

OSCE Human Dimension Implementation Conference
Warsaw, 22 September- 3 October 2014
Working Session 7: Tolerance and non-discrimination
Contribution of the Council of Europe

I. EQUALITY BETWEEN WOMEN AND MEN

Gender equality means an equal visibility, empowerment, responsibility and participation of both sexes in all spheres of public and private life. It also means an equal access to, and distribution of resources between women and men.

It means accepting and valuing equally the differences of women and men and the diverse roles they play in society.

Although the legal status of women in Europe has undoubtedly improved during recent decades, effective equality is far from being a reality. Even if progress is visible (educational attainment, labour market participation, political representation), gender gaps persist in many areas, maintaining men in their traditional roles and constraining women's opportunities to affirm their fundamental rights and assert their agency¹.

Women are still marginalised in political and public life, suffer discrimination in employment or difficulties in reconciling private, family and professional life, are paid less for work of equal value and find themselves victims of poverty and unemployment more often than men.

The most pronounced expression of the uneven balance of power between women and men is violence against women, which is both a human rights violation and a major obstacle to gender equality.

A change in gender relations, women's empowerment and abolishing negative traditional gender stereotypes are key to achieving gender equality and would benefit entire societies. As extensive research has shown in a multitude of contexts, when women have equal chances with men to be socially and politically active, economies and societies thrive. Overall, women's more balanced participation in decision-making contributes to positive transformative processes for societies, such as changes in laws, policies, services, institutions, and social norms.

¹ Agency is understood as the ability to make choices and take actions related to oneself, one's situation in the household, and one's situation in the public sphere (World Development Report 2012: Gender Equality and Development)

The Council of Europe and Gender Equality

Achieving gender equality is central to the protection of human rights, the functioning of democracy, respect for the rule of law and economic growth and competitiveness.

The Council of Europe's pioneering work in the fields of human rights and gender equality has resulted in a solid legal and policy framework which, if implemented, would considerably advance women's rights and bring member States closer to real gender equality.

The Council of Europe seeks to combat gender stereotypes, sexism and violence against women in its many forms. It aspires to change mentalities and attitudes, promote balanced participation of women and men in political and public life and encourage the integration of a gender perspective into all programmes and policies. From the 1980s onwards, the Council of Europe has put forward European standards for gender equality which have shaped developments in Europe over the past decades. Some of the milestone achievements in this respect include the drafting of two international treaties: [the Council of Europe Convention on Action against Trafficking in Human Beings \(CETS No. 197\)](#) and the [Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(CETS No. 210\)](#)

These sound foundations enable the Council of Europe to explore other avenues, by deepening the reflection on the role of gender equality standards and mechanisms, and exploring the possibilities for more effective use of such strategies.

[The Council of Europe Transversal Programme on Gender Equality](#), launched in 2012, aims to increase the impact and visibility of gender equality standards, supporting their implementation in member States through a variety of measures, including gender mainstreaming and action in a number of priority areas. The Council of Europe [Gender Equality Commission](#) is at the centre of this effort. A [Network of National Focal Points](#) in each member state and the [Gender Equality Rapporteurs](#) appointed in the steering committees, advisory and monitoring bodies provide crucial support to the work and activities of the Gender Equality Commission.

The overall goal of the Council of Europe [Gender Equality Strategy](#) is to achieve the advancement and empowering of women and hence the effective realisation of gender equality in Council of Europe member States by supporting the implementation of existing standards. This will be accomplished through the realisation of five strategic objectives:

1. Combating gender stereotypes and sexism
2. Preventing and combating violence against women
3. Guaranteeing Equal Access of Women to Justice
4. Achieving balanced participation of women and men in political and public decision-making
5. Achieving Gender Mainstreaming in all policies and measures

In achieving its aims and objectives, the Council of Europe seeks to further develop and strengthen its co-operation with partner Organisations, in particular the EU, UN and its different agencies above all UN-Women, OSCE, OECD, OAS and the World Bank.

