

OSCE Human Dimension Implementation Meeting

Warsaw, 19 to 30 September 2016

Working Session 7: Humanitarian issues and other commitments

And

Working Session 14: Tolerance and non-discrimination

Contribution of the Council of Europe

A. Combating trafficking in human beings

Co-operation between the Council of Europe and OSCE/ODIHR in the field of action against trafficking in human beings has continued to take place in the areas of:

- **awareness raising and advocacy** (including, where relevant, the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings and the implementation of the OSCE political commitments);
- **capacity building and assistance** to Council of Europe member States and OSCE participating States, including to governmental and non-governmental actors responsible for preventing and combating trafficking in human beings and protecting victims;
- conducting **assessments and monitoring** and providing recommendations.

The OSCE has observer status with the Committee of the Parties to the Council of Europe Anti-Trafficking Convention.

During country evaluation visits, GRETA delegations meet representatives of the local offices of the OSCE (where they have Field Operations and anti-trafficking Focal Points) and benefit from their presence on the ground to complete the collection of information necessary for monitoring the implementation of the Council of Europe Convention.

GRETA's country evaluation reports and general reports are made public and are communicated to the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB) and ODIHR. The reports issued after the country visits carried out by the SR/CTHB are also communicated to GRETA and are taken into account in the context of evaluating the respective states.

To avoid duplication when it comes to country visits, the Council of Europe and the OSR/CTHB regularly co-ordinate their visit plans.

GRETA and the Council of Europe Secretariat were consulted during the preparation of the on-going survey to assess the implementation of selected aspects of the OSCE Action Plan to Combat Trafficking in Human Beings (2003) and the 2013 Addendum to it.

Members of GRETA and representatives of the Council of Europe Secretariat regularly participate in conferences and other events organised by OSCE/ODIHR. By way of example, a member of GRETA and the Executive Secretary of the Convention participated as speakers at the 16th OSCE Alliance against Trafficking in Persons Conference on “Combating Trafficking in Human Beings for the Purpose of Forced Criminality”, held in Vienna on 11-12 April 2016. On the occasion of this conference, a side event was co-organised by the Council of Europe and the OSCE, on identifying victims of trafficking in places of detention. The Council of Europe Secretariat also took part in the OSCE expert meeting on the prevention of human trafficking in supply chains held on 15-16 September 2015 in Milan, Italy. At the forthcoming OSCE conference on the “Prevention of THB in Supply Chains through Government Practices and Measures”, which will be held on 7-8 September 2016 in Berlin, the Council of Europe will be represented by Ms Snežana Samardžić-Marković, Director General of Democracy.

B. Combating violence against women and girls

Current status of signatures/ratifications of the Council of Europe’s Convention on preventing and combating violence against women and domestic violence ([Istanbul Convention](#))¹

- There are at present 22 parties to the Istanbul Convention².
- A further 20 states signed the Convention and are taking steps towards ratification.

Monitoring the implementation of the Istanbul Convention

The aim of the monitoring mechanism of the Istanbul Convention is to assess and improve the implementation of the Convention by parties. It consists of two distinct, but interacting, bodies:

- an independent expert monitoring body, **the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)**, which is composed of 10 members (and will subsequently become 15 members following the 25th ratification);
- a political body, **the Committee of the Parties**, which is composed of representatives of the parties to the Istanbul Convention.

¹ The Istanbul Convention entered into force on 1 August 2014.

² Austria, Albania, Andorra, Belgium, Bosnia and Herzegovina, Denmark, Finland, France, Italy, Malta, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovenia, Spain, Sweden and Turkey.

In May 2015, the Committee of the Parties elected the first ten members of GREVIO. It held an exchange of views with the President of GREVIO, Ms Feride Acar, on two occasions, in December 2015 and April 2016.

