility of appropriate remedies, effective sanctions for the infringement of the gender equality principle including through extrajudicial resolving of a dispute and alternative dispute resolutions, development and full implementation of policies and programmes for the achievement of substantive gender equality which shall have a long-term effect and which may include specific actions, such as positive actions and special temporary measures.

60. International legal instruments aimed at protecting and promoting the human rights of women and men on equal terms and including gender equality as an integral aspect oblige State Parties to enact and enforce legislation to guarantee these rights. However, despite the important progress achieved, these international commitments are not yet consistently reflected in national legislations. Very often, international standards are not properly considered when introducing them in national legislation, due to a misconception that gender equality is limited to the equality before the law and/or merely to the prohibition of discrimination based on sex.

61. The understanding and the use of international law in advancing gender equality at the national level is especially important where international law can be applied directly. The principle of equality of women and men is fundamental to the enjoyment of each of the specific human rights of women and men, therefore failure to ensure *de jure* and *de facto* gender equality constitutes a violation of human rights.

62. Enforcement mechanisms to investigate and address alleged violations relating to gender equality and prohibition of discrimination based on sex must provide remedies for such violations. Cases of alleged sex-based discrimination complaints often



involve situations in which it is in the interests of all parties concerned to preserve their relationship if possible, while resolving the dispute (e.g. disputes between employer and employee). To improve access to justice in the field of gender equality the use of conciliation, mediation or arbitration should also be promoted. Reporting of many Council of Europe member states under the Convention on the Elimination of All Forms of Discrimination against Women and other human rights treaties reveals that very often women do not claim their rights through legal means due to extremely long court or tribunal procedures; therefore, dissatisfaction with legal procedures should also be addressed through developments at institutional level, which might include the establishment of gender equality ombudspersons or other complaint/investigation institutional structures. Such structures might be either entrusted to address all complaints related to the prohibition of discrimination based on sex and to equality matters, or established for dealing with discrimination complaints in specific areas (employment and the labour market).

63. Substantive gender equality implies that laws and their effects, policies and practices do not maintain, but rather alleviate and finally eliminate, the disadvantages that women experience. To overcome the burden of accumulated inequalities and disadvantages of the past which women were or continue to be exposed to, i. e. to attenuate or suppress conditions that perpetuate discrimination based on sex, differential treatment expressed in positive actions and temporary special measures must be made possible in the national legislation.

64. The most appropriate ways and means of implementing the obligations under international human rights treaties and other international commitments vary from one member state to another. Every state has a margin of discretion in implementing appropriate measures to comply with their obligations to ensure gender equality. But among other things, they must develop and implement monitoring mechanisms to ensure that implementation of internal laws does not have unintended adverse effects on disadvantaged or marginalised individuals or groups, particularly women. In addition, all existing laws and draft laws should be subjected to systematic review by institutions with proven expertise in the field of gender equality to ensure that no discriminatory provisions are maintained in existing legislation or adopted in new or amended legislation. While individual, in-depth legislative reviews by a variety of experts are always helpful, a standardised approach will systematically and regularly ensure that legislation does not include direct or indirect discrimination based on sex.

65. Jurisprudence evolves; priorities shift and institutional frameworks are continuously retailored to new challenges posed by these dynamic changes. The development of legislation and its efficient implementation, therefore, requires the formulation and implementation of guidelines aiming at the inclusion of a gender perspective throughout this process. Such a gender perspective must be systematically

and properly considered in the drafting of legislation and in the designing of policies and their implementation. These obligations are cross cutting and apply to all areas and all aspects of life of women and men.

#### **6. Elimination of sexism from language and promotion of language that reflects the principle of gender equality**

66. In 1990, when the Committee of Ministers of the Council of Europe adopted the Recommendation No. R (90) 4 on the elimination of sexism from language, languages spoken in many of its then member states subordinated women to men by giving the masculine gender precedence over the feminine and frequently assuming that the masculine stood for the universal, therefore encompassing men and women. Despite progress achieved, particularly in legal texts, more than 15 years after the adoption of the recommendation such practice is still present in many languages of the Council of Europe member states.

67. Keeping with the work on the promotion of gender equality of the Council of Europe and with positions of international organisations at world level, member states are requested to adopt measures, aiming at the creation of the most favourable conditions for the achievement of gender equality. Among these conditions, cultural environment is very important and entails adaptation of the language to bring it in line with the psychological, social and cultural changes in women's and men's lives and with the respect, protection and promotion of gender equality.

68. Member states must, therefore, adopt guidelines addressed to all the actors involved, requiring that language used in official documents, including legal texts as well as texts regarding public policies and programmes, in communication of public services with individuals, in education and in the media give women and men and their activities equal value and equal visibility. Member states should also encourage the media to use non-sexist language. Such language can be used for example through: replacement of the masculine form when it is used as a universal/generic neutral term with a word which has no sexual connotation, or use of the masculine and feminine forms; use of a neutral formulation, where available, to denote groups, consisting of women and men, or else use of feminine and masculine forms side by side; elimination of the use of appellations by which women and men are described through their relationship (widow, spouse etc.), which should be used only when necessary for achieving a legitimate aim.

69. Monitoring of implementation of these guidelines must be carried out by gender equality institutions or specially dedicated structures.

70. Through a systematic daily use of non-sexist language, particularly in the public sector and in all forms of education as well as in the media, which are the leading vectors of social change, the Council of Europe member states will substan-

tially contribute to the elimination of obstacles to achieve substantive gender equality.

71. At world level, similar concerns have been expressed and particular reference should be made to UNESCO guidelines on the same matter that go back to the end of the 1980s (see *Guide to Non-Sexist Language*, 1987, and later, *Guidelines on Gender-Neutral Language*, 1999) and have been regularly recalled in resolutions of its General Conference.

## **B – Standards in specific areas**

### **1. Private and family life**

72. Equality of women and men in private and family life is a generally accepted principle in international thinking and in legal instruments, both Council of Europe instruments including the *Convention on Human Rights and Fundamental Freedoms* (Articles 8 and 12) and its *Protocol 7* (Article 5) and the *Revised European Social Charter* (Articles 16, 20 and 27), as well as United Nations instruments, like the *Universal Declaration on Human Rights* (Article 16), the *International Covenant on Economic, Social and Cultural Rights* (Article 10) and the *International Covenant on Civil and Political Rights* (Article 23), the *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages* and the *Convention on the Elimination of All Forms of Discrimination against Women* (Article 16). The principle of equality of women and men in private and family life includes equality in marriage and family relations, namely the right to freely choose a spouse and enter marriage with free and full consent, the same rights and responsibilities during marriage and at its dissolution, the same rights and responsibilities as parents with regard to their children, the same rights with regard to ownership and administration of property, etc.

73. The last decades have witnessed deep social changes and changes in family life styles and family relations. An increasing participation of women in the labour market and in economic life in general has contributed to these changes and even if such participation is positive in terms of a new paradigm that can bring about a new situation of equality of women and men, it is, however, true that such equality has been hampered by a non-equivalent development regarding the role of men within the realm of private and family life.

74. Changes have occurred in the sense of a greater sharing of the public space between women and men, but such sharing has not occurred to the same extent within the private and family sphere. Developments have, therefore, been ambiguous for women. They share the world of work with men to a large extent, although often ex-

periencing direct and indirect forms of inequality within it, while they keep a disproportionate share of the work at home and of the family responsibilities.

75. On the other hand, the value of unpaid work, mainly performed by women in the private sphere, is not always fully acknowledged, namely in cases of separation and divorce, often placing women at a disadvantage. Gender stereotypes on women's and men's roles that remain, in spite of the current changes in such roles, is another factor contributing to gender inequality in this realm.

76. In some cases, serious violations of personal rights in this domain also occur, namely regarding the occurrence of forced and early marriages apparently taking place in certain communities in European countries. They can affect women and men but women, mainly young women, are particularly at risk due to their subordinate position in society and in such communities.

77. In all these cases, the effective enjoyment of equal rights within the family and in family relations, as foreseen in international guiding principles, namely the Convention on the Elimination of All Forms of Discrimination against Women, can be deeply affected and governments have an obligation to address these inequalities in an effective way.

78. Some requirements that indicate states' political will and commitment to do so are indicated in the present recommendation.

## **2. Education, science and culture**

79. The right to education is a human right that must be enjoyed by women and men on an equal footing. It regards both the access to education on the one hand, and equal opportunities with regard to educational choices and educational achievements on the other.

