

# MAKE GENDER EQUALITY IN LAW A REALITY IN FACT



Compilation of recommendations  
of the Committee of Ministers  
of the Council of Europe in the field  
of gender equality

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# Preface

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Under Article 15.b of the Statute of the Council of Europe, the Committee of Ministers may, in the context of “the adoption by governments of a common policy with regard to particular matters”, issue recommendations to the governments of member states. These recommendations are drawn up by government experts from member states, gathered in the Gender Equality Commission (GEC), which is accountable to the Committee of Ministers and allows for interaction between political interests and technical and sector-specific considerations. The adoption of recommendations by the Committee of Ministers involves the joint expression of European governmental opinions on the subjects concerned, which gives them considerable weight, even though they do not have the binding force of conventions. For member states, recommendations constitute a sound basis for developing national legislation, policies and programmes.

From the 1980s onwards, the Council of Europe and its Steering Committee for Equality between Women and Men (CDEG), the predecessor of the GEC (which replaced it in 2012), had the stimulating task of putting forward European standards, which enabled a new approach on gender equality and shaped its development in Europe over the past decades. Early recommendations in this field addressed a wide variety of relevant topics, illustrating the pioneer vision of the Organisation. Committee of Ministers’ recommendations in the 1980s and 1990s tackled: the situation of migrant women (1979); equality between women and men in the media (1984); legal protection against sex-based discrimination (1985); the elimination of sexism from language (1990); reconciling work and family life (1996); and gender mainstreaming (1998), among other topics.

These activities gave rise to a new understanding of gender equality objectives within the Council of Europe, marking a turning point in its work. With the Declaration adopted by the Committee of Ministers in November 1988, gender equality was no longer seen as a legal or social issue, but as a human rights principle and a fundamental criterion of democracy. With its inclusion in the human rights sector, gender equality achieved a higher profile and acquired greater significance.

The Council of Europe continued its work on priority issues, with two recommendations from the early 2000s paving the way for the preparation of important Council of Europe conventions. As the first international treaty to consider violence against women as a gross violation of human rights, the 2011 *Council of Europe Convention on preventing and combating violence against women and domestic violence* put forward an overall strategy for preventing such violence, prosecuting the perpetrators, protecting the victims and requiring integrated policies and a comprehensive approach. As regards the 2005 *Council of Europe Convention on Action against Trafficking in Human Beings*, it went beyond the 2000 Recommendation of the Committee of Ministers on action against human trafficking for the purpose of sexual exploitation.

Another priority theme for the Council of Europe is achieving a balanced participation of women and men in political and public decision-making, was the focus of a 2003 Recommendation, putting forward the measures needed for achieving the participation by women and men in all sectors of society. This recommendation laid down a minimum threshold of 40% for the participation of the under-represented sex – a figure subsequently taken up by many member states. Three reports were published in 2005, 2008 and 2017, with data provided by member states to measure progress on the implementation of this recommendation.

The persistent inequalities in areas such as health, education and sport called for other strategies, resulting from the application of a gender mainstreaming approach. In 2007, 2008 and 2015, respectively, Recommendations on gender mainstreaming in education, on the inclusion of gender differences in health policy, and on gender mainstreaming in sport, highlight the use of the gender mainstreaming strategy in devising appropriate, targeted policies which take account of the interests and needs of both women and men.

Since 2014, the Council of Europe work on gender equality has been structured around a multi-annual Gender Equality Strategy. The second Strategy, for 2018-2023, continues action on the five objectives covered by the first Strategy (2014-2017): “Prevent and combat gender stereotypes and sexism”; “Prevent and combat violence against women and domestic violence”; “Ensure the equal access of women to justice”; “Achieve balanced participation of women and men in political and public decision-making”; and “Achieve gender mainstreaming in all policies

and measures". The second Strategy added a sixth strategic objective: "Protecting the rights of migrant, refugee and asylum-seeking women and girls". The drafting of gender equality recommendations since 2014 has focused on these priority areas, with the 2019 Recommendation on preventing and combating sexism, and the ongoing preparation of a new recommendation on migrant and refugee women and girls. In addition, other Council of Europe sectors have continued developing recommendations that apply a gender mainstreaming approach to their respective policy areas, such as the 2017 Recommendation on gender equality in the audiovisual sector.

■ The regular follow-up of the implementation of recommendations adopted by the Committee of Ministers has enabled the Council of Europe to keep track of the actions taken by its 47 member states over time, which then leads to new policy developments to improve the equality between women and men. The recommendations provide guidance and inspiration for future action to be carried out so that gender equality becomes an effective reality at the national and international level, both as an integral part of human rights, and as a fundamental criterion of democracy.

## **A. General recommendations**

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## Recommendation CM/Rec (2010)10 of the Committee of Ministers to member States on the role of women and men in conflict prevention and resolution and in peace building

Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building provides guidelines on how to address the different roles attributed to women and men in conflict prevention, resolution and peace building activities, and in the development of strategies and mechanisms in the following fields: respect of human rights and non-violent conflict resolution; combating gender-based violence; balanced participation of women and men in decision-making; and women's empowerment.



### Recommendation **CM/Rec(2010)10** of the Committee of Ministers to member States on the role of women and men in conflict prevention and resolution and in peace building *(adopted by the Committee of Ministers on 30 June 2010 at the 1089th meeting of the Ministers' Deputies)*

- The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
- Noting that women, together with children, comprise a large proportion of civilian victims of conflicts, and that women, compared to men, have less access to resources, power and decision making before, during and after conflicts, and that their experiences of situations of tension and war and post-conflict reconstruction are significantly different from those of men;
- Recognising, consequently, that women are often powerless to prevent conflict, that they are excluded from the negotiation tables during the resolution process and marginalised in post-conflict reconstruction and reconciliation initiatives;
- Considering that democracies can no longer afford to ignore the competencies, skills and creativity of women and must include women with different backgrounds and of different age groups in conflict prevention, resolution and peace building;
- Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), adopted in 1950 and its Protocols;
- Recalling the European Social Charter (ETS No. 35), adopted in 1961 and revised in 1996;
- Recalling the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), adopted in 2005;
- Taking into account Recommendation **Rec(2002)5** of the Committee of Ministers to member States on the protection of women against violence and 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;
- Bearing in mind the Parliamentary Assembly Resolution 1212 (2000) on "Rape in armed conflicts" and Parliamentary Assembly Recommendation 1665 (2004) on "Conflict prevention and resolution: the role of women";
- Recalling the four Geneva Conventions of 1949 on the protection of war victims and their two Additional Protocols of 1977, in particular, the provisions guaranteeing gender-sensitive treatment;

- Having regard to the United Nations Convention on the Elimination of all forms of Discrimination against Women (1979) and its Optional Protocol of 10 December 1999;
- Having regard to the Rome Statute of the International Criminal Court which entered into force in 2002;
- Taking into account the United Nations Security Council Resolutions 1325 (2000) and 1820 (2008) on women, peace and security and 1612 (2005) on children and armed conflict;
- Bearing in mind the OSCE decision on women in conflict prevention, crisis management and post-conflict rehabilitation, adopted in December 2005;
- Bearing in mind European Parliament Resolutions 2000/2025(INI) on participation of women in peaceful conflict resolution and 2005/2215(INI) on the situation of women in armed conflicts and their role in the reconstruction and the democratic process in countries after a conflict;
- Recalling the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005) where the heads of state and government of member States underlined that equal participation of both women and men is a crucial element of democracy and confirmed their commitment to achieving real equality between women and men and to combating violence against women;
- Recalling the Declaration on gender equality: a core issue in changing societies and the Programme of Action and the Resolution on the roles of women and men in conflict prevention, peace building and post-conflict democratic processes – a gender perspective, adopted by the 5th European Ministerial Conference on Equality between Women and Men (Skopje, 22-23 January 2003), which encourages the integration of a gender perspective in all activities aimed at conflict prevention and resolution;
- Reaffirming the Beijing Declaration and Platform for Action (4th United Nations World Conference on Women, 1995) which recognise that women are increasingly establishing themselves as central actors in a variety of capacities in the movement for peace, and that their full participation in decision making, conflict prevention and resolution and all other peace initiatives is essential to the realisation of lasting peace;
- Aware that, despite the international instruments and the action of non-governmental organisations, violations of women's human rights continue to occur in conflict areas and that without appropriate measures being taken to ensure their empowerment and security, balanced participation of women and men in conflict prevention and resolution and in peace building will not be achieved;
- Considering that the maintenance and promotion of international peace and security cannot be realised without fully understanding the impact of conflicts on women and men;
- Recognising that balanced participation of women and men in all phases of conflict prevention and resolution and in the peace process is a prerequisite for establishing lasting peace, sustainable democracy and economic development;
- Recognising that women can bring alternative perspectives to conflict prevention at local and community level,
- Recommends that the governments of member States:
  1. acknowledge that equality between women and men, strengthening the role of women in society and making full use of their knowledge and expertise promote peace and are a prerequisite for conflict prevention and resolution and peace building;
  2. integrate a gender perspective into conflict prevention and resolution and peace building activities, including the allocation of necessary budgetary resources;
  3. ensure a balanced participation of women and men at all levels of decision making in local, regional, national and international institutions, and mechanisms for conflict prevention and resolution, including peace negotiations and the democratisation of societies after conflicts;
  4. ensure that women and men representing all spheres of society take part in conflict prevention and resolution and peace building using multitrack diplomacy;
  5. effectively prosecute and punish gender-related crimes committed during and after conflicts, and provide mechanisms to prevent such crimes;
  6. draw this recommendation to the attention of all national political institutions and international organisations;
  7. adopt and implement the measures described in the Appendix to this recommendation;
  8. monitor and evaluate progress arising from the adoption of this recommendation and inform the competent steering committees, in particular the Steering Committee for Equality between Women and Men (CDEG), of the measures undertaken and the progress achieved in this field.

## APPENDIX TO RECOMMENDATION CM/REC(2010)10

### General measures

#### ► *Legal framework and policy*

1. Guarantee the protection of and respect for human rights of women before, during and after conflicts;
2. Guarantee that girls and boys are protected in accordance with their specific needs and taking account of their interests and ensure that they are not exploited in any way. Girls and boys must be protected from falling victim to trafficking in human beings and must not be recruited as child soldiers and/or used as sex slaves;
3. Include provisions in national legislation that allow the prosecution of perpetrators of gender-based violence, including domestic violence, as contained in Recommendation [Rec\(2002\)5](#) of the Committee of Ministers to member States on the protection of women against violence;
4. Intensify efforts to implement United Nations Security Council Resolution 1325 (2000) on women, peace and security, *inter alia*, by devising measures such as national action plans, allocate resources and determine responsibility for its implementation;
5. Promote exchange of good practice between member States on the role of women and men in conflict prevention and resolution and in peace building;

#### ► *Gender mainstreaming strategy*

6. Set up mechanisms for enhancing gender mainstreaming in all processes of conflict prevention and resolution and peace building, and adopt measures to involve both women and men in all processes;
7. Explore the use of gender budgeting of all conflict prevention and resolution and peace building activities to ensure a more efficient use of resources;
8. Integrate a gender perspective in the recruitment processes of international staff and in the training given to staff taking part in conflict prevention and resolution, and peace building missions;
9. Publish, on a regular basis, gender-disaggregated data and statistics on the participation of women and men in conflict prevention, resolution and peace building and monitor progress in this area;

#### ► *Education*

10. Introduce and develop education on human rights, including gender equality, in school curricula, and remove gender-based stereotypes from curricula, text books and educational materials at all education levels;
11. Ensure that adequate systems are in place to guarantee education of children in conflict, post conflict and fragile situations;
12. Support and/or establish gender-sensitive peace studies within higher education programmes;

#### ► *NGOs and civil society*

13. Acknowledge the crucial role of civil society and support its conflict prevention and resolution and peace building activities so as to establish long-lasting peace, and allocate resources for developing non-violent models for conflict prevention and resolution;
14. Promote the establishment of international networks of women who have experienced conflicts and/or have been involved in peace building initiatives with a view to pooling examples of good practice;
15. Involve young people, girls and boys, in conflict prevention and resolution, peace building, reconstruction of society after conflicts, and in the setting up and development of effective communication processes;

#### ► *Media*

16. Encourage the media to:
  - present all the different roles both women and men play in conflict;
  - avoid stereotypical representation systematically presenting women as victims and men as aggressors;
  - promote research on the media coverage of women and women's initiatives in the field of conflict prevention and resolution, and peace building;
  - take part in public debate on this issue, in both towns and rural areas;
  - promote educational programmes on television, radio and on the Internet on the different roles both women and men play in conflict prevention and resolution, and peace building;

### ■ Specific measures concerning conflict prevention

17. Adopt national conflict-prevention policies and strategies integrating a gender perspective;
18. Develop and promote early warning mechanisms integrating gender-specific indicators to prevent conflict;
19. Promote the role of women in intercultural and inter-religious dialogue to open new opportunities for dialogue and pave the way for new models of conflict prevention;
20. Organise training seminars in intercultural learning and conflict prevention with a special focus on gender-specific issues for policy makers and civil servants, especially those sitting on decision-making bodies at the highest level;
21. Grant resources and give support to NGOs, in particular to women's NGOs working at grassroots level, to prevent conflict and build peace;
22. Publish and disseminate studies on the impact of conflict on women and men, and their roles and relations;
23. Fund research on root causes of masculine violence, which can often lead to severe problems in post-conflict societies, and devise global responses to this violence, based on an integrated and multidisciplinary approach;

### ■ Specific measures concerning conflict resolution

24. Progressively increase the number of women nominated to high-level decision-making posts in international organisations and international missions, including diplomatic posts;
25. Appoint more women as mediators in international mediation committees in charge of peace negotiations, and facilitate and promote the participation of women in field missions, including reconstruction, peace building and observation missions, in order to achieve a gender balanced participation;
26. Engage in multitrack diplomacy so as to involve the largest possible number of actors in resolving conflicts within and between states, and ensure the equal participation and input of women's organisations in informal and formal peace initiatives at all levels through systematic consultation with them, ensuring that their expertise and women's priorities are reflected in formal and informal peace processes;
27. Ensure that third parties involved in peace negotiations, including mediators, are trained to take a gender sensitive approach;
28. Ensure that women benefit from humanitarian aid by providing better control over access to and distribution of such aid, and that they play an active part in all stages of humanitarian assistance operations;
29. Integrate a gender perspective in the arrangements and procedures for granting asylum and receiving refugees and other displaced persons;
30. Give women refugees and other displaced women the opportunity to play a key role in camp planning, management and decision-making so that women's interests are taken into account in all aspects of running a refugee camp, especially resource distribution, security and protection;

### ■ Specific measures concerning human security

31. Ensure the protection of human rights defenders, both women and men, in conflict and post-conflict situations;
32. Take account of the important role and the particular needs of women when implementing protection policies and sustainable solutions, including voluntary return, repatriation, resettlement and reintegration of refugees and displaced persons in safety and dignity;
33. Ensure that security measures do not restrict freedom of movement for women and girls in post-conflict situations;
34. Ensure the protection of women and girls inside refugee camps against violence and sexual abuse by providing better security measures;
35. Ensure that, in the context of humanitarian assistance, sufficient attention is given to assistance concerning sexual and reproductive health, including obstetric care, nutritional support for women during pregnancy and breastfeeding, family planning, and HIV prevention and treatment services;
36. Acknowledge the importance of continuous education during and after conflicts as a survival strategy and, to this end, provide a safe environment for educational activities;
37. Pay the utmost attention to cases of men, women and children reported missing in connection with armed conflicts, and take appropriate measures to search for, locate and identify them;
38. Support trans-border co-operation between women's NGOs in combating gender-based violence and disappearances;
39. Encourage women's access to the media and to information and communication technologies so that their expertise can influence public debate and decision making with regard to peace and security;

## ■ Specific measures concerning peace building

### ▶ *International criminal law*

40. Ensure that national legislation is compatible with the substantive and procedural provisions regarding gender related crimes as laid down in the Rome Statute of the International Criminal Court;
41. Take all the necessary steps to ensure in particular that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity are recognised as war crimes by the national legal order, when these acts are committed in the course of armed hostilities;
42. Take all the necessary steps to ensure in particular that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity are recognised as crimes against humanity by the national legal order when these acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack and are recognised as genocide by the national legal order if committed with intent to destroy, in whole or in part, a national, racial, ethnic or religious group;
43. Punish gender-related crimes, committed by combatants and all other actors, including peacekeepers and international and humanitarian staff, and take measures to prevent trafficking in human beings, especially in women and girls;
44. Ensure appropriate protection to all persons called to testify before the national courts and international tribunals in cases of genocide, crimes against humanity and war crimes committed during and after conflicts;
45. Ensure special legal protection and provide legal assistance free of charge and social support to victims in order to facilitate their reporting of perpetrators of war crimes and human rights violations committed during and after conflicts, and in order to prevent them from becoming repeat victims;
46. Establish mechanisms to guarantee compensation for victims, in accordance with the conditions under national law;

### ▶ *Transitional justice and reconciliation*

47. Set up, as far as possible, mechanisms such as truth and reconciliation committees to deal with past human rights violations;
48. Put an end to the culture of silence, support the victims of gender-based violence so that they are accepted by their community and society as a whole, and in the event that truth and reconciliation committees are set up, establish places where women and men feel safe to talk;
49. Draw up programmes designed to introduce new strategies for working with those who are both the victims and the perpetrators of gender-based violence;
50. Provide relevant information, documents and results of research concerning all the institutions/bodies which are responsible for transitional justice;

### ▶ *Combating violence*

51. Include in peace building programmes, action plans to combat violence against women;
52. Ensure that a gender perspective is fully integrated in demilitarisation, demobilisation and reintegration programmes;
53. Pay particular attention to the integration of female combatants recruited by armed groups or armed forces in demilitarisation and demobilisation programmes, provide adequate reintegration programmes, and support vulnerable male groups, such as conscientious objectors, forced conscripts and war prisoners;
54. Provide gender-specific psycho-social support as a peace building tool in order to reduce hatred, fear and traumatism, and create opportunities for confidence building activities between women and men;
55. Ensure that all parties included in peace building missions have, and implement, a code of conduct;
56. Ensure that a gender perspective is fully integrated in the security sector reform;
57. Provide training in gender equality and in dealing with gender violence for all actors involved in peace building, including police officers and armed forces;

### ▶ *Empowerment of women*

58. Take all the necessary steps to ensure that women are informed of their political and civil rights and involved in drafting and/or reviewing national laws;
59. Take all the necessary steps to ensure that women are registered on the electoral rolls and abolish family voting; substantially increase the number of women on electoral committees and the number of female electoral observers with a view to achieving the balanced participation of women and men;

60. Take all the necessary steps to guarantee women's socio-economic rights, including employment, as well as their property ownership and inheritance rights, and support in particular female-headed households and female orphans in so far as they may suffer particular gender-based discrimination;
61. To promote the access and rights of women to health information and services, in particular as regards sexual and reproductive health, including women's access to post exposure prophylaxis and emergency contraception for rape victims, whilst affirming strong support for and a commitment to the full implementation of the Cairo Programme for Action, adopted at the International Conference on Population and Development (ICPD) 1994, as well as of the ICPD Programme of Action agreed at ICPD+5, the Copenhagen Declaration and Action Programme, the Beijing Platform for Action and the Millennium Development Goals;
62. Ensure that the women affected by conflicts, including refugee women and other displaced women, are actively involved in peace building activities and in the planning and implementation of reconstruction initiatives;
63. Ensure that equal consideration is given to women's and men's specific needs and interests when formulating reconstruction programmes and devising development co-operation programmes, and explore the use of a gender budget analysis of humanitarian assistance and post-conflict reconstruction in order that both women and men benefit equally from the resources provided by international and national donors;
64. Ensure the availability of translations of international documents on gender equality and peace building, and their dissemination, targeting in particular decision-makers, civil servants and the wider public at local, regional and national levels;
65. Translate into national languages important decisions, including peace treaties, and disseminate them to the wider public, in particular to women in both towns and rural areas, and ensure that women and men have the opportunity to provide and receive information to and from national and international actors without discrimination based on the grounds of sex;
66. Encourage the media to use the information provided by civil society, including women's NGOs, to ensure regular and informed media coverage of issues concerning women and of civil society's contribution to national reconstruction and rehabilitation;
67. Encourage research on the consequences of women's exclusion from and/or men's over-representation in peace negotiations, and on women's contribution to conflict resolution and peace-building activities, and the impact they have on peace processes; disseminate the results widely and use them in framing national and regional policies that respect and make creative use of women's potential.

## Recommendation CM/Rec (2007)17 of the Committee of Ministers to member States on gender equality standards and mechanisms

Recommendation CM/Rec (2007)17 on gender equality standards and mechanisms stipulates measures to achieve gender equality in practice. It prescribes general measures regarding notably responsibilities, transparency, gender mainstreaming and non-sexist language. It also recommends the adoption of gender equality standards in the areas of private and family life; education; science and culture; economic life; social protection; health, including sexual and reproductive matters; violence against women; human trafficking; conflict and post-conflict situations; and vulnerable groups exposed to multiple discrimination. It also suggests complementary strategies such as national institutional mechanisms for gender equality; research and instruments to measure and evaluate progress; and the establishment of partnerships.



### 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 Third 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 Organisation (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 timeframes of implementation;
  - iii. existence of and support to 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 in 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 in 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 socio-economic 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 it is 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 in 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 of 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 situation 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 in 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 in 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 child care 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, health-care 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 in 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, Article 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 in 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 at the general public on gender equality/non-discrimination as a human rights principle, aiming at cultural change in 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, Articles 1, paragraph 2, 4, paragraph 3, 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 in 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 at 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, in 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 timeframes;
  - 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 in 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 at 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 – child care 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 at 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 (child care, 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 in 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 health-care 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 health-care services for women and men, both as regards common health concerns and different ones, arising from biological differences, for example in regard to reproductive health and socio-economic 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 health-care 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 at 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 at the general public, including media professionals, of zero tolerance to any kind of violence against women;
  - ix. information and awareness-raising campaigns addressed at 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 in 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 in 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 prevention, 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 negotiations 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 coordinate 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 at 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 at 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 at 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 in 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 in 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 both 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.

## Recommendation No. R (98) 14 of the Committee of Ministers to member States on gender mainstreaming

Recommendation No. R (98)14 on gender mainstreaming calls on member States to create an enabling environment and facilitate conditions for the implementation of gender mainstreaming on the basis of the Report of the Council of Europe Group of Specialists on Gender Mainstreaming (1998). The report sets out the conceptual framework for gender mainstreaming, its definition and a methodology for its implementation, accompanied by examples of good practices.



### Recommendation No. R (98) 14 of the Committee of Ministers to member States on Gender Mainstreaming (adopted by the Committee of Ministers on 7 October 1998 at the 643rd meeting of the Ministers' Deputies)

- The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
- Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and promoting the ideals and principles which are their common heritage;
- Considering that achieving effective equality between women and men is an integral part of these ideals and principles;
- Having regard, in this context, to its declaration on the equality of women and men, adopted on 16 November 1988;
- Bearing in mind the objectives set forward in the declaration and platform for action adopted by the United Nations Fourth World Conference on Women (Beijing, 1995);
- Recalling the declaration adopted at the Second Summit of the Council of Europe (October 1997), in which the heads of state and government of the member States of the Council of Europe stressed "the importance of a more balanced representation of men and women in all sectors of society, including political life", and called for "continued progress with a view to achieving effective equality of opportunities between women and men";
- Having regard to 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, November 1997);
- Convinced that one of the main strategies to achieve effective equality between women and men is gender mainstreaming;
- Welcoming the report on gender mainstreaming, produced by its Steering Committee on Equality between Women and Men (CDEG), setting out the conceptual framework for gender mainstreaming and a methodology for its implementation, accompanied by examples of good practice;

■ Convinced that the implementation of the strategy of gender mainstreaming will not only promote effective equality between women and men, but also result in a better use of human resources, improve decision-making and enhance the functioning of democracy,

■ Recommends that the governments of member States:

- ▶ disseminate widely the CDEG's report on gender mainstreaming and encourage its use as a tool for implementing this strategy in the public and private sectors;
- ▶ encourage decision-makers to take inspiration from the report in order to create an enabling environment and facilitate conditions for the implementation of gender mainstreaming in the public sector.

## Recommendation No. R (96) 5 of the Committee of Ministers to member States on reconciling work and family life

Recommendation No. R (96) 5 on reconciling work and family life calls on member States to enable women and men to better reconcile their working and family lives. Proposed measures include the organisation of working time (flexible employment, maternity, paternity and parental leave); the abolition of discrimination between women and men in the labour market; the development of adequately financed services in favour of families; the adaptation of social security schemes and tax systems to the diversity of working patterns; and the organisation of school time and curricula.



### Recommendation No. R (96) 5 of the Committee of Ministers to member States on reconciling work and family life (adopted by the Committee of Ministers on 19 June 1996 at the 569th meeting of the Ministers' Deputies)

- The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
- Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress, while respecting human rights and fundamental freedoms;
- Bearing in mind Article 1 of the Revised European Social Charter, which contains an undertaking to ensure the effective exercise of the right to work, as well as Article 20 concerning the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, and Article 27 concerning the right of workers with family responsibilities to equal opportunities and equal treatment;
- Bearing in mind its declaration adopted on the occasion of its 83rd Session in 1988 on equality of women and men;
- Recalling that, in the resolution on the employment of women adopted at the close of the 4th Conference of European Ministers of Labour (Copenhagen, 1989), the Ministers of Labour agreed that adaptive and innovative measures were required in order to better reconcile working life and family life, whether it be in social infrastructures, labour and social protection legislation, or flexibility of employment for workers, without prejudice to access by women to professional responsibilities of all kinds;
- Bearing in mind Recommendation No. R (94) 14 of the Committee of Ministers on coherent and integrated family policies;
- Taking note of the final communiqué of the XXIVth session of the Conference of European Ministers responsible for Family Affairs on the theme of the status and role of fathers - family policy aspects (Helsinki, 1995);

■ Bearing in mind the various instruments of the International Labour Organisation, particularly Convention No. 156 and Recommendation No. 165 concerning equal opportunities and equal treatment for men and women workers: workers with family responsibilities, and Convention No. 175 and Recommendation No. 182 concerning part-time work;

■ Considering that the initiatives to enable women and men to reconcile their occupational, family and upbringing responsibilities arising from the care of children contained in the Recommendation of the Council of the European Communities of 31 March 1992 on child care (92/241/EEC) are relevant to the circumstances pertaining in all member states;

■ Bearing in mind the principles set out in Article 18 of the United Nations Convention on the Rights of the Child (1989), which provides that the states parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of their children, that they shall render appropriate assistance to parents in the performance of their child-rearing responsibilities, and that they shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible;

■ Bearing in mind the strategic objectives set out in the Platform for Action adopted by the United Nations 4th World Conference on Women (Beijing, 1995), and in particular those aiming at the promotion of the harmonisation of work and family responsibilities for women and men;

■ Considering that employment and family policies should promote equal opportunities in order to overcome discrimination on grounds such as disability, age, sex, sexual orientation, race, colour or ethnic origins;

■ Welcoming the progress already made in facilitating the labour force participation of workers with family responsibilities;

■ Recognising that the reconciliation of work and family life is a problem of considerable complexity which still remains insufficiently understood;

■ Recognising, nonetheless, that the following observations can be made:

- ▶ it is women who most often continue to bear the principal burden of family responsibilities;
- ▶ discrimination against women in the labour market is encouraged by insufficient sharing of family responsibilities;
- ▶ women and men have an increasing desire and willingness to share their family responsibilities more equally;
- ▶ numerous obstacles, especially social and cultural, stand in the way of a more equal sharing between women and men of their family responsibilities;
- ▶ overall, labour-market actors continue to take insufficient account of the family responsibilities of women and men;

■ Taking note of the development and importance of family responsibilities for women and men arising from economic, cultural and social changes;

■ Taking into consideration, on the one hand, the difficult economic and social context, particularly the budgetary restrictions confronting member states, and, on the other hand, the potential benefits to be gained in the promotion of a working society that uses the skills of all its members to the full;

■ Noting that the full social and economic participation of workers with family responsibilities has positive effects for the efficiency of the economy, the promotion of employment, and the fight against unemployment, and also has a role in strengthening social cohesion;

■ Considering that success in meeting the objectives and implementing the measures and initiatives described below demands both individual initiative and collective effort;

■ Considering, furthermore, that the undertaking of such a collective effort concerns, inter alia, public authorities, employers, organisations of employers and workers, and non-governmental organisations;

■ Being aware that greater access for women to positions of responsibility is an important factor in promoting measures designed to improve equal opportunities for women and men;

■ Affirming that the reconciliation of work and family life, promoting as it does self-fulfilment in public, professional, social and family life, is a precondition for a meaningful quality of life and for the full exercise of fundamental human rights in the economic and social sphere,

— Recommends that the governments of member States:

- I. Take action, within the framework of a general policy promoting equal opportunities and equal treatment, to enable women and men, without discrimination, to better reconcile their working and family lives;
- II. Adopt and implement the measures and general principles described in the appendix to this recommendation in the manner they consider the most appropriate to achieve this goal in the light of national circumstances and preferences.