GREVIO's first meeting was held in September 2015, during which the Group adopted its [rules of procedure](#). GREVIO launched the first country-by-country evaluation procedure in March 2016 after adopting a baseline [questionnaire](#) on the implementation of the Convention. Austria and Monaco were requested to submit a report on the basis of this questionnaire by September 2016. Albania and Denmark are to follow next. The first evaluation procedure will include an examination of the state reports together with representatives of the parties in Strasbourg and country visits. GREVIO's first final evaluation reports will be adopted and made public in the course of 2017.

In parallel to its evaluation procedure, GREVIO may initiate special inquiries in cases where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention. There has been no such case so far.

C. Equality between Women and Men

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 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, including sexist hate speech. 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. 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

The second annual report on the implementation of the Gender Equality Strategy confirms the leading role of the Council of Europe as a reference point in the field of women's rights and gender equality, both in Europe and beyond. It noted that synergies and linkages across the objectives and priority themes of the Strategy were further developed and strengthened in 2015. The challenges that Council of Europe member States face in the implementation of the Strategy are obviously related to the wider regional and global context: the gap between standards and their implementation, growing threats to women's human rights, and the weakening of national gender equality mechanisms. The latter, in particular, results from budgetary cuts to gender equality authorities and bodies, which in some cases threaten the very existence of gender equality institutions in some member States. In other cases, the enlarged mandates of equality bodies, with no additional resources, result in a reduction of efforts dedicated to promoting gender equality at the national level.

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.

In April 2016, the Adviser on Gender Issues of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) presented their new publication "Compendium of Good Practices for Advancing Women's Political Participation in the OSCE Region" to the Council of Europe's Gender Equality Commission (GEC). The GEC agreed to continue its co-operation with OSCE/ODHIR in the field of women's participation in political and public decision-making.

In June 2016, ODIHR and the Council of Europe organised the *International Forum of Women Leaders – Equal Opportunities for a Better Future*, in Minsk, Belarus. The GEC was also represented among the speakers at the Forum.

Gender equality standards and mechanisms developed by the Council of Europe, include:

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)

Council of Europe – Key standards on gender equality and women's rights

Committee of Ministers Recommendations:

Recommendation CM/Rec(2015)2 on gender mainstreaming in sport

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, see our website: <http://www.coe.int/equality> or send an e-mail to the Secretariat of the Gender Equality Unit: gender.equality@coe.int

D. 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 international legal 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.

Since 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 cooperation activities on SOGI are carried out within the following frame:

1. **Provide, upon request, support to member states, local authorities and civil society actors through capacity-building and sharing good practice** : development and implementation of national action plans, provision of legislative expertise, training of law enforcement and legal professionals on hate crimes and violence, peer-to-peer activities on legal gender recognition and asylum policies;
2. **Sharing good practices among member states and carrying out research:** the publication of the short guide to legal gender recognition; the compendium of good practices on local and regional level as a concrete follow up to the Congress Resolution 380 (2015); the analysis of challenges, the gaps and opportunities in the field of human rights of LGBTI children ; the booklet on national action plans as effective tools to promote and protect the human rights of LGBTI people; the setting up of a Council of Europe online database on good practices and policies on SOGI; the development of training material for law enforcement professionals on addressing hate crimes against LGBTI; the guidebook for legal professionals on the case law of the European Court of Human Rights on SOGI
3. **Raising public awareness** on issues related to discrimination on the grounds of SOGI and enhancing co-operation and synergies with stakeholders, governments, IGOs and LGBTI civil society organisations.

The Council of Europe Programme and Budget for 2016/2017 includes a specific action aimed at supporting member states, on demand, in their capacity to develop legislation and policies for preventing or redressing discrimination on grounds of sexual orientation or gender identity.

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

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)

Recommendation CM/Rec(2010)5 to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.