80. Women's access to education in European countries is generally equivalent to that of boys in numerical terms, girls even being the majority at different levels of the school system in a number of countries. Beyond this quantitative equality, however, other types of inequality still remain in most, if not all, European societies regarding the prevailing stereotypes on women's and men's roles and their regular transmission to the new generations, namely through the functioning of the school system.

81. Such stereotypes are reflected in educational materials, as well as in teachers' and educators' lack of gender awareness and biased expectations of boys' and girls' capabilities and appropriate fields of study for each sex, thus leading to differentiated professional choices and potentially unequal future prospects. The fact is that, even if there is no direct discrimination against girls and women in access to the school system, there are, certainly, indirect forms of discrimination reflected in what is usually called "hidden curricula".

82. Awareness of these facts has progressively grown and legal provisions, guidelines and plans of action have been put forward. The Universal Declaration on Human Rights (Articles 26 and 27) and the International Covenant on Economic, Social and Cultural Rights (Articles 13 and 15) at world level and the Protocol to the European Convention on Human Rights (Article 2) and the Revised European Social Charter (Articles 10, 17 and 20) at European level enshrine the right to education, training and personal development for all. As early as 1979, the Convention on the Elimination of All Forms of Discrimination against Women, particularly in Article 10, drew a rather complete picture of states' obligations to eliminate discrimination on the grounds of sex and to ensure equal rights for women and men in the field of education, including the same conditions for career and vocational guidance, the same curricula and examinations, the elimination of stereotyped concepts of women's and men's roles, the same access to continuing education, the same opportunities to participate in sports and physical education, etc.

83. The Beijing Platform for Action, in 1995, under the "critical area" entitled "Education and training of Women" underlines the less visible forms of discrimination when it refers to the need to create "an educational and social environment, in which women and men, girls and boys, are treated equally and encouraged to achieve their full potential [...] and where educational resources promote non-stereotyped images of women and men."

84. This concern is valid for all levels of the educational system, formal and non-formal, and the creation of such an environment is an obligation of the state that requires, among other aspects, the inclusion of the principle of gender equality in the national framework legislation on education and training and of a gender perspective in educational and capacity-building policies. This requirement is not in contradiction with the autonomy of high-level academic institutions, as they must also be bound by the principle of gender equality as a principle of human rights and accountable for its full implementation. Such implementation also requires that a regular assessment be made of the presence of girls and boys, women and men, not only at the different educational levels, including in post-graduate and research programmes, but also in the different areas of knowledge, particularly science and technology, where women's presence has been traditionally lower. Finally, it also requires a consistent effort of awareness-raising on gender equality addressed to the general public, aiming at cultural change with regard to stereotyped views of women and men and their roles in society.

### **3. Economic life**

85. Women's right to participation in employment and in economic life in general, on an equal footing with men, is a fundamental principle recognised in the relevant

international legal instruments. Such participation includes a variety of aspects that have been progressively considered in those instruments. At world level, the Universal Declaration on Human Rights (Article 23), the International Covenant on Economic, Social and Cultural Rights (Articles 7 and 10), a number of conventions of the International Labour Organization (100, 111, 156 and 183) and the Convention on the Elimination of All Forms of Discrimination against Women (particularly Article 11) include general and specific provisions in this regard.

86. Provisions related to non-discrimination in employment and occupation, equal remuneration for equal work or work of equal value, the right to the same employment opportunities, including the application of the same criteria for selection, the right of free choice of profession and employment, the same right to career development and promotion, job security and all benefits and conditions of service, the right to vocational training, as well as the prohibition of discrimination against women on the grounds of marriage and maternity, and the protection of maternity and family responsibilities are some of the provisions considered in these instruments.

87. Also at European level, both within the Council of Europe and the European Union, similar concerns have been taken up and legal and policy standards have been adopted with regard to several dimensions of gender equality in the world of work and in economic life. At Council of Europe level, the Revised European Social Charter (Articles 1, 4, 8, 20, 26 and 27) is the main legal instrument on matters related to labour and social and economic rights and includes specific provisions on the right to equal opportunities and equal treatment in matters of employment and occupation, without discrimination on the grounds of sex. It further considers that a differential treatment based on an objective and reasonable justification is not to be deemed discriminatory, a provision that opens the door to the possibility of positive action to accelerate equality.

88. At European Union level, the EEC Treaty as amended by the Treaty of Amsterdam, several directives since 1975 and the Charter of Fundamental Rights include specific provisions on this matter, namely regarding equal pay, equal treatment as regards access to employment, vocational training, promotion and working conditions, pregnancy and maternity protection, paternity and parental leave, reversal of the burden of proof in cases of sex-based discrimination, etc., as well as in the access to and supply of goods and services.

89. The subject of gender equality with regard to economic life has been discussed at the 6th Ministerial Conference on Equality of Women and Men of the Council of Europe (Stockholm, June 2006), which adopted the theme “Human Rights and economic challenges in Europe – gender equality”. The resolution and action plan adopted by the conference, while recognising the global and comprehensive nature of

gender equality requirements, also emphasised its impact in terms of economic development.<sup>13</sup>

90. Notwithstanding these extensive international standards and guidelines and also national legislation aiming at the effective application of these principles, the fact is that the situation on the ground is often one of persistent discrimination against women, both direct and indirect.

91. As recognised by the Beijing Platform for Action, this is a particularly critical area and one where the situation of women has undergone profound changes in the last decades. In many countries there has been a rapid increase of the number of women entering and staying in the formal labour market, a fact which in itself can be considered as a positive indicator with regard not only to democratic participation, but also to women's self-realisation, economic independence and autonomy to determine their own lives. However, their status in employment and economic life in general remains one of inequality in relation to that of men.

92. Even when holding higher qualifications, this fact is not reflected in an equivalent way in their situation in the world of work, particularly when it comes to access to decision-making levels; but also with regard to job access, situation within the profession, career development or remuneration; here, too, they face specific obstacles which render their situation an unequal one, contrary to the principles of democracy and social justice.

93. A renewed effort by states is necessary to adopt or improve and fully implement legal provisions in line with the defined standards; to sanction their non-observance or violation; to devise and adopt more effective policies and closely monitor their application. The non-exhaustive list of indicators included in the recommendation may be a useful instrument to achieve change in this field.

#### **4. Political and public life**

94. It is generally recognised that full and equal participation of women and men in political and public life, including at decision-making level of its institutions – governments, parliaments, regional and local power institutions, public administration and government consultative bodies – is both a requirement of democracy and a sign of its effective functioning.

95. At world level, the Universal Declaration on Human Rights (Article 21) and the International Covenant on Civil and Political Rights (Article 25) proclaim the right of all persons to take part in public affairs and political life and the Convention on the Elimination of All Forms of Discrimination against Women, which all member states

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13. See also Recommendation 1700 (2005) of the Parliamentary Assembly of the Council of Europe on discrimination against women in the workforce and the workplace

of the Council of Europe have ratified, clearly mandates, in its Article 7, that “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country...”.

96. Also, the Beijing Platform for Action, under the “critical area” entitled “Women in power and decision making” states that “achieving the goal of equal participation of women and men in decision making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning.”

97. At European level, the same matter has been one of the main trends of the Council of Europe’s vision on gender equality since the 1980s. Several Ministerial Conferences on Equality between women and men have adopted guidelines aiming at such participation (Strasbourg, 1986, Vienna, 1989, Istanbul, 1997).

98. In 1993-1994 a “Group of Specialists on Equality and Democracy” was mandated to make an in-depth theoretical and political study of the linkages between the concept of democracy and the demand for real equality between women and men and developed the concept of parity democracy that, while applying significantly to the area of political participation, is also relevant for all the other areas of social life.

99. More recently, the Committee of Ministers took a stand on the matter when adopting Recommendation Rec (2003) 3 on balanced participation of women and men in political and public decision making. It is a very encompassing document which brings to the fore the foundations of equal participation and points to the measures that are needed, legal, administrative and supportive measures, as well as to their necessary monitoring, in order to guarantee that progress in this area is achieved.<sup>14</sup>

100. At European Union level the matter of a balanced participation of men and women in decision making has also been taken up in Resolution 95/C168/02 of 27 March 1995 and Recommendation 96/694/CE of 2 December 1996 of the European Union Council.