## APPENDIX TO RECOMMENDATION NO. R (96) 5

### — General principles

1. With a view to creating effective equality of opportunity and treatment for women and men workers, each member state should make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without any conflict between their employment and family responsibilities.
2. The need for women and men to meet their responsibilities for child rearing should be made a priority, not only in respect of their very young children but also in respect of their older children. It is also important that workers be able to meet their increasing responsibilities to other dependent family members, and in particular to their relatives who are elderly or who have a disability.
3. The measures described in this appendix imply a considerable change in attitudes, business structures and working patterns in the public and private sectors, and it is therefore important to ensure that the measures in this appendix are implemented with the full involvement and co-operation of all labour-market actors including employers and organisations of employers and workers.
4. Although the measures described in this appendix relate essentially to the labour market, they will not in themselves ensure a more equal reconciliation of occupational and family responsibilities. A concerted effort therefore needs to be taken in all fields of social life in order to promote and take account of changes in the roles of women and men in both the workplace and the home.
5. With a view to promoting the reconciliation of working and family life, action needs to be taken in a number of related priority policy areas, namely:
  - the organisation of working time;
  - the abolition of discrimination between women and men in the labour market;
  - the development of adequately financed services in favour of families;
  - the adaptation of social security schemes and tax systems to the increasing diversity in working patterns;
  - the organisation of school time and curricula.
6. A significant effort should be made to strengthen the regulatory and social infrastructures which support and assist workers who have to reconcile their working and family responsibilities.
7. The various instruments of the international bodies referred to in the preamble to this recommendation should be applied as widely as possible.

### — Organisation of working time

#### ► *General*

8. Governments should promote effective flexibility, or, where appropriate, encourage employers' and workers' organisations to promote such flexibility, throughout the length of the active life of workers, to take account of their family responsibilities. Account should be taken of their needs and in particular on their preparation for, entry to and withdrawal from the labour market.

#### ► *A flexible employment practice*

9. Employers should be encouraged to develop flexible employment practices enabling their workers, both women and men, to meet the demands of their family responsibilities in the most satisfactory manner possible. In so far as is possible, account should be taken of the individual circumstances of each worker in relation to their family responsibilities and the needs of the persons dependent on them (for example the size of their family, whether they are a single parent, or whether their dependent relatives are ill, elderly or have a disability).

10. A flexible and voluntary employment practice widely agreed between employers and workers should comprise as many as possible of the following options:
  - easier access to part-time work for those workers who so wish;
  - easier access, where possible, to options for "distance employment" such as, for example, telework or homework for those workers who so wish;
  - the possibility for workers to vary their working hours and the organisation of their working time, whilst retaining the possibility of reverting to their original hours;
  - leave arrangements to care for family members who are ill or who have a disability.
11. Flexible employment practices should provide for conditions of employment which are equivalent or comparable to those of similarly placed full-time workers. In particular, member states are encouraged to extend this principle of equal or comparable treatment to the following areas:
  - job security;
  - work place representation;
  - career development including promotion possibilities;
  - pay and other benefits.

► *Maternity and parental leave*

12. Women should be entitled to legal protection in the event of pregnancy, and, in particular, an adequate period of maternity leave, adequate pay or allowance during this period and job protection.
13. The fathers of newly born children should also be allowed a short period of leave to be with their families. In addition, both the father and the mother should have the right to take parental leave during a period to be determined by the national authorities without losing either their employment or any related rights provided for in social protection or employment regulations. The possibility should exist for such parental leave to be taken part-time and to be shared between parents.
14. The measures described in paragraph 13 should apply equally for the benefit of persons adopting a child.
15. The return to work at the end of a period of parental leave should be facilitated by, for example, vocational guidance and training facilities.

■ **Abolition of discrimination between women and men in the labour market**

16. A reduction of wage differentials between women and men should be encouraged in order to achieve a more equal sharing of family responsibilities within each family unit. Accordingly, measures should be taken to promote:
  - i. a more balanced distribution of women and men in different sectors and occupations;
  - ii. a reduction of wage differentials between female dominated and male dominated occupations;
  - iii. a reduction in wage differentials between women and men within the same occupation.

■ **Development of adequately financed services in favour of families**

17. A wide and diversified variety of high quality services in the public and private sectors (including the voluntary welfare sector and the personal service sector) should be available to assist women and men in better reconciling their occupational and family responsibilities. They should operate at local level and cover child-minding services, child care, the bringing up of dependent children, reception facilities outside school time and the care of relatives who are elderly or who have a disability
18. In order to ensure the success of the various services they should be financed collectively and not only by families. They should also be closely co-ordinated by the different parties concerned, that is national, regional and local authorities, employers, organisations of employers and workers, as well as service users themselves.
19. Employers should also be encouraged to participate, financially or otherwise, in the provision of child care and family facilities for their workers, or in other services to help them meet their family responsibilities.
20. Full information should be available to users on the various services open to them, the standard of these services and their charges.
21. Where charges are made for child care and other services, these should be reasonable, and/or means-tested, and reflect the nature and quality of the service provided by the public authorities. Where necessary, and in order to ensure that these services are effectively available for workers with low means, financial assistance should be provided by the public authorities. Governments should ensure that the services are open to all children and that they should not be excluded for reasons related to the situation, and particularly the financial situation, of their parents.

22. Assistance to families may take the form of cash benefits, free entitlement to services, services at reduced charges and public funding to service providers. Consideration should be given to determining the most efficient means of financing these services.
23. The full range of public services, in particular public transport and housing, should be organised to better meet the needs of workers with family responsibilities. Similarly, urban and rural planning should take into account such responsibilities.

#### ■ **Adaptation of social security schemes and tax systems to the increasing diversity of working patterns**

24. Where necessary, income tax and social security schemes should be reviewed to ensure that their operation does not work against the goal of enabling women and men to better reconcile their occupational and family responsibilities and to share these responsibilities between them more equally.
25. With a view to financing the assistance referred to in paragraph 22, contribution and tax systems might be designed in such a way as to encourage employers to make provision for their workers.

#### ■ **The organisation of school time and curricula**

26. An effort should be made to better harmonise school and working hours.
27. School curricula should support an awareness of the needs related to reconciling work and family life.



## Recommendation No. R (85) 2 of the Committee of Ministers to member States on legal protection against sex discrimination

Recommendation No. R(85)2 on legal protection against sex discrimination requires member States to take or to reinforce measures for the promotion of equality between women and men, including through legislation in the fields of employment; social security and pensions; taxation; civil law; the acquisition and loss of nationality; and political rights. Its Appendix refers to the need to consider the adoption of special temporary measures designed to accelerate the realisation of de facto equality between women and men.



### Recommendation No. R (85) 2 of the Committee of Ministers to member States on legal protection against sex discrimination<sup>1</sup> (adopted by the Committee of Ministers on 5 February 1985 at the 380th meeting of the Ministers' Deputies)

- The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
- Aware that equality between men and women has not yet been fully achieved in spite of the extensive work carried out during these last years by member States;
- Noting that certain forms of sex discrimination still exist in the legislation and practice of some member States;
- Recognising the necessity to ensure legal and *de facto* equality between men and women, in particular by improving the situation of women and by taking into account the specific needs of certain categories of people;
- Conscious of the importance of the participation of women in the decision-making process at all levels;
- Realising the desirability of providing effective measures against sex discrimination and sanctions to ensure equality between men and women;
- Considering that the setting up of machinery to protect persons against sex discrimination is an important means of furthering equality between men and women;
- Having regard to the various relevant international instruments, especially the United Nations Convention of 1979 on the elimination of all forms of discrimination against women,
- Recommends the governments of member states to take or reinforce, as the case may be, all measures they consider appropriate with a view to the progressive implementation of the principles set out in the appendix to this recommendation.

<sup>1</sup> When this recommendation was adopted, and in application of Article 10.2.c of the Rules of Procedure for the meetings of the Ministers' Deputies, the Representative of Liechtenstein reserved the right of his Government to comply with it or not.

### Principles

#### I. Promotion of equality between the sexes by legislation

In order to promote equality between the sexes, legislation should aim at the following objectives:

1. In the field of employment, men and women should have equal rights with regard to opportunities for employment and conditions of employment in all fields and, in particular, should be entitled to:
  - a. equal right of access to work;
  - b. equal conditions of work;
  - c. equal opportunities for training;
  - d. equal pay for work of equal value;
  - e. equal opportunities for advancement.
2. In the field of social security and pensions, men and women should be treated in an equal way with regard to access to official social security and pension systems or to any other similar systems set up under public law and with regard to the benefits paid by such systems.
3. In the field of taxation, men and women should be treated equally.
4. In the field of civil law, equal rights and duties should be given to both men and women, in particular with regard to:
  - a. the fulfilment of family responsibilities;
  - b. the exercise of parental responsibilities insofar as it is not contrary to the interests of the child;
  - c. the acquisition, administration and sharing of family property;
  - d. the conclusion of contracts;
  - e. the exercise of a gainful occupation by each spouse;
  - f. the payment of maintenance by one spouse to the other spouse in the case of a separation or to a former spouse in the case of a divorce;
  - g. the domicile and residence of each spouse;
  - h. the rights of succession.Attention should be paid to the following questions:
  - a. the age for marriage and the age to adopt children;
  - b. the family name.
5. In addition, equal treatment of men and women should be ensured concerning:
  - a. the acquisition and loss of nationality;
  - b. political rights.

#### II. Other measures of a general character

1. States should, by means of adequate measures, endeavour to create the most favourable social, economic and cultural conditions in order to achieve equality between men and women. Appropriate information should be given to families in order that they can play an active role in the pursuit of these goals.
2. States should encourage the equal participation of men and women in all aspects of public life.
3. Men and women should be encouraged to make full use, on an equal basis, of all existing educational and training facilities.
4. Educational establishments, the mass media and persons or bodies responsible for the production of teaching material should be encouraged, by appropriate means, to play an active role promoting equality between men and women.

#### III. Special temporary measures (positive action)

States should, in those areas where inequalities exist, give consideration to the adoption of special temporary measures designed to accelerate the realisation of *de facto* equality between men and women, where there are no obstacles of a constitutional nature, in particular by:

- a. making employers aware of the desirability of having as an objective the achievement of equality between the sexes;
- b. giving or encouraging special training for persons of the under-represented sex to enable them to obtain the necessary qualifications.

#### **IV. Machinery to promote equality**

States, in order to promote equality between men and women, should adopt suitable machinery which could have, without prejudice to the competence of the courts, one or more of the following tasks:

- a. suggesting draft legislation and giving advice to the public authorities;
- b. preparing and promoting guidelines and codes of conduct;
- c. encouraging parties to collective bargaining to promote equality and to avoid any discriminatory results;
- d. acting to avoid and eliminate sex discrimination in advertisements;
- e. advising and, where possible, promoting a conciliation between the parties to a dispute;
- f. imposing appropriate administrative sanctions;
- g. bringing, in appropriate cases, legal proceedings before the courts.

#### **V. Remedies and sanctions**

1. Legislation promoting equality should contain remedies and sanctions which are effective in discouraging discrimination, for example by making use of one or more of the following:

- a. orders to prevent discrimination (prohibiting or requiring the discontinuation of an act, requiring a certain act to be carried out, setting aside a decision of a discriminatory nature);
- b. adequate sanctions in case of failure to comply with such orders, administrative and, where necessary, criminal sanctions to punish acts of discrimination (such as fines, suspension of licence, public disclosure of discrimination);
- c. damages to compensate victims of discrimination.

2. States should provide, where cases concerning sex discrimination are brought before the courts, rapid, inexpensive and suitable proceedings as well as free legal assistance wherever this is necessary.



## **B. Thematic recommendations**

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# Prevent and combat gender stereotypes and sexism

## Recommendation CM/Rec (2019)1 of the Committee of Ministers to member States on preventing and combating sexism

Recommendation CM/Rec(2019)1 on preventing and combating sexism contains the first definition of sexism at the international level, covering any act, gesture, visual representation, spoken or written words, practice or behaviour based on the idea that a person or group, disproportionately often women, is inferior because of their sex. The recommendation emphasises the link between sexism and violence against women, and requires member states to address sexism in the areas of language and communications; the Internet and social media; media, advertising and other methods of communication; the workplace; public sector; judiciary; educational institutions; culture and sport; and the private sphere.



The recommendation requires states parties to monitor the implementation of policies at national level and report periodically to the Council of Europe.

## Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism<sup>1</sup> (adopted by the Committee of Ministers on 27 March 2019 at the 1342<sup>nd</sup> meeting of the Ministers' Deputies)

- The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
- Recalling that gender equality is central to the protection of human rights, the functioning of democracy and good governance, respect for the rule of law and the promotion of well-being for all, that it entails equal rights for women and men, girls and boys, as well as the same visibility, empowerment, responsibility and participation in all spheres of public and private life, and that it implies equal access to and distribution of resources between women and men, as set out in the Council of Europe Gender Equality Strategy 2018-2023;
- Recalling that discrimination on the grounds of sex and/or gender constitutes a violation of human rights and an impediment to the enjoyment of human rights and fundamental freedoms, as recognised by the United Nations Committee on the Elimination of Discrimination against Women in its General Recommendation No. 28

<sup>1</sup> When this Recommendation was adopted and in application of Article 10.2c of the Rules of Procedure for the meetings of the Ministers' Deputies, the Representative of the Russian Federation reserved the right of his government to comply or not with the Recommendation, in particular paragraph 3 of the Preamble, rejecting the use of the term "gender", as the Russian legislation does not contain the concept of "gender" and in view of the fact that there is no commonly accepted definition of the term "gender" on the international level. Furthermore, the Russian Federation considers that intersex and trans persons do not fall under the scope of the Recommendation.

on the core obligations of States parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women;

■ Recalling that sexism is a manifestation of historically unequal power relations between women and men, which leads to discrimination and prevents the full advancement of women in society;

■ Noting that sexism is widespread and prevalent in all sectors and all societies;

■ Affirming that sexism is reinforced by gender stereotypes affecting women and men, girls and boys, and runs counter to achieving gender equality and inclusive societies;

■ Noting that sexism constitutes a barrier to the empowerment of women and girls, who are disproportionately affected by sexist behaviour; and further noting that gender stereotypes and inherent biases shape the norms, behaviour and expectations of men and boys, and therefore lead to sexist acts;

■ Concerned that sexism is linked to violence against women and girls, whereby acts of “everyday” sexism are part of a continuum of violence creating a climate of intimidation, fear, discrimination, exclusion and insecurity which limits opportunities and freedom;

■ Noting that women and girls can be subject to multiple and intersecting forms of discrimination and may face sexism combined with other norms or behaviour which are discriminatory, hateful or harmful;

■ Aware that sexism and sexist behaviour are perpetrated at the individual, institutional and structural levels, and experienced with detrimental effect at all three levels, and that measures to prevent and combat sexism should therefore be taken at all levels;

■ Recalling the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which requires States parties to take all 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”;

■ Bearing in mind the objectives set forward in the Beijing Declaration and Platform for Action adopted by the United Nations Fourth World Conference on Women (1995), and in particular the Report of the Beijing+20 Regional Review Meeting for Europe, organised by the United Nations Economic Commission for Europe in 2014, which indicated that “discriminatory stereotypes remain widespread, and affect women’s education and participation in the economy and in public life”;

■ Bearing in mind the United Nations 2030 Agenda for Sustainable Development, including Sustainable Development Goal 5 (“Achieve gender equality and empower all women and girls”), Sustainable Development Goal 16 (“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”) and Sustainable Development Goal 4 (“Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”), which are of universal application;

■ Taking account of the United Nations Convention on the Rights of the Child (1989) and its prohibition of discrimination based on the child’s or his or her parent’s or legal guardian’s sex;

■ Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and its prohibition of discrimination in the enjoyment of human rights;

■ Recalling that combating gender stereotypes and sexism and ensuring the integration of a gender equality perspective in all policies and measures are priority objectives in the Council of Europe gender equality strategy documents and recommendations;

■ Recalling that the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention) requires parties “to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men”, and that the Istanbul Convention also requires that parties criminalise stalking and take the necessary measures to ensure that sexual harassment is subject to criminal or other legal sanctions;

■ Taking account of the European Social Charter (ETS No. 35, ETS No. 163 [revised]) and its provisions on equal opportunities, non-discrimination and the right to dignity at work;

■ Recalling that the European Court of Human Rights in its case law has reiterated that the advancement of gender equality is today a major goal in the member States of the Council of Europe and that reference to traditions,

general assumptions or prevailing social attitudes are insufficient justification for a difference in treatment on grounds of sex. Furthermore, the Court has indicated that gender stereotypes, such as the perception of women as primary child-carers and men as primary breadwinners, cannot of themselves justify a difference in treatment;

■ Recalling the following recommendations of the Committee of Ministers to member States: [CM/Rec\(2007\)13](#) on gender mainstreaming in education; [CM/Rec\(2007\)17](#) on gender equality standards and mechanisms; [CM/Rec\(2013\)1](#) on gender equality and media; and [CM/Rec\(2017\)9](#) on gender equality in the audiovisual sector;

■ Referring to General Policy Recommendation No. 15 on combating hate speech, adopted by the European Commission against Racism and Intolerance (ECRI) in December 2015, which includes sexist hate speech;

■ Taking account of the Council of Europe Strategy for the Rights of the Child (2016-2021), which stresses the need to fight discrimination and violence, particularly sexual violence and the need to promote equality between girls and boys including by continuing to address stereotypes, sexism and over-sexualisation, notably in the media and education;

■ Taking account of the Council of Europe Internet Governance Strategy 2016-2019 and its call for monitoring action to protect everyone, in particular women and children, from online abuse, including cyberstalking, sexism and threats of sexual violence;

■ Recalling Resolutions 2119 (2016), 2144 (2017) and 2177 (2017) of the Parliamentary Assembly of the Council of Europe, respectively on “Fighting the over-sexualisation of children”, “Ending cyberdiscrimination and online hate” and “Putting an end to sexual violence and harassment of women in public space”;

■ Drawing on the outcomes of implementing the above-mentioned instruments and documents at international, national, regional and local levels, including achievements and challenges;

■ Mindful that, despite the existence of standards at international, national and regional levels guaranteeing the principle of gender equality, a gap still persists between standards and practice, between de jure and de facto gender equality;

■ Acknowledging that the prevalence of different manifestations of sexism is closely linked to the persistent difficulties in achieving gender equality, and desirous to tackle sexism as a critical cause and consequence of gender inequality;

■ Noting the lack of an internationally agreed definition of “sexism” and of a dedicated legal instrument to tackle it;

■ Aspiring to create a Europe free from sexism and its manifestations,

■ Recommends that the governments of member States:

1. Take measures to prevent and combat sexism and its manifestations in the public and private spheres, and encourage relevant stakeholders to implement appropriate legislation, policies and programmes, drawing on the definition and guidelines appended to this Recommendation;
2. Monitor progress in the implementation of this Recommendation and inform the competent Council of Europe steering committee(s) of the measures undertaken and the progress achieved in this field;
3. Ensure that this Recommendation, including its appendix, is translated and disseminated (in accessible formats) to relevant authorities and stakeholders.

## APPENDIX TO RECOMMENDATION CM/REC(2019)1

### GUIDELINES FOR PREVENTING AND COMBATING SEXISM: MEASURES FOR IMPLEMENTATION

#### ■ Definition

For the purpose of this Recommendation, sexism is:

Any act, gesture, visual representation, spoken or written words, practice or behaviour based upon the idea that a person or a group of persons is inferior because of their sex, which occurs in the public or private sphere, whether online or offline, with the purpose or effect of:

- i. violating the inherent dignity or rights of a person or a group of persons; or
- ii. resulting in physical, sexual, psychological or socio-economic harm or suffering to a person or a group of persons; or

- iii. creating an intimidating, hostile, degrading, humiliating or offensive environment; or
- iv. constituting a barrier to the autonomy and full realisation of human rights by a person or a group of persons; or
- v. maintaining and reinforcing gender stereotypes.<sup>2</sup>

## Context

The need to tackle sexism, sexist norms and behaviour and sexist speech is implicit in a number of international and regional instruments. Both the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention) and the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognise a continuum between gender stereotypes, gender inequality, sexism and violence against women and girls. In this way, acts of “everyday” sexism in the form of apparently inconsequential or minor sexist behaviour, comments and jokes are at one end of the continuum. However, these acts are often humiliating and contribute to a social climate where women are demeaned, their self-regard lowered and their activities and choices restricted, including at work, in the private, public or online sphere. Sexist behaviour such as, in particular, sexist hate speech, may escalate to or incite overtly offensive and threatening acts, including sexual abuse or violence, rape or potentially lethal action. Other consequences may include loss of resources, self-harm or suicide. Tackling sexism is thus part of States’ positive obligation to guarantee human rights, gender equality and to prevent violence against women and girls in accordance with international human rights law and, for States Parties, the Istanbul Convention.

Sexism and sexist behaviour result in physical, sexual, psychological or socio-economic harm and impact different sectors of the population differently. Women and girls are disproportionately affected by such behaviour. Sexism and sexist behaviour constitute a barrier to the empowerment and advancement of women and girls; the elimination of sexism and sexist behaviour would benefit everyone: women, girls, men and boys.

Sexism and sexist behaviour occur across the full range of human activity, including in cyberspace (internet and social media). They can be experienced individually or collectively by a person or a group of persons, even if neither the individual nor the group has been directly targeted, for example through sexist advertising, or posting of pictures of naked women in the workplace. The three levels of perpetuating and experiencing sexism are: individual, institutional (for example family, work or education environment), and structural (for example through societal gender inequalities, social norms and behaviour). Sexism is silencing when individuals and groups fail to report or complain about sexist behaviour for fear of not being taken seriously, of being ostracised or even held responsible.

The internet has provided a new dimension for the expression and transmission of sexism, especially of sexist hate speech, to a large audience, even though the roots of sexism do not lie in technology but in persistent gender inequalities. Additionally, social phenomena such as the #MeToo campaign and the series of actions and policy measures that it has triggered in different parts of the world (from 2017 onwards), including in Council of Europe member States, have helped shed light on the ubiquity of sexism and on the need for stronger measures to combat it.

Sexism and sexist behaviour are rooted in and reinforce gender stereotypes. The European Court of Human Rights has considered that “the issue with stereotyping of a certain group in society lies in the fact that it prohibits the individualised evaluation of their capacity and needs”<sup>3</sup>. Gender stereotypes reinforce unequal social power structures and impact resource allocation between women and men negatively. The persistent gender pay gap and the pension gap in member States are cases in point. Gender stereotypes are thus social constructions of the “appropriate” roles for women and men, which are determined by cultural prejudices, customs, traditions, and in many instances, interpretations of religious beliefs and practices. Women who challenge or deviate from what is regarded as their “proper” place in society can be confronted with sexism and misogyny and men who challenge dominant perceptions of masculinity may be confronted with sexism.

## Intersectionality, situational vulnerabilities and aggravating circumstances

Women and men may be confronted with different and intersecting forms of sexism, based on a range of other factors including but not limited to ethnicity, minority or indigenous status, age, religion, refugee or migrant

<sup>2</sup> “Gender stereotypes are preconceived social and cultural patterns or ideas whereby women and men are assigned characteristics and roles determined and limited by their sex. Gender stereotyping presents a serious obstacle to the achievement of real gender equality and feeds into gender discrimination. Such stereotyping can limit the development of the natural talents and abilities of girls and boys, women and men, their educational and professional preferences and experiences, as well as life opportunities in general.” (Council of Europe Gender Equality Strategy 2018-2023, Strategic objective 1)

<sup>3</sup> *Carvalho Pinto de Sousa Morais v. Portugal*, application No. 17484/15, judgment of 25 July 2017 of the European Court of Human Rights, paragraph 46.

status, disability, marital status, social origin, gender identity, sexual orientation or sexuality. They may be in more vulnerable situations or be targeted by different acts of sexism in different settings, such as young women and women active in predominantly male environments, for instance business, finance, the military or politics. Women in positions of power or authority, including public figures, are also particular targets for sexism as they are perceived to have deviated from social gender norms that exclude women from public spaces or authority. Intersex and trans persons also face additional and/or enhanced challenges with regard to sexism.

Some circumstances can add to the seriousness or impact of sexist behaviour, or can affect the capacity of the victim to react. Such aggravating circumstances exist where sexist acts or words take place within a hierarchical or dependent relationship, in particular at work, in an educational or medical setting, in the framework of (public) services, or within commercial relationships. Sexism is especially damaging when the author is in a position of power, authority or influence such as a politician, an opinion maker or a business leader. Another aggravating factor is where the reach, or potential reach, of the sexist words or acts is extensive, including the means of transmission, use of social or mainstream media and the degree of repetition.

## I. GENERAL TOOLS AND MEASURES FOR ADDRESSING SEXISM

■ The primary purpose of measures to prevent and combat sexism is to induce behavioural and cultural change at individual, institutional and structural levels.

■ Tools to prevent and combat sexism can include legislative, executive, administrative, budgetary and regulatory instruments, in addition to plans, policies and programmes. States should choose the tools best suited to their own context and the objective of the particular action. Different tools are needed to address, on the one hand, unconscious bias and, on the other, deliberate sexist behaviour. The former may be addressed through awareness raising, training and education, while stronger measures are needed to eliminate deliberate and persistent sexist behaviour and sexist hate speech. Legislation addressing sexism, including definitions; a user guide; and an indication of the avenues of recourse and reparation for victims, and of the risks and ramifications for perpetrators, are important options to be considered.<sup>4</sup>

■ States should draw upon existing tools and ensure their effective implementation or make new tools available to prevent and protect against sexist behaviour, where appropriate, to prosecute and punish offenders and to provide reparation to victims.

■ The governments of member States are invited to examine the following measures to support the implementation of this Recommendation.

