

**DIRECTORATE GENERAL OF HUMAN RIGHTS
AND LEGAL AFFAIRS
GENDER EQUALITY DIVISION**



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EQUALITY BETWEEN WOMEN AND MEN

INTRODUCTION

Gender equality means an equal visibility, empowerment, responsibility and participation of both sexes in all spheres of public and private life. Gender equality is the opposite of gender inequality, not of gender difference.

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

The legal status of women has undoubtedly improved over the last thirty years, but effective equality is still far from being reality. In the general perspective of protecting and promoting human rights, the Council of Europe seeks to combat any interference with women's liberty and dignity, eliminate discrimination based on sex, promote a balanced participation of women and

men in political and public life and encourage the integration of a gender perspective into all programmes and policies.

Equality must be promoted by supporting specific policies for women, who are more likely to be exposed to practices which qualify as torture or inhuman or degrading treatment (physical violence, rape, genital and sexual mutilation, trafficking for the purpose of sexual exploitation). These violations of women's human rights are

still common and have dramatically increased in some areas of Europe.

Furthermore, women are still marginalised in political and public life, paid less for work of equal value and find themselves victims of poverty and unemployment more often than men.

Gender equality can only be achieved by women and men working together. The involvement of men in promoting gender equality has progressively developed over the past years.

GENDER EQUALITY: AN INTEGRAL PART OF HUMAN RIGHTS AND A CRITERION OF DEMOCRACY

In 1988, the Committee of Ministers affirmed (*Declaration on Equality of Women and Men*) that equality between women and men is an integral part of human rights and that sex-related discrimination is an impediment to the recognition, enjoyment and exercise of human rights and fundamental freedoms.

During the Organisation's 2nd Summit, the Heads of State and Government of Council of Europe member States (Strasbourg, October 1997) 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".

During the *4th European Ministerial Conference on Equality between Women and Men* (Istanbul, 1997), the European Ministers adopted a

Declaration on gender equality as a fundamental criterion of democracy.

During the 3rd Summit of the Council of Europe (Warsaw, May 2005) the Heads of State and Government of the member States stressed that equal participation of both women and men is a crucial element of democracy and they confirmed their commitment to achieving real equality between women and men in all spheres of society.

On the occasion of the *6th European Ministerial Conference* (Stockholm, 8-9 June 2006), the Ministers emphasised that the lack of gender equality implies personal, social and economic costs higher than the cost of those incurred in implementing gender equality and that there are social and economic benefits to be gained from its implementation.

In 2009 the Committee of Ministers reaffirmed its commitment to achieve a real equality between women and men

(Declaration Making gender equality a reality).

Article 14 of the *European Convention on Human Rights* (ECHR) established, already in 1950, a prohibition of discrimination based on sex in relation to the rights of the Convention.

Protocol No. 12 of the ECHR, which entered into force in April 2005, represents an important step forward for building equality between women and men by securing a general prohibition on discrimination by any public authority on *inter alia* the grounds of sex, regarding the enjoyment of any right set forth by law and not only rights and freedoms of the ECHR.

- The *European Social Charter (Revised)* of 1996 guarantees without discrimination on the grounds of sex the enjoyment of the rights set forth in the Charter (Part V, Article E).



ACTIVITIES

The Council of Europe set up its first committee to promote equality between women and men in 1979. Today the gender equality activities are organised under the main responsibility of the **Steering Committee for Equality between Women and Men (CDEG)**. Each member state of the Council of Europe is entitled to appoint one representative and non-member states holding observer status with the Council of Europe are entitled to appoint an observer. Non-governmental organisations are also represented on the CDEG.

The Secretariat of the CDEG is assured by the Gender Equality Division who also dealt with the issue of action against trafficking in human beings until the Convention on action against trafficking in human beings entered into force. Since January 2009, these activities have been dealt with by the Division on action against trafficking in human beings.

Gender equality standards and mechanisms

In line with the Organisation's pioneering role of standard setting, a *Recommendation on gender equality standards and mechanisms* was adopted by the Committee of Ministers in November 2007.

Gender mainstreaming

Gender mainstreaming is the main strategy used to achieve gender equality. It implies incorporating a gender perspective into all policy processes in order to take into account the needs and interests of both women and men. Other activities include a *Report on Gender budgeting* containing guidelines to assist member states on the introduction

of a gender perspective in the budgetary process.

An *Informal Network on Gender Mainstreaming* meets once a year to exchange information and to discuss ways of integrating this strategy in a specific field. The CDEG also works together with other Council of Europe bodies and steering committees to introduce this strategy in their activities.

Two Recommendations were recently adopted by the Committee of Ministers: *Gender mainstreaming in education and the inclusion of gender differences in health policy*.

Preventing and combating violence against women

Protecting and promoting women's human rights means taking measures to fight against interferences with their liberty and dignity. In 2002, the Committee of Ministers adopted the *Recommendation Rec(2002)5* containing guidelines to assist member states in the preparation and/or modification of legislation and policies to combat violence against women. Progress in the implementation of the recommendation in member states is regularly evaluated and the results are published

In 2006, as a follow up to the 3rd Summit, a *Task Force to combat violence against women, including domestic violence* was set up to evaluate progress at national level and establish instruments for quantifying developments at pan-European level. The pan-European Campaign, launched in 2006 ended in June 2008 and in its *Final Activity Report* of the Task Force proposed the drafting of a constraining legal instrument to combat violence against women.

In 2009, the Committee of Ministers set up an Ad Hoc Committee in charge of the preparation of a Council of Europe convention for preventing and combating violence against women and domestic violence.

Other activities include a study on *Forced marriages in Council of Europe member states - A comparative study of legislation and political initiatives*.

Balanced participation of women and men

The balanced participation of women and men in political and public decision-making is at the heart of the functioning of pluralist democracy. In 2003, the Committee of Ministers adopted the *Recommendation Rec(2003)3* containing guidelines to assist member states in promoting an increased participation of women in decision-making. Progress on implementation of this Recommendation is evaluated since 2005.

Other activities include, in particular, a study on *Parental Leave in Council of Europe member States*.

Role of women and men in conflict prevention and resolution and in peace building

The *5th European Ministerial Conference* (Skopje, January 2003) was devoted to the roles of women and men in conflict prevention, peace-building and post-conflict democratisation. As a follow up to this Conference, a draft *Recommendation on the role of women and men in conflict prevention and resolution and in peace building* will be adopted soon.

LEGAL TEXTS

- *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*

Committee of Ministers Recommendations:

- *Recommendation No. R(98)14* on gender mainstreaming
- *Recommendation No. R(2000)11* on action against trafficking inhuman 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 CM/Rec(2007)17* on gender equality standards and mechanisms
- *Recommendation CM/Rec(2008)1* on the inclusion of gender differences in health policy

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