Gender equality standards and mechanisms developed by the Council of Europe

[European Convention on Human Rights – Article 14 – Prohibition of discrimination](#)
[Protocol No. 7, Article 5 – Equality between spouses](#)
[Protocol No. 12, Article 1 - General Prohibition of discrimination](#)
[The European Social Charter \(Revised\) of 1996](#)
[Council of Europe Convention on Action against Trafficking in Human Beings \(CETS No. 197\)](#)
[Council of Europe Convention on preventing and combating violence against women and domestic violence \(CETS No. 210\)](#)

Committee of Ministers Recommendations:

[Recommendation CM/Rec\(2013\)1 on gender equality and media](#)
[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.](#)
[Recommendation Rec\(2003\)3 on balanced participation of women and men in political and public decision-making](#)
[Recommendation Rec\(2007\)13 on gender mainstreaming in education](#)
[Recommendation 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\(2010\)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](#)

For further information, you can consult our website: <http://www.coe.int/equality> or send an e-mail to the electronic address of the Secretariat of the Gender Equality Unit: gender.equality@coe.int

II. COMBATING DISCRIMINATION ON THE GROUNDS OF SEXUAL ORIENTATION OR GENDER IDENTITY (SOGI)

The Council of Europe standards and mechanisms seek to promote and ensure respect for the human rights of every individual. These include equal rights and dignity of all human beings, including lesbian, gay, bisexual and transgender (LGBT) persons. Assuming its leading role in human rights protection, the Council of Europe Committee of Ministers adopted on 31 March 2010 [Recommendation CM/Rec\(2010\)5 to member states on measures to combat discrimination on grounds of sexual orientation or gender identity](#). The Recommendation is the first instrument in the world dealing specifically with one of the most persistent and difficult forms of discrimination. It sets out the principles deriving from existing European and international instruments, with particular emphasis on the European Convention of Human Rights and the European Court of Human Rights case law. The recommendation identifies specific measures to be adopted and effectively endorsed by member states to combat discrimination, ensure respect for LGBT persons, promote tolerance towards them and ensure that victims have access to legal remedies.

In 2011-2013 a pilot LGBT project was carried out to support the implementation of Council of Europe standards in six member states (Albania, Italy, Latvia, Montenegro, Poland and Serbia). [A review of the implementation of the CM/Rec\(2010\)5](#) carried out by the Steering Committee for Human Rights resulted in replies from 39 member states which highlighted progress with and difficulties faced in implementing the Recommendation. In January 2014 the Committee of Ministers encouraged further action to implement the CM/Rec (2010)5 in particular in areas regarding:

1. identification, promotion and exchange of good practices;

2. mainstreaming LGBT issues within the Council of Europe and setting up a long-term action plan for the respect of LGBT persons' rights;
3. collecting data and carrying out research, disseminating know how and expertise;
4. raising public awareness on issues related to discrimination on the grounds of SOGI;
5. enhancing co-operation and synergies with stakeholders, governments, IGOs and LGBT civil society.

In 2014 an inter-secretariat taskforce on SOGI issues was established by the Secretary General of the Council of Europe with the main objective of mainstreaming SOGI in the work of the organisation and enhancing coordination and cooperation between the different sectors. The taskforce is led and coordinated by the SOGI Unit in the Directorate General of Equality and Human Dignity.

Standards and mechanisms developed by the Council of Europe to combat discrimination on the grounds of sexual orientation or gender identity (SOGI)

[European Convention on Human Rights – Article 14 – Prohibition of discrimination](#)

[Protocol No 12, Article 1 - General Prohibition of discrimination](#)

[The European Social Charter \(Revised\) of 1996](#)

[Council of Europe Convention on preventing and combating violence against women and domestic violence \(CETS No. 210\)](#)

Parliamentary Assembly:

[Resolution 1945 \(2013\) on Putting an end to coerced sterilisations and castrations](#)

[Recommendation 2021\(2013\) on Tackling discrimination on the grounds of sexual orientation and gender identity](#)

[Resolution 1952\(2013\) on Children's right to physical integrity](#)

Commissioner for Human Rights:

[Human Rights and Gender Identity](#)

[Discrimination on grounds of sexual orientation and gender identity in Europe](#)

[Discrimination on grounds of sexual orientation and gender identity in Europe \(2011\)](#)

Venice Commission:

[CDL-AD\(2013\)022-e - Opinion on the issue of the prohibition of so-called "Propaganda of homosexuality in the light of recent legislation in some Council of Europe Member States, Adopted by the Venice Commission at its 95th Plenary Session \(14-15 June 2013\)](#)

European Court of Human Rights (Factsheets)

[Gender identity](#)

[Homosexuality: criminal aspects](#)

[Sexual orientation issues](#)

For further information, you can consult our website: <http://www.coe.int/lgbt> or send an e-mail to the electronic address of the Secretariat of the Gender Equality Unit sogi@coe.int