101. States’ responsibility in this regard is, therefore, very clear and the adoption of the necessary measures to face it is not optional, but a serious obligation. Wherever there is a situation of democratic deficit with regard to such participation – and such is the case in the great majority of European countries – they have to create the legal, political, administrative and social conditions to promote and ensure equal participation of women and men in political and public life, as participation of both sexes on a parity basis is a fundamental requirement of a parity democracy. The present rec-

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14. See also: Resolution 1348 (2004) of the Parliamentary Assembly of the Council of Europe on gender balanced representation in the Parliamentary Assembly; Recommendation 1676 (2004) on women’s participation in elections; Recommendation 1738 (2006) and Resolution 1489 (2006) on mechanisms to ensure women’s participation in decision making.



ommendation lists some of the main elements that demonstrate states' political will and commitment to fulfil this responsibility.

### **5. Reconciliation of private/family life and professional/public life**

102. The matter of reconciliation of private/family life and public/professional life is deeply linked to all the social changes of the last decades: changes related to the organisation of family life and to the increasing participation of women in professional life; the diminished support in relation to childcare on the part of older generations as older women are often members of the labour force themselves; the increasing expectancy of life with older dependants requiring new forms of support, mainly performed by women, etc.

103. Time use surveys undertaken in a number of countries show persisting imbalances in the sharing of tasks between women and men, particularly in the private sphere, thus creating a situation that has negative consequences for women, both as regards their professional opportunities and their participation in political and public life.

104. Awareness of this situation has grown in the last decades, being progressively acknowledged by international organisations in recommendations and programmes of action. Of course, international norms regarding maternity protection as well as regarding some rights of workers with family responsibilities have existed for a considerable time and, more recently, paternity and parental protection rights are also being acknowledged.

105. At world level, a firm concern about the issue of reconciliation of both aspects of life, as particularly affecting women due to their traditional responsibilities and persisting gender roles, is already included in the Convention on the Elimination of All Forms of Discrimination against Women which considers, in Article 11.2, that States Parties must take measures "to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities."

106. The same concern was later expressed in the Beijing Platform for Action (PFA) and reinforced in the outcome document of the special session of the General Assembly usually called Beijing +5. The PFA, within the section on "Women and the Economy" states that: "The lack of a family-friendly work environment, including a lack of appropriate and affordable childcare, and inflexible working hours further prevent women from achieving their full potential."

107. In earlier years, the ILO Convention No. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsi-

bilities has put forward guidelines in this regard which, together with maternity protection conventions, particularly Convention No. 183 concerning the revision of the Maternity Protection Convention (Revised) 1952 of 2000, also give a significant framework for protection of the right to reconcile professional and family life.

108. Other organisations, including the Council of Europe and the European Union, have paid particular attention to this problem, which must be envisaged as one of the great challenges of our time, not only with regard to equality, but also with regard to the quality of life for all and the welfare of children.

109. Both the Revised European Social Charter (Article 27) and the Charter of Fundamental Rights (Article 33) include specific provisions related to the issue of reconciliation of professional and family life, namely dealing with maternity protection measures and protection of workers with family responsibilities.

110. Of specific relevance in this regard, as they take into account the more global and structural approach to the matter, are Recommendation No. R (96) 5 on reconciling work and family life adopted by the Committee of Ministers of the Council of Europe in 1996 and the European Union Resolution of the Council and of the Ministers for Employment and Social Policy on the balanced participation of women and men in family and working life adopted in 2000.<sup>15</sup>

111. On the whole, these international documents point to the question of reconciliation of private and professional life as a global issue that involves many aspects of life and of social organisation, including matters of maternity/paternity protection for workers, both women and men, of provision of childcare and family support systems, of a new organisation of working life, including flexible forms of work and the establishment of family-friendly working environments envisaged as a social responsibility of employers, of a new organisation of family life by a more balanced sharing of tasks by women and men, of promotion of awareness-raising actions to change stereotyped views of sex roles and achieve the structural change that is needed to overcome the present difficulties.

112. In this regard it is the responsibility of the state to view the issue of reconciliation of professional/public and family/private life as a political issue that has to have a political response. Essential elements to assess progress in this field are included in the recommendation.

## **6. Social protection**

113. Social protection is very important for the well-being of all citizens, women and men, their families, male and female workers and the entire community. It is a

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15. See also Recommendation 1769 (2006) of the Parliamentary Assembly of the Council of Europe on the need to reconcile work and family life.

basic human right and a fundamental means for effectively promoting and maintaining social cohesion; it is, therefore, an indispensable part of government social policy and an important tool to prevent and alleviate poverty. It also contributes to human dignity, social justice and equality, and is important for political inclusion and empowerment of women and men and the development of democracy.

114. The equal rights of women and men in the enjoyment of social protection are enshrined in the main international human rights instruments. At world level, the Universal Declaration of Human Rights (Article 22) proclaims the right of everyone to social security, while the International Covenant on Economic, Social and Cultural Rights guarantees a set of social rights encompassing the right to the widest possible protection and assistance to the family (Article 10), to adequate standard of living for everyone and his or her family, including adequate food, clothing and housing, and to the continuous improvement of living conditions (Article 11) which are, according to the essence of Covenant's article on equal right of women and men (Article 3), expressly recognised for women and men on an equal footing. States are therefore obliged to take suitable measures to ensure that women have the opportunity to exercise their rights.

115. The United Nations Convention on the Elimination of All Forms of Discrimination against Women, to which all member states of the Council of Europe are Parties, establishes cross-cutting obligations in its Article 2 and Article 3, which apply to all rights guaranteed in the Convention, including those related to social protection (Article 11, 13, 14, 15, 16). The right to social protection is also part of the International Labour Organisation's mandate and is enshrined in a series of ILO Conventions.

116. Equal treatment of women and men in social protection is also dealt with in Council of Europe human rights instruments. The European Revised Social Charter guarantees the right to social security to all workers and their dependants (Article 12), the right to social and medical assistance to anyone without adequate resources (Article 13), the right to social services (Article 14), the right to protection against poverty and social exclusion (Article 30) and the right to housing (Article 31) for everyone, and provides for specific measures in terms of social security and social services for women and men workers with family responsibilities (Article 27), to name some of the most relevant provisions concerning social protection. Furthermore, pursuant to Article E of the European Revised Social Charter, enjoyment of the rights set forth in the treaty shall be secured without discrimination based on sex.

117. The European Union legislation also covers equal treatment of women and men where social security is concerned. The directives adopted since 1979 ensure equal treatment of women and men in the state systems and company or occupational social security schemes that provide cover against illness, invalidity, unemployment

and accidents and retirement pensions. Equal treatment of women and men applies not only to wage-earners and the self-employed, but also to farmers and the freelance professionals and women and men who, because of illness, accident, unemployment or retirement, are no longer in paid employment.

118. The gender equality principle is crucial as far as universal social security schemes are concerned. However, women are often at a disadvantage with regard to their pensions due to periods of absence related to family responsibilities. Social security should not simply apply to guaranteeing equal treatment for women and men, but should go further to grant women an improved situation in society. Measures should be taken to redress consequences of discrimination and their impact on women. Measures aimed at equitable outcomes of social protection policies should take account of the negative and cumulative impact of women's experiences in terms of employment and career development, such as the average lower pay and career interruptions for maternity, childcare and care for the elderly. Women are also more likely to be engaged in part-time work or casual work. Due to these factors, benefits based on employment clearly result in outcomes disadvantaging women. Women are sometimes also subject to cultural constraints that may hamper their access to financing, inheritance and property rights, which may contribute to their need of social protection.

119. The right to social security should be an individual right, which is not dependent on a partner's or spouse's entitlement. In cases of family break-up or divorce, equity in benefits splitting should take into account who provides care for dependants. Family-friendly working places, childcare and elder-care facilities and other forms of social infrastructure are important as well. The economic interests of women must be fully safeguarded and equal pay for work of equal value is crucial. Active labour market policies must include job creation for women and support measures to ensure sustained participation in labour market. In broader terms, gender equality includes equal access to education, training and health care. Women must have adequate information to make informed choices.

120. The provision of affordable, quality childcare is also important in the framework of social protection, as is the parental leave provided to both women and men. Child benefits are also a priority issue. States must also develop specific policy responses to enable reconciliation between work and family life. Sex-differentiated actuarial tables based on different life expectancies of women and men in calculating annuity rates also result in different pension payments for women and men.

121. The human right to an adequate standard of living is of central importance for the enjoyment of all civil, political, economic, social and cultural rights. Due to the perpetuating existence of gender inequalities, women face many problems of one kind or another in relation to an adequate standard of living. Their single-parent status

or living in rural areas, their experience of various forms of violence against women or isolation due to socioeconomic status particularly affect their standard of living and often prevent them from enjoying this right.