### ■ I.A. Legislation and policies

- I.A.1. Consider legislative reform that condemns sexism and that defines and criminalises sexist hate speech.
- I.A.2. Intersecting factors, differences between women, situational vulnerabilities and aggravating circumstances need to be recognised and taken into account when devising legislation and policies to combat sexism.
- I.A.3. Develop and invest in a comprehensive public infrastructure that serves as a platform for women's empowerment and gender equality and develop a policy framework on the elimination of sexism and gender discriminatory stereotypes, with targeted objectives, benchmarks, timelines, progress and results indicators, and a monitoring and evaluation mechanism to assess the impact of the steps taken.
- I.A.4. Encourage the participation of civil society, in particular women's non-governmental organisations, religious and community leaders, lawyers' and judges' professional bodies and labour unions, in the design of policy and legal frameworks aimed at combating sexism, in order to promote collaboration and to ensure their engagement in the implementation of these measures.
- I.A.5. Recognise, encourage and support, at all levels, the work of relevant civil society organisations, in particular women's non-governmental organisations, active in combating sexism in all areas (in particular those covered in Section III below) and establish effective co-operation with these organisations.
- I.A.6. Encourage relevant public bodies and services, for instance ombudspersons, equality commissions, legislative assemblies, national human rights institutions, public enterprises and complaints bodies, to draw up and implement codes of conduct or guidelines on sexism, in accordance with a comprehensive policy on the elimination of sexism, and provide such activities with adequate resources.
- I.A.7. Consider designating a gender equality body or other official institution with the responsibility for monitoring and evaluating policies and measures for the elimination of sexism in public and private life. Such a body should be afforded the necessary authority and resources to pursue these tasks.

<sup>4</sup> For example, "Anti-Sexisme – Mode d'emploi", Institut pour l'égalité de femmes et des hommes, Belgium, available in French at [http://igvm-iefh.belgium.be/sites/default/files/downloads/79%20-%20Anti-sexisme%20mode%20emploi\\_FR.pdf](http://igvm-iefh.belgium.be/sites/default/files/downloads/79%20-%20Anti-sexisme%20mode%20emploi_FR.pdf).

- I.A.8. Provide for appropriate remedies for victims of sexist behaviour.
- I.A.9. Put in place training programmes for those working with victims and perpetrators of gender-related and sexual crimes.
- I.A.10. Consider the imposition of non-criminal penalties, for example the withdrawal of financial and other forms of support from public bodies or other organisations that fail to denounce sexism and sexist behaviour, especially sexist hate speech.

### ■ I.B. Awareness-raising measures

- I.B.1. Encourage speedy reactions by public figures, in particular politicians, religious, economic and community leaders, and others in a position to shape public opinion, to condemn sexism and sexist behaviour and to positively reinforce the values of gender equality.
- I.B.2. Initiate, support and fund research, including collaborative research across member States, that provides systematic and sex- and age-disaggregated data on the incidence and negative impact of sexism and its manifestations, including on sexism and sexual harassment in the workplace, sexist hate speech, targets, perpetrators, the means of transmission, media and public response. Disseminate widely such data on a regular basis to the relevant public authorities, education establishments and the public.
- I.B.3. Allocate resources to finance effective communication and awareness-raising campaigns on the links between sexism and violence against women and girls, and fund organisations that support victims.
- I.B.4. Design, implement and promote regular national awareness-raising initiatives at all levels and through diverse forms of media (for example the production of handbooks, guidelines, video clips available on the internet and in mainstream media, the introduction of a national day against sexism, the setting up of museums to celebrate gender equality and women's rights). These initiatives should aim to increase awareness and understanding among the general population, especially parents, of different forms of sexism, including phenomena such as "mansplaining"<sup>5</sup>, of how to prevent and respond to them, and of the harm they generate for individuals and society, including girls and boys.
- I.B.5. Ensure the design and implementation of tailored, ongoing education and training for educators in all spheres and at all levels of education, including in education establishments, for human resources personnel in the public and private sectors and in professional training institutions (for example the media, the military, medical and legal professionals, and accountancy, management and business schools) on gender equality, the meaning of gender stereotypes, how to recognise and address sexism, prejudices and biases, and how to challenge stereotypes.
- I.B.6. Ensure the assessment of textbooks, training materials and teaching methods used by/for pupils of all age groups and in all forms of education and training (starting with preschool education) for sexist language, illustrations and gender stereotypes, and revise them so that they actively promote gender equality.<sup>6</sup>
- I.B.7. Promote a gender equality perspective, as well as the development of critical thinking for the countering of sexism in the content, language and illustrations of toys, comics, books, television, video and other games, online content and films, including pornography, which shape the attitudes, behaviour and identity of girls and boys.
- I.B.8. Promote and conduct regular awareness-raising campaigns on the construction of femininities and masculinities and what it means to be a woman/girl and a man/boy in contemporary society, for example through media, free public lectures and discussions.
- I.B.9. Encourage collaboration between professionals (for example journalists, educators, law-enforcement agents) and civil society organisations to determine and share good practices on preventing and combating sexism.
- I.B.10. Establish structures accessible to all, especially young people, to provide them with expert advice on how to prevent, combat and respond to sexism.

## II. SPECIFIC TOOLS AND MEASURES FOR ADDRESSING SEXISM AND SEXIST BEHAVIOUR IN TARGETED AREAS

■ Some fields of activity are especially prone to acts of sexism and/or to specific forms of sexist behaviour; it is therefore critical to take targeted action to prevent and combat sexism in these areas, in addition to the generally applicable recommended measures and tools listed in the previous section.

<sup>5</sup> Mansplain (verb, informal): (of a man) to explain something to a woman in a manner regarded as condescending, patronising, overconfident, oversimplified, or which assumes the interlocutor has no knowledge of the topic.

<sup>6</sup> CEDAW, Article 10.c requires the elimination of "any stereotyped concept of the roles of men and women at all levels and in all forms of education ... in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods".

## II.A. Language and communications

Language and communication are essential components of gender equality and “must not consecrate the hegemony of the masculine model”.<sup>7</sup> Non-stereotypical communication is a good way to educate, raise awareness and prevent sexist behaviour. It encompasses eliminating sexist expressions, using the feminine and masculine or gender-neutral forms of titles, using the feminine and masculine or gender-neutral forms when addressing a group, diversifying the representation of women and men, and ensuring equality of both in visual and other representations.

The governments of member States are invited to consider the following measures:

- II.A.1. Reaffirm and implement relevant existing recommendations of the Council of Europe Committee of Ministers to member States, including Recommendation No R (90) 4 on the elimination of sexism from language, and Recommendation [CM/Rec\(2007\)17](#) on gender equality standards and mechanisms, which underlines that “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”.
- II.A.2. Undertake a systematic review of all laws, regulations, policies, etc., for sexist language and reliance on gendered assumptions and stereotypes with a view to replacing them with gender-sensitive terminology. Good practice includes the preparation of practical guides for language and communication that are non-sexist and without gender stereotypes for use in public administration documents.

## II.B. Internet, social media and online sexist hate speech

Online sexism is rampant throughout Europe, with women disproportionately affected – especially young women and girls, women journalists, politicians, public figures and women’s human rights defenders. One aspect of online sexism is adversely commenting on expressed views or opinions. While attacks on men are more often based on their professional opinions or competence, women are more likely to be subject to sexist and sexualised abuse and invective, the extremity of which may be magnified by the anonymity offered by the internet. Online attacks not only affect women’s dignity but may also prevent women, including in the workplace, from expressing opinions and result in pushing them out of online spaces, undermining the right to free speech and opinion in a democratic society, limiting professional opportunities and reinforcing the gendered democratic deficit. Another aspect is that the digital age has deepened the scrutiny to which women’s bodies, speech and activism are subjected. In addition, sexist misuse of social media – such as posting of intimate visual material without the consent of those depicted – is a form of violence that needs to be addressed.

The internet and social media are both vehicles for freedom of expression and promoting gender equality, but they also allow perpetrators to express their abusive thoughts and engage in abusive behaviour. While racist hate speech is recognised as contrary to European and international human rights standards, the same is not always true of sexist or misogynist hate speech, and current policies and legislation at all levels have not been able to adequately address the issue. Therefore, States are encouraged to take responsibility for combating hate speech and ensuring that the same rules apply to sexist hate speech as those developed for racist hate speech when it comes to the use of criminal law sanctions.

In addition, artificial intelligence poses specific challenges in relation to gender equality and gender stereotypes. The use of algorithms can transmit and strengthen existing gender stereotypes and therefore may contribute to the perpetuation of sexism.

The governments of member States are invited to consider the following measures.

- II.B.1. Implement legislative measures that define and criminalise incidents of sexist hate speech and are applicable to all media, as well as reporting procedures and appropriate sanctions. More proactive detecting and reporting procedures for sexist hate speech should also be encouraged in respect of all media, including the internet and new media.
- II.B.2. Establish and promote programmes (including software) for children, young people, parents and educators to assist in advising children on media literacy for a safe and critical use of digital media and appropriate digital behaviour. This should be done through school curricula and through the production of handbooks and factsheets on what constitutes sexist behaviour, unwanted sharing of material on the internet, and appropriate responses, including gender-sensitive information about online safety. Ensure the wide dissemination of such materials.

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<sup>7</sup> Committee of Ministers Recommendation [Rec\(2003\)3](#) on the balanced participation of women and men in political and public decision-making, Explanatory Memorandum.

- II.B.3. Develop information and campaigns to raise awareness about sexist misuse of social media, threats in the internet environment and the situations children and young people face (for example blackmail, requests for money or unwanted posting of intimate pictures) with practical assistance about how to prevent and respond to such situations.
- II.B.4. Undertake campaigns directed at the wider public on the dangers, opportunities, rights and responsibilities related to the use of new media.
- II.B.5. Establish online resources providing expert advice on how to deal with online sexism, including procedures for swiftly reporting/removing harmful or unwanted material.
- II.B.6. Undertake regular studies and gather sex- and age-disaggregated data on cybersexism and cyberviolence and share outcomes as appropriate.
- II.B.7. Integrate a gender equality perspective in all policies, programmes and research in relation to artificial intelligence to avoid the potential risks of technology perpetuating sexism and gender stereotypes and examine how artificial intelligence could help to close gender gaps and eliminate sexism. This includes measures to increase the participation of women and girls in the information and technology area as students, professionals and decision makers. Design of data-driven instruments and algorithms should factor in gender-based dynamics. Transparency around these issues should be improved and awareness raised about the potential gender bias in big data; solutions to improve accountability should be offered.

### ■ II.C. Media, advertising and other communication products and services

Sexism in the media – electronic, print, visual and audio – contributes to an environment that tolerates and trivialises “everyday” sexism. It is manifested through:

- ▶ sexual, sexualised and racialised depictions and objectification of women, men, girls and boys, including in advertising, films, television, video games and pornographic material;
- ▶ derogatory or trivialising reporting about women’s appearance, dress and behaviour rather than balanced and informed discussion of their views and opinions;
- ▶ reporting and imaging women and men in stereotypical roles within the family and community;
- ▶ reproducing and perpetuating gender stereotypes with respect to victims of gender-based violence;
- ▶ unbalanced representation and the lack of meaningful participation of women in diverse professional and informative roles (experts, commentators), especially with respect to minority women.<sup>8</sup>

The governments of member States are invited to consider the following measures:

- II.C.1. Introduce legislation banning sexism in media and advertising and encourage the monitoring and enforcement of such measures.
- II.C.2. Promote the inclusion of expressions of sexism in defamation laws.
- II.C.3. Urge and provide support for the participation of the information and communication technology, media and advertising sectors in the drafting, adoption and implementation of self-regulatory policies and mechanisms for the elimination of sexism, including sexist hate speech within each sector.
- II.C.4. Promote the role of media watch and advertising organisations in addressing sexism.
- II.C.5. Encourage the establishment of an institution that is competent to receive, analyse and review complaints in relation to sexism in the media and in advertising, and has the authority to require that sexist content or advertisements be withdrawn or modified.
- II.C.6. Encourage relevant bodies, such as gender equality commissions or national human rights institutions, to introduce education and training strategies, and tools for journalists and other media and communication professionals on the recognition of sexism, on how to promote positive and non-stereotypical portrayals of women and men in the media and in advertising, and on how to promote gender-sensitive communication. These additional activities should be adequately resourced.
- II.C.7. Support research on the prevalence and impact of sexist portrayals of women and girls in the media and in pornographic material, the extent to which they exacerbate gender inequalities and violence against women and girls, and also on their impact on women’s physical, sexual and psychological health. Allocate resources to finance effective communication and awareness-raising campaigns on the links between sexism, lack of gender equality and violence against women and girls; and promote positive and non-stereotypical portrayals of women and men in the media and in advertising.
- II.C.8. Encourage the equal participation of women and men in media decision-making positions and in content, and the establishment of databases of women experts on all subjects.

<sup>8</sup> See findings and recommendations of the Council of Europe Conference Media and the Image of Women (Amsterdam, 4-5 July 2013). See conference report at <https://rm.coe.int/1680590fb8>.

- II.C.9. Adopt positive measures for excellence and leadership in promoting balanced gender representation, such as a points-based system that allocates additional funding to media outlets for the production of gender-sensitive content.
- II.C.10. Encourage the promotion of positive images of women as active participants in social, economic and political life, and of positive images of men in non-traditional roles such as carers. Provide incentives or rewards for good practice, for instance through public funding.
- II.C.11. Support and promote good practice through dialogue and the development of networks and partnerships between media stakeholders to further combat sexism and gender stereotypes within the sector.
- II.C.12. Support projects addressing the multiple and intersecting discrimination of women in vulnerable situations. Introduce incentives for the media to promote positive images of women of ethnic minority and/or migrant background.

## II.D. Workplace

Workplace sexism takes many forms and is present in the public and the private sector. It manifests itself through sexist comments, and behaviour aimed at an employee or group of employees. Sexism in the workplace includes, among others, derogatory comments, objectification, sexist humour or jokes, over-familiar remarks, silencing or ignoring people, gratuitous comments about dress and physical appearance, sexist body language, lack of respect and masculine practices which intimidate or exclude women and favour fellow men.<sup>9</sup> It impinges upon equality and dignity at work.<sup>10</sup>

Sexist assumptions based on traditional gender roles may result in the belief that women, as mothers or would-be mothers or carers, are less reliable colleagues and employees. Conversely, there may be hostility towards mothers who do not stay at home or, alternatively, they may be excluded from important opportunities to advance their careers and, as a consequence, their professional lives. This contributes to the glass ceiling that limits women's promotion opportunities. Such assumptions can also result in sexist remarks towards men who take up caring responsibilities.

Some workplace environments are especially male-dominated, with a high risk of fostering a culture of sexism. In addition, women occupying decision-making positions or those perceived as challenging the institutional male-dominated hierarchy may be especially subject to sexism. Similarly, men may experience sexism in female-dominated workplaces, or for being employed in typically "female" work.

The governments of member States are invited to consider the following measures:

- II.D.1. Review labour legislation to prohibit sexism and sexist acts at work, and promote good practices such as risk analysis, mitigation and management measures, complaints mechanisms, remedies for victims and disciplinary action through civil or administrative law processes.
- II.D.2. Encourage and provide support for the systematic review of rules, policies and regulations within both public- and private-sector establishments with a view to the adoption of appropriate codes of behaviour that incorporate complaints mechanisms and disciplinary measures in relation to sexism and sexist acts. This should also include intersecting forms of sexism, for instance, concerning migrant status or disability.
- II.D.3. Encourage independent professions, professional organisations and trade unions to embrace the fight against sexism within their organisations, including in their internal rules.
- II.D.4. Devise and make widely available a toolkit for combating sexism, including relevant legislative provisions and explanations as to the institutional benefits of eliminating sexism, and examples of sexist acts and of good practices for the elimination of sexism. Employers and managers, union representatives and other relevant personnel should be reminded of their obligation to eliminate workplace sexism and of the remedial action available for victims.
- II.D.5. Urge commitment from the highest level (in the public and private sectors) for the promotion of an institutional culture that rejects sexism within the workplace, for instance through the drawing up of equality policies, internal guidelines and campaigns on different forms of sexism and deconstruction of stereotypes, increasing the number of women in decision-making positions and breaking the glass ceiling, including through temporary special measures such as targets and quotas.

<sup>9</sup> Higher Council for professional equality between men and women (2016), "Kit to act against sexism – Three tools for the world of work", available at <https://rm.coe.int/16806fbc1e>.

<sup>10</sup> Article 26.2 of the European Social Charter (revised) requires parties "to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct".

II.D.6. Urge commitment from the highest level (in the public and private sectors) to promote awareness, information and prevention as regards sexist behaviour and to take all appropriate measures to protect workers from such conduct.

## II.E. Public sector

Sexism in the public sector and reliance on gender stereotypes can result in the refusal of public services and unequal access to resources. At the same time, women working in the public sector, including those elected or members of decision-making bodies, at all levels, frequently face challenges to their dignity, legitimacy and authority owing to sexism and sexist behaviour.<sup>11</sup>

The governments of member States are invited to consider the following measures:

- II.E.1. Include provisions against sexism and sexist behaviour and language in internal codes of conduct and regulations, with appropriate sanctions for those working in the public sector, including elected assemblies.
- II.E.2. Support initiatives and investigations undertaken by parliamentarians, civil society organisations, trade unions or activists to address sexism in the public sphere.
- II.E.3. Promote the inclusion of gender equality provisions within the applicable legal framework as good public tender/procurement practice.
- II.E.4. Ensure training of public sector employees on the importance of non-sexist behaviour in working with the public, as well as with workplace colleagues. Such training should include the definition of sexism, its different manifestations, ways to deconstruct gender stereotypes and biases, and how to respond to them.
- II.E.5. Inform recipients of public services about their rights as regards non-sexist behaviour through, for example, awareness-raising campaigns and specific reporting schemes to identify and mediate possible problems.
- II.E.6. Promote the strengthening and implementation of internal disciplinary measures for sexism in the public sector and in all decision-making and political bodies, for instance through cutting or suspending responsibilities and funds, or through financial penalties.

## II.F. Justice sector

Sexism and gender stereotyping within the civil, administrative and criminal justice and law-enforcement systems are barriers to the administration of justice. It can result in decision makers making misinformed or discriminatory judgments based on preconceived beliefs and inherent biases rather than on relevant facts.<sup>12</sup>

The governments of member States are invited to consider the following measures:

- II.F.1. With due regard for the independence of the judiciary, ensure regular and adequate training for all judges and magistrates on human rights and gender equality, and the harm caused by gender bias and gender stereotyping and the use of sexist language, especially in cases involving violence against women and girls.<sup>13</sup>
- II.F.2. Provide for training of all law-enforcement personnel on sexism, cybersexism, sexist hate speech and violence against women; facilitate the reporting to police of such behaviour; and enhance police powers to seize and secure evidence of online abuse.
- II.F.3. Encourage national and international courts and tribunals to be receptive to third-party interventions and expert opinions on unfamiliar topics, such as sexism and gender stereotyping.
- II.F.4. Ensure that systems for reporting violations and access to law enforcement are secure, available and appropriate; alleviate financial charges or other deterrents that prevent victims from reporting or pursuing cases in the appropriate forum. Take steps to address the risk of revictimisation.
- II.F.5. Encourage legal professional bodies to organise public lectures and other events to raise awareness among legal professionals and other relevant stakeholders on sexism and gender stereotyping in the justice system.

<sup>11</sup> For example, according to a 2018 study by the Inter-Parliamentary Union and the Council of Europe Parliamentary Assembly, 85% of respondent women parliamentarians have suffered from psychological violence in parliament; women parliamentarians under 40 were more likely to be harassed; women parliamentary staff endured more sexual violence than women parliamentarians; and the majority of parliaments did not have mechanisms to enable women to speak out. Inter-Parliamentary Union and Council of Europe Parliamentary Assembly (2018), "Sexism, harassment and violence against women in parliaments in Europe", available at [www.ipu.org/resources/publications/reports/2018-10/sexism-harassment-and-violence-against-women-in-parliaments-in-europe](http://www.ipu.org/resources/publications/reports/2018-10/sexism-harassment-and-violence-against-women-in-parliaments-in-europe).

<sup>12</sup> "Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality" (CM(2016)36-final), "all efforts should be undertaken to fight gender stereotyping within the judiciary itself" (Action 2.4); OHCHR, "Eliminating judicial stereotyping – Equal access to justice for women in gender-based violence cases", 9 June 2014.

<sup>13</sup> See Council of Europe (2017), "Manual for Judges and Prosecutors on Ensuring Women's Access to Justice", available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

## II.G. Education institutions

Sexist messages shape our society and are imbued with and reproduced by education systems, where they should be challenged. Children and young people assimilate gender stereotypes through curricula, teaching materials, behaviour and language.<sup>14</sup> Sexism may be embedded in the culture of education establishments at all levels from preschool to tertiary institutions. It can take many forms, for example: tolerance for and trivialisation of sexist imagery, language and expressions; intolerance of non-conforming gender behaviour; not addressing unconscious biases by staff and students; absent or inappropriate complaint and recording mechanisms; lack of sanctions for sexual harassment, including by other students. These embedded forms of sexism may influence subsequent education, career and lifestyle choices. States also bear responsibility for ensuring the accountability of private institutions for their actions, and there should be no exclusions for religious education institutions.

The governments of member States are invited to consider the following measures:

- II.G.1. Fully implement the provisions of Recommendation [CM/Rec\(2007\)13](#) of the Committee of Ministers to member States on gender mainstreaming in education.
- II.G.2. Ensure the inclusion of gender equality and non-discrimination and the elimination of sexism and sexist behaviour throughout all aspects of the educational process, including mechanisms and guidelines for reporting, responding to and recording incidents.
- II.G.3. Implement and/or support prevention campaigns regarding sexism and sexist behaviour in education establishments and ensure zero tolerance for such phenomena, including gender stereotyping and bullying, cyberbullying, sexist insults and gender-based violence.
- II.G.4. Organise events, including through State bodies, that address gender equality issues and ways of preventing and combating sexism, gender stereotypes and unconscious gender bias in all education establishments.
- II.G.5. Integrate a gender equality perspective in all aspects of teacher pre-service and in-service training courses, and in school management personnel courses.

With regards to teaching methodology, tools and curricula:

- II.G.6. Produce guidelines to ensure the integration of gender equality, non-discrimination and human rights teaching methodologies and tools into curricula at all levels of education, both public and private, from early childhood. This includes education for private life, in order to encourage children to be self-reliant and enhance responsibility in their relationships and behaviour – including consent and personal boundaries. Curricula should contain age-appropriate, evidence-based and scientifically accurate and comprehensive sex and sexuality education for girls and boys. The curricula should also cover intersecting forms of sexism, based for example on migrant status or disability.
- II.G.7. Encourage the development of a website with resources, good practices and teaching/learning materials, and a manual to help detect and eliminate gender stereotypes in educational materials for trainers, teachers and inspectors.
- II.G.8. Promote special programmes and career counselling which support students in making study and career choices that are not based on gender stereotypes, including training for staff on gender stereotypes and unconscious biases.

## II.H. Culture and sport

Sexism is manifest in many aspects of cultural life, especially through the pervasiveness of gender stereotypes. According to the United Nations International Committee on Economic, Social and Cultural Rights, cultural life encompasses ways of life, language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport and games, methods of production or technology, natural and man-made environments, food, clothing and shelter, art, customs and traditions. Art and culture are essential shapers of attitudes and gender roles and it is therefore crucial to address sexism in these areas. In addition, according to the Istanbul Convention, culture, religion, custom or tradition, shall not be considered as justification for acts of violence against women and girls.

Issues that need to be addressed in sporting life include: the sexist attitudes of the media, sport organisations, coaches, sport leaders, athletes, etc.; sexist portrayals of women in sport, trivialising women's sporting achievements by depicting them in stereotypical roles or demeaning their sports; and sexism and sexist hate speech in sporting events.

<sup>14</sup> See conclusions and recommendations of the Council of Europe Conference "Combating gender stereotypes in and through education" (Helsinki, 9-10 October 2014). See conference report at <https://rm.coe.int/1680590f0>.

The governments of member States are invited to consider the following measures:

- II.H.1. Produce and promote tools for combating sexism in the cultural and sport sectors, such as training material or tools on gender-sensitive language and communication.
- II.H.2. Reaffirm and implement Recommendations [CM/Rec\(2015\)2](#) of the Committee of Ministers to member States on gender mainstreaming in sport and [CM/Rec\(2017\)9](#) of the Committee of Ministers to member States on gender equality in the audiovisual sector.
- II.H.3. Encourage leading cultural and sporting figures to correct sexist assumptions or denounce sexist hate speech.
- II.H.4. Urge sport federations and associations and cultural institutions at all levels to prepare codes of conduct to prevent sexism and sexist behaviour which should include provisions for disciplinary action. Foster zero tolerance towards sexism and sexist hate speech in cultural and sporting events.
- II.H.5. Urge sports and cultural sectors at all levels to take concrete actions to promote gender equality and the non-stereotypical portrayal of women and men, girls and boys.
- II.H.6. Promote the broadcasting and coverage by the media, especially public media, of women's cultural and sports events on an equal footing as men's, and publicly celebrate women's achievements.<sup>15</sup> Give visibility and promote positive role models of women and men, girls and boys, who participate in sports where they are under-represented.

## II.I. Private sphere

Sexism within the family can contribute to reinforcing stereotypical roles, women's disempowerment, low self-esteem and the cycle of violence against women and girls. It can also influence life and career choices. Although traditional gender roles within the family (men as breadwinners, women performing household tasks) have generally shifted as more women have entered the paid workforce, factors contributing to change across families and States vary greatly. Sexist behaviour remains widespread in interpersonal relations and women continue to perform much more unpaid work in the home than men.

CEDAW Article 16 requires States parties to take appropriate measures to ensure equality between women and men within the family.<sup>16</sup> The link between sexism and prevention of violence against women and girls reinforces the need to take action in the private sphere.

The recommended measures above, in particular those with respect to language and awareness raising, as well as those regarding the media, education and cultural sectors, are especially relevant to addressing sexism in the private sphere.

However, sanctions for sexism within the family are inappropriate, unless behaviour reaches the threshold of criminality such as physical, psychological or economic violence against women.

The governments of member States are invited to consider the following measures:

- II.I.1. Introduce measures in relation to the conciliation between private and working life, including paid maternity and paternity leave, paid parental leave for women and men, universal access to quality and affordable childcare and other social services, and flexible working arrangements for both women and men. Improve access to services for the care of the elderly and other dependants. Organise campaigns to encourage the equal sharing of household and care responsibilities between women and men.
- II.I.2. Promote policies and measures supporting positive parenting which guarantee equal opportunities for children irrespective of their sex, status, abilities or family situation. Positive parenting refers to parental behaviour based on the best interests of the child that is nurturing, free of gender stereotyping, empowering, non-violent and provides recognition and guidance which involves the setting of boundaries to enable the full development of the child.
- II.I.3. Introduce measures and tools enhancing the skills of parents to deal with cybersexism and internet pornography.
- II.I.4. Promote training in recognising and addressing sexism and sexist behaviour as part of professional courses for those dealing with family and interpersonal relationships, for example, social services personnel including maternity welfare and childcare centres.

<sup>15</sup> Such as the site "This Girl Can", which is a celebration of active women ([www.thisgirlcan.co.uk/](http://www.thisgirlcan.co.uk/)).

<sup>16</sup> In addition, CEDAW Article 2.e requires States to undertake "all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise".

### III. Reporting and evaluation

This Recommendation asks member States to monitor progress in its implementation and to inform the competent steering committee(s) of the measures taken and progress achieved.

Reporting should be regular and include information on:

- ▶ legal and policy frameworks, measures and best practices that address sexism, sexist behaviour, gender stereotyping and sexist hate speech, in particular in public spaces, the internet and media, the workplace, the public sector, the justice, education, sport and cultural sectors, and in the private sphere, including tools for reporting sexist behaviour, as well as disciplinary processes and sanctions;
- ▶ any comprehensive policy, or policy within the framework of a national strategy on gender equality, adopted to eliminate sexism and sexist behaviour, including definitions, indicators, national monitoring and evaluation mechanisms;
- ▶ the work of any co-ordinating body established or designated to monitor implementation at the national level;
- ▶ research undertaken and supported to provide data on the incidence and consequences of sexism and sexist behaviour in the targeted areas, as well as the outcomes of any such research;
- ▶ national awareness-raising measures and campaigns undertaken at all levels, including on the media through which they were conducted.