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

Resolution 2048 (2015) on Discrimination against transgender people in Europe

Congress:

Resolution 380 (2015) on Guaranteeing lesbian, gay, bisexual and transgender (LGBT) people’s rights: a responsibility for Europe’s towns and regions

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)
Human rights and intersex people (2015)

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, see 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

E. Promoting the rights of persons with disabilities

The Council of Europe work in the disability field lies mainly within the equality and human rights framework and seeks to enhance independence, freedom of choice and the quality of life of persons with disabilities, and to raise awareness of disability as an important part of the human dimension of diversity in a multifaceted society. The Council of Europe Disability Action Plan (DAP) 2006-2015 (Recommendation Rec (2006)5) provides a comprehensive framework on the rights of persons with disabilities. It contains 15 action lines, including participation in political, public and cultural life, education, information and communication, employment, accessibility of the built environment and transport. It also draws attention to the needs of women and children with disabilities and severely disabled people in need of a high level of support.

In 2014-2015, the Council of Europe carried out an evaluation of the implementation of the Council of Europe DAP in all of its 47 member States. The evaluation document³ comprised an analysis of developments in the national legislation, policies, action plans, as well as specific and targeted actions at both the national and European levels in the area of protecting and promoting human rights of persons with disabilities. It highlighted achievements, in particular with regard to legislation, service delivery, the physical environment and attitudes towards persons with disabilities.

The evaluation also underlined that discrimination and barriers to participation persist and that there are significant challenges in ensuring compliance with international standards to combat discrimination and to achieve the full respect of all human rights of persons with disabilities. It pointed out that the disparity between the standards and practice, referred to as the implementation gap, needs to be addressed as a matter of priority.

³ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805a2a20>

The report emphasised the need and importance of continued commitment of governments, including funding, the full involvement of organisations of and for persons with disabilities, and other relevant stakeholders, sharing of know-how and exchanging of promising practices to ensure that Europe becomes a democratic, welcoming home for all, and upholds its values of democracy, respect for human rights and diversity.

Currently, the ad hoc Committee on the Rights of People with Disabilities (CAHDPH) is working on a new Council of Europe Disability Strategy 2017-2023. The overall goal of the Strategy is to achieve equality, dignity and equal opportunities for persons with disabilities. This requires ensuring independence, freedom of choice, full and active participation in all areas of life and society, including living in the community. The new Strategy will build upon five rights based priority areas: equality and non-discrimination, awareness raising, accessibility, equal recognition before the law and freedom from exploitation, violence and abuse and five cross-cutting issues: participation, co-operation and coordination, Universal Design and reasonable accommodation, a gender equality perspective, multiple discrimination and education and training. The Strategy will also aim at guiding and supporting the work and activities of the member states to implement the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and Council of Europe standards in this area.

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 and the UN, national human rights institutions, equality bodies and ombudsman offices, disability NGOs, service providers and other civil society organisation representatives in this field.

Standards and mechanisms on the rights of persons with disabilities developed by the Council of Europe include:

RECOMMENDATIONS AND RESOLUTIONS

Resolution 2039 (2015) PACE

Equality and inclusion for people with disabilities

Recommendation 2064 (2015) PACE

Equality and inclusion for people with disabilities

Résolution 371 (2014) Congress

Promoting equal opportunities for people with disabilities and their participation at local and regional levels

Recommendation 361 (2014) Congress

Promoting equal opportunities for people with disabilities and their participation at local and regional levels

Recommendation CM/Rec(2013)3

Ensuring full, equal and effective participation of persons with disabilities in culture, sports, tourism and leisure activities

Recommendation CM/Rec(2013)2

Ensuring full inclusion of children and young persons with disabilities into society (Adopted by the Committee of Ministers on 16 October 2013 at the 1181st meeting of the Ministers' Deputies)

Recommendation CM/Rec(2012)6

on the protection and promotion of the rights of women and girls with disabilities

Recommendation CM/Rec(2011)14

The participation of persons with disabilities in political and public life

Recommendation CM/Rec(2010)2

Deinstitutionalisation and community living of children with disabilities

Recommendation CM/Rec(2009)9

The education and social inclusion of children and young people with autism spectrum disorders

Recommendation CM/Rec(2009)8

Achieving full participation through Universal Design

Recommendation CM/Rec(2009)6

Ageing and disability in the 21st century: sustainable frameworks to enable greater quality of life in an inclusive society