122. The achievement of gender equality in social protection implies various measures; it may also require positive actions in some areas. Social security systems must also address gender perspectives of the HIV/AIDS and other health hazards.

123. In addition, all policy proposals for social security and social assistance schemes should be subject to gender impact assessment and monitoring should be developed to ensure that social security schemes do not lead to discriminatory outcomes. Gender equality in social security reform should be an explicit goal.

124. States' responsibility in ensuring gender equality in social protection and employing further efforts to integrate a gender equality perspective in its responses to social security and social assistance systems is very clear. A gender equality perspective must be integrated in all rights, obligations, measures and transfers whose primary goal is to guarantee access to health and social services and to provide income security to help women and men to cope with risks of life, such as loss of income due to invalidity, old age or unemployment, prevent or alleviate poverty and promote social changes and problem solving in human relationships. The issue of individualisation of rights must also be considered and circumstances when it may be more favourable for gender equality and/or women must be assessed. The recommendation lists some basic elements that states must fulfil for achieving the goal of gender equality in this field.

## **7. Health, including sexual and reproductive matters**

125. The right to health, including sexual and reproductive health, and other human rights that need to be promoted and protected in order to ensure that women enjoy the highest attainable standard of health on equal terms with men are protected in a number of international human rights instruments.

126. At world level, Article 25.1 of the Universal Declaration of Human Rights affirms that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family". The International Covenant on Economic, Social and Cultural Rights recognises "the right to everyone to the enjoyment of the highest attainable standard of physical and mental health" (Article 12.1), while steps to be taken by the States Parties to achieve the full realisation of this right are enumerated in Article 12.2. The Convention on the Elimination of all Forms of Discrimination against Women, to which all member states of the Council of Europe are a party, recognises that the unequal status of women hampers their equal access to adequate health care and accordingly obliges the State Parties to ensure that women have access to health care on an equal basis with men (Article 12). This Convention

is the first international human rights treaty to make specific mention of access to family planning. Its importance to gender equality and the empowerment of women was reaffirmed in 1994 in the Programme of Action, adopted at the International Conference on Population and Development and in 1995 in the Beijing Platform for Action, which underscored that “the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence”.

127. A number of other human rights, which must be protected to ensure efficient enjoyment of the right to health, including sexual and reproductive health, such as the right to life, liberty and security, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, the right to be free from sex-based discrimination and the right to benefits of scientific progress, are protected under multiple human rights legal instruments.

128. At European level the Revised European Social Charter guarantees to everyone the right to benefit from any measures enabling him or her to enjoy the highest possible standard of health attainable (Article 11). Pursuant to its Article E, enjoyment of this right must be secured without discrimination on the grounds of sex.<sup>16</sup>

129. The Beijing Platform for Action identified “Women and Health” as one of the critical areas of concern and defined five strategic objectives: increase women’s access throughout the life cycle to appropriate, affordable and quality health care, information and related services; strengthen preventive programmes that promote women’s health; undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues; promote research and disseminate information on women’s health; increase resources, and monitor follow-up for women’s health.

130. The Beijing Platform for Action puts a strong emphasis on women’s sexual and reproductive health and provides a basis for addressing violence against women as a health concern. The link between health and human rights and the recognition that promoting health requires awareness of the everyday and intimate nature of gender inequality, gender socialisation and violence against women was further highlighted at the first European conference on health and human rights in 1999.

131. There are no doubts that progress achieved in eliminating discrimination against women and promoting gender equality is having a positive impact on women’s health. But there are complex and multi-faceted patterns of inequalities that

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16. See also Recommendation 1675 (2004) and Resolution 1399 (2004) on a European strategy for the promotion of sexual and reproductive health and rights.

still characterise the relations between women and men and influence their health and the ways in which women and men are treated by the healthcare systems.

132. Lack of comprehensive programmes of activities in the health and education sectors, as well as in the broader political, economic and legal domains hampers the ability of women and men to achieve sexual health as a necessary underlying condition for reproductive health, relevant throughout the life span and not only during the reproductive years.

133. States must also specifically consider the situation of minority women, migrant women and women with disabilities, because they may face additional risks to their health by reason of their specific situations.

134. States' responsibility to ensure efficient promotion of health for all, including reproductive and sexual health and the enjoyment of the right to the highest attainable standard of health requires the establishment of equal access for women and men, particularly young people, to information, counselling and advice related to health and sexual and reproductive health matters and availability of health, sexuality and reproductive health education, tailored to adequately address specific situations, which increase levels of vulnerability and risk factors (such as poverty and social exclusion, mental and/or physical disabilities, homelessness, violence etc.), and which might seriously hamper individual health and well-being.

135. The right to health in all its forms and at all levels contains four essential and interrelated elements: 1) availability of health and healthcare facilities, goods and services, as well as programmes; 2) accessibility to them by everyone without discrimination (by all sections of the population, especially vulnerable or marginalised groups, such as ethnic minorities, older persons or persons with disabilities and persons with HIV/AIDS); 3) acceptability, which implies that all health facilities, goods and services must respect the culture of individuals, minorities, and communities and must be sensitive to gender and life-cycle requirements, as well as being designed to respect confidentiality; 4) and quality, which requires, *inter alia*, skilled personnel, scientifically approved and unexpired drugs and equipment and adequate sanitation.

136. Gender differences do not only influence health itself but are also evident in the ways in which women and men are treated by the healthcare systems. Most medical and health-related research continues to be based on the unstated assumption that men and women are physiologically similar in all respects, apart from their reproductive system. The consequences of this approach (which ignores other biological and social differences) is the generation of knowledge that reflects a male perspective in various ways; it prevails in the topics addressed, methods used and the data analysis subsequently produced. The results obtained from such research are often inadequate for

the implementation of gender sensitive policies and continue to compromise the medical care of women.

137. Although there is not enough empirical research and systematic collection of gender disaggregated data, some evidence of gender differences in access to and utilisation of healthcare services and in the quality of care women and men receive indicates the need to develop a more strategic approach to mainstreaming gender into medical research, policies, programmes and projects. A gender approach to health policy planning, delivery, monitoring and evaluation is foreseen as a states' obligation in their commitments to gender equality.

138. States' main responsibilities in this regard are reflected in the list of elements indicating their political will and commitment to gender equality with regard to the health status of women and men and health care available to them.

## **8. Media**

139. The role and responsibility of the media in the promotion of social change for the achievement of gender equality has been emphasised by various international organisations at world and European level and guidelines and strategies have been put forward in this regard.

140. The Beijing Platform for Action under the "critical area" entitled "Women and the media", while recognising that the potential exists for the media to make a far greater contribution to the advancement of women, also stresses some negative aspects of the present reality: on the one hand, the minority presence of women in decision-making places in the media, although their presence at other levels has significantly increased in the last decades; on the other hand, the fact that the media, in many cases, continue to project negative and stereotyped images of women, far behind their actual presence and role in modern societies and there is, therefore, a lack of a gender-balanced view of reality and a lack of gender sensitivity on the part of media agents and media deciders.

141. The platform also stresses the advances in information technologies that have allowed the creation of a global communication network with a new impact upon attitudes and behaviours. As guidelines for action, two strategic objectives are recommended: the first is "to increase in the participation and access of women to expression and decision making in and through the media and new technologies of communication"; the second is to "promote a balanced and non-stereotyped portrayal of women in the media."

142. These objectives, though dating back to a decade ago, are still valid and in line with relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women, namely under Article 5. This article requires that States



Parties take appropriate measures “to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.” It is a requirement that is to be applied to all areas of policy action but one that is certainly particularly relevant with regard to the responsibility of the media themselves and they must adopt and implement regulatory measures, codes of conduct or other forms of regulations in line with this principle. While acknowledging the independence of the media and their freedom of expression and the fact that they are non-state actors, it must be stressed that they are also to be held accountable for the respect and implementation of the principle of gender equality as a principle of human rights, both in their functioning and in the content of their messages.

143. At European level these matters have also been dealt with in the context both of the Council of Europe and the European Union, where action in this field was taken up in the very early programmes of action for gender equality. Recommendation No. R (84) 17 on equality between women and men in the media, adopted by the Committee of Ministers of the Council of Europe in 1984, puts forward the main arguments and guidelines for action. In its view “the media play an important part in forming social attitudes and values and offer immense potential as instruments of social change” and states are responsible to ensure that such potential is fully developed, both as regards substantive content of programmes, including advertising, promotion of research on its impact with regard to sex stereotyping and prejudices, education and training facilities, gender-balanced participation in management and technical areas and in supervisory and decision-making bodies, etc.<sup>17</sup> In the same vein, mention should be made of the Resolution 95/C296/06 of the Council of the European Union and of the representatives of the member states on the image of women and men portrayed in advertising and in the media, of 5 October 1995.