## Recommendation No. R (90) 4 of the Committee of Ministers to member States on the elimination of sexism from language

Recommendation No. R (90)4 on the elimination of sexism from language calls on member States to promote the use of language reflecting the principle of equality between women and men. It suggests the adoption of measures to encourage the use of non-sexist language, including in legal drafting, public administration, education and media.



### Recommendation No. R (90) 4 of the Committee of Ministers to member States on the elimination of sexism from language *(adopted by the Committee of Ministers on 21 February 1990 at the 434th meeting of the Ministers' Deputies)*

- The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
- Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and promoting the ideals and principles which are their common heritage;
- Considering that equality between women and men falls within the scope of those ideals and principles;
- Welcoming the fact that the principle of equality between the sexes is gradually becoming part of law and practice in Council of Europe member States;
- Considering, however, that the achievement of real equality between women and men is still being hindered by social, cultural and other barriers;
- Stressing the fundamental role of language in forming an individual's social identity, and the interaction which exists between language and social attitudes;
- Convinced that the sexism characterising current linguistic usage in most Council of Europe member states - whereby the masculine prevails over the feminine - is hindering the establishment of equality between women and men, since it obscures the existence of women as half of humanity, while denying the equality of women and men;
- Noting also that the use of the masculine gender to denote people of both sexes is, in today's social context, a source of uncertainty about the people - men or women - involved;
- Aware of the importance of the role played by education and the media in shaping attitudes and behaviour;
- Welcoming the initiatives already taken at national and international level to adapt language to the social and psychological trends towards equality between women and men;
- Having regard to its Recommendation No. R (85) 2 on legal protection against sex discrimination;
- Having regard also to the Resolution on policy and strategies for achieving equality in political life and in the decision-making process, and to the Resolution on policies to accelerate the achievement of real equality

between women and men, adopted respectively by the 1st (Strasbourg, 4 March 1986) and the 2nd (Vienna, 4-5 July 1989) European Ministerial Conferences on Equality between Women and Men;

■ Bearing in mind its Declaration on equality of women and men, adopted on 16 November 1988,

■ Recommends that the governments of member States promote the use of language reflecting the principle of equality of women and men, and take any measures they consider appropriate with a view to:

1. encouraging the use, as far as possible, of non-sexist language to take account of the presence, status and role of women in society, as current linguistic practice does for men;
2. bringing the terminology used in legal drafting, public administration and education into line with the principle of sex equality;
3. encouraging the use of non-sexist language in the media.

# Prevent and combat violence against women and domestic violence

## Recommendation Rec (2002)5 of the Committee of Ministers to member States on the protection of women against violence

Recommendation CM/Rec(2002)5 on the protection of women against violence sets out measures to end all forms of violence against women, including legislative and policy measures to prevent and investigate violence against women; assist victims; work with perpetrators; increase awareness, education and training; and collect relevant data.



## Recommendation Rec(2002)5 of the Committee of Ministers to member States on the protection of women against violence<sup>1</sup> (adopted by the Committee of Ministers on 30 April 2002 at the 794th meeting of the Ministers' Deputies)

- The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
- Reaffirming that violence towards women is the result of an imbalance of power between men and women and is leading to serious discrimination against the female sex, both within society and within the family;
- Affirming that violence against women both violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;
- Noting that violence against women constitutes a violation of their physical, psychological and/or sexual integrity;
- Noting with concern that women are often subjected to multiple discrimination on ground of their gender as well as their origin, including as victims of traditional or customary practices inconsistent with their human rights and fundamental freedoms;
- Considering that violence against women runs counter to the establishment of equality and peace and constitutes a major obstacle to citizens' security and democracy in Europe;
- Noting with concern the extent of violence against women in the family, whatever form the family takes, and at all levels of society;

<sup>1</sup> In conformity with Article 10.2c of the Rules of Procedure of the Ministers' Deputies, Sweden reserved its right to comply or not with paragraph 54 of this recommendation.

■ Considering it urgent to combat this phenomenon which affects all European societies and concerns all their members;

■ Recalling the Final Declaration adopted at the Second Council of Europe Summit (Strasbourg, 1997), in which the heads of state and government of the member States affirmed their determination to combat violence against women and all forms of sexual exploitation of women;

■ Bearing in mind the provisions of the European Convention on Human Rights (1950) and the case-law of its organs, which safeguard, *inter alia*, the right to life and the right not to be subjected to torture or to inhuman or degrading treatment or punishment, the right to liberty and security and the right to a fair trial;

■ Considering the European Social Charter (1961) and the revised European Social Charter (1996), in particular the provisions therein concerning equality between women and men with regard to employment, as well as the Additional Protocol to the European Social Charter providing for a system of collective complaints;

■ Recalling the following recommendations of the Committee of Ministers to member States of the Council of Europe: Recommendation No. R (79) 17 concerning the protection of children against ill-treatment; Recommendation No. R (85) 4 on violence in the family; Recommendation No. R (85) 11 on the position of the victim within the framework of criminal law and procedure; Recommendation No. R (87) 21 on assistance to victims and the prevention of victimisation; Recommendation No. R (90) 2 on social measures concerning violence within the family; Recommendation No. R (91) 11 concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults; Recommendation No. R (93) 2 on the medico-social aspects of child abuse, Recommendation No. R (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation and Recommendation [Rec\(2001\)16](#) on the protection of children against sexual exploitation;

■ Recalling also the Declarations and Resolutions adopted by the 3<sup>rd</sup> European Ministerial Conference on Equality between Women and Men held by the Council of Europe (Rome, 1993);

■ Bearing in mind the United Nations Declaration on the Elimination of Violence against Women (1993), the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979), the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), the Platform for Action adopted at the Fourth World Conference on Women (Beijing, 1995) and the Resolution on Further actions and initiatives to implement the Beijing Declaration and Platform for Action adopted by the United Nations General Assembly (23<sup>rd</sup> extraordinary session, New York, 5-9 June 2000);

■ Bearing in mind the United Nations Convention on the Rights of the Child (1989), as well as its Optional Protocol on the sale of children, child prostitution and child pornography (2000);

■ Also bearing in mind the International Labour Organisation Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) and Recommendation (R 190) on the Worst Forms of Child Labour (1999);

■ Recalling the basic principles of international humanitarian law, and especially the 4<sup>th</sup> Geneva Convention relative to the protection of civilian persons in time of war (1949) and the 1<sup>st</sup> and 2<sup>nd</sup> additional Protocols thereto;

■ Recalling also the inclusion of gender-related crimes and sexual violence in the Statute of the International Criminal Court (Rome, 17 July 1998),

■ Recommends that the governments of member States:

I. Review their legislation and policies with a view to:

1. guaranteeing women the recognition, enjoyment, exercise and protection of their human rights and fundamental freedoms;
2. taking necessary measures, where appropriate, to ensure that women are able to exercise freely and effectively their economic and social rights;
3. ensuring that all measures are co-ordinated nation-wide and focused on the needs of the victims and that relevant state institutions as well as non-governmental organisations (NGOs) be associated with the elaboration and the implementation of the necessary measures, in particular those mentioned in this recommendation;
4. encouraging at all levels the work of NGOs involved in combating violence against women and establishing active co-operation with these NGOs, including appropriate logistic and financial support;

- II. Recognise that states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims;
- III. Recognise that male violence against women is a major structural and societal problem, based on the unequal power relations between women and men and therefore encourage the active participation of men in actions aiming at combating violence against women;
- IV. Encourage all relevant institutions dealing with violence against women (police, medical and social professions) to draw up medium- and long-term co-ordinated action plans, which provide activities for the prevention of violence and the protection of victims;
- V. Promote research, data collection and networking at national and international level;
- VI. Promote the establishment of higher education programmes and research centres including at university level, dealing with equality issues, in particular with violence against women;
- VII. Improve interactions between the scientific community, the NGOs in the field, political decision-makers and legislative, health, educational, social and police bodies in order to design co-ordinated actions against violence;
- VIII. Adopt and implement the measures described in the appendix to this recommendation in the manner they consider the most appropriate in the light of national circumstances and preferences, and, for this purpose, consider establishing a national plan of action for combating violence against women;
- IX. Inform the Council of Europe on the follow-up given at national level to the provisions of this recommendation.

## APPENDIX TO RECOMMENDATION REC(2002)5

### Definition

1. For the purposes of this recommendation, the term “violence against women” is to be understood as any act of gender-based violence, which 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 private life. This includes, but is not limited to, the following:
  - a. violence occurring in the family or domestic unit, including, *inter alia*, physical and mental aggression, emotional and psychological abuse, rape and sexual abuse, incest, rape between spouses, regular or occasional partners and cohabitants, crimes committed in the name of honour, female genital and sexual mutilation and other traditional practices harmful to women, such as forced marriages;
  - b. violence occurring within the general community, including, *inter alia*, rape, sexual abuse, sexual harassment and intimidation at work, in institutions or elsewhere trafficking in women for the purposes of sexual exploitation and economic exploitation and sex tourism;
  - c. violence perpetrated or condoned by the state or its officials;
  - d. violation of the human rights of women in situations of armed conflict, in particular the taking of hostages, forced displacement, systematic rape, sexual slavery, forced pregnancy, and trafficking for the purposes of sexual exploitation and economic exploitation.

### General measures concerning violence against women

2. It is the responsibility and in the interest of states as well as a priority of national policies to safeguard the right of women not to be subjected to violence of any kind or by any person. To this end, states may not invoke custom, religion or tradition as a means of evading this obligation.
3. Member States should introduce, develop and/or improve where necessary, national policies against violence based on:
  - a. maximum safety and protection of victims;
  - b. empowerment of victimised women by optimal support and assistance structures which avoid secondary victimisation;
  - c. adjustment of the criminal and civil law including the judicial procedure;
  - d. raising of public awareness and education of children and young persons;
  - e. ensuring special training for professionals confronted with violence against women;
  - f. prevention in all respective fields.

4. In this framework, it will be necessary to set up, wherever possible, at national level, and in co-operation with, where necessary, regional and/or local authorities, a governmental co-ordination institution or body in charge of the implementation of measures to combat violence against women as well as of regular monitoring and evaluation of any legal reform or new form of intervention in the field of action against violence, in consultation with NGOs and academic and other institutions.
5. Research, data collection and networking at national and international level should be developed, in particular in the following fields:
  - a. the preparation of statistics sorted by gender, integrated statistics and common indicators in order to better evaluate the scale of violence against women;
  - b. the medium- and long-term consequences of assaults on victims;
  - c. the consequence of violence on those who are witness to it, *inter alia*, within the family;
  - d. the health, social and economic costs of violence against women;
  - e. the assessment of the efficiency of the judiciary and legal systems in combating violence against women;
  - f. the causes of violence against women, i.e. the reasons which cause men to be violent and the reasons why society condones such violence;
  - g. the elaboration of criteria for benchmarking in the field of violence.

► *Information, public awareness, education and training*

Member States should:

6. compile and make available to the general public appropriate information concerning the different types of violence and their consequences for victims, including integrated statistical data, using all the available media (press, radio and television, etc.);
7. mobilise public opinion by organising or supporting conferences and information campaigns so that society is aware of the problem and its devastating effects on victims and society in general and can therefore discuss the subject of violence towards women openly, without prejudice or preconceived ideas;
8. include in the basic training programmes of members of the police force, judicial personnel and the medical and social fields, elements concerning the treatment of domestic violence, as well as all other forms of violence affecting women;
9. include in the vocational training programmes of these personnel, information and training so as to give them the means to detect and manage crisis situations and improve the manner in which victims are received, listened to and counselled;
10. encourage the participation of these personnel in specialised training programmes, by integrating the latter in a merit-awarding scheme;
11. encourage the inclusion of questions concerning violence against women in the training of judges;
12. encourage self-regulating professions, such as therapists, to develop strategies against sexual abuse which could be committed by persons in positions of authority;
13. organise awareness-raising campaigns on male violence towards women, stressing that men should be responsible for their acts and encouraging them to analyse and dismantle mechanisms of violence and to adopt different behaviour;
14. introduce or reinforce a gender perspective in human rights education programmes, and reinforce sex education programmes that give special importance to gender equality and mutual respect;
15. ensure that both boys and girls receive a basic education that avoids social and cultural patterns, prejudices and stereotyped roles for the sexes and includes training in assertiveness skills, with special attention to young people in difficulty at school; train all members of the teaching profession to integrate the concept of gender equality in their teaching;
16. include specific information in school curricula on the rights of children, helplines, institutions where they can seek help and persons they can turn to in confidence.

► *Media*

Member States should:

17. encourage the media to promote a non-stereotyped image of women and men based on respect for the human person and human dignity and to avoid programmes associating violence and sex; as far as possible, these criteria should also be taken into account in the field of the new information technologies;
18. encourage the media to participate in information campaigns to alert the general public to violence against women;

19. encourage the organisation of training to inform media professionals and alert them to the possible consequences of programmes that associate violence and sex;
20. encourage the elaboration of codes of conduct for media professionals, which would take into account the issue of violence against women and, in the terms of reference of media watch organisations, existing or to be established, encourage the inclusion of tasks dealing with issues concerning violence against women and sexism.

► *Local, regional and urban planning*

Member States should:

21. encourage decision-makers in the field of local, regional and urban planning to take into account the need to reinforce women's safety and to prevent the occurrence of violent acts in public places;
22. as far as possible, take all necessary measures in this respect, concerning in particular public lighting, organisation of public transport and taxi services, design and planning of car parks and residential buildings.

► *Assistance for and protection of victims (reception, treatment and counselling)*

Member States should:

23. ensure that victims, without any discrimination, receive immediate and comprehensive assistance provided by a co-ordinated, multidisciplinary and professional effort, whether or not they lodge a complaint, including medical and forensic medical examination and treatment, together with post-traumatic psychological and social support as well as legal assistance; this should be provided on a confidential basis, free of charge and be available around the clock;
24. in particular, ensure that all services and legal remedies available for victims of domestic violence are provided to immigrant women upon their request;
25. take all the necessary measures in order to ensure that collection of forensic evidence and information is carried out according to standardised protocol and forms;
26. provide documentation particularly geared to victims, informing them in a clear and comprehensible manner of their rights, the service they have received and the actions they could envisage or take, regardless of whether they are lodging a complaint or not, as well as of their possibilities to continue to receive psychological, medical and social support and legal assistance;
27. promote co-operation between the police, health and social services and the judiciary system in order to ensure such co-ordinated actions, and encourage and support the establishment of a collaborative network of non-governmental organisations;
28. encourage the establishment of emergency services such as anonymous, free of charge telephone help-lines for victims of violence and/or persons confronted or threatened by situations of violence; regularly monitor calls and evaluate the data obtained from the assistance provided with due respect for data protection standards;
29. ensure that the police and other law-enforcement bodies receive, treat and counsel victims in an appropriate manner, based on respect for human beings and dignity, and handle complaints confidentially; victims should be heard without delay by specially-trained staff in premises that are designed to establish a relationship of confidence between the victim and the police officer and ensure, as far as possible, that the victims of violence have the possibility to be heard by a female officer should they so wish;
30. to this end, take steps to increase the number of female police officers at all levels of responsibility;
31. ensure that children are suitably cared for in a comprehensive manner by specialised staff at all the relevant stages (initial reception, police, public prosecutor's department and courts) and that the assistance provided is adapted to the needs of the child;
32. take steps to ensure the necessary psychological and moral support for children who are victims of violence by setting up appropriate facilities and providing trained staff to treat the child from initial contact to recovery; these services should be provided free of charge;
33. take all necessary measures to ensure that none of the victims suffer secondary (re)victimisation or any gender-insensitive treatment by the police, health and social personnel responsible for assistance, as well as by judiciary personnel.

► *Criminal law, civil law and judicial proceedings*  
*Criminal law*

Member States should:

34. ensure that criminal law provides that any act of violence against a person, in particular physical or sexual violence, constitutes a violation of that person's physical, psychological and/or sexual freedom and integrity, and not solely a violation of morality, honour or decency;

35. provide for appropriate measures and sanctions in national legislation, making it possible to take swift and effective action against perpetrators of violence and redress the wrong done to women who are victims of violence. In particular, national law should:

- penalise sexual violence and rape between spouses, regular or occasional partners and cohabitants;
- penalise any sexual act committed against non-consenting persons, even if they do not show signs of resistance;
- penalise sexual penetration of any nature whatsoever or by any means whatsoever of a non-consenting person;
- penalise any abuse of the vulnerability of a pregnant, defenceless, ill, physically or mentally handicapped or dependent victim;
- penalise any abuse of the position of a perpetrator, and in particular of an adult *vis-à-vis* a child.

► *Civil law*

Member States should:

36. ensure that, in cases where the facts of violence have been established, victims receive appropriate compensation for any pecuniary, physical, psychological, moral and social damage suffered, corresponding to the degree of gravity, including legal costs incurred;
37. envisage the establishment of financing systems in order to compensate victims.

► *Judicial proceedings*

Member States should:

38. ensure that all victims of violence are able to institute proceedings as well as, where appropriate, public or private organisations with legal personality acting in their defence, either together with the victims or on their behalf;
39. make provisions to ensure that criminal proceedings can be initiated by the public prosecutor;
40. encourage prosecutors to regard violence against women and children as an aggravating or decisive factor in deciding whether or not to prosecute in the public interest;
41. take all necessary steps to ensure that at all stages in the proceedings, the victims' physical and psychological state is taken into account and that they may receive medical and psychological care;
42. envisage the institution of special conditions for hearing victims or witnesses of violence in order to avoid the repetition of testimony and to lessen the traumatising effects of proceedings;
43. ensure that rules of procedure prevent unwarranted and/or humiliating questioning for the victims or witnesses of violence, taking into due consideration the trauma that they have suffered in order to avoid further trauma;
44. where necessary, ensure that measures are taken to protect victims effectively against threats and possible acts of revenge;
45. take specific measures to ensure that children's rights are protected during proceedings;
46. ensure that children are accompanied, at all hearings, by their legal representative or an adult of their choice, as appropriate, unless the court gives a reasoned decision to the contrary in respect of that person;
47. ensure that children are able to institute proceedings through the intermediary of their legal representative, a public or private organisation or any adult of their choice approved by the legal authorities and, if necessary, to have access to legal aid free of charge;
48. provide that, for sexual offences and crimes, any limitation period does not commence until the day on which the victim reaches the age of majority;
49. provide for the requirement of professional confidentiality to be waived on an exceptional basis in the case of persons who may learn of cases of children subject to sexual violence in the course of their work, as a result of examinations carried out or of information given in confidence.

► *Intervention programmes for the perpetrators of violence*

Member States should:

50. organise intervention programmes designed to encourage perpetrators of violence to adopt a violence-free pattern of behaviour by helping them to become aware of their acts and recognise their responsibility;
51. provide the perpetrator with the possibility to follow intervention programmes, not as an alternative to sentence, but as an additional measure aiming at preventing violence; participation in such programmes should be offered on a voluntary basis;

52. consider establishing specialised state-approved intervention centres for violent men and support centres initiated by NGOs and associations within the resources available;
53. ensure co-operation and co-ordination between intervention programmes directed towards men and those dealing with the protection of women.

#### ■ Additional measures with regard to sexual violence

##### ▶ *A genetic data bank*

Member States should:

54. consider setting up national and European data banks comprising the genetic profile of all identified and non-identified perpetrators of sexual violence in order to put in place an effective policy to catch offenders, prevent re-offending, and taking into account the standards laid down by domestic legislation and the Council of Europe in this field.

#### ■ Additional measures with regard to violence within the family

Member States should:

55. classify all forms of violence within the family as criminal offence;
56. revise and/or increase the penalties, where necessary, for deliberate assault and battery committed within the family, whichever member of the family is concerned;
57. preclude adultery as an excuse for violence within the family;
58. envisage the possibility of taking measures in order to:
  - a. enable police forces to enter the residence of an endangered person, arrest the perpetrator and ensure that he or she appears before the judge;
  - b. enable the judiciary to adopt, as interim measures aimed at protecting the victims, the banning of a perpetrator from contacting, communicating with or approaching the victim, residing in or entering certain defined areas;
  - c. establish a compulsory protocol for operation so that the police and medical and social services follow the same procedure;
  - d. promote pro-active victim protection services which take the initiative to contact the victim as soon as a report is made to the police;
  - e. ensure smooth co-operation of all relevant institutions, such as police authorities, courts and victim protection services, in order to enable the victim to take all relevant legal and practical measures for receiving assistance and taking actions against the perpetrator within due time limits and without unwanted contact with the perpetrator;
  - f. penalise all breaches of the measures imposed on the perpetrators by the authorities.
59. consider, where needed, granting immigrant women who have been/are victims of domestic violence an independent right to residence in order to enable them to leave their violent husbands without having to leave the host country.

#### ■ Additional measures with regard to sexual harassment

Member States should:

60. take steps to prohibit all conducts of a sexual nature, or other conduct based on sex affecting the dignity of women at work, including the behaviour of superiors and colleagues: all conduct of a sexual nature for which the perpetrator makes use of a position of authority, wherever it occurs (including situations such as neighbourhood relations, relations between students and teachers, telephone harassment, etc.), is concerned. These situations constitute a violation of the dignity of persons;
61. promote awareness, information and prevention of sexual harassment in the workplace or in relation to work or wherever it may occur and take the appropriate measures to protect women and men from such conduct.

#### ■ Additional measures with regard to genital mutilation

Member States should:

62. penalise any mutilation of a woman's or girl's genital organs either with or without her consent; genital mutilation is understood to mean sewing up of the clitoris, excision, clitoridectomy and infibulation;

63. penalise any person who has deliberately participated in, facilitated or encouraged any form of female genital mutilation, with or without the person's consent; such acts shall be punishable even if only partly performed;
64. organise information and prevention campaigns aimed at the population groups concerned, in particular immigrants and refugees, on the health risks to victims and the criminal penalties for perpetrators;
65. alert the medical professions, in particular doctors responsible for pre- and post-natal medical visits and for monitoring the health of children;
66. arrange for the conclusion or reinforcement of bilateral agreements concerning prevention, and prohibition of female genital mutilation and the prosecution of perpetrators;
67. consider the possibility of granting special protection to these women as a threatened group for gender-based reasons.

#### ■ Additional measures concerning violence in conflict and post-conflict situations

Member States should:

68. penalise all forms of violence against women and children in situations of conflict, in accordance with the provisions of international humanitarian law, whether they occur in the form of humiliation, torture, sexual slavery or death resulting from these actions;
69. penalise rape, sexual slavery, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity as an intolerable violation of human rights, as crimes against humanity and, when committed in the context of an armed conflict, as war crimes;
70. ensure protection of witnesses before the national courts and international criminal tribunals trying genocide, crimes against humanity and war crimes, and provide them with legal residence at least during the proceedings;
71. ensure social and legal assistance to all persons called to testify before the national courts and international criminal tribunals trying genocide, crimes against humanity and war crimes;
72. consider providing refugee status or subsidiary protection for reasons of gender-based persecution and/or providing residence status on humanitarian grounds to women victims of violence during conflicts;
73. support and fund NGOs providing counselling and assistance to victims of violence during conflicts and in post-conflict situations;
74. in post-conflict situations, promote the inclusion of issues specific to women into the reconstruction and the political renewal process in affected areas;
75. at national and international levels, ensure that all interventions in areas which have been affected by conflicts are performed by personnel who have been offered gender-sensitive training;
76. support and fund programmes which follow a gender-sensitive approach in providing assistance to victims of conflicts and contributing to the reconstruction and repatriation efforts following a conflict.

#### ■ Additional measures concerning violence in institutional environments

Member States should:

77. penalise all forms of physical, sexual and psychological violence perpetrated or condoned by the state or its officials, wherever it occurs and in particular in prisons or detention centres, psychiatric institutions, etc;
78. penalise all forms of physical, sexual and psychological violence perpetrated or condoned in situations in which the responsibility of the state or of a third party may be invoked, for example in boarding schools, retirement homes and other establishments.

#### ■ Additional measures concerning failure to respect freedom of choice with regard to reproduction

Member States should:

79. prohibit enforced sterilisation or abortion, contraception imposed by coercion or force, and pre-natal selection by sex, and take all necessary measures to this end.

#### ■ Additional measures concerning killings in the name of honour

Member States should:

80. penalise all forms of violence against women and children committed in accordance with the custom of "killings in the name of honour";

81. take all necessary measures to prevent “killings in the name of honour”, including information campaigns aimed at the population groups and the professionals concerned, in particular judges and legal personnel;
82. penalise anyone having deliberately participated in, facilitated or encouraged a “killing in the name of honour”;
83. support NGOs and other groups which combat these practices.

#### ■ Additional measures concerning early marriages

Member States should:

84. prohibit forced marriages, concluded without the consent of the persons concerned;
85. take the necessary measures to prevent and stop practices related to the sale of children.



# Achieve balanced participation of women and men in political and public decision making

## 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

Recommendation CM/Rec (2003)3 on balanced participation of women and men in political and public decision making defines the balanced participation of women and men as a minimum 40% representation of each sex in any decision-making body in political and public life. A set of legislative, administrative and supportive measures is recommended to member States in order to achieve balanced participation and equal sharing of decision-making power between women and men. Its implementation by member States has been monitored to provide member States with information on progress and gaps.



## 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 *(adopted by the Committee of Ministers on 12 March 2003 at the 831st 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 women make up more than half of the population and the electorate in its member States, but continue to be seriously under-represented in political and public decision making in a large part of its member States;
- Bearing in mind that, in spite of the existence of *de jure* equality, the distribution of power, responsibilities and access to economic, social and cultural resources between women and men is still very unequal due to the persistence of prevailing traditional gender roles;
- Mindful that the functioning of electoral systems and political institutions, including political parties, may hamper women's participation in political and public life;

- Considering that balanced participation of women and men in political and public decision making is a matter of the full enjoyment of human rights, of social justice and a necessary condition for the better functioning of a democratic society;
- Considering that the realisation of balanced participation of women and men in political and public decision making would lead to better and more efficient policy making through the redefinition of political priorities and the placing of new issues on the political agenda as well as to the improvement of quality of life for all;
- Considering that balanced participation of women and men in political and public decision making is needed for the development and construction of a Europe based on equality, social cohesion, solidarity and respect for human rights;
- Recalling the declaration adopted at the 2nd Summit of the Council of Europe (October 1997) at which the heads of state and government of the Council of Europe stressed “the importance of a more balanced representation of men and women in all sectors of society, including political life”, and called for “continued progress with a view to achieving effective equality of opportunities between women and men”;
- Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and its Protocols;
- Bearing in mind the European Social Charter (1961), the revised European Social Charter (1996) and the Additional Protocol to the European Social Charter providing for a System of Collective Complaints (1995);
- Bearing in mind the texts adopted at the European Ministerial Conference on Human Rights held in Rome in 2000;
- Bearing in mind the following Recommendations of the Committee of Ministers to member States of the Council of Europe: Recommendation No. R(85)2 on legal protection against sex discrimination; Recommendation No. R(96)5 on reconciling work and family life and Recommendation No. R(98)14 on gender mainstreaming;
- Bearing in mind the following texts adopted by the Parliamentary Assembly: Recommendation 1229 (1994) on equality of rights between women and men; Recommendation 1269 (1995) on achieving real progress in women’s rights as from 1995 and Recommendation 1413 (1999) on equal representation in political life;
- Bearing in mind the United Nations Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
- Recalling the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW, 1979), especially its Articles 7 and 8;
- Recalling also the commitments in the Beijing Platform for Action as well as in the Agreed Conclusions of the Special Session of the UN General Assembly in 2000 (Beijing +5);
- Considering that democracy can no longer afford to ignore the competence, skills and creativity of women but must become gender sensitive and include women with different backgrounds and of different age groups in political and public decision making at all levels;
- Mindful of the high priority the Council of Europe gives to the promotion of democracy and human rights,
- Recommends that the governments of member States:
  - I. commit themselves to promote balanced representation of women and men by recognising publicly that the equal sharing of decision-making power between women and men of different background and ages strengthens and enriches democracy;
  - II. protect and promote the equal civil and political rights of women and men, including running for office and freedom of association;
  - III. ensure that women and men can exercise their individual voting rights and, to this end, take all the necessary measures to eliminate the practice of family voting;
  - IV. review their legislation and practice, with the aim of ensuring that the strategies and measures described in this recommendation are applied and implemented;
  - V. promote and encourage special measures to stimulate and support women’s will to participate in political and public decision making;
  - VI. consider setting targets linked to a time scale with a view to reaching balanced participation of women and men in political and public decision making;
  - VII. ensure that this recommendation is brought to the attention of all relevant political institutions and to public and private bodies, in particular national parliaments, local and regional authorities, political parties,

civil service, public and semi-public organisations, enterprises, trade unions, employers' organisations and non-governmental organisations;

- VIII. monitor and evaluate progress in achieving balanced participation of women and men in political and public life, and report regularly to the Committee of Ministers on the measures taken and progress made in this field.