Resolution ResAP(2007)4

The education and social inclusion of children and young people with autism spectrum disorders

Resolution ResAP(2007)3

Achieving full participation through Universal Design

Recommendation Rec(2006)5

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

Resolution ResAP(2005)1

Safeguarding adults and children with disabilities against abuse

Resolution ResAP(2001)3

Towards full citizenship of persons with disabilities through inclusive new technologies

Resolution ResAP(2001)1

The introduction of the principles of universal design into the curricula of all occupations working on the built environment ("Tomar Resolution")

Resolution AP(95)3

Charter on the vocational assessment of people with disabilities

Recommendation N° R(92)6

A coherent policy for the rehabilitation of people with disabilities

Reports and Studies

Report "Social inclusion of children and young people with disabilities". The report is available in English, French, German and Russian, Council of Europe publication, 2014.

An in-depth study on access for persons with disabilities to culture, tourism, sports and leisure activities: towards meaningful and enriching participation. The study is available in English and French, Council of Europe publication, 2015.

For further information, see our website:

www.coe.int/disability or send an e-mail to the Secretariat of the Disability Equality Unit: disability@coe.int

F. Children's Rights

Overview

The transversal programme “[Building a Europe for and with Children](#)” protects and promotes the rights of the child in Council of Europe member States. Co-ordinated by the Children's Rights Division, more than 35 organs and entities of the Organisation implement activities targeted at children and young people under the age of 18. The Council of Europe's work on children's rights is anchored in the United Nations Convention on the Rights of the Child (UNCRC) and the rights and freedoms guaranteed by the European Convention on Human Rights and other Council of Europe legal standards.

On 2 March 2016, the Committee of Ministers adopted a new Council of Europe [Strategy for the Rights of the Child](#). This Strategy sets out five priority areas on which the organisation will focus in the period 2016-2021:

1. Equal opportunities for all children
2. Participation of all children
3. A life free from violence for all children
4. Child-friendly justice for all children
5. Rights of the child in the digital environment

Within these priority areas, the Council of Europe

- develops legal standards (www.coe.int/en/web/children/legal-standards);
- monitors the protection of children's rights under Council of Europe conventions (www.coe.int/en/web/children/monitoring);
- conducts co-operation activities with member States and countries of the neighbouring regions (www.coe.int/en/web/children/co-operation);
- promotes children's rights to policy makers, professionals, parents and children (www.coe.int/en/web/children/7).

The implementation of the Strategy will be guided by an Ad hoc Committee of Experts ([CAHENF](#)) which is composed of representatives of all member States.

Migrant and refugee children

As a response to the migrant and refugee crisis, the Secretary General of the Council of Europe has issued on 4 March 2016 a document setting out immediate actions to be taken by member States and the Council of Europe to better protect the rights of migrant and asylum-seeking children. Priority actions focus on:

- Preventing migrant and asylum-seeking children from falling victims to violence, abuse, exploitation and trafficking;
- Making every effort to end the placement of children in immigration detention facilities;
- Improving age assessment procedures;
- Ensuring a gender dimension in dealing with migrant and asylum seeking children;
- Ensuring access to education.

Ambassador Tomáš Boček, the Secretary General's [Special Representative on Migration and Refugees](#), conducted fact-finding missions to Greece and “the former Yugoslav Republic of Macedonia” as well as Turkey to assess the situation of refugees and migrants, including in respect of children.

Convention on Protection of Children against Sexual Exploitation and Sexual Abuse

The [Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse](#), also known as “the Lanzarote Convention”, requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The Committee of the Parties to the Lanzarote Convention (the “Lanzarote Committee”) is the body established to monitor whether Parties effectively implement the Convention. The first monitoring round focuses on “the protection of children against sexual abuse in the circle of trust”. A first [implementation report](#) was adopted in December 2015; a second one is expected by the end of 2017. The second monitoring round will focus on “the dangerous effects of the child’s interaction through