144. The present recommendation includes a list of elements that indicate states’ political will to fulfil their obligations in this field.

### **9. Violence against women**

145. It is generally recognised that violence against women is a serious obstacle to gender equality and that it both violates and impairs or nullifies the enjoyment of human rights and fundamental freedoms.

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17. See also the recent recommendations of the Committee of Ministers on media pluralism and diversity of media content (CM/Rec (2007) 2) and on the remit of public service media in the information society (CM/Rec (2007) 3) which state that “Due attention should also be paid to gender equality issues”.

146. The condemnation of violence against women as an act, which constitutes a violation of woman's physical, psychological and/or sexual freedom and integrity, has enhanced the determination of international organisations and national governments to combat all types of violence against women.

147. At United Nations level, General Recommendation 19 (1992) on violence against women of the Committee on the Elimination of Discrimination against Women notes that gender-based violence is discrimination within the meaning of Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women. On the other hand, the United Nations Declaration on the Elimination of Violence against Women, adopted in 1993 by the General Assembly (Resolution 48/104), provides a very broad and inclusive definition of violence against women, which identifies acts of violence against women in the family, the general community, and perpetrated or condoned by the state, and clarifies that such violence can take physical, sexual and psychological forms. It states: "Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." The declaration also recognises that certain groups of women are at particular risk of being subjected to violence.

148. Different forms of violence, circumstances and environments where they usually take place and actions to prevent and eliminate all forms of violence against women at world level were further elaborated in the Beijing Platform for Action, that considers violence against women as one of the critical areas for the status of women, as well as in other policy documents and resolutions.

149. At European level this issue has been particularly addressed in the last decades from many different aspects in a variety of fields of action within the work of the Council of Europe. The 3rd European Ministerial Conference on equality between women and men (Rome, 21-22 October 1993), which was specifically devoted to this theme, noted "with grave concern that violence towards women is a universal phenomenon which is present in all social strata and societies, independent of their level of development, political stability, culture or religion". In the Final Declaration of the 2nd Summit of the Heads of State and Government of Council of Europe Member States (Strasbourg, 10-11 October 1997), the heads of state and government affirmed their "determination to combat violence against women and all forms of sexual exploitation of women". This commitment was reaffirmed in the Declaration and Action Plan adopted at the 3rd Summit of the Heads of State and Government of Council of Europe Member States (Warsaw, 16-17 May 2005).

150. Within the Council of Europe's responses to violence against women, the Revised European Social Charter includes the protection against violence within the

family under the right of the family to social, legal and economic protection (Article 16). The Final Report of the Group of specialists for combating violence against women, which includes a Plan of Action to combat violence against women, was adopted in 1997. The report states: “violence against women will be eliminated only when men stop using violence and when communities refuse to condone it”. The most specific Council of Europe standard-setting document on this subject is the Recommendation Rec (2002) 5 on the protection of women against violence, adopted by the Committee of Ministers in 2002, which clearly states that “it is the responsibility and in the interests of states as well as a priority of national policies to safeguard the rights of women not to be subjected to violence of any kind or by any person”. Recently the recommendation was complemented with the adoption of indicators to ensure follow-up to the recommendation.<sup>18 19</sup>

151. The Council of Europe has prepared reports and held events to consider the various aspects of violence against women, such as men and violence, forced marriages and domestic violence, thus providing an open forum and sharing of information which have helped to formulate legislation, reforms and specific recommendations and contributed to the development of shared understanding. Most recently, as a follow up to the Warsaw Summit, a Task Force to Combat Violence against Women, including Domestic Violence was set up in 2006 and a Council of Europe Campaign on this theme was launched in November of the same year.<sup>20 21</sup>

152. The mapping of the development of national legislation in the member states of the Council of Europe provides examples of good practices in tackling the issue, but also evidence that many societies tolerate violence against women and perpetuate it in their culture and tradition. It was also noted that perpetrators use violence as a means of dominating and humiliating women and “to consolidate their control”.<sup>22</sup>

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18. For a first assessment of the implementation of the recommendation, see “Combating violence against women – Stocktaking study on the measures and actions taken in Council of Europe member states”, Council of Europe 2006 (CDEG (2006) 3).

19. See also: Recommendation 1582 (2002) of the Parliamentary Assembly of the Council of Europe on domestic violence against women; Resolution 1327 (2003) of the Parliamentary Assembly of the Council of Europe on “so-called” honour crimes; Recommendation 1663(2004) of the Parliamentary Assembly of the Council of Europe on domestic slavery: servitude, au pairs and mail-order brides; Recommendation 1681 (2004) on campaign to combat domestic violence in Europe; Recommendation 1709 (2005) and Resolution 1454 (2005) of the Parliamentary Assembly of the Council of Europe on disappearance and murder of a great number of women and girls in Mexico; Recommendation 1723 (2005) and Resolution 1468 (2005) of the Parliamentary Assembly of the Council of Europe on forced marriages and child marriages.

20. See the Campaign website: <http://www.coe.int/stopviolence/intergov>

21. See also Recommendation 1759 (2006) and Resolution 1512 (2006) of the Parliamentary Assembly of the Council of Europe on parliaments united in combating domestic violence against women.

153. Within the European Union, work aimed at reviewing the implementation of the Beijing Platform for Action by the member states and the EU institutions has taken place and activities on domestic violence against women were developed.

154. Under international law, member states have clear responsibilities for taking action to prevent the abuse of women's human rights, as well as bringing perpetrators to justice and providing support to victims. This means that governments are responsible for legal, political, educational, cultural and practical measures to prevent and eliminate violence against women. The recommendation lists the main elements, which indicate states' political will and commitment in this regard.

### **10. Trafficking in human beings**

155. Various international organisations, both at world level and European level, recognise that trafficking in human beings is a distinct manifestation of violence and a modern form of slavery and that it entails grave violations of human rights and an offence to the dignity and integrity of the human being. This recognition appears in a number of international legal instruments and international political texts and policy documents.

156. While there are very few reliable sources defining accurately the extent of trafficking in human beings, available studies show that it has been growing considerably and that it affects the whole world – women and men, girls and boys – but that most identified victims of trafficking are women, many of them young and even girls. However, international organisations and national governments' responses to this phenomenon are relatively recent.

157. At the level of United Nations, and following the former Convention on the Suppression of Trafficking in Persons and Exploitation of Prostitution of Others, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, laid the foundations for international action against trafficking in human beings. It contains the first agreed and internationally binding definition of trafficking in persons. Other United Nations human rights instruments, particularly the Convention on the Elimination of All Forms of Discrimination against Women (Article 6), the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography and the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, constitute important contributions to combating trafficking in human beings and protecting its victims. The

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22. Information Forum on Ending Domestic Violence: Action and Measures (1998) (Information Forum on National Policies in the Field of Equality between Woman and Men, Bucharest. Doc. EG/BUC (99), Council of Europe.

United Nations has called for the elimination of this phenomenon and assistance to the victims of this form of violence in several reports, resolutions and programmes of action.

158. The Beijing Platform for Action, in particular, called on governments of countries of origin, transit and destination to address the root factors that encourage trafficking in women and girls, “including by strengthening legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures”, ensuring co-operation between all relevant enforcement authorities and institutions, allocating resources for rehabilitation of victims and developing education and training programmes aimed at prevention and protection.

159. At European Union level, two legal instruments, the Council Framework Decision on combating trafficking in human beings, from 2002, and the Council Directive 2004/81/EC, which includes regulation on issuing of the residence permit to third-country nationals who are victims of trafficking in human beings, are relevant in this field. Other initiatives and actions were also undertaken to strengthen the European Union and its member states’ responses to combat trafficking.

160. As for the Council of Europe, being a natural home for the safeguarding and protection of human rights and human dignity, finding solutions to trafficking in human beings, which directly undermines the values on which the Organisation is based, was a natural response. Since the late 1980s the Council of Europe has been setting standards and producing recommendations to its member states and for furthering the work of the Organisation, strategies were devised, studies and research conducted, awareness-raising actions developed, member states encouraged to draw up national action plans against trafficking and technical assistance in reviewing and adapting domestic legislation in this field provided.