## APPENDIX TO RECOMMENDATION REC(2003)3

For the purpose of this recommendation, balanced participation of women and men 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%.

On this basis, the governments of member States are invited to consider the following measures:

### A. LEGISLATIVE AND ADMINISTRATIVE MEASURES

Member States should:

1. consider possible constitutional and/or legislative changes, including positive action measures, which would facilitate a more balanced participation of women and men in political and public decision making;
2. adopt administrative measures so that official language reflects a balanced sharing of power between women and men;
3. consider adopting legislative reforms to introduce parity thresholds for candidates in elections at local, regional, national and supra-national levels. Where proportional lists exist, consider the introduction of zipper systems;
4. consider action through the public funding of political parties in order to encourage them to promote gender equality;
5. where electoral systems are shown to have a negative impact on the political representation of women in elected bodies, adjust or reform those systems to promote gender-balanced representation;
6. consider adopting appropriate legislative measures aimed at restricting the concurrent holding of several elected political offices simultaneously;
7. adopt appropriate legislation and/or administrative measures to improve the working conditions of elected representatives at the local, regional, national and supra-national levels to ensure more democratic access to elected bodies;
8. adopt appropriate legislative and/or administrative measures to support elected representatives in the reconciliation of their family and public responsibilities and, in particular, encourage parliaments and local and regional authorities to ensure that their timetables and working methods enable elected representatives of both sexes to reconcile their work and family life;
9. consider adopting appropriate legislative and/or administrative measures to ensure that there is gender-balanced representation in all appointments made by a minister or government to public committees;
10. ensure that there is a gender-balanced representation in posts or functions whose holders are nominated by government and other public authorities;
11. ensure that the selection, recruitment and appointment processes for leading positions in public decision making are gender sensitive and transparent;
12. make the public administration exemplary both in terms of a gender-balanced distribution of decision-making positions and in equal career development for women and men;
13. consider adopting appropriate legislative and/or administrative measures to ensure that there is gender-balanced representation in all national delegations to international organisations and fora;
14. 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;
15. consider taking legislative and/or administrative measures aiming at encouraging and supporting employers to allow those participating in political and public decision making to have the right to take time off from their employment without being penalised;
16. set up, where necessary, support and strengthen the work of the national equality machinery in bringing about balanced participation in political and public life;
17. encourage parliaments at all levels to set up parliamentary committees or delegations for women's rights and equal opportunities and to implement gender mainstreaming in all their work;

## B. SUPPORTIVE MEASURES

Member States should:

18. support, by all appropriate measures, programmes aimed at stimulating a gender balance in political life and public decision making initiated by women's organisations and all organisations working for gender equality;
19. consider the setting up of a data bank of women willing to serve in political and public decision-making positions;
20. support and develop women's political action by providing the opportunity for women elected representatives to network at the local, regional, national and international levels;
21. develop and support mentoring/work-shadowing programmes, confidence building, leadership and media training for women considering entering political and public decision making;
22. encourage training for women candidates and elected representatives in the use of information and communication technologies;
23. incorporate into school curricula education and training activities aimed at sensitising young people about gender equality and preparing them for democratic citizenship;
24. promote the participation of young people, especially young women, in associations to enable them to acquire experience, knowledge and capacities which are transferable to the field of institutional, and especially political, participation;
25. encourage youth organisations to ensure a balanced participation of women and men in their decision-making structures;
26. encourage greater involvement of ethnic and cultural minorities, and especially women from these minorities, in decision making at all levels;
27. inform political parties of the different strategies used in the various countries to promote the balanced participation of women and men in elected assemblies; encourage them to implement one or more of these strategies and to promote balanced participation of women and men in positions of decision making within the party structures;
28. support programmes initiated by the social partners (employers' and workers' organisations) to promote balanced participation of women and men in positions of responsibility and decisionmaking, within their own ranks and in the context of collective bargaining;
29. encourage enterprises and associations to ensure balanced representation of women and men in their decision-making bodies, in particular those subsidised for providing public services or implementing public policies;
30. promote campaigns aimed at the general public in order to raise its awareness of the importance of gender-balanced representation in political and public decision making as a prerequisite for genuine democracy;
31. promote campaigns aimed at encouraging the sharing of responsibilities between women and men in the private sphere;
32. promote campaigns aimed at specific groups, in particular politicians, social partners and those who recruit and nominate political and public decision makers, in order to raise their awareness of the importance of gender-balanced representation in political and public decision-making;
33. organise interactive seminars on gender equality for key people in society, such as leaders and top officials, to make them aware of the importance of the balanced participation of women and men in all levels of decision-making;
34. support non-governmental organisations and research institutes that conduct studies on women's participation in and impact on decision-making and the decision-making environment;
35. carry out research on the distribution of votes according to opinion polls in order to determine the voting patterns of women and men;
36. promote research on the obstacles which prevent women's access to political and public decision-making at the different levels and publish the results;
37. promote research on women's participation in social and voluntary sector decision-making;
38. promote gender-sensitive research on the roles, functions, status and working conditions of elected representatives at all levels;
39. promote balanced participation in decision-making positions in the media, including management, programming, education, training, research and regulatory bodies;
40. support training and awareness-raising for students of journalism and media professionals on questions linked to gender equality and how to avoid sexist stereotypes and sexism;
41. encourage media professionals to ensure that women and men candidates and elected representatives receive equal visibility in the media, especially during election periods.

## C.MONITORING

Member States should:

42. consider establishing independent bodies, such as a parity observatory or a special independent mediation body, with a view to following governmental policy in the field of balanced participation of women and men in political and public life, or entrust national equality machineries with this task;
43. consider setting up and applying indicators for the monitoring and evaluation of the balanced participation of women and men in decision making on the basis of internationally comparable gender segregated data;
44. consider adopting the following indicators for measuring progress in the field of political and public decision-making:
  - i. the percentage of women and men elected representatives in parliaments (supra-national/national/federal/regional) and local assemblies according to political party;
  - ii. the percentage of women and men elected representatives in parliaments (supra-national/national) compared to the number of candidates according to political party (the success rate);
  - iii. the percentage of women and men in national delegations to nominated assemblies such as the Council of Europe's Parliamentary Assembly and Congress of Local and Regional Authorities of Europe and to international organisations and fora;
  - iv. the percentage of women and men in national, federal and regional governments;
  - v. the number of women and men senior/junior ministers in the different fields of action (portfolios/ministries) of the national, federal and regional governments of the member States;
  - vi. the percentage of the highest-ranking women and men civil servants and their distribution in different fields of action;
  - vii. the percentage of women and men judges in the supreme court;
  - viii. the percentage of women and men in bodies appointed by the government;
  - ix. the percentage of women and men in the decision-making bodies of political parties at national level;
  - x. the percentage of women and men members of employer, labour and professional organisations and the percentage of women and men in their decision-making bodies at national level;
45. submit, every other year, reports to their national parliaments on the measures taken and progress made according to the indicators listed above;
46. publish, every other year, reports on the measures taken and progress made in women's involvement in decision-making and disseminate these reports widely;
47. publish and make readily accessible, statistics on candidates for political office and on elected representatives containing information on sex, age, occupation, occupational sector (private/public), education;
48. encourage the regular analysis of the visibility and portrayal of women and men in national news and current affairs programmes, especially during election campaigns.



# Gender equality in education, health and sport

## Recommendation CM/Rec (2007)13 of the Committee of Ministers to member States on gender mainstreaming in education

Recommendation CM/Rec (2007)13 on gender mainstreaming in education calls on member States to promote and encourage measures aimed at implementing gender mainstreaming at all levels of the education system. It specifies measures to ensure effective gender mainstreaming in education, including, for example, in legal frameworks and policies, school organisation, school curricula, teaching methods, career guidance and training of education professionals.



## Recommendation **CM/Rec(2007)13** of the Committee of Ministers to member States on gender mainstreaming in education *(adopted by the Committee of Ministers on 10 October 2007 at the 1006th meeting of the Ministers' Deputies)*

- The Committee of Ministers under the terms of Article 15.b of the Statute of the Council of Europe;
- Considering that the aim of the Council of Europe is to achieve greater unity between its members, and that this aim may be pursued, in particular, through common action in the cultural field;
- Bearing in mind Recommendation **Rec(2002)12** of the Committee of Ministers to member States on education for democratic citizenship, adopted on 16 October 2002, which declares that “education for democratic citizenship is a factor for social cohesion, mutual understanding, intercultural and inter-religious dialogue, and solidarity, that it contributes to promoting the principle of equality between men and women, and that it encourages the establishment of harmonious and peaceful relations within and among peoples, as well as the defence and development of democratic society and culture”;
- Bearing in mind 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, adopted on 12 March 2003, in which it invites member States to incorporate into school curricula education and training activities aimed at sensitising young people about gender equality and preparing them for democratic citizenship”;
- Bearing in mind that the European Ministers responsible for equality between women and men recommended, at the 4th Ministerial Conference on Equality between Women and Men (Istanbul, 13-14 November 1997), that the Steering Committee for Equality between Women and Men (CDEG) and the Steering Committee

for Education (CDED) work on a joint project “aimed at promoting gender equality education and non-stereotyped education at all levels of the education system”;

■ Bearing in mind Recommendation No. R (98) 14 of the Committee of Ministers to the member States of the Council of Europe on gender mainstreaming, which recommends that the governments of member States encourage decision makers to “create an enabling environment and facilitate conditions for the implementation of gender mainstreaming in the public sector”;

■ Having noted the Declaration of the European Ministers of Education on the main theme of the 20th Session of the Standing Conference of European Ministers of Education on “Educational Policies for Democratic Citizenship and Social Cohesion: challenges and strategies for Europe”, (Krakow, 15-17 October 2000);

■ Recalling the Declaration of the European Ministers of Education adopted at the 21st Session of the Standing Conference of European Ministers of Education on “Intercultural Education in the New European Context” (Athens, 10-12 November 2003);

■ Bearing in mind the following texts adopted by the Parliamentary Assembly: Recommendation 1229 (1994) on equality of rights between men and women and Recommendation 1281 (1995) on gender equality in education;

■ Bearing in mind the Council of Europe European Charter for a Democratic School without Violence (2003);

■ Reaffirming their commitments under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), particularly Articles 2, 4 and 10;

■ Mindful that, despite the fact that there is a considerable amount of legislation at national and international level to guarantee equal opportunities, that boys and girls are increasingly being educated together in many member States and that there are a greater number of women in the education system, there are still excessive disparities between girls and boys, women and men, in our societies with respect to school and social practices, educational and career guidance, training, employment, participation in society in general and, in particular, decision making, and that these disparities undermine the human rights of both men and women, which include the right to participate fully, as equal partners, in all aspects of life;

■ Mindful that these disparities negatively impact on women’s and men’s lives and have implications for our societies, which are too often deprived of women’s contribution in the public arena and men’s contribution in the private sphere;

■ Considering that democratic societies must be based on partnership and the equal sharing of rights and responsibilities between women and men, cater for their respective needs, ensure balanced participation in all areas of life and full citizenship rights to every woman and man;

■ Mindful that representations of femininity and masculinity and models for assigning social roles, which shape our societies, are replicated at school, and that eradicating formal discrimination will not be sufficient to ensure that the school system is a vehicle for de facto equality;

■ Mindful that stereotyped social roles for the sexes limit opportunities for women and men in fulfilling their potential, that equality calls for gender partnerships to be positive and dynamic, so as to bring about structural change at all levels and, eventually, a new social order;

■ Concerned about the fact that girls’ academic success does not automatically lead to success in terms of the transition from education to the workforce and participation in political and economic decision making and about the lack of academic success and acquisition of social and personal skills by boys;

■ Mindful of the education system’s responsibility to educate pupils/students for active participation in the various aspects of democratic life, be they political, civic, social or cultural, and at all levels – local, regional and national;

■ Acknowledging that teachers can become agents for the perpetuation of gender-based selection mechanisms or, on the contrary, for social change, and that it is essential to involve schools and the various participants in the education process in promoting gender equality;

■ Mindful that teacher education and training is crucial in fostering gender equality in education;

■ Mindful that, at school, the non-formal sphere, namely the hidden curriculum, is just as important as the formal sphere in constructing girls’ and boys’ identities;

Convinced that equality between women and men and the gender perspective must be incorporated at all levels of the education system from the earliest age, so as to foster, among girls and boys, women and men, the values of justice and participation necessary for the effective and active exercise of democratic citizenship and the building of a genuine partnership between women and men in the private and public spheres,

Recommends to the governments of member States that they:

- I. review their legislation and practices with a view to implementing the strategies and measures outlined in this recommendation and its appendix;
- II. promote and encourage measures aimed specifically at implementing gender mainstreaming at all levels of the education system and in teacher education with a view to achieving *de facto* gender equality and improve the quality of education;
- III. create mechanisms, throughout the education system, to favour the promotion, implementation, monitoring and evaluation of gender mainstreaming in schools;
- IV. bring this recommendation to the attention of the relevant political institutions and public and private bodies, in particular, the ministries and/or public authorities responsible for framing and implementing education policies at central, regional and local level, school management bodies, local and regional authorities, trade unions and non-governmental organisations;
- V. monitor and evaluate progress arising from the adoption of gender mainstreaming at school and inform the competent steering committees of the measures undertaken and the progress achieved in this field.

## APPENDIX TO RECOMMENDATION CM/REC(2007)13

### Definitions

For the purpose of the present recommendation:

- ▶ “gender mainstreaming” means: the (re)organisation, improvement, development and evaluation of policy processes, to ensure that a gender equality perspective is incorporated at all levels and stages of all policies by those normally involved in policy making;
- ▶ “gender budgeting” means: the application of gender mainstreaming to the budgetary process, namely, gender-based assessment of budgets, bringing a gender perspective into all levels of that process, and restructuring revenue and expenditure to promote gender equality;
- ▶ “quality education” means: taking account of the following three elements:
  - matching performance to expectations (fitness for purpose);
  - self-improvement and transformation (focus on processes);
  - empowerment, motivation and participation (focus on learners);
- ▶ “democratic citizenship” means: assuming and exercising one’s rights and responsibilities in society, by participating in civic and political life, and by valuing human rights and social and cultural diversity;
- ▶ “democratic school” means: a school where governance is based on human rights, empowerment and involvement of students, staff and stakeholders in all important decisions.

The governments of member States are invited to consider the following measures with a view to implementing them:

- ▶ *Legal framework:*
  1. incorporating the principle of equality between women and men into national laws on education, for the purpose of giving girls and boys equal rights and opportunities at school, and promoting *de facto* equality between women and men in society as a whole;
  2. assessing the gender impact of future laws on education and, where necessary, reviewing existing laws from a gender perspective;
- ▶ *Education policies and support structures:*
  3. launching special programmes to bring the gender mainstreaming strategy into education policies and schools;
  4. drawing up action plans and allocating resources to implement the gender mainstreaming programme, including inbuilt monitoring and evaluation;

5. studying the impact of education policies on girls and boys, women and men, providing qualitative and quantitative instruments for gender impact assessment, and using the gender budgeting strategy to promote equal access to, and enjoyment of, school resources;
6. ensuring that the statistics produced by education ministries and authorities are broken down by sex, and published regularly;
7. ensuring that committees or task forces set up by those ministries and/or authorities are gender-balanced;
8. organising awareness-raising initiatives and/or training on gender equality and gender mainstreaming for the staff of education ministries;
9. preparing general documentation on incorporating the gender perspective and gender equality dimension, and particularly examples of good practices, and disseminating this material, *inter alia*, via the websites of education ministries and/or authorities;
10. preparing and disseminating guidelines for schools, teachers and curriculum planners on incorporating the gender perspective and gender equality dimension; making school inspectors more aware of gender mainstreaming as an element in evaluation of schools, and devising indicators for quality assurance and self-evaluation;
11. providing teachers and other education staff with information on international agreements and guidelines on equality between women and men, particularly in the education field;

► *School governance and school organisation:*

12. encouraging school management bodies to introduce gender mainstreaming in schools;
13. sensitising parents and guardians and involving them in schools' work on gender mainstreaming and gender equality;
14. encouraging the wider education community to accept schools' objectives and mission in the matter of gender mainstreaming, and play an active part in implementing that strategy;
15. promoting balanced representation of women and men at all levels of the education process, particularly among school managers and principals;
16. promoting a holistic approach to informal and formal education in schools – an approach that includes life-skills programmes, covers human rights, human dignity and gender equality, develops self-esteem and self-respect, and encourages informed decision making, thus preparing girls and boys for community and family life;
17. promoting a democratic school culture, which includes adopting educational practices designed to enhance girls' and boys' capacity for participation and action, and for coping with change and gender partnership, as a prerequisite for the full exercise of citizenship;
18. encouraging balanced participation of boys and girls in collective decision making and school management, and in all extra-curricular activities, for example, school councils, children's parliaments, youth forums and clubs, students' associations, outings, school exchanges, voluntary work, meetings with local political leaders and information campaigns;
19. encouraging local authorities and relevant officials to support any conversion work (sanitary facilities and accommodation, etc.) needed for schools to accommodate both girls and boys and their lifestyles;

► *Initial and in-service education and training for teachers and trainers:*

20. promoting awareness-raising and training on gender equality for all education personnel, and particularly school principals; producing classroom aids and teacher-training materials on gender mainstreaming in education, and distributing them to teachers;
21. including, in initial and in-service training, content which allows teachers to reflect on their own identity, beliefs, values, prejudices, expectations, attitudes and representations of femininity/masculinity, as well as their teaching practice; teachers should be encouraged to challenge sex-stereotyped attitudes and beliefs, which can inhibit boys' and girls' personal development and prevent them from realising their full potential;
22. bringing equality, diversity and the gender perspective into various areas of initial and in-service teacher training, and particularly: the production, reproduction and transmission of knowledge; the dynamics of teaching (teaching materials and methods; interaction and assessment) and institutional culture (organisation of the school day, school layout and interior design, recreational activities, posters and advertisements);
23. improving the teaching profession's public image and, when necessary, increasing teachers' salaries, for the purpose of encouraging both men and women to opt for careers in teaching, particularly at pre-school, primary and secondary level;

► *Course programmes, school curricula, subjects and examinations:*

24. paying special attention to the gender dimension in course programme content and general curriculum development (particularly for scientific and technological subjects), and revising curricula as necessary;

25. evaluating the place of women in school curricula and the various disciplines, and highlighting their experience and contributions in the subjects taught;
26. taking account, in planning curricula, of girls' and boys' interests and preferences in respect of learning and teaching styles, for the purpose of fostering academic success and broadening the range of educational and career options;
27. making education for private life part of the school curriculum, when necessary, in order to encourage boys and girls to be self-reliant in this area, make them more responsible in their emotional and sexual relationships and behaviour, combat sexist role stereotyping, and prepare young people for a new gender partnership in private and public life;

► *Teaching materials:*

28. making authors and publishers of school textbooks, and of educational, teaching, assessment and career guidance materials, aware of the need to make gender equality one of the quality criteria for the production of these materials and the development of multi-media products for use in schools;
29. encouraging teachers to analyse, challenge and so help to eliminate sexist stereotypes and distortions which these textbooks, materials and products may convey in their content, language and illustrations;
30. encouraging teachers to analyse and counter sexism in the content, language and illustrations of comics, children's books and games, video games, websites and films, which shape young people's attitudes, behaviour and identity;
31. devising and disseminating indicators for the appraisal of teaching materials – particularly textbooks and multi-media products – from a gender perspective;

► *Teaching methods and practices:*

32. including analysis of teaching methods and practices from a gender perspective in guidelines for self-evaluation and quality assurance in schools;
33. making teachers aware of research done on teachers' interaction with pupils of each sex;
34. promoting gender mainstreaming in sports and leisure activities, where gender-based stereotypes and expectations may affect girls' and boys' self-image, identity-building, health, skills acquisition, intellectual development, social integration and gender relations;
35. encouraging girls and boys to explore new roles, activities and areas, and ensuring that they have equal access to all parts of the curriculum and to the same learning experiences;
36. ensuring that non-sexist language is used, and account taken of the gender dimension in teaching practice and throughout schools;

► *Education for democratic citizenship and human rights:*

37. making gender equality a central part of education for democratic citizenship and human rights, and including that and other issues which are vital to democracy – namely, the individual's rights and responsibilities in the private and public spheres – in basic legislation on school systems, as aims to be achieved in curricula, school culture and teacher training;
38. creating school learning contexts which focus on the needs and interests of both girls and boys regarding issues which affect our societies; enabling them to develop and exercise democratic citizenship, *inter alia*, by acknowledging both girls and boys as agents for social change, and devising projects which encourage initiative, give them action-geared knowledge and skills, and so forge links between life at school and outside;

► *Educational and career guidance:*

39. making gender mainstreaming one of the objectives of educational and career guidance;
40. encouraging and training guidance staff to use gender mainstreaming, so that they can analyse and counter the effects of sexist socialisation when necessary;
41. exploring the influence of female and male role perceptions on girls' and boys' identities and life plans, and promoting discussion of educational and career choices in the classroom;
42. promoting co-operation between schools and firms, for the purpose of giving girls and boys a better idea of the openings available in various sectors, and particularly in occupations dominated by one sex;
43. compiling and disseminating sex-based statistics on various careers;

► *Preventing and combating sexist violence:*

44. teaching young people to consider and interpret relationships with reference to gender equality, human rights, power relations and violence;

45. providing guidelines to help schools to ensure that respect for human beings is the basis of their activity, and prevent/combat any forms of individual or collective violence or discrimination which generate unsafe situations, fear, persecution, psychological or sexual harassment, physical assault or sexual violation of girls and boys in ordinary school life;
  46. raising the awareness of education staff and training them to detect, analyse, respond to, and combat all forms of sexist violence;
  47. making girls and boys aware of the dangers of exploitation, sexual abuse and trafficking to which they are exposed, ensuring that schools can respond quickly to serious violations of their sexual integrity and safety (incest, rape, paedophilia);
  48. requiring schools to devise policies and procedures to deal with gender-based bullying, harassment and violence;
  49. making school principals and teachers aware of violence rooted in custom and culture, affecting either women or men, so that they can analyse and act on it, and support the right of girls to self-determination;
- ▶ *Vulnerable groups:*
50. promoting specific measures for girls and boys from groups whose customs and culture make for early school-leaving, and focusing parents' attention on this issue;
  51. promoting specific measures for young people from disadvantaged groups, both boys and girls, who drop out and/or face social exclusion;
- ▶ *New information and communication technologies:*
52. adopting cross-sectoral strategic guidelines on the need to apply gender equality criteria in using information and communication technologies (ICT) in education and, in particular, developing and selecting multi-media products for use in schools;
  53. promoting equal access to, and use of, ICT for girls and boys from an early age in schools, and other formal and non-formal training and education contexts;
  54. analysing how new information and communication technologies are used by girls and boys,
- ▶ *Media:*
55. encouraging exploration of the role which the media can play in teaching and helping young people (girls and boys) to develop critical attitudes to sexist representations of femininity, masculinity and gender relations in society;
- ▶ *Research on gender and education issues:*
56. initiating and supporting research on gender and education, for example:
    - research on sexism in the oral and written language used in the classroom and elsewhere in schools, including inter-pupil communication;
    - research on innovative projects on gender stereotyping and pupil behaviour, representations of masculinity and femininity, new identities for girls, and relations between girls and boys, with special reference to aggressive and abusive behaviour;
- ▶ *Monitoring:*
57. collecting and processing, on a regular and ongoing basis, statistics on pupils and other participants in the education process, broken down by gender and covering levels of instruction, courses of study, disciplines and career options (particularly in scientific and technical subjects), publishing them regularly, and ensuring that they are widely distributed;
  58. implementing this recommendation by monitoring and evaluating gender mainstreaming policies, practices and results;
  59. regularly evaluating measures adopted and action taken, publishing the findings and disseminating them widely among the parties concerned.

## Recommendation CM/Rec (2008)1 of the Committee of Ministers to member States on the inclusion of gender differences in health policy

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



## Recommendation CM/Rec(2008)1 of the Committee of Ministers to member States on the inclusion of gender differences in health policy (adopted by the Committee of Ministers on 30 January 2008 at the 1016th meeting of the Ministers' Deputies)

- The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe (ETS No. 1),
- Considering that the aim of the Council of Europe is to achieve a greater unity between its members and that this aim may be pursued, *inter alia*, in particular by the adoption of common rules in the health sector;
- Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and its Protocols, in particular Protocol No. 12 (ETS No. 177);
- Recalling Article 11 of the European Social Charter (ETS No. 35) on the right to health protection, and recalling that Article 3 of the Convention on Human Rights and Biomedicine (ETS No. 164) requires that Contracting Parties, taking into account health needs and available resources, take appropriate measures with a view to providing, within their jurisdiction, equitable access to health care of appropriate quality;
- Having regard to Recommendation No. R (2000) 5 of the Committee of Ministers to member States on the development of structures for citizen and patient participation in the decision-making process affecting health care;
- Considering that the principle of equality between women and men is an integral part of human rights and that discrimination on the ground of sex constitutes an impediment to the recognition, enjoyment and exercise of human rights and fundamental freedoms;
- Recalling the work of the Council of Europe in the field of gender mainstreaming and in particular the message of the Committee of Ministers in 1998 to encourage the Steering Committees to implement gender mainstreaming in their work, and its report on "Gender mainstreaming: conceptual framework, methodology and presentation of "good practices"" (EG(99)3);

- Convinced that, the objective to produce both equality, equity, respect for human rights and for the dignity of the individual in the health sector requires that the effects of gender differences are taken into account in health policy planning, delivery of health services, and monitoring of these;
- Recognising that European countries face still in different degrees unacceptable gender inequalities between men and women and that health policy makers, health care providers and health professionals are increasingly challenged to understand and address the different needs of women and men;
- Considering that many differences and inequalities between men and women's health status stem from social, cultural (including religion) and political arrangements in society, gender (which is a social construct) as opposed to sex (which is a biological attribute) should be considered as a key determinant of health;
- Acknowledging that genders are not homogeneous groups and that different social circumstances may all distinctly affect health needs, interests and concerns of each gender and within genders;
- Convinced that health policies should take social determinants of health into account since socio-economic factors, such as income, employment, education, living and working conditions, occupational hazards and lifestyles are unevenly distributed among the population and result in inequalities which may account for many of the health disparities, including those between men and women;
- Being aware of increasing evidence from all fields of health research (concerning both biomedical and psycho-social mechanisms) that risk factors, clinical manifestation, causes, consequences and treatment of disease may differ between men and women and that, in such cases, prevention, treatment, rehabilitation, care-delivery and health promotion need to be adapted according to women's and men's differing needs;
- Noting that gender inequalities can result in problems of access to health services, including to information, and noting also the lack of resources to promote gender sensitivity in health care providers, which may all constitute structural barriers to quality of health care;
- Concerned also, in this context, that gender differences and inequalities can be an obstacle to communication between health care providers and patients to the detriment of patient's rights;
- Convinced that the recognition of gender differences and inequalities would add to the efficiency and effectiveness of health policies and health care services for both women and men;
- Convinced that the development of a gender sensitive social and health policy requires the integration of a gender dimension also in broader societal policy,
- Recommends that the governments of member States,
  1. in the context of protection of human rights, make gender one of the priority areas of action in health through policies and strategies which address the specific health needs of men and women and that incorporate gender mainstreaming;
  2. promote gender equality in each sector and function of the health system including actions related to health care, health promotion and disease prevention in an equitable manner;
  3. consider issues related to the improvement of access and quality of health services as these relate to the specific and differing needs and situations of men and women;
  4. develop and disseminate gender sensitive knowledge that allows evidence-based interventions through systematic collection of appropriate sex-disaggregated data, promotion of relevant research studies and gender analysis;
  5. promote gender awareness and competency in the health sector and ensure balanced participation of women and men in the decision-making process;
  6. establish monitoring and evaluation frameworks on progress on gender mainstreaming in health policies;
  7. adopt and implement the measures presented in the appendix to this recommendation;
  8. ensure that this recommendation is brought to the attention of all relevant political institutions and health related bodies and inform the Council of Europe on the follow up undertaken at national level to the provisions of this recommendation.