161. The first recommendation specifically dealing with trafficking in human beings for the purpose of sexual exploitation was adopted in 2000 (Recommendation No. R (2000) 11 of the Committee of Ministers to member states on action against trafficking in human beings for the purpose of sexual exploitation). It introduces three essential principles for effective actions: co-ordination of actions against trafficking in human beings, both as regards actors and the levels of interventions, a multidisciplinary approach to ensure that all the sectors whose action is essential to counter the activities of traffickers and/or assist victims are involved, and co-operation between state authorities and NGOs, both at national level and between countries of origin, transit and destination of victims.

162. Follow-up activities to the recommendation led to the adoption of a binding international legal instrument, centered on victims’ rights and backed by an independent monitoring mechanism, the Council of Europe Convention on Action against

Trafficking in Human Beings of May 2005. Its added value in comparison to other international instruments is a balance between the protection and promotion of the human rights of the victims of trafficking, including gender equality, and the requirements relating to criminal prosecution.<sup>23</sup>

163. An important number of measures determined in international binding legal instruments may be transformed into national responses to combat trafficking, even in those member states of the Council of Europe which are not yet parties to international conventions. The same applies to the new Council of Europe Convention on Action against Trafficking in Human Beings. Several provisions on prevention of trafficking and protection and promotion of the rights of victims require overcoming inequalities between women and men through specific supporting policies for women, who are more likely to be exposed to violence, and through gender mainstreaming in development, implementation and evaluation of such measures.

164. The present recommendation includes a list of elements that indicate states' political will and commitment to fulfil their obligations in this area of concern.

### **11. Conflict and post-conflict situations**

165. Women still suffer disproportionately in situations of armed and other conflicts and together with children and elderly people constitute the majority of refugees and other displaced persons. On the other hand, the great majority of prisoners of war and disappeared persons are men and this fact in turn has serious consequences for women's lives. During conflicts and in post-conflict situations women (wives, mothers, sisters and daughters of many missing men) often assume a leading role in the community, being the focal point of the family and the guardian of family unity. They are also often victims of violence in armed conflict. But their experience of all the impact that a conflict has on them, their conflict prevention and peace building work and the leadership they demonstrate in rebuilding war-torn societies is under-valued and under-utilised. Furthermore, in a post-conflict reconstruction of society, women often experience a backlash and are seldom present when decisions of national interest are taken.

166. The last 10 years have witnessed a common understanding of the linkages between peace and security, development and human rights, and the international community has acknowledged the importance of women's active participation in the prevention of conflicts, in peace negotiations and post conflict activities.

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23. See also Recommendation 165 (2005) and Resolution 196 (2005) of the Congress of Local and Regional Authorities of the Council of Europe on the fight against trafficking in human beings and their sexual exploitation: the role of cities and regions; Resolution 210 (2006) of the Congress of Local and Regional Authorities of the Council of Europe on the Council of Europe campaign to combat trafficking in human beings.

167. The Beijing Platform for Action devotes an entire section to women and armed conflict. Since then, in order to further progress in the implementation of commitments concerning women and conflicts, the international community has strongly condemned all violations of women's and girl's rights in situations of armed conflict and the use of sexual exploitation, violence and abuse. In 1998 the adoption of the Statute of Rome of the International Criminal Court and its entry into force in 2002 provided that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity are crimes against humanity when committed as part of a widespread or systematic attack directed against any civilian population.

168. In 2000, the Security Council of the United Nations adopted Resolution 1325, which calls for the participation of women in decision making and peace processes, the inclusion of gender perspectives and training in peacekeeping, the protection of women and gender mainstreaming in United Nations reporting systems and programmatic implementation mechanisms. This resolution provides a tool for women to participate equally at all negotiating tables and for the protection of women and girls during armed conflict. On the other hand, this resolution, for the first time, officially endorsed the inclusion of civil society groups, notably women, in peace processes and in the implementation of peace agreements. Since this resolution, reports on UN peacekeeping operations have included information on gender issues and on the situation of women in the respective country.

169. At European level, in 2000 the European Parliament adopted a report on women's participation in the peaceful resolution of conflicts, while the Council of Europe has, since the 1990s, drawn attention not only to the violence suffered by women in conflict situations, but also to their role in conflict and post-conflict situations within the wider context of women's human rights and in the more specific contexts of balanced participation in political and public decision making and gender mainstreaming.

170. The Council of Europe 5th Ministerial Conference on Equality between Women and Men, held in Skopje in 2003, was devoted to "Democratisation, conflict prevention and peace building: the perspectives and the roles of women". The conference adopted two documents, the Declaration and Programme of Action on "Gender Equality: a core issue in changing societies" and a resolution on "The roles of women and men in conflict prevention, peace building and post-conflict democratic processes – a gender perspective", in which the Ministers reaffirmed "the crucial role of women in the prevention and resolution of conflicts, in peace building and in post-conflict democratic processes, as well as in intercultural and interreligious dialogue". The resolution, which in the appendix defines peace-building strategies for changing societies, is a valuable instrument for strengthening the role of women in democrati-

sation, conflict prevention and peace building, promoting non-violent conflict resolution and better protecting women's human rights during and after conflicts.

171. As a follow up to this ministerial conference, a group of specialists produced a report on the role of women and men in intercultural and interreligious dialogue for the prevention of conflict, for peace building and for democratisation, which includes recommendations for programmes and activities to be undertaken by member states.<sup>24</sup>

172. Recommendation (2003) 3 on balanced participation of women and men in public and political decision making, adopted in 2003 by the Committee of Ministers, also provides Council of Europe member states with guidelines for increasing and affirming women's participation in this area. Paragraph 14 calls on member states to "take due account of gender balance when appointing representatives to international mediation and negotiating committees, particularly in the peace process or the settlement of conflicts".

173. States' responsibility for protecting the human rights of women in conflict situations and for ensuring their full participation in prevention and resolution of conflict situations and promoting mainstreaming of gender equality in all aspects of post-conflict reconstruction and peace-building processes requires the obligation to address obstacles to achievement of gender equality in many other aspects of women's and men's life. Some of the main elements that indicate states' political will and commitment in this regard are listed in the present recommendation.

## **12. Specific situation of vulnerable groups exposed to multiple discrimination**

174. Discrimination and inequalities affect different groups of women in different ways. There is a growing recognition that the failure to address the various "differences" that characterise the problems of different groups of women can obscure or deny human rights protection due to all women. While it is true that women are in some way subject to sex-based discrimination, it is also true that other factors relating to women's social identities such as race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status create problems and vulnerabilities that are unique to particular groups of women or that disproportionately affect some women in comparison to others.

175. The consequences of multiple forms of discrimination have been described in various ways as compounded discrimination, interlinking forms of discrimination, multiple burdens, or double or triple discrimination.

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24. See also Recommendation 1665 (2004) and Resolution 1385 (2004) of the Parliamentary Assembly of the Council of Europe on conflict prevention and resolution: the role of women.



176. By drawing attention to the fact that factors such as age, disability, socioeconomic position or membership of a particular ethnic or racial group could create particular barriers for women, the Beijing Platform for Action provided the framework for the recognition of multiple and coexisting forms of discrimination resulting in multiple disadvantage. The combined effects of sex-based and racial discrimination on the advancement of women and the achievement of gender equality have been considered especially in the context of three of the critical areas of concern identified in the Platform for Action: violence against women, women and armed conflict and the human rights of women. The intersection of sex-based and racial discrimination has also been considered with regard to trafficking in women and children. The Platform for Action also facilitated an understanding that the various categories of discrimination do not necessarily affect women and men in the same way.

177. However, to date, the double impact on women and on gender equality of sex-based discrimination and discrimination based on other grounds has not been subjected to a detailed and in-depth examination.

178. In March 2000, the United Nations Committee on the Elimination of Racial Discrimination adopted a general recommendation on gender-related dimensions of racial discrimination, in which it emphasised that racial discrimination does not always affect women and men equally, or in the same way, and that there are circumstances in which racial discrimination only, or primarily, affects women. Also in 2000, the outcome document of the special session of Beijing + 5 review demanded that governments take measures to address racism and racially motivated violence against women and girls and support programmes of non-governmental organisations which address all forms of violence against women and girls, including race- or ethnic-based violence. One year later, in 2001, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in its final declaration and programme of action also recognised the gender dimension of these phenomena and called for increased awareness and specific actions to address them.

179. At European level, issues related to age, gender, ethnicity, racial discrimination, situation of immigrant and ethnic minority women and women with disabilities have been addressed in relation to gender equality, both by the Council of Europe and the European Union in their work towards equality between women and men.