## APPENDIX TO RECOMMENDATION CM/REC(2008)1

### ■ Specific measures

1. Place responsibility for driving and implementing gender sensitive health policies at higher national, regional and local levels and ensure gender balanced representations in decision-making positions and establish posts for gender trained health experts;

2. Produce regular gender-based health reports including systematic scientifically based gender analysis in order to increase knowledge of the health of populations and to introduce gender awareness in the health sector:
  - a. ensure that in health services and in the most relevant health surveys and programmes all routine data recording and collection systems are sex-disaggregated according to the health priorities of the country (e.g. taking into account patterns of mortality and morbidity);
  - b. promote gender sensitive information systems and performance indicators for accountability purposes in the health system;
  - c. include sex disaggregated information related to other social determinants that interact with gender: i.e. income, poverty levels, labour force participation, educations, housing;
  - d. promote the use of gender sensitive indicators (e.g. World Health Organisation) in the process of data collection for national health reports;
3. Promote the inclusion of gender aspects of health in the training and continuing education of all health and related social professionals at both undergraduate (e.g. medical and nurse training) and continuing education levels (in-service training) for all health workers including policy makers;
4. Promote the education of health and social professionals on specific situations:
  - a. on the consequences of domestic and other forms of violence for health;
  - b. on the needs that affect the health of vulnerable groups;
5. Promote scientific-based programmes and prioritise developing gender sensitive research programmes which will have an impact at the national level. The aim is to implement evidence-based public policies, anticipate challenges facing society, and develop adequate health promotion programmes;
6. Initiate and promote the evaluation and monitoring from a gender perspective of the policies, programmes and actions undertaken in their country to address inequalities in health;
7. Promote international networking between governmental and non-governmental organisations active in the domain of gender mainstreaming in health policy;
8. Support an active targeted dissemination of this recommendation, accompanied where appropriate, by a translation into local languages.



## Recommendation CM/Rec (2015)2 of the Committee of Ministers to member States on gender mainstreaming in sport

Recommendation CM/Rec (2015)2 on gender mainstreaming in sport calls on member States to promote and encourage policies and practices aimed at introducing, implementing and ensuring gender mainstreaming in all fields and at all levels of sport. This includes legislation; policies and programmes; data collection and research on women and girls in sport; and awareness raising and training on gender equality issues for public authorities and actors involved in sport.



## Recommendation CM/Rec(2015)2 of the Committee of Ministers to member States on gender mainstreaming in sport (adopted by the Committee of Ministers on 21 January 2015 at the 1217th meeting of the Ministers' Deputies)

- The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
- Noting that sport provides girls, boys, women and men with an environment conducive to education and the social development of the individual, and contributes to fostering good health and well-being in society;
- Wishing to help build and promote a “sport for all” culture in society;
- Noting that sport also allows girls and boys to develop the essential values for life in a democratic society such as fair play, respect for others and respect for rules, team spirit, tolerance and responsibility, which contribute to turning them into responsible citizens;
- Convinced that sport can promote the social integration of disadvantaged groups exposed to multiple discrimination and can contribute towards better understanding among communities, including in post-conflict regions;
- Mindful that, despite the existence of standards at national, regional and international levels guaranteeing the principle of gender equality and the right for everyone to participate in sport, a gap still persists between standards and practice, between *de jure* and *de facto* gender equality and discrimination against women and girls, including among disadvantaged groups exposed to multiple discrimination, is still evident;
- Bearing in mind that the enjoyment of the rights set forth in the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, “the Convention”) and its protocols must be secured without discrimination on any ground such as sex, and that Protocol No. 12 to the Convention (ETS No. 177) guarantees the enjoyment of any right set forth by law without discrimination on any ground such as sex;
- Recalling that Recommendation Rec(92)13-rev of the Committee of Ministers to member States on the revised European Sports Charter underlines the right for everyone to participate in sport and recommends that sport be kept free of any kind of discrimination, in particular on grounds of sex;
- Taking into account Recommendation Rec(98)14 of the Committee of Ministers to member States on gender mainstreaming, which recommends that the governments of member States encourage decision makers to “create an enabling environment and facilitate conditions for the implementation of gender mainstreaming in the public sector”;

■ Taking into account Recommendation [Rec\(2005\)8](#) of the Committee of Ministers to member States on the principles of good governance in sport, which states that the implementation of the principles of good governance in sport is a key element in the promotion of gender mainstreaming in sport;

■ Taking into account Recommendation [CM/Rec\(2010\)9](#) of the Committee of Ministers to member States on the revised Code of Sports Ethics demanding the “equal participation of women, girls, men and boys in all individual and/or team sports without gender-based discrimination”;

■ Taking into account Recommendation [CM/Rec\(2013\)1](#) of the Committee of Ministers to member States on gender equality and media;

■ Recalling the Declaration entitled “Making gender equality a reality” of May 2009, whereby the Committee of Ministers urged member States to commit themselves fully to bridging the gap between equality in fact and equality in law and to accelerate the achievement of this aim by using gender mainstreaming effectively;

■ Bearing in mind Parliamentary Assembly Resolution 1092 (1996) on “Discrimination against women in the field of sport and more particularly in the Olympic Games” and Parliamentary Assembly Recommendation 1701 (2005) on “Discrimination against women and girls in sport”, as well as the reply to it adopted by the Committee of Ministers (cf. [CM/AS\(2005\)Rec1701-final](#));

■ Bearing in mind political commitments made at specialised Council of Europe Conferences of European Ministers, notably Resolution III adopted by Ministers responsible for Sport (Budapest, October 2004) and, in particular, the resolution adopted by Ministers responsible for Equality between Women and Men (Baku, May 2010), where it was acknowledged that the gap between *de jure* and *de facto* gender equality can only be bridged by the adoption of specific legislation, policies and programmes and their implementation through the use of positive actions including temporary special measures and gender mainstreaming, including gender budgeting;

■ Having regard to the fact that States Parties to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979) 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, including in sport and physical education;

■ Recalling the Declaration adopted during the 4th International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport and its reference to the Athens Declaration on Women and Sport of 2001 and recalling the Berlin Declaration adopted during the 5th International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport in May 2013;

■ Recalling the Brighton Declaration on Women and Sport (1994), having the aim of developing a sporting culture that enables and values the full involvement of women and girls in every aspect of sport;

■ Convinced that gender stereotypes and traditional gender roles, including the traditional gender models of masculinity and femininity in the world of sport, affect access to and participation in many levels and fields of sport, as well as the organisational cultures of sport administrations and sporting bodies; but also that sport and its media coverage can contribute to perpetuating or challenging gender stereotypes across Europe;

■ Considering that, despite the progress achieved, gender inequalities persist between women and men in sport, in particular concerning: access to and practice of sport, physical education and physical activity; access to responsibilities, participation in sports governing bodies and decision-making roles; access to resources, salaries, financial incentives and sports facilities; media coverage of women athletes and of women’s sport; reintegration into the labour market after the end of an athletic career; gender-based violence including harassment and abuse;

■ Convinced that, in order to achieve *de facto* equality between women and men in sport and through sport, the structural character of gender inequality must be addressed by adopting the strategy of gender mainstreaming and involving all the relevant institutions and actors in its implementation. Nevertheless, given the significance of gender gaps in many fields of sport, gender mainstreaming still needs to be complemented by positive measures,

■ Recommends that the governments of member States:

- a. adopt and/or review their legislation and/or policies pertaining to sport with a view to implementing the strategies and measures outlined in this recommendation and its appendix;
- b. promote and encourage policies and practices aimed at introducing, implementing and ensuring gender mainstreaming in all fields and at all levels of sport and establish the existence of specific mechanisms to this end;

- c. ensure that this recommendation and its explanatory memorandum are brought to the attention of the relevant political institutions, public authorities, sports organisations and other sports-related organisations as well as education institutions and the media;
- d. encourage co-operation between those stakeholders at national level who are responsible for and who influence sport, physical education and gender equality policies;
- e. review gender mainstreaming policies, practices and results at national level and report on the steps taken and progress achieved in this field to the relevant bodies of the Council of Europe;
- f. co-operate at international level including in the framework of the Council of Europe with a view to exchanging information and sharing good practices,

■ Invites the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe to follow up the implementation of this recommendation, where appropriate, in co-operation with other Council of Europe bodies such as the committee responsible for gender equality;

■ Invites the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe to seek co-operation on gender equality in sport with the relevant bodies of the European Union;

■ Calls on the Secretary General to transmit this recommendation to intergovernmental organisations, international sports and sports-related organisations.

## APPENDIX TO RECOMMENDATION CM/REC(2015)2

### I. THE GOVERNMENTS OF MEMBER STATES ARE INVITED TO IMPLEMENT THE FOLLOWING MEASURES:

#### ■ *Legislation*

1. incorporate the principle of equality between women and men and the strategy of gender mainstreaming into national laws on sport and physical education and/or into the existing body of legislation and/or regulations pertaining to sport; and bring the terminology used in legal drafting into line with the principle of equality between women and men;
2. assess the gender impact of future laws on sport and physical education or pertaining to sport and, where necessary, review existing laws from a gender equality perspective;

#### ■ *Policies and programmes*

3. undertake to achieve gender balance in public authorities and public bodies related to sport and physical education and ensure that a gender perspective is included in all respective areas of decision making;
4. draw up action plans for achieving substantive equality between women and men in sport, and bring the gender mainstreaming strategy into public sport and physical education policies and programmes, including in-built monitoring and evaluation;
5. ensure that the interests of women and men from disadvantaged groups exposed to multiple discrimination are systematically mainstreamed into all aspects of sport policies and programmes by taking into consideration all forms of discrimination, irrespective of grounds, as explicitly outlined in Article 14 of the European Convention on Human Rights or any other form established by the case law of the European Court of Human Rights, and provide, where appropriate, specific tailored support;
6. adopt strategies to counter negative traditional gender stereotypes and stereotypes founded on other grounds of discrimination, and protect all people who challenge stereotypes through their free choice and practice of sport;
7. integrate a gender perspective into the budgetary process in order to promote equal access to, and enjoyment of, sports resources by women and men with regard to funds, facilities, human resources (including training and coaching), time, space and equipment for participation and competition;
8. plan, design and manage sport, recreation and physical activity facilities to ensure that they are safe, affordable and accessible to women and men of all age groups, including those from disadvantaged groups exposed to multiple discrimination, and encourage schools, local authorities, sports clubs and relevant decision makers to implement any conversion work needed to meet these requirements;
9. ensure that public authorities require gender equality criteria before granting subsidies to sports organisations;
10. provide support for the work of civil society organisations promoting gender equality in sport;

11. establish concerted action between the ministries responsible for sport and physical education, the ministry responsible for equality between women and men, civil society organisations promoting women's participation in sport, sports organisations and educational and research institutions, in particular when drawing up national action plans and implementing and assessing programmes;

#### ■ ***Specific programmes and policies on formal and non-formal physical education in particular at local level***

12. encourage the authorities responsible for school and out-of-school education to integrate the principle of gender equality and the strategy of gender mainstreaming into physical education and sports curricula;
13. adopt a gender sensitive and inclusive approach to planning physical education and sports curricula and teaching methods and practices, and ensure the autonomy of girls, boys, women and men in this regard;
14. encourage, enable and support, by using specific training and tools, physical education and sports teachers, trainers, coaches and instructors to promote equality between girls and boys in sport, and manage problem situations caused by gender differences and intercultural issues pertaining to the access to and the practice of sport, physical activity and physical education;

#### ■ ***Specific programmes and policies to combat gender-based violence***

15. adopt, implement and monitor policies and measures, in co-operation with sports organisations, to prevent and combat gender-based violence against women and girls in sport, namely, physical intimidation or violence, verbal, psychological, physical and sexual harassment and abuse;
16. devise and implement policies and measures to prevent and combat gender-based bullying, harassment and violence with regard to the practice of physical activity, physical education and sport, and encourage schools, local authorities and sports organisations and clubs to implement them and monitor their implementation;

#### ■ ***Awareness raising and training***

17. promote awareness initiatives and initial and in-service training on gender equality, gender mainstreaming and different needs of those involved in sport, for the personnel of public authorities responsible for framing and implementing this recommendation and for those involved in sport;
18. launch and promote awareness-raising campaigns for the promotion of equality between women and men in accessing, participating in and benefitting from sport and physical activities, throughout the different stages of the life cycle;

#### ■ ***Data collection and research***

19. ensure that the statistics based on individuals and produced by public authorities responsible for framing and implementing this recommendation are disaggregated by sex, published regularly and disseminated to the relevant stakeholders;
20. promote and support research on women and girls in sport and in women's sport in particular, including systematic gender analysis, and provide data to decision makers and other relevant authorities at national, regional and local levels;
21. identify the gender-based reasons for which women, girls, men and boys drop out of sporting activities and organised or competitive sport;
22. identify the needs and preferences of women as regards the practising of sport and physical activity throughout the different stages of life;
23. identify barriers faced by women and girls, including those from disadvantaged groups exposed to multiple discrimination, as regards their access to and participation in all levels and fields of sport, including in coaching, management and other leadership positions;

#### ■ ***Monitoring and reporting***

24. implement this recommendation by regularly monitoring and evaluating gender mainstreaming policies, practices and results, publishing the findings and disseminating them widely among the parties concerned.

## II. THE GOVERNMENTS OF MEMBER STATES ARE INVITED TO IMPLEMENT THE FOLLOWING MEASURES AND TO ENCOURAGE SPORTS ORGANISATIONS AT NATIONAL, REGIONAL, AND LOCAL LEVELS, BEARING IN MIND THEIR AUTONOMY, TO:

### Language

25. use non-sexist language in all documents and materials produced, edited and/or distributed by the public authorities responsible for framing and implementing this recommendation and by sport organisations, and develop all efforts to ensure a balanced representation of women and men in all communication, including positive images of women and girls in sport;

### Grants, pay, prize money and bonuses

26. encourage sponsors to support both women's and men's programmes equally and to award women and men equal grants, pay, prize money and bonuses;

### Awareness raising

27. raise awareness about the gender hierarchies, inequalities and gender-based violence existing in various levels and fields of sport;
28. identify female role models and gender-sensitive athletes, coaches, journalists and leaders and involve them in the promotion of equality between women and men in sport.

## III. THE GOVERNMENTS OF MEMBER STATES ARE INVITED TO ENCOURAGE SPORTS ORGANISATIONS AT NATIONAL, REGIONAL, AND LOCAL LEVELS, BEARING IN MIND THEIR AUTONOMY, TO:

### Policies and programmes

29. apply good governance principles by ensuring on the one hand that substantive gender equality through gender mainstreaming is a part of each organisation's strategy and, on the other hand, that they regularly report on the practices and results and disseminate them widely among the parties concerned;
30. create gender-sensitive and transparent recruitment, selection, appointment and election procedures and practices to increase the number of women participating at all levels of sports organisation, including in coaching, management and other leadership positions;
31. adopt policies which allow a balance of private and family life and sports careers, with a special focus on athletes, coaches, managers and leaders;
32. develop strategies and implement special measures, where appropriate until a balanced participation of women and men is reached at all levels of sports organisations in terms of membership, practice, competition, coaching, leadership, management and national and international representation, and ensure the regular monitoring and evaluation of these policies;
33. implement policies and adopt codes of conduct regarding gender-based violence against girls, boys, women and men in sport and clearly specify the complaint process, disciplinary actions and appeal procedures;
34. provide equal access to sports facilities for women and girls, and especially to those from disadvantaged groups exposed to multiple discrimination, to enable them to participate in sporting activities, training and competitions;

### Data collection and research

35. ensure that statistics regarding individual participation and representation in all areas and all levels of organisations, including in executive bodies, coaching and other leadership or decision-making positions, are disaggregated by sex and published and disseminated regularly;

### Awareness raising and training

36. promote awareness initiatives and/or training on gender equality, gender mainstreaming and different needs of those involved in sport, to provide personnel, coaches, athletes, sport managers and decision makers at all levels with the necessary tools and competences to implement gender mainstreaming and gender equality in the organisation;
37. carry out training, mentoring and shadowing programmes for women in order to encourage them and allow them to acquire qualifications for leadership roles, and create opportunities to exercise these roles.

**IV. THE GOVERNMENTS OF MEMBER STATES ARE INVITED TO DRAW THE ATTENTION OF THE MEDIA, BEARING IN MIND THEIR EDITORIAL INDEPENDENCE, TO THE NEED TO ADOPT MEASURES FOR:**

38. conveying a non-stereotyped image, role and visibility of women and men in sport and of women's sport, by not reproducing sexist portrayals and eliminating sexist content and language which could lead to gender-based incitement to hatred, violence and discrimination, and by reflecting the progress of gender equality in sport;
39. ensuring a balanced participation of women and men in the media through the employment of female sport journalists and through support for their careers among editorial personnel;
40. raising the awareness and strengthening the capacities of sport media professionals and students by offering regular educational and vocational training programmes geared to the acquisition of in-depth knowledge of gender equality and its crucial role in a democratic society.

**V. THE GOVERNMENTS OF MEMBER STATES, IN CO-OPERATION WITH THE RELEVANT REGIONAL AND INTERNATIONAL ORGANISATIONS AND INSTITUTIONS, ARE INVITED TO:**

41. co-operate follow up and assess the progress of balanced participation of girls, boys, women and men in sport on the basis of internationally comparable data;
42. promote the exchange of information, know-how and "good practices" favouring equality between girls, boys, women and men in sport.

# Gender equality in the media and audiovisual sectors

## Recommendation CM/Rec (2017)9 of the Committee of Ministers to member States on gender equality in the audiovisual sector

Recommendation CM/Rec (2017)9 on gender equality in the audiovisual sector is the first pan-European recommendation to address gender equality issues in the industry, including a lack of awareness thereof; conscious and unconscious gender bias at all levels; and unequal distribution of funding. It invites governments to review their legislation and policies; collect, monitor and publish data; support research; encourage ongoing development of media literacy; and enhance accountability processes. It also contains tools for developing knowledge in the area and a series of monitoring methods and performance indicators to assist data collection and coherent action on findings.



## Recommendation **CM/Rec(2017)9** of the Committee of Ministers to member States on gender equality in the audiovisual sector *(adopted by the Committee of Ministers on 27 September 2017 at the 1295<sup>th</sup> meeting of the Ministers' Deputies)*

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

Noting the following:

- ▶ Gender equality is a necessary condition for the full enjoyment of human rights as secured by the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and its protocols;
- ▶ Genuine democracy requires the equal participation of women and men in society. Democracy and gender equality are interdependent and mutually reinforcing. The inclusion of women and men, with respect for equal rights and opportunities, is an essential condition for democratic governance and sound decision making. Gender equality means equal visibility, empowerment, responsibility and participation of both women and men in all spheres of life;

Gender equality is a prerequisite for the achievement of social justice. This is not just in the interests of women, as it concerns society as a whole. The Council of Europe has accorded much importance to these matters over the last few decades, as shown, *inter alia*, by the Committee of Ministers' Declaration on Equality of Women and Men, adopted on 16 November 1988 at its 83<sup>rd</sup> session, and the Committee of Ministers' Declaration on Making Gender Equality a Reality, adopted on 12 May 2009 at its 119<sup>th</sup> Session;

Measures for the effective implementation of standards can contribute to gender equality and combat gender inequality. The Council of Europe has adopted a number of standards and instruments promoting gender equality (see Appendix III), including the Council of Europe Gender Equality Strategy 2014-2017, which sets forth the following strategic objectives:

- ▶ combating gender stereotypes and sexism;
- ▶ preventing and combating violence against women;
- ▶ guaranteeing equal access of women to justice;
- ▶ achieving balanced participation of women and men in political and public decision making;
- ▶ achieving gender mainstreaming in all policies and measures;

In addition, Article 4 of the revised European Social Charter (ETS No. 163) recognises the right of men and women workers to equal pay for work of equal value;

The audiovisual sector, which includes, but is not limited to, cinema, broadcasting, digital media and video games, has a particular role to play in relation to the achievement of these objectives. In this sector, freedom of expression and gender equality are intrinsically interrelated: the exercise of freedom of expression can advance gender equality;

The audiovisual sector is well placed to shape and influence perceptions, ideas, attitudes and behaviour prevalent in society. It reflects the reality of women and men, in all their diversity. Audiovisual content can either hinder or hasten structural change towards gender equality. Gender inequalities in society are reproduced in audiovisual content, but also within the audiovisual sector, notably women's under-representation in the different professions and in decision making. Furthermore, women who are audiovisual professionals are more likely to encounter pay inequalities, the "glass ceiling" and precarious employment conditions. There is also a significant under-representation of women in the creative, technical and executive branches of all levels of the industry;

The audiovisual sector serves all members of society. This calls for particular attention to gender equality both in terms of participation and access to the sector and in terms of content and the manner in which women are treated and portrayed, particularly in line with the request to Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) to encourage the information and communication technology sector and the media to enhance respect for the dignity of women as provided for in its Article 17;

The Council of Europe is committed to combating gender inequality in the audiovisual sector, as stated in the Declaration on Gender Equality in the European Audiovisual Industry, adopted at the Conference "Women in today's European film industry: gender matters. Can we do better?"; held in Sarajevo on 14 August 2015, and as reflected in numerous national policy statements;

Recognising the need to integrate a gender equality perspective in the audiovisual sector,

Recommends that the governments of member States:

1. adopt policies to promote gender equality in the audiovisual sector as a fundamental principle of its activities and in those of its institutional organisations, duly taking into account the guidelines as provided in Appendix I;
2. encourage European, national and regional film funds, public and commercial broadcasters and other key stakeholders in the audiovisual sector to monitor the situation with regards to gender equality, drawing on monitoring methods and performance indicators such as those proposed in Appendix II;
3. encourage European supranational film and audiovisual funds, such as Eurimages and Creative Europe, as well as broadcasters and other key audiovisual sector stakeholders, to address gender equality issues in all their policies, measures and support programmes, such as training, production, distribution, festivals and media literacy initiatives;
4. encourage the relevant audiovisual sector organisations (including public and private financing bodies, sectoral employers, trade unions and professional organisations, training and education providers and industry professionals, as well as the relevant regulatory authorities) to prepare, or revise, regulatory and self-regulatory strategies, collective bargaining agreements and codes of conduct or other frameworks for implementation, taking into account a gender equality perspective;

5. disseminate this recommendation together with its appendices and raise awareness among the relevant stakeholders and those active in the audiovisual sector, in particular about the central role of gender equality as an enabling factor for fully-functioning democracy and the full enjoyment of human rights;
6. monitor and evaluate progress in achieving gender equality in the audiovisual sector, and report on a five-year basis to the Committee of Ministers on the measures taken and progress made in implementing this recommendation.

## APPENDIX I TO RECOMMENDATION CM/REC(2017)9

### GUIDELINES FOR IMPROVING GENDER EQUALITY IN THE AUDIOVISUAL SECTOR: MEASURES FOR IMPLEMENTATION

#### Context

Research on gender equality in the European audiovisual sector<sup>2</sup> has identified several barriers preventing women from working in the industry on equal terms with men.

1. Lack of awareness of the prevalence of gender inequality.
2. Conscious and unconscious gender bias at all levels of the industry.
3. Lack of willingness to invest in financially ambitious female-created audiovisual content.
4. Unequal distribution between women and men of funding for audiovisual content.
5. Unequal investment on the part of equity investors.
6. Unbalanced support for the dissemination of female-created content.
7. Low representation of women on commissioning and funding panels, as well as on supervisory and executive bodies.
8. Unequal pay between women and men.
9. Failure to support parents and carers, and non-reconciliation of work/life balance in the sector.
10. Unequal access to employment opportunities between women and men.

Despite these barriers, women make a significant contribution to the audiovisual sector. In the film sector, for example, even given the lower number of films directed by women, research shows that the participation rate of female-directed films in both national and international festivals is often proportionately higher, and that female-directed films win proportionately more awards than films directed by men. Films directed by women are nonetheless significantly under-represented at A-list festivals.

Research<sup>3</sup> and industry reports<sup>4</sup> highlight that in television, scripted shows with strong female leads are increasingly prominent on TV schedules and on online platforms and have enjoyed great commercial success. Across genres as diverse as fantasy, crime, hospital and family dramas, female protagonists, often developed by female scriptwriters, have enjoyed huge popularity with audiences and reflect the appetite for diversity in television casting and portrayal.

In terms of women as video game consumers, a recent study found that 44% of women in Europe play video games, demonstrating that women constitute a significant gaming audience – and an increasingly dedicated one; in 2012 women spent, on average, three hours per week playing mobile/tablet games; by 2016 this had risen to over four and a half hours.<sup>5</sup> This is indicative of an untapped market for female-driven content.

Having more female-created audiovisual content would impact positively on the portrayal of women and men, promote equality and encourage fairness in our society. Furthermore, one of the most important ways to encourage women to create audiovisual content is by ensuring greater visibility of their works on television, cinema screens and on digital media platforms.

<sup>2</sup> “Where are the women directors? Report on gender equality for directors in the European film industry, 2006-2013” by the European Women’s Audiovisual Network (EWA), 2016.

<sup>3</sup> “The MS. FACTOR – The Power of Female Driven Content”, PGA Women’s Impact Network and Women and Hollywood, 2015, available at: [http://c.ymcdn.com/sites/www.producersguild.org/resource/resmgr/WIN/ms\\_factor\\_090115\\_01.pdf](http://c.ymcdn.com/sites/www.producersguild.org/resource/resmgr/WIN/ms_factor_090115_01.pdf).