180. Within the Council of Europe, the impact on gender equality of the cultural diversity in European society resulting from recent demographic changes and immigration has been examined and the need to acknowledge and consider the gender dimension in all activities aiming at combating racism and intolerance has been pointed out. In this regard reference could be made to Articles 1 paragraph 2, 16 and 20 of the Revised European Social Charter, and to studies and proposals by the Working Group on Migration, Cultural Diversity and Equality between Women and

Men in 1996 and the Specialist Group on Intolerance, Racism and Equality between Women and Men in 1996-1997. In 2000, the Political Conclusions and General Declaration of the European Conference against Racism, a European contribution for the World Conference against Racism, also called for the inclusion of a gender perspective into policies and practices to combat racism and intolerance envisaged in a human rights context. Of a particular importance in the context of the Council of Europe is the Framework Convention for the Protection of National Minorities, which was adopted in 1995 and entered into force in 1998. While being formulated in a gender-neutral way, its provisions must be, however, applied in a gender-sensitive manner, taking into account the specificities of the situation of women and men of the communities concerned.<sup>25</sup>

181. Regarding women with disabilities, they are subjected simultaneously to sex-based discrimination and to discrimination between people with disabilities and those without disabilities. This dual source of discrimination – largely unresearched and to some extent masked by its two components – is the subject of the document on “Discrimination against women with disabilities”, which was drawn in the framework of activities under the Partial Agreement in the Social and Public Health Field for the 2nd European Conference of Ministers responsible for integration policies for people with disabilities, which was held in 2003. This document identified and suggested thorough means of addressing those types of discrimination experienced by persons who are both female and disabled. As noted in the document “women with disabilities face greater difficulties than men because of the differences assigned to female and male roles in society. The fact of disability and the failure to distinguish the situation of women with disabilities from that of disabled people generally has obscured the fact that people with disabilities are also men and women”.

182. The recently adopted Convention on the Rights of Persons with Disabilities, at the UN level, that includes the principle of equality between women and men in its general principles (Article 3) and a specific article on “Women with disabilities” (Article 6), must also be considered, both taking into account these specific provisions as well as the need to include a gender dimension into all the other provisions.

183. One important requirement in addressing the specific situation of vulnerable groups exposed to multiple discrimination, and in addition to the legal prohibition of discrimination on any grounds and its enforcement, is to make women suffering sex-based discrimination as well as discrimination based on other grounds visible, especially in statistics and research, because their invisibility perpetuates discrimination. Obligations of states also encompass the integration of the gender equality dimension into all policies for people facing multiple discrimination, information and aware-

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25. See also Resolution 1464 (2005) of the Parliamentary Assembly of the Council of Europe on women and religion in Europe.

ness-raising programmes undertaken at all levels, targeting the general public, women and girls in a specially vulnerable position due to multiple discrimination, their families and friends, professional groups, as well as political decision makers. Specific measures are also needed to address education and training, employment, social policy, participation and access to decision making, sexuality, prejudices and social representation, motherhood, family and domestic life and violence.

184. The present recommendation lists the main elements, which indicate states' political will and commitment in this regard.

## **C – Strategies, mechanisms and tools**

### **1. Implementation of complementary strategies as obligations of the state in its commitment to equality**

185. Legislative and law enforcement strategies for respecting, protecting and ensuring full enjoyment of the human rights of women and men on an equal footing are basic requirements for achieving gender equality, but they alone cannot change attitudes or behaviour. In addition, they are not always efficiently implemented and remedies and sanctions for the infringement of the principle of gender equality are not effective enough. Therefore, the combination of various strategies and methods of working towards gender equality has been recognised as the most efficient approach in achieving real, substantive equality of women and men.

186. The Council of Europe's work towards gender equality has provided a solid background for the use of a holistic approach in achieving this objective and it has devoted much attention to the development of tools and strategies to promote gender equality.

187. To remedy or redress the present effect of past discrimination based on the grounds of sex, to reduce structural disadvantages and to overcome gender stereotypes and prejudices still existing in many societies which hamper the effective realisation of gender equality and limit women's and men's full enjoyment of human rights on equal terms, a wide range of specially tailored actions and measures is required. Specific actions, mainly addressed to women, and gender mainstreaming into all policies and plans are the main aspects of a dual approach to the building of gender equality.

188. **Specific actions** are seen as an excellent means for addressing the main problems affecting the situation of women and for achieving substantive gender equality. The designing and implementing of specific strategies and projects aimed at correcting the unequal position of women in one or more aspects of social life have been the traditional task of national gender equality mechanisms since they were created.

189. Specific actions include a variety of actions and measures, legislative, executive, administrative, policies and practices, such as outreach or support programmes, specific training and capacity-building programs, campaigns and educational activities addressing cultural negative stereotypes, etc. They can also include preferential treatment, namely targeted recruitment, hiring and promotion, numerical goals connected with time frames, quota systems, allocation and/or reallocation of resources, etc.

190. Specific actions, when performed through the use of justified and legitimate distinctions aimed to compensate for or prevent gender inequality are referred to in international law as temporary special measures, positive actions, or affirmative actions. In common language the term “positive discrimination” is also often used, although substantively incorrect and of a contradictory meaning in itself. While the CEDAW Convention uses the designation of “temporary special measures” (Article 4.1), according to the terminology of the European Court of Human Rights, special measures adopted to compensate for or prevent inequality are described as “positive differential treatment”.

191. The aim of such measures is to attenuate or suppress conditions that perpetuate discrimination based on the grounds of sex and to accelerate change towards *de facto* equality. Although international human rights legal instruments do not impose a clear obligation on the State Parties to introduce such specific actions, they are obliged to promote the efficient realisation of the relevant rights to the maximum of their available resources, which certainly includes such differential treatment.

192. To complement the specific gender equality actions, which are usually limited to specific policy areas and mostly developed by institutional mechanisms for gender equality, **gender mainstreaming** was endorsed in the Platform for Action adopted at the UN 4th World Conference on Women and governments were called to promote this strategy in all policies and programmes. Since then many definitions of gender mainstreaming and policy papers on how to mainstream gender equality in practice and what it implies were adopted by international and regional intergovernmental and other organisations.

193. The Council of Europe’s major contributions in this respect are the report “Gender mainstreaming: conceptual framework, methodology and presentation of good practice” published in 1998 and Recommendation (98) 14 on gender mainstreaming adopted by the Committee of Ministers of the Council of Europe the same year.<sup>26</sup>

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26. See also Recommendation 148 (2004) and Resolution 176 (2004) of the Congress of Local and Regional Authorities of the Council of Europe on gender mainstreaming at local and regional level: a strategy to promote equality between women and men in cities and regions.

194. Wherever gender mainstreaming is mentioned it is always stressed that this strategy does not replace and, therefore, does not render redundant specific gender equality policies. Both strategies, specific gender equality actions and gender mainstreaming, are dual and complementary strategies, often described as a “twin track” strategy or as a “dual track” policy. This dual track strategy represents two sides of the same policy: on the one hand, policy that places new issues on the political agenda, proposes new instruments and creates strategic alliances with social partners on the basis of an overall vision, and on the other hand, policy that anchors gender equality objectives in all areas of regular policy throughout its policy-making process. These two tracks of policy are closely inter-related. The expertise built in one track represents a key condition for the strategy applied in the other.

195. Application of gender mainstreaming in the budgetary process is known as **gender budgeting**. The Beijing Platform for Action recommends to governments to systematically review public sector expenditures and adjust budgets to ensure gender equality concerning access to expenditure. Since then, gender budgeting has become an internationally recognised strategy for enhancing gender equality. Gender budgeting makes the gender-specific effects of budgets visible and raises awareness about their frequently implicit dimension of discrimination against women. Gender budgeting allows for assessing whether states’ commitments on gender equality are translated into budgetary commitments, it increases the transparency of the budget process and contributes to a better use of the consultative and participatory principle in the preparation of budgets and in monitoring their outcome and impact. In 2005 the Council of Europe published a report on Gender Budgeting, and the resolution adopted at the 6th European Ministerial Conference on Equality between Women and Men recommends the Committee of Ministers to start preparing a recommendation on this theme.<sup>27</sup>

196. Gender mainstreaming, including gender budgeting, cannot be implemented unless a certain number of conditions are fulfilled. In the first place, every government must have adopted the goal of gender equality as one of its important aims and must clearly state its intention, political will and firm commitment to mainstream the gender perspective into all policies and programmes. A strong national gender equality mechanism, having the necessary resources to influence policy making at all levels, is equally important. Another important condition is that all possible knowledge on the situation of women and men and on gender relations in each field is made available to those in charge of gender mainstreaming. It is also generally recognised that all policy levels – local, regional, national - are equally important and that gender

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27. See also Recommendation 1739 (2006) of the Parliamentary Assembly of the Council of Europe on gender budgeting.

mainstreaming must be promoted, executed and supported by a broad range of actors, that must include women and men.