<sup>4</sup> “TV’s Strong Female Leads Gain Ground with Women Running Shows on Both Sides of the Atlantic”, Variety, 17 October 2016, available at: <http://variety.com/2016/tv/global/tv-female-leads-the-crown-victoria-fleabag-1201889289/>

<sup>5</sup> See “The New Faces of Gaming”, Interactive Software Federation of Europe/Ipsos Connect research, 2017, available at: [www.isfe.eu/sites/isfe.eu/files/attachments/ipsos\\_connect\\_gaming\\_feb\\_17.pdf](http://www.isfe.eu/sites/isfe.eu/files/attachments/ipsos_connect_gaming_feb_17.pdf); [www.isfe.eu/industry-facts/statistics](http://www.isfe.eu/industry-facts/statistics)

There is broad support among member States for policy change, including measures to:

- a. address the under-representation of women in the industry;
- b. improve the gender-balanced distribution of public funds;
- c. achieve equal representation of women and men and greater awareness on commissioning boards, in juries, in decision-making positions and selection groups for festivals;
- d. introduce incentives for producers to support female creatives;
- e. introduce incentives for distributors to support female-created content.

The governments of member States are invited to examine the following measures to support the implementation of the recommendation:

### **I. Review legislation, regulations and policies**

1. Unless they already have one in place, member States should adopt an appropriate legal framework intended to ensure respect for the principle of human dignity and the prohibition of all discrimination on grounds of sex, and incitement to hatred or to any form of gender-based violence within the audiovisual sector.
2. Member States should ensure, through appropriate means, that key figures in the audiovisual sector observe gender equality principles in their decision making and practice.
3. National, supranational and regional bodies should be encouraged to adopt self-regulatory measures, internal codes of conduct/ethics and internal supervision, and develop standards that promote gender equality, in order to promote consistent internal policies and working conditions aimed at:
  - a. ensuring equal access to, and representation in, the audiovisual sector for women and men;
  - b. ensuring the balanced participation of women and men in management posts, in bodies with an advisory, regulatory or internal supervisory role, and generally in the decision-making process;
  - c. fostering gender equality awareness (for example, training on unconscious bias or gender mainstreaming initiatives);
  - d. supporting awareness-raising initiatives and campaigns on combating gender stereotypes, including hate speech and sexism in the audiovisual sector;
  - e. promoting non-stereotypical images, and avoiding sexist advertising, language and content which could lead to discrimination on grounds of sex, incitement to hatred and gender-based violence;
  - f. supporting and promoting good practices through social dialogue and through the development of networks and partnerships between different audiovisual sector stakeholders to further gender equality in their various activities;
  - g. supporting and promoting the development of workplace policies that allow for reconciliation of work and family life (for example, access to appropriate childcare);
  - h. including an assessment of the implementation of gender equality policy in the audiovisual sector in their annual reports.

### **II. Collect, monitor and publish data**

1. Adopt monitoring methods and performance indicators such as those set out in Appendix II.
2. Monitor on a yearly basis the situation regarding gender equality in the audiovisual sector at national level, based on the above-mentioned indicators.
3. Highlight causal relationships using qualitative analysis of the data.

### **III. Support research**

1. Promote active research on gender equality in the audiovisual sector, particularly relating to access, representation, participation and working conditions, and regularly publicise the outcomes of such initiatives.
2. Support active research from a gender equality perspective on the audiovisual sector and organise debates with a view to improving policy and legislation.
3. Promote research on the impact of the audiovisual sector in the shaping of values, attitudes, needs and interests of women and men.
4. Encourage co-operation initiatives for research networks and partnerships, for example bringing together academic institutions, non-governmental organisations and other bodies.

#### IV. Encourage the ongoing development of media literacy

1. Promote gender-sensitive media literacy for the younger generations, prepare young people to approach different forms of audiovisual content responsibly and enable them to acquire a critical view of representations of women and men and to decode sexist stereotypes.
2. Enhance the gender equality perspective in media literacy programmes for young people as a means of ensuring a broad human rights education and active involvement in the democratic processes.
3. Develop specific media literacy awareness-raising tools through and about audiovisual works for adults, including parents and teachers, as important factors for developing gender education and active citizenship.
4. Raise the awareness and strengthen the capacities of audiovisual professionals and students by offering regular educational and vocational training programmes geared to the acquisition of in-depth knowledge of gender equality and its crucial role in a democratic society.
5. Incorporate a gender equality perspective in curricula pertaining to the audiovisual sector and in continuous training.

#### V. Enhance accountability processes

1. Raise awareness of the complaints procedures which citizens can use in relation to audiovisual content which they consider contrary to gender equality.
2. Support non-governmental organisations, associations, academia, individuals and other relevant stakeholders in defending gender equality by bringing their concerns to self-regulatory bodies or other specialist bodies (for example, ethical commissions or anti-discrimination commissions).
3. Encourage the updating of existing accountability mechanisms and their effective use in cases of violation of gender equality in the audiovisual sector.
4. Facilitate the establishment of new mechanisms for accountability and civic responsibility on gender equality, for example, forums for public debate and platforms opened online and offline, making direct exchanges possible between citizens.

## APPENDIX II TO RECOMMENDATION CM/REC(2017)9

### RECOMMENDED MONITORING METHODS AND PERFORMANCE INDICATORS

#### Monitoring methods

In addition to the points set out above, member States are invited to encourage the following bodies to monitor gender equality in the European audiovisual sector.

1. Supranational, national and regional audiovisual institutes, funds, agencies, festivals, public-service broadcasters and regulatory authorities need to contribute to the collection of data, commit to the publication of these data and adopt measures on the basis of the findings to achieve gender equality and greater visibility for women.
2. European organisations representing public sector bodies (such as the European Broadcasting Union (EBU), European Film Agency Directors (EFADs) and Cine-Regio) and other industry representative organisations are recommended to:
  - a. adopt a common approach to gathering quantitative and qualitative data on gender equality;
  - b. achieve this through agreed common indicators as set out below, using standardised sets of data;
  - c. commit to the publication of these data on a regular basis in order to track trends and progress;
  - d. encourage their members to adopt the same indicators and monitor and publish these data on a regular basis in order to track trends and progress.
3. European organisations representing the commercial audiovisual sector (such as associations representing commercial broadcasting, digital media platforms and video game publishers) are encouraged to adopt the above-mentioned methods.
4. The European social partners in the audiovisual sector, including the European Federation of Journalists, and social partners from the European Union Audiovisual Sectoral Social Dialogue Committee, are invited to continue to monitor the progress made under the European Framework of Actions on Gender Equality in the audiovisual sector, which they adopted in 2011.
5. All commissioning bodies, policy-making boards, selection panels and juries are to be made aware of gender bias and be composed on the basis of gender parity.

6. Educational and academic institutions in the audiovisual sector should maintain and monitor statistics on gender equality regarding applicants and graduates; they are recommended to ensure gender equality among teaching staff and ensure greater visibility for women in all curricula and source materials.

## ■ Performance indicators

Indicators to measure gender equality should cover several areas.

1. Organisational structures in the audiovisual sector:
  - a. Decision makers by gender:
    - i. board membership;
    - ii. other decision-making positions;
    - iii. other levels of the industry.
  - b. Production and financing decisions by gender:
    - i. funding and commissioning;
    - ii. production budgets;
    - iii. pay structures.
  - c. Labour rights and equal pay.
2. Content creation:
  - a. key content creators;
  - b. additional content creators;
  - c. technical crew;
  - d. performers;
  - e. others.
3. Visibility, availability and performance of content:
  - a. festivals and awards;
  - b. availability of content;
  - c. commercial performance of content;
  - d. critics and reviewers of audiovisual content.
4. On-screen content:
  - a. genre (for example, action, comedy, etc.) by gender of the lead content creator;
  - b. representation by gender:
    - i. key protagonists;
    - ii. secondary and supporting roles.
5. Teaching and training:
  - a. gender courses in educational and academic establishments providing audiovisual education;
  - b. training of audiovisual professionals, including continuous professional development.
6. Media literacy:

Access, use and understanding of audiovisual content.
7. Gender and audiovisual policy:

laws, regulations, policies, programmes and codes of ethics for gender equality in and through the audiovisual sector.

The following off-screen and on-screen performance indicators are based on indicators originally developed by Eurimages – the European Cinema Support Fund – for use in the European film industry. All branches of the audiovisual sector are invited to develop equivalent indicators applicable to their branch.

Indicators have been categorised as either Phase I or Phase II indicators. Phase I indicators are to be implemented as a priority.

### I. Off-screen performance indicators

#### 1. Organisational structures in the audiovisual sector

##### *Phase I*

- 1.1. Decision makers by gender
  - 1.1.1. Audiovisual groups, companies and organisations
    - 1.1.1.1. Ownership and control
    - 1.1.1.1. Supervisory and executive boards
    - 1.1.1.2. Senior management positions
  - 1.1.2. Funding and commissioning bodies
    - 1.1.1.1. Presidency of selection committees

- 1.1.1.2. Composition of selection committees
- 1.1.1.3. Commissioners
- 1.1.3. Distributors, publishers and sales agents
- 1.1.4. Programme controllers
- 1.1.5. Festivals
  - 1.1.1.3. Presidency of juries
  - 1.1.1.4. Artistic directors
  - 1.1.1.5. Composition of juries

## 1.2. Production and financing decisions

### *Phase I*

- 1.2.1. Funding and commissioning decisions by gender of key content creator
  - 1.2.1.1. Applications
  - 1.2.1.2. Projects funded
  - 1.2.1.3. Support granted
- 1.2.2. Production financing by gender of key content creator
  - 1.2.2.1. Size of budget

### *Phase II*

- 1.1.1.2. Composition of production financing (public/private)
- 1.2.3. Pay structures (gender budgeting)

## 2. Content creation

### *Phase I*

- 2.1. Key content creators by gender
  - 2.1.1. Producer
  - 2.1.2. Director
  - 2.1.3. Scriptwriter
  - 2.1.4. Programme editor

### *Phase II*

- 2.2. Additional content creators by gender
  - 2.2.1. Composer
  - 2.2.2. Performers
  - 2.2.3. Head of Department – cinematography
  - 2.2.4. Head of Department – editing
  - 2.2.5. Head of Department - production design
  - 2.2.6. Head of Department – sound
  - 2.2.7. Head of Department – costume
  - 2.2.8. Head of Department – make-up
  - 2.2.9. Head of Department – visual effects (VFX)
  - 2.2.10. Journalist

## 3. Visibility, availability and performance

### *Phase I*

- 3.1. Festivals and awards (national and international) by gender of the key content creator
  - 3.1.1. Works in main competition
  - 3.1.2. Works in other sections
  - 3.1.3. Nominations in all categories
  - 3.1.4. Awards in all categories

### *Phase II*

- 3.2. Availability of content by gender of the key content creator
  - 3.2.1. Theatrical release
  - 3.2.2. Broadcasting scheduling
  - 3.2.3. Prominence on on-demand platforms
- 3.3. Commercial performance by gender of the key content creator
  - 3.3.1. Box office figures
  - 3.3.2. Audience ratings

- 3.3.3. Downloads/views
- 3.4. Critics and reviewers of audiovisual content by gender

#### 4. Teaching and training in the audiovisual sector

##### *Phase I*

- 4.1. Staff and students in educational establishments by gender
  - 4.1.1. Candidates (applicants)
  - 4.1.2. Students (accepted)
  - 4.1.3. Graduates
  - 4.1.4. Professors
  - 4.1.5. Lecturers

##### *Phase II*

- 4.2. Curricula
  - 4.2.1. Course content
  - 4.2.2. Availability of courses dealing with gender and the audiovisual sector

## II. On-screen performance indicators

### 5. Content

#### *Phase I*

- 5.1. Genre
  - 5.1.1. Genre (action, comedy, etc.) by gender of the key content creator
- 5.2. Representation
  - 5.2.1. Key protagonists by gender

#### *Phase II*

- 5.2.2. On-screen representation of protagonists
  - 5.2.2.1. Age
  - 5.2.2.2. Profession
  - 5.2.2.3. Socio-economic status
- ... and other protected grounds of discrimination
- 5.2.3. Presence and representation in non-fiction works
  - 5.2.3.1. Gender of lead presenter
  - 5.2.3.2. Gender of invited contributors
    - 4.2.3.2.1. by topic
    - 4.2.3.2.2. by length of contribution
  - 5.2.3.3. Gender composition of expert panels
- 5.3. Bechdel-Wallace test for fiction works

#### *Phase II*

- 5.3.1. Are there two named women in the film?
- 5.3.2. Do they speak to each other (significant dialogue)?
- 5.3.3. About something other than a man?

## APPENDIX III TO RECOMMENDATION CM/REC(2017)9

### Reference instruments

The purpose of this list of reference instruments is to guide member States in their implementation of measures to achieve greater gender equality in the audiovisual sector.

### Committee of Ministers of the Council of Europe

Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5)

Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 177)

European Social Charter (revised) (ETS No. 163)

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210)

Recommendation [Rec\(84\)17](#) on equality between women and men in the media

Recommendation [Rec\(90\)4](#) on the elimination of sexism from language

Recommendation [Rec\(98\)14](#) on gender mainstreaming

Recommendation [Rec\(2003\)3](#) on balanced participation of women and men in political and public decision making

Recommendation [CM/Rec\(2007\)2](#) on media pluralism and diversity of media content

Recommendation [CM/Rec\(2007\)3](#) on the remit of public service media in the information society

Recommendation [CM/Rec\(2007\)11](#) on promoting freedom of expression and information in the new information and communications environment

Recommendation [CM/Rec\(2007\)13](#) on gender mainstreaming in education

Recommendation [CM/Rec\(2007\)16](#) on measures to promote the public service value of the internet

Recommendation [CM/Rec\(2007\)17](#) on gender equality standards and mechanisms

Recommendation [CM/Rec\(2009\)7](#) on national film policies and the diversity of cultural expressions

Recommendation [CM/Rec\(2011\)7](#) on a new notion of media

Recommendation [CM/Rec\(2012\)1](#) on public service media governance

Recommendation [CM/Rec\(2013\)1](#) on gender equality and media

Recommendation [CM/Rec\(2015\)2](#) on gender mainstreaming in sport

Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue, adopted by the Committee of Ministers on 11 February 2009 at the 1048<sup>th</sup> meeting of the Ministers' Deputies

Declaration on Making Gender Equality a Reality, adopted on 12 May 2009 at the 119<sup>th</sup> Session of the Committee of Ministers

Declaration on public service media governance, adopted by the Committee of Ministers on 15 February 2012 at the 1134<sup>th</sup> meeting of the Ministers' Deputies

### ■ Parliamentary Assembly of the Council of Europe

Recommendation 1799 (2007) on "The image of women in advertising"

(Reply adopted by the Committee of Ministers on 20 February 2008 at the 1018<sup>th</sup> meeting of the Ministers' Deputies)

Recommendation 1555 (2002) on "The image of women in the media"

(Reply adopted by the Committee of Ministers on 30 April 2003 at the 838<sup>th</sup> meeting of the Ministers' Deputies)

Recommendation 1931 (2010) on "Combating sexist stereotypes in the media"

(Reply adopted by the Committee of Ministers on 30 March 2011 at the 1110<sup>th</sup> meeting of the Ministers' Deputies)

Recommendation 1899 (2010) on "Increasing women's representation in politics through the electoral system"

(Reply adopted by the Committee of Ministers on 16 September 2010 at the 1091<sup>st</sup> meeting of the Ministers' Deputies)

### ■ United Nations

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1981)

Beijing Platform for Action, Section J, Women and Media (United Nations Fourth World Conference on Women – Beijing, September 1995)

Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Paris, 20 October 2005)

### Other relevant documents

*Bookmarks – A manual for combating hate speech online through human rights education*, Council of Europe (Strasbourg, 2014) ([nohatespeechmovement.org](http://nohatespeechmovement.org))

“Where are the women directors in European films? Gender equality report on female directors, 2006-2013 with best practice and policy recommendations”, European Women’s Audiovisual Network (Strasbourg, 2016) ([www.ewawomen.com](http://www.ewawomen.com))

“Handbook on the implementation of Recommendation [CM/Rec\(2013\)1](#) of the Committee of Ministers of the Council of Europe on gender equality and media” (Strasbourg, 2015)

“Encouraging the participation of the private sector and the media in the prevention of violence against women and domestic violence: Article 17 of the Istanbul Convention”, Council of Europe (Strasbourg, 2016)

“Framework of Actions on Gender Equality in the Audiovisual Sector in Europe”, funded by the European Commission and adopted by the European Union Audiovisual Sectoral Social Dialogue Committee (Brussels, 2011)

“Handbook of Good Practices to Combat Gender Stereotypes and Promote Equal Opportunities in Film, Television and Theatre in Europe”, International Federation of Actors (Brussels, 2010)

## Recommendation CM/Rec (2013)1 of the Committee of Ministers to member States on gender equality and media

Recommendation CM/Rec (2013)1 on gender equality and media includes guidelines and suggested actions to promote gender equality and combat gender stereotyping in the media. It is addressed to both member States and media organisations. The recommendation contains measures covering issues such as the review and evaluation of gender equality policy and legislation; the adoption and implementation of national indicators on gender equality in the media, the provision of information and promotion of good practices; accountability channels, research, media literacy and active citizenship.



### Recommendation **CM/Rec(2013)1** of the Committee of Ministers to member States on gender equality and media<sup>1</sup> (*adopted by the Committee of Ministers on 10 July 2013 at the 1176th meeting of the Ministers' Deputies*)

Gender equality is an indispensable condition for the full enjoyment of human rights. The enjoyment of the rights as granted by the European Convention on Human Rights (ETS No. 5) and in its protocols shall be safeguarded without any discrimination, including on grounds of sex. This requirement is strengthened by Protocol No. 12 to the Convention (ETS No. 177), which guarantees the enjoyment of any right recognised by law without discrimination.

Genuine democracy requires the equal participation of women and men in society. Democracy and gender equality are interdependent and mutually reinforcing. The inclusion of women and men, with respect for equal rights and opportunities, is an essential condition for democratic governance and sound decision making. Gender equality means equal visibility, empowerment, responsibility and participation of both women and men in all spheres of public life, including the media. The achievement of gender equality is a prerequisite for the achievement of social justice. This is not of interest to women only, but it concerns society as a whole. The Council of Europe has accorded much importance to these matters over the last few decades, demonstrated, *inter alia*, by the 1988 Committee of Ministers' Declaration on equality of women and men and by the 2009 Committee of Ministers' Declaration on making gender equality a reality.

Media freedom (including editorial freedom) and gender equality are intrinsically inter-related. Gender equality is an integral part of human rights. Freedom of expression, as a fundamental right, goes hand-in-hand with gender equality. Furthermore, the exercise of freedom of expression can advance gender equality.

<sup>1</sup> The term "media" in this recommendation refers to the terminology of Recommendation **CM/Rec (2011)7** on a new notion of media, adopted on 21 September 2011.

■ There is a gender dimension to media pluralism and diversity of media content. The Recommendation [CM/Rec\(2007\)2](#) on media pluralism and diversity of media content reaffirms that pluralism and diversity are essential for the functioning of a democratic society, for fostering public debate, political pluralism and awareness of diverse opinions by different groups in society. The media are centrally placed to shape society's perceptions, ideas, attitudes and behaviour. They should reflect the reality of women and men, in all their diversity.

■ The media can either hinder or hasten structural change towards gender equality. Inequalities in society are reproduced in the media. This is true in respect of women's under-representation in media ownership, in information production and journalism, in newsrooms and management posts. It is even more blatant as regards women's low visibility, both in terms of quality and quantity, in media content, the rare use of women as experts and the relative absence of women's viewpoints and opinions in the media. Media coverage of political events and election campaigns is particularly telling in this respect, as are the persistence of sexist stereotypes and the scarcity of counter-stereotypes. Furthermore, women, as media professionals, often encounter pay inequalities, the "glass ceiling" and precarious conditions of employment.

■ Media in modern societies hold an immense potential for social change. The potential of media to promote and protect the fundamental rights and freedoms of women and to contribute to their advancement was acknowledged at the UN's Fourth World Conference on Women (Beijing, 1995). Ten years later, the UN Commission on the Status of Women recognised that the objectives agreed there had not been fully achieved. To facilitate the implementation of these objectives, in December 2012 UNESCO published the useful "Gender-Sensitive Indicators for Media" (GSIM).

■ Public service media are to be the vanguard of the modern media system and have to serve all communities in society. This calls for particular attention to gender equality both in terms of participation and access to public service media as well as content and the manner in which it is treated and presented. Public service media is, or should be, a reference for social cohesion and integration of all individuals and has an important role in furthering gender equality within the media and through the media. There is also a considerable potential for community media to promote open and direct dialogue between all social groups, including via digital platforms (see the Recommendation [CM/Rec\(2007\)3](#) on the remit of public service media in the information society, the Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue adopted on 11 February 2009, and Recommendation [CM/Rec\(2012\)1](#) on public service media governance, adopted on 15 February 2012).

■ Measures for the effective implementation of the standards adopted can contribute to gender equality and combat inequality. In its Recommendation [CM/Rec\(2007\)17](#) on gender equality standards and mechanisms, the Committee of Ministers underlined that 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. In its 2009 Declaration on making gender equality a reality, the Committee of Ministers called for measures to encourage media professionals, and the communication sector generally, to convey a non-stereotyped image of women and men. The gender perspective is emphasised in many instruments of the Council of Europe and is particularly accentuated in relation to the new media ecosystem in Recommendation [CM/Rec\(2011\)7](#) on a new notion of media.

■ In view of the above, and recognising the need to provide a gender equality perspective while implementing its established standards in the field of media, the Committee of Ministers – under the terms of Article 15.b of the Statute of the Council of Europe – recommends that the governments of member States:

1. adopt adequate policies in line with the appended guidelines which can create the appropriate conditions under which the media can promote gender equality as a fundamental principle of their activities and institutional organisation in the new multidimensional media environment;
2. widely disseminate this recommendation and its guidelines and raise awareness among the relevant stakeholders and the media, in particular about the central role of gender equality for democracy and the full enjoyment of human rights;
3. bring the recommendation to the attention of the media sector, journalists and other actors and their respective organisations, as well as the regulatory authorities for the media and new communications and information services for the preparation or revision of their regulatory and self-regulatory strategies and codes of conduct, in conformity with the guidelines below.

## APPENDIX TO RECOMMENDATION CM/REC(2013)1

### Guidelines

#### A. Member States

1. Unless already in place, member States should adopt an appropriate legal framework intended to ensure that there is respect for the principle of human dignity and the prohibition of all discrimination on grounds of sex, as well as of incitement to hatred and to any form of gender-based violence within the media.
2. Member States should particularly ensure, through appropriate means, that media regulators respect gender equality principles in their decision making and practice.
3. Member States should support awareness-raising initiatives and campaigns on combating gender stereotypes in the media.

#### B. Media organisations

4. Media organisations should be encouraged to adopt self-regulatory measures, internal codes of conduct/ethics and internal supervision, and develop standards in media coverage that promotes gender equality, in order to promote a consistent internal policy and working conditions aimed at:
  - equal access to, and representation in, media work for women and men, including in the areas where women are underrepresented;
  - a balanced participation of women and men in management posts, in bodies with an advisory, regulatory or internal supervisory role, and generally in the decision-making process;
  - a non-stereotyped image, role and visibility of women and men, avoidance of sexist advertising, language and content which could lead to discrimination on grounds of sex, incitement to hatred and gender-based violence.

#### C. Measures for implementation

5. The following mechanisms for the implementation of strategies and policies to achieve gender equality goals in the media should be considered:
  - ▶ **Review and evaluation of gender equality policy and legislation**
    - i. Review and update the legal framework on media from a gender equality perspective on a regular basis.
    - ii. Mandate media regulators and require the public service media to include an assessment of the implementation of gender equality policy in the media in their annual reports.
  - ▶ **Adoption and implementation of national indicators for gender equality in the media**
    - iii. Discuss with relevant stakeholders the opportunity for and adoption of, if appropriate, national indicators based on international standards and good practices; holding public hearings and discussions in connection with this.
    - iv. Carry out regular monitoring and evaluation of the situation of gender equality in the media at national level, based on the adopted indicators.
    - v. Update gender equality indicators regularly.
  - ▶ **Provision of information and promotion of good practices**
    - vi. Encourage the media to provide information to the public in a clear way (e.g. online) on the complaints' procedure in relation to media content which they consider contrary to the principles of gender equality.
    - vii. Support and promote good practices through the development of networks and partnerships between various media outlets to further gender equality in the various activity areas of the new media ecosystem.
  - ▶ **Accountability channels**
    - viii. Encourage non-governmental organisations, media associations, individuals and other relevant stakeholders to consistently defend gender equality by bringing their concerns to self-regulatory bodies or other specialised bodies (e.g. press councils, ethical commissions, advertising councils, anti-discrimination commissions).
    - ix. Encourage the updating of existing media accountability mechanisms and their effective use in cases of violation of gender equality in the media.
    - x. Encourage the establishment of new mechanisms for media accountability and civic responsibility, for example, fora for public debate and platforms opened online and offline, making direct exchanges possible between citizens.
  - ▶ **Research and publication**
    - xi. Promote active research into the issues of gender equality and media, particularly relating to media access, representation, participation (quantitative and qualitative profile) and

working conditions in the media; research focused not only on women, but also on the relationship between genders; regularly publicising the outcomes of such projects.

- xii. Promote active research from a gender equality perspective on media coverage of certain areas of particular concern in a pluralist democracy, such as reporting on politics and media coverage of election campaigns and publishing the results; organising discussions with a view to improving policy and legislation.
- xiii. Promote research on the impact of the media in the shaping of values, attitudes, needs and interests of women and men.

► **Media literacy and active citizenship**

- xiv. Promote gender sensitive media literacy for the young generation, prepare young people to approach different forms of media content responsibly and enable them to acquire a critical view of media representations of gender and to decode sexist stereotypes; enhance the gender equality perspective in the media literacy programmes for young people of different ages as a factor for broad human rights education and active involvement in the democratic processes.
- xv. Develop specific awareness-raising tools through and about the media for adults, including parents and teachers, as important factors for developing gender education and active citizenship in the information society.
- xvi. Raise the awareness and strengthening the capacities of media professionals and media students by offering regular educational and vocational training programmes geared to the acquisition of in-depth knowledge of gender equality and its crucial role in a democratic society.

■ **Reference instruments**

► **Committee of Ministers of Council of Europe**

Recommendation [Rec\(84\)17](#) on equality between women and men in the media

Recommendation [Rec\(90\)4](#) on the elimination of sexism from language

Recommendation [Rec\(98\)14](#) on gender mainstreaming

Recommendation [CM/Rec\(2003\)3](#) on balanced participation of women and men in political and public decision making

Recommendation [CM/Rec\(2007\)2](#) on media pluralism and diversity of media content

Recommendation [CM/Rec\(2007\)3](#) on the remit of public service media in the information society

Recommendation [CM/Rec\(2007\)11](#) on promoting freedom of expression and information in the new information and communications environment

Recommendation [CM/Rec\(2007\)13](#) on gender mainstreaming in education

Recommendation [CM/Rec\(2007\)16](#) on measures to promote the public service value of the Internet

Recommendation [CM/Rec\(2007\)17](#) on gender equality standards and mechanisms

Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue, adopted on 11 February 2009

Recommendation [CM/Rec\(2011\)7](#) on a new notion of media

Declaration and Committee of Ministers' Recommendation [CM/Rec\(2012\)1](#) on public service media governance, adopted on 15 February 2012

► **Parliamentary Assembly of Council of Europe**

Resolution 1557 (2007) and Recommendation 1799 (2007) on the "Image of women in advertising"

Recommendation 1555 (2002) on the "Image of women in the media"

Resolution 1751 (2010) and Recommendation 1931 (2010) on "Combating sexist stereotypes in the media"

Recommendation 1899 (2010) on "Increasing women's representation in politics through the electoral system"

Resolution 1860 (2012) on "Advancing women's rights worldwide"

# Women and girls with disabilities

## Recommendation CM/Rec (2012)6 of the Committee of Ministers to member States on the protection and promotion of the rights of women and girls with disabilities

Recommendation CM/Rec (2012)6 on the protection and promotion of the rights of women and girls with disabilities asks member States to adopt legislative measures and conduct positive actions to promote the rights and encourage the participation of women and girls with disabilities in all areas. Noting that women and girls with disabilities may suffer multiple discrimination, the recommendation includes measures in the areas of education and training; employment and economic situations; health care; access to social protection; sexual and reproductive rights, motherhood and family life; access to justice and protection from violence and abuse; participation in culture, sport, leisure and tourism; and raising awareness and changing attitudes.



## Recommendation CM/Rec(2012)6 of the Committee of Ministers to member States on the protection and promotion of the rights of women and girls with disabilities (adopted by the Committee of Ministers on 13 June 2012 at the 1145th meeting of the Ministers' Deputies)

- The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
- Having regard to the Universal Declaration of Human Rights (1948), the United Nations Declaration on the Elimination of Violence Against Women (1993), the Beijing Declaration (1995), the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol (1999), the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000), the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993) and the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol (2006), which recognise to all women the universal right to equality before the law and protection against discrimination;
- Having regard to the relevant provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), particularly Article 14 “Prohibition of discrimination”, and Protocol No. 12 (ETS No. 177), particularly its Article 1 “General prohibition of discrimination”, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);

■ Bearing in mind the principles embodied in the European Social Charter (ETS No. 35) and the revised European Social Charter (ETS No. 163), in particular its Article 15 “The right of persons with disabilities to independence, social integration and participation in the life of the community”;

■ Having regard to the relevant provisions of the United Nations Convention on the Rights of Persons with Disabilities on women with disabilities, particularly its Article 6 “Women with disabilities” which highlights the measures to be taken in order to “ensure the full development, advancement and empowerment of women”;

■ Recalling that in the Warsaw Declaration adopted at the Third Summit of the Heads of State and Government of the Council of Europe (2005), the member States affirmed that “effective democracy and good governance at all levels are essential for preventing conflicts, promoting stability, facilitating economic and social progress, and hence for creating sustainable communities where people want to live and work, now and in the future”, and that this presupposes the active involvement of citizens and civil society;

■ Taking into account the *acquis* of the Council of Europe in the fields of equal opportunities, non-discrimination and social cohesion over the last fifteen years, including the following legal texts:

1. Committee of Ministers’ recommendations and resolution:

- Recommendation [Rec\(85\)2](#) on legal protection against sex discrimination;
- Recommendation [Rec\(92\)6](#) on a coherent policy for people with disabilities;
- Recommendation [Rec\(98\)14](#) on gender mainstreaming;
- Recommendation [Rec\(2002\)5](#) on the protection of women against violence;
- Recommendation [Rec\(2003\)3](#) on balanced participation of women and men in political and public decision making;
- Recommendation [Rec\(2004\)10](#) concerning the protection of the human rights and dignity of persons with mental disorder;
- Resolution [ResAP\(2005\)1](#) on safeguarding adults and children with disabilities against abuse;
- Recommendation [CM/Rec\(2005\)5](#) on the rights of children living in residential institutions;
- Recommendation [CM/Rec\(2006\)5](#) on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015;
- Recommendation [CM/Rec\(2007\)13](#) on gender mainstreaming in education;
- Recommendation [CM/Rec\(2007\)17](#) on gender equality standards and mechanisms;
- Recommendation [CM/Rec\(2008\)1](#) on the inclusion of gender differences in health policy;
- Recommendation [CM/Rec\(2009\)3](#) on monitoring the protection of human rights and dignity of persons with mental disorder;
- Recommendation [CM/Rec\(2009\)6](#) on ageing and disability in the 21st century: sustainable frameworks to enable greater quality of life in an inclusive society;
- Recommendation [CM/Rec\(2009\)8](#) on achieving full participation through Universal Design;
- Recommendation [CM/Rec\(2009\)9](#) on the education and social inclusion of children and young people with autism spectrum disorders;
- Recommendation [CM/Rec\(2010\)2](#) on deinstitutionalisation and community living of children with disabilities;
- Recommendation [CM/Rec\(2010\)10](#) on the role of women and men in conflict prevention and resolution and in peace building;
- Recommendation [CM/Rec\(2011\)12](#) on children’s rights and social services friendly to children and families;
- Recommendation [CM/Rec\(2011\)14](#) on the participation of persons with disabilities in political and public life;

2. Parliamentary Assembly recommendations and resolutions:

- Recommendation 1229 (1994) on equality of rights between men and women;
- Recommendation 1371 (1998) on abuse and neglect of children;
- Recommendation 1413 (1999) on equal representation in political life;
- Recommendation 1450 (2000) on violence against women in Europe;
- Resolution 1337 (2003) on migration connected with trafficking in women and prostitution;
- Recommendation 1592 (2003) “Towards full social inclusion of people with disabilities”;
- Recommendation 1601 (2003) on improving the lot of abandoned children in institutions;
- Resolution 1464 (2005) on women and religion in Europe;
- Recommendation 1698 (2005) on the rights of children in institutions: follow-up to Recommendation 1601 (2003) of the Parliamentary Assembly;
- Resolution 1558 (2007) and Recommendation 1800 (2007) on the feminisation of poverty;

- Resolution 1615 (2008) on empowering women in a modern, multicultural society;
  - Recommendation 1853 (2008) on involving men in achieving gender equality;
  - Resolution 1642 (2009) and Recommendation 1854 (2009) on access to rights for people with disabilities and their full and active participation in society;
  - Resolution 1669 (2009) and Recommendation 1872 (2009) on the rights of today's girls: the rights of tomorrow's women;
  - Resolution 1662 (2009) on action to combat gender-based human rights violations, including the abduction of women and girls;
  - Recommendation 1949 (2010) on promoting the most favourable gender equality laws in Europe;
3. Congress of Local and Regional Authorities recommendations and resolutions:
- Resolution 85 (1999) and Recommendation 68 (1999) on women's participation in political life in the regions of Europe;
  - Resolution 134 (2002) and Recommendation 111 (2002) on women's individual voting rights: a democratic requirement;
  - Resolution 176 (2004) and Recommendation 148 (2004) on gender mainstreaming at local and regional level: a strategy to promote equality between women and men in cities and regions;
  - Resolution 279 (2009) and Recommendation 260 (2009) on combating domestic violence against women;
  - Resolution 303 (2010) and Recommendation 288 (2010) on achieving sustainable gender equality in local and regional political life;

■ Having specific regard to Recommendation [Rec\(2006\)5](#) of the Committee of Ministers to member States on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015, especially sub-paragraph 4.2, under "Cross-cutting aspects", entitled "Women and girls with disabilities", which states that "obstacles which prevent women with disabilities from enjoying their rights on the same basis as men and other women" should be removed in such areas as "relationships, parenthood, family life, sexuality and protection from violence and abuse" and member States should take appropriate measures to "ensure equal opportunities to participate in political and public life, education, training, employment and social and cultural life" for women and girls with disabilities;

■ Recalling that the aforementioned cross-cutting aspect stresses the importance of encouraging all citizens to participate in society and taking account of the diversity of the members of society in order to develop and implement policies and measures "so as to ensure a balance of opportunities between disabled men and women";

■ Considering that the 15 action lines in the Council of Europe Disability Action Plan ([Rec\(2006\)5](#)) are complementary and that they all set specific goals in pursuit of the aim of constructing inclusive and participatory societies that respect the human rights of all members in their diversity;

■ Considering that this aim cannot be achieved without involving people with disabilities, particularly women and girls with disabilities, whatever their individual impairment(s) may be. Such involvement requires positive action from member States in favour of people with disabilities in order to provide them with necessary reasonable accommodation and legal guarantees concerning the exercise of their rights under conditions of equality and non-discrimination;

■ Being convinced that, in all relevant fields of action, at the international, national, regional and local levels, an approach based on human rights, which are universal, indivisible and interdependent, has to be applied, and that member States have several means at their disposal of doing so, recognising that there is not just one tried and tested approach to combating discrimination;

■ Acknowledging that, where the social integration of persons with disabilities is concerned, a conceptual and methodological change has taken place in international law since the end of the 20th century, as people with disabilities are no longer considered as patients or objects of charity but as holders of rights and full citizens who, when interacting with social and environmental barriers, may be prevented from participating in society;

■ Acknowledging that it is incumbent on the governments of member States to identify and eliminate any obstacles impeding the participation of women and girls with disabilities in society and to prevent the creation of any new obstacles, in order to guarantee equal and democratic rights in society for all individuals by recognising that society as a whole should benefit from the diversity and equal participation of all;

■ Considering that the intergovernmental work on the participation of persons with disabilities at national, local and regional levels, which has been conducted since the adoption of the Council of Europe Disability Action Plan 2006-2015 ([Rec\(2006\)5](#)), and the 2010 mid-term review report on the implementation of that plan, have highlighted a number of questions which are worth addressing in a specific recommendation to member States related to the cross-cutting aspect "Women and girls with disabilities";

Recommends that the governments of member States:

1. continue their efforts to reach the objectives of the Council of Europe Disability Action Plan 2006-2015, in particular its cross-cutting aspect “Women and girls with disabilities”; and set up a mechanism that will allow them to monitor and evaluate the implementation of the provisions of the said aspect and of the present recommendation at national level;
2. adopt the appropriate legislative measures and conduct other positive actions likely to encourage the participation of women and girls with disabilities in all areas of life as citizens holding equal rights and obligations, particularly considering the following fields included in the appendix to this recommendation:
  1. equality and non-discrimination legislation,
  2. research, data and statistics,
  3. participation in political and public life as well as decision making,
  4. education and training,
  5. employment and economic situation,
  6. health care and rehabilitation,
  7. access to social protection and community-based services,
  8. sexual and reproductive rights, motherhood, and family life,
  9. access to justice and protection from exploitation, violence and abuse,
  10. participation in culture, sport, leisure and tourism,
  11. raising awareness and changing attitudes;
3. initiate or continue work to evaluate the participation of women and girls with disabilities and its impact at the national, regional and local levels, so as to consolidate co-operation among decision makers, researchers, academic institutions and NGOs in their respective countries, in order to secure reliable and comparable information and statistics as well as to collect good practices;
4. reinforce their co-operation within the Council of Europe by exchanging good practices and developing intergovernmental activities and networks with a view to creating the conditions for including all people with disabilities in the life of the community and ensuring their equal rights and opportunities;
5. translate this recommendation into their official language(s), including production in accessible formats, using equivalents of the internationally recognised term “people with disabilities”, and circulate the recommendation, together with the Council of Europe Disability Action Plan (Rec(2006)5) to:
  - national, regional and local administrative bodies,
  - political parties,
  - organisations of and for people with disabilities and other non-governmental organisations,
  - national human rights institutions, ombudspersons’ offices, equality bodies,
  - the media,
  - other relevant stakeholders;
6. involve women and girls with disabilities, through their representative organisations, in disseminating and implementing this recommendation;
7. integrate the gender equality dimension into all policies for people with disabilities;
8. undertake information and awareness-raising programmes, targeting the general public, women and girls with disabilities, their families, friends and professional groups, the business community and political decision makers;
9. apply relevant guidelines without bias in different fields, such as health, education, employment, vocational guidance and training, social protection and social services, urban planning and construction, for full involvement and integration of women and girls with disabilities into society.

## APPENDIX TO RECOMMENDATION CM/REC(2012)6

The objective of the present appendix is to propose principles and measures to increase full and active participation of women and girls with disabilities in society in the Council of Europe member States. It is noted that women and girls with disabilities may suffer multiple discrimination based on disability and gender. The aim is to achieve full equality, participation in society and enjoyment of all rights on an equal basis with others.

### 1. Equality and non-discrimination legislation

- i. Member States should devise, with the participation of women and girls with disabilities, national legislation, policies and programmes of relevance to them, with effective provision for their implementation and evaluation.

- ii. Member States should systematically, and in line with a gender mainstreaming approach, integrate the gender equality dimension into all legislation, policies and programmes for people with disabilities, and specifically consider women and girls with disabilities as part of gender equality legislation, policies and programmes to ensure that needs of women and girls with disabilities are addressed.
- iii. Member States should verify that their national legislation, policies and programmes respond to the needs of women and girls with disabilities and that they comprise a gender equality dimension.
- iv. All those involved in fields such as health, education, employment, vocational guidance and training, social protection and social services, urban planning and construction should be instructed, at the relevant levels in the various member States, to include women and girls with disabilities, as a matter of course and to the fullest possible extent, into all normal forms of provision of services. Special systems and facilities should only be used where it is not possible to make use of ordinary structures even when all possible adaptation and support facilities have been provided. It should be ensured that relevant guidelines are applied without gender bias; the existence of such bias justifies the introduction of specific guidelines in relation to women and girls.
- v. Special attention should be paid to elderly women with disabilities.

## **2. Research, data and statistics**

- i. National authorities and all other relevant bodies should strive to ensure that statistics on people with disabilities are disaggregated by sex, and that research is carried out to provide a clearer picture of the situation of women and girls with disabilities. The combined effect of disability and sex should be statistically measured.
- ii. Statistics should be broken down by sex and analysed to establish the impact of policies on women and girls with disabilities. Data should be defined to review progress and establish factors influencing the participation level of women and girls with disabilities.
- iii. Research should be undertaken into the situation of women and girls with disabilities who care for their family members, and specific measures to protect such women and girls should be introduced where necessary.
- iv. Specific research into violence against women and girls with disabilities should be carried out in order to learn more about its causes and identify more effectively measures to combat it.
- v. Wherever women or gender issues are the subject of research or particular measures, specific attention should be paid to the situation of women and girls with disabilities.

## **3. Participation in political and public life as well as decision making**

- i. All authorities in the member States should ensure that women and girls with disabilities and/or their legal representatives and/or their representative organisations are consulted and have a role to play in determining legislation, policies and programmes, in all fields, for women, and should undertake to seek and respond to their views.
- ii. Authorities should ensure that women and girls with disabilities are represented in a balanced way in public organisations.
- iii. This balanced representation approach should be applied to all situations where the individual circumstances of women and girls with disabilities are being assessed, whether in the context of action taken by the authorities or professionals (as, for example, when deciding on admission to a vocational rehabilitation programme or providing health care, especially in relation to reproductive health), or when any other decision affecting the person's private life has to be made.
- iv. Women with disabilities should be encouraged and given the ability to take part in the electoral and voting process. They should be provided with information on the importance of their participation in an accessible format as well as in the environment where they live.
- v. Peer support groups as well as organisations and networks of women and girls with disabilities should be encouraged at national, regional and local levels. Resources – including funding, premises, transport and facilities for childcare or the care of other dependants – should also be made available to them.

- vi. Measures taken to increase the participation of women and girls with disabilities in their community and the political system should take account of the need for such participation and of its advantages for society as a whole.
- vii. Women and girls with disabilities should receive training in decision-making processes and in defending their rights. Information technology and Internet training programmes should be set up for women and girls with disabilities to enable them to participate more easily in society.

#### **4. Education and training**

- i. Advisory services, schools and universities, vocational training services, and decision makers and trainers in the area of education and vocational rehabilitation should be properly informed and prepared to take the necessary steps to ensure that women and girls with disabilities receive education and preparation for employment that should procure them fulfilment and independence. All staff working in education should be educated and trained to avoid and reject all forms of prejudice and to combat any prejudice held against or by women and girls with disabilities or their families.
- ii. Encouragement should be given to the setting up of consultative bodies on education and training that pay particular attention to women and girls with disabilities, including those who become disabled as adults.
- iii. Schools, universities, and vocational training centres should be encouraged to provide support for students with disabilities to promote their participation, paying specific attention to female students.
- iv. Women and girls with disabilities should be channelled towards effective training in all professional areas, enabling them to find financially rewarding employment or occupation, guaranteeing their independence and equal opportunities and using each person's abilities to the fullest.
- v. Women and girls with disabilities should be provided with education on sexuality and reproductive health, and the possibility of following training programmes in self-esteem and self-defence, if they so wish.
- vi. Vocational training programmes should be developed and implemented bearing in mind the particular needs of women and girls with disabilities.
- vii. A pro-active, targeted approach should be implemented in order to provide information to, and promote opportunities for, women and girls with disabilities to return to education and resume training, especially for women and girls who are particularly disadvantaged, for example due to isolation.
- viii. Information technology and Internet training programmes should be set up for women and girls with disabilities to enable them to participate in education and training at all levels and in lifelong learning.

#### **5. Employment and economic situation**

- i. All employment-relevant services, employers, trainers, agencies, co-workers and trade unions should be made aware of the needs of women and girls with disabilities in order to understand, accept and promote their rights to obtain and remain in employment that is commensurate with their abilities.
- ii. Public authorities should set an example by employing women with disabilities.
- iii. Career guidance services should seek to offer women with disabilities the full range of employment possibilities.
- iv. Employers should provide reasonable accommodation to make workplaces accessible to women and girls with disabilities, and to introduce other feasible measures such as, where appropriate, home-based work, extended assignment times, part-time work or flexible working hours.
- v. Employment support schemes, including quota systems – where appropriate – should be adapted to the needs of women with disabilities and evaluated in terms of how they benefit the employment situation of women with disabilities.
- vi. Labour-market measures specifically targeting women with disabilities, and in particular women with disabilities in need of a high level of support, should be developed.

## **6. Health care and rehabilitation**

- i. Women and girls with disabilities should not be discriminated against on the grounds of disability in questions of access to diagnosis, treatment or rehabilitation.
- ii. Hospitals admitting women and girls with disabilities should be in a position to ensure that their education or studies continue while they are hospitalised.
- iii. Support for childcare or the care of other dependents, and the possibility of access to appropriate modes of transport, should be guaranteed to women and girls with disabilities who are attending training, particularly in the case of rehabilitation.
- iv. Equipment and facilities, such as gynaecological examination tables and mammography facilities, modified to meet the needs of women and girls with disabilities, should be available.
- v. Women and girls with disabilities should not be subjected to forced medical treatment or required to take part in experiments.
- vi. Vocational rehabilitation of women and girls with disabilities is one of the areas in which discrimination in the application of rules is a particular problem. This is why staff should be educated to combat prejudice and the women and girls themselves should be actively involved in the procedures by making their choices clear.

## **7. Access to social protection and community-based social services**

- i. Additional support, including access to childcare, care for other dependants, transport to their place of work and access to a personal assistant, should be made available to women and girls with disabilities to enable them to work.
- ii. National authorities should ensure that appropriate resources are set aside for personal assistance services where they are necessary.
- iii. Entitlement to assistance with transport, adaptation of vehicles, childcare or care of others should not be restricted to women and girls with disabilities in paid employment but should also be made available to facilitate women's and girls' involvement in voluntary activities and enable them to participate in society in general.
- iv. National authorities should review their social security systems in order to eliminate indirect discrimination against women and girls with disabilities. Those who manage social security systems should be trained so that they themselves do not introduce forms of discrimination.
- v. Authorities should ensure that specific gender-sensitive training is organised and provided to personal assistants of women and girls with disabilities.
- vi. Women with disabilities who employ (a) personal assistant(s) should receive special gender-sensitive training concerning their role as employers.

## **8. Sexual and reproductive rights, motherhood and family life**

- i. The right of women and girls with disabilities to sexuality should be guaranteed.
- ii. Parents should be informed and educated about questions concerning the sexual identity of their daughters with disabilities.
- iii. Sex education classes should include issues concerning the sexuality of women and girls with disabilities, when appropriate.
- iv. Decisions taken by women and girls with disabilities about their own sexual or reproductive rights should be given the same consideration as those taken by others.
- v. With regard to motherhood, the choices of women with disabilities should be respected.
- vi. Health professionals should be trained to deal with and assist women with disabilities in the area of sexuality, reproductive health and motherhood and to accept and respect the choices they make with regard to motherhood, in compliance with national legislation.
- vii. Effective measures should be taken against the forced sterilisation of women and girls with disabilities and against coerced abortion.
- viii. Women with disabilities should have the right to child-rearing responsibilities with regard to guardianship, wardship, trusteeship, custody and adoption of children or similar roles, if these concepts are provided for in national legislation. An appropriate assistance should be provided to them. In all cases, the best interest of the child should be respected.
- ix. Disability should never be used as a justification for separating boys or girls from their mothers with disabilities, or boys or girls with disabilities from their mothers in legal proceedings. Any assistance required by mothers with disabilities to support them in their role should be provided in accordance with their individual and personal needs and the best interest of the child.

## **9. Access to justice and protection from violence and abuse**

- i. Governments should ensure that effective measures are taken to combat violence against women and girls with disabilities, both within and outside the home.
- ii. Women and girls with disabilities should be taught to know and respect their own physical and psychological integrity, to recognise violence or abuse and to defend themselves, to assert their rights if violence or abuse have occurred and to report cases of violence and abuse.
- iii. Staff employed to provide support or assistance to victims of violence or abuse should be made aware of the specific needs of women and girls with disabilities and should be trained to handle reports of incidents of violence or abuse filed by women or girls with disabilities.
- iv. Institutions should prevent the occurrence of violence and abuse. If incidents of violence or abuse have occurred, a record should be kept. Security and surveillance in institutions should be compulsory and rigorously implemented.
- v. In the event of violence or abuse, women and girls with disabilities – including those placed in an institution or those in situations of particular dependence or distress – should be able to obtain immediate and appropriate support, assistance or services, with access, where necessary, to psychological support, health services adapted to their needs or security measures.
- vi. Hostels and refuges for women or girls who have been victims of violence or abuse should be fully accessible to women and girls with disabilities.

## **10. Participation in culture, sport, leisure and tourism**

- i. Authorities, particularly at local level, should take appropriate measures to ensure that women and girls with disabilities can participate in culture, sports, leisure and tourism, both as actors and as spectators.
- ii. Women and girls with disabilities should be given the opportunity to participate in artistic, cultural, sports and tourism activities from pre-school age and throughout their life.
- iii. Governments should ensure that measures are taken to encourage the participation of women and girls with disabilities in culture, sports, leisure and tourism.
- iv. Governments should encourage the media to increase the coverage of women's sporting events, both for ordinary and high-level athletes.

## **11. Raising awareness and changing attitudes**

- i. Information and awareness-raising programmes on women and girls with disabilities should be undertaken at all levels, targeting the general public, families and friends of women and girls with disabilities, professionals, the business community and most importantly political decision makers. These programmes should be implemented with the participation of women and girls with disabilities.
- ii. Governments should take measures to make public and private media aware of the need to present positive images of women and girls with disabilities in order to combat stereotypes and prejudices. The same applies to public and private advertising, public relations and marketing.
- iii. All initiatives aimed at changing attitudes and behaviour towards women and girls with disabilities should draw on the experience and expertise of all relevant stakeholders, and in particular of organisations defending the interests of women and girls with disabilities.

# Migrant women

## Recommendation No. R (79) 10 of the Committee of Ministers to member States concerning women migrants

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



## Recommendation No. R (79) 10 of the Committee of Ministers to member States concerning women migrants<sup>1</sup> (adopted by the Committee of Ministers on 29 May 1979 at the 305th meeting of the Ministers' Deputies)

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

Considering the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress;

Guided by the principle of equality of opportunity and treatment between men and women workers and by the provisions of the European Social Charter contained in Articles 4, subparagraph 3, 18 and 19 concerning respectively the right of men and women workers to equal pay for work of equal value, the right to engage in a gainful occupation in the territories of other Contracting Parties, and the effective exercise of the right of migrant workers and their families to protection and assistance;

Having regard to the European Convention on the Legal Status of Migrant Workers and to Resolutions (74) 15 and (76) 11 as far as the principle of the equality of treatment of national and migrant workers is concerned;

Convinced that in the context of genuine European integration member states could usefully formulate a migration policy providing for the implementation and development of preventive measures in the social, cultural and educational life of women migrants,

<sup>1</sup> When the recommendation was adopted, the Representative of the Federal Republic of Germany, referring to Article 10.2.c of the Rules of Procedure for the meetings of the Ministers' Deputies, reserved the right of his government to comply or not with the text of the second and third sub-paragraphs of paragraph 2.iv of the recommendation.

— Recommends that the governments of member States:

1. ensure that:

- i. national legislation and regulations concerning women migrants be fully adapted to existing international standards which are in force for their countries;
- ii. effective equality of opportunity and treatment between migrant and national women workers is ensured in practice by efficient and systematic monitoring of the implementation of national legislation and regulations;

2. envisage, without prejudice to any provisions more favourable to women migrant workers provided for in national legislation or international agreements, the following steps:

i. in respect of information

- to develop close collaboration between the sending and receiving countries so as to provide women migrants before departure and during residence with any necessary information about living and working conditions in the receiving country;
- to see to it that this information is provided in a language which they can understand;
- to set up as far as possible and, where they already exist, improve and promote social services and provide them with the necessary means:
  - a. to assist women migrants to adapt to the social environment of the receiving country, notably by providing better reception facilities such as housing, hostels, crèches, schools, etc. suited to their needs and those of their families;
  - b. to inform women migrants and particularly unmarried mothers, widows and divorcees, through all appropriate channels and during their residence in the receiving country, about their legal rights and obligations, as well as the related legal and administrative machinery-including the procedure for the recovery of maintenance payments set up in 1967 by the Committee of Ministers of the Council of Europe-that may protect and assist them with the necessary administrative formalities;
  - c. to help women migrant workers adapt to their working environment by giving them information about their specific rights and obligations, about services available to them and the opportunities for vocational training, and to encourage employment services to be associated if necessary with all these information activities;

ii. in respect of conditions of residence and work

- to take all appropriate measures to prevent discrimination between indigenous women workers and migrant women workers, both in the case of redundancy and, where national legislation permits, in the case of subsequent re-engagement;
- to ensure that in conformity with the national legislation the unemployed wives of migrant workers and their dependent children can keep their residence permit and be provided with appropriate social and administrative assistance in exercising their rights if their husbands lose their jobs, as long as the husband's residence permit remains valid;
- to see to it that women migrant workers who are made redundant and are compelled to leave the country of employment retain all their acquired rights or rights in the process of being acquired, in conformity with the national legislation and regulations;

iii. in respect of living conditions and socio-cultural development in general

- to take adequate steps to promote the adjustment of women migrants to the social and professional environment of the receiving country;
- to see to it that the conditions of access to and enjoyment of child care facilities are based, as far as possible, on a criterion of equality with national workers;
- to promote public awareness and understanding among the population of the specific problems of women migrants;
- to ensure that the competent authorities take initiatives and measures in close cooperation with organisations, including those for women migrants-to promote cultural selffulfilment among women migrants, provide for their socio-cultural advancement and foster communication with the social environment of the receiving country;

iv. in respect of basic training, vocational guidance and promotion

- to increase the resources enabling women migrants to take advantage of language classes corresponding to their needs and, if need be, reading and writing classes, in accordance with Resolution (68) 18 of the Committee of Ministers;
- to extend to women migrants the benefit of vocational guidance, vocational training and permanent education;

- to enable women migrant workers to enjoy, on the same footing as indigenous women workers, the vocational retraining and rehabilitation facilities provided by the competent services and to support, notably in the framework of international agreements, all measures to further their promotion and ensure their resettlement should they change their occupation in the receiving country or return to their countries of origin;
3. report to the Secretary General of the Council of Europe every five years on measures taken to give effect to this recommendation.



The recommendations provide guidance and inspiration for future action to be carried out so that gender equality becomes an effective reality at the national and international level, both as an integral part of human rights, and as a fundamental criterion of democracy.

[www.coe.int](http://www.coe.int)

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