197. To put the specific gender equality policies and gender mainstreaming in practice, it is important to use adequate tools and techniques. Analytical techniques and tools encompass statistics disaggregated by sex and other relevant background variables, surveys and forecasts, cost-benefit analysis from a gender perspective, research in gender studies, checklists, guidelines and terms of reference and gender impact assessment. In addition, it is very important to apply a co-operation and co-ordination approach and consultative and participatory principles in the implementation of gender mainstreaming, including through setting up working groups, establishing databases, ensuring gender-balanced participation in decision-making, organising conferences and seminars aimed at informing the general public and hearings for providing an opportunity for the direct participation of people in developing and deciding on policies which concern them.

198. **Gender impact assessment** is a policy tool for the screening of a given policy proposal, in order to detect and assess its impact or effects on women and men, so that possible imbalances can be redressed before the proposal is endorsed. It also helps to compare and assess the current situation and trends with the expected results of the proposed policy. Gender impact assessment can be applied in existing policies and in policy-making processes, from legislation, plans, programmes, budgets, and concrete actions to calls for research.

199. **Information and communication** are essential strategies for altering gender stereotypes, cultural changes and changes in perception. One important communication process is the provision of information on existing and new legislation, including international legal standards, that improve the status of women, as well as the dissemination of available official data, particularly statistics on various aspects of the lives of women and men and reports and analysis outcomes to highlight existing problems related to the equal enjoyment of human rights.

200. However, increased knowledge alone does not automatically lead to changes in perception and to different choices. Fostering behavioural and attitudinal change requires awareness – raising and changing awareness. To communicate successfully with the general public or targeted audiences, it is essential to know as much as possible about their current attitudes, opinions and behaviours.

201. It is also desirable to show results and good examples or to highlight bad examples. This should also be a focus of the governments' communication strategy. More generally, structural attention to the creation of perception is of critical importance to changing ingrained habits. Not only the government, but also social organisations in general, and the media in particular, have a role to play.

202. For the effective meeting of commitments to promote gender equality within a specific period of time, states' obligations should be reflected in **comprehensive action plans for gender equality**. Although national action plans for gender equality are a common instrument used in almost all member states of the Council of Europe, the potential of this instrument has not always been used to its full extent.

203. It is important to ensure that the debate on development of a national action plan is open to all and involves both women and men. Although national institutional mechanisms for gender equality should play a decisive role in the development, implementation and assessment of outcomes of action plans, all crucial actors, such as women's organisations and NGOs working for the promotion of gender equality, education and research institutions, media, employer's organisations, trade unions, and other public institutions, should have an active/productive role in the formulation and implementation of gender equality policy and its assessment process.

204. Because of the dynamism of our societies at economic, social and cultural levels, states must regularly evaluate measures used in the implementation of action plans and if necessary, adjust their strategies on the basis of these evaluations.

## **2. Establishment or reinforcement of institutional mechanisms/national machinery for gender equality**

205. The importance of gender equality mechanisms/machinery for the advancement of women has been repeatedly recognised by international organisations dealing with human rights and women's issues. Their status and roles have been progressively defined, as well as the strategies to be adopted to render their action fully effective.

206. From an emphasis on the status of women and their situation, as being the specific scope of action of these mechanisms, there has gradually been a shift, particularly after the 4th World Conference on Women (Beijing, 1995), to a focus on gender, that is, on women and men and their gender relations, and to a more global approach. The Platform for Action, under the chapter "Institutional mechanisms for the advancement of women", has also indicated the main requirements that these mechanisms must comply with, in order to guarantee their effectiveness.

207. Although there has, generally, been a diversification and multiplication of gender equality mechanisms at various levels of governance all over the world, some basic requirements for these different models and for their effective functioning must be respected, which the recommendation focus upon. Requirements that are, nowadays, considered as essential for the fulfilment of their catalytic role with regard to gender mainstreaming, as well as with regard to specific equality policies, their successful co-ordination and evaluation of results.

208. Such requirements concern, among others, the following aspects: the location and the status of the mechanisms, their legal basis and clear mandate, their authority and visibility, their political recognition and funding, the need for an interdepartmental structure to co-ordinate gender mainstreaming, that must be constituted by representatives with decision-making powers, the development of gender expertise with the necessary tools and instruments, the establishment of effective channels of communication and co-operation with civil society organisations at every level, as well as with international partners and organisations.

209. The need to establish gender equality mechanisms at the level of government, namely regarding the various policy areas – ministries, departments and other sectors – as well as at the various levels of governance – national, regional and local – has been generally acknowledged as a means to devise, implement and co-ordinate policies to achieve gender equality. However, such mechanisms have also proved to be necessary in other state institutions beyond governments, particularly at parliamentary level. The existence of independent agencies and other bodies, such as ombudsmen, either gender-specific or general ones, with competence to receive and analyse complaints for discrimination on the basis of sex, has also proved to be effective.

### **3. Development of studies and instruments to evaluate women's and men's situation and measure progress of that situation**

210. To evaluate women's and men's situation in our societies, to make it possible for gender equality policy development to be undertaken with full consideration of gender aspects, of the nature of relationships between women and men and of their different social realities, life expectations and economic and social circumstances and to measure progress achieved with outcomes of the actions and strategies implemented, states must develop specific tools and instruments and systematically engage in assessment and monitoring activities.

211. In order to take informed decisions, understanding of social processes and regular keeping of updated evidence of gender specific data and information is a precondition. Such in-depth knowledge of the situation requires development and regular analysis of relevant quantitative and qualitative indicators in all areas, where gender equality must be achieved.

212. Equally necessary is the gathering and regular analysis of statistics disaggregated by sex. This requires the involvement of entities responsible for the statistic system at national level and also sectorial departments where statistics in different areas are dealt with.

213. Tools and instruments are necessary to make gender impact assessments of laws and policies, as well as for gender budgeting, meaning a balanced and fair distribution of resources taking gender into account and acknowledging different life sit-



uations of women and men. Such tools and instruments can have various forms and must be based on research and studies that are already being undertaken in various countries. Exchange of knowledge, experience and good practices in this regard is to be encouraged. Gender impact assessment and gender budgeting must become a regular exercise in policy making at all levels of power and decision making, if gender equality is to be fully achieved.

214. Other tools to support progress towards gender equality are the mechanisms, both institutional and operational, necessary for regular monitoring and evaluation of progress. And this is only possible if measurable indicators like targets, timeframes and benchmarks are included in the policies and programmes adopted in various areas.

215. Finally, the underlying basis for all these tools and instruments and for their effective functioning is the existence and support of research into gender issues in universities and research institutions, including the promotion and financing of projects, the establishment of courses, realisation of lectures and workshops, aiming at the building of a sound expertise on gender equality matters.

#### **4. Establishment of co-operation and partnerships**

216. Establishment of regular and consistent channels of co-operation with a large variety of social actors is an absolute necessity for the success of gender equality policies. The international community and society as a whole have gradually understood that the achievement of gender equality is a very global effort that concerns all citizens, both men and women, governments and authorities at every level of the social organisation, civil society organisations and all the living forces of any given community, national, regional or international.

217. As regards the government and its primordial role in this respect, regular and close links, of a formal and informal nature, must be established among all the actors concerned in governmental and administrative structures, both horizontally, within the various areas of government and vertically, with the different levels of power. Institutional mechanisms for gender equality have an essential, co-ordinating role in this regard, which must be complemented by an active involvement of all social actors, with such co-ordination and complementarity being a condition of success of equality policies.

218. As regards co-operation between official government institutions and civil society organisations, both formal and informal links with a diversity of social actors are necessary: with women's and human rights organisations, social partners, academic and research institutions, the media, etc. Regular dialogue with these groups will take different forms, according to their nature and aims, but all are essential partners of governments in the pursuit of gender equality. Either bringing the views of its

members on matters relevant to gender equality, making proposals or suggestions, co-operating in specific projects, pursuing research in substantive issues, or, in the case of the media, giving visibility and legitimacy to gender equality matters, all social actors have a role to play in the achievement of gender equality, which must be valued and encouraged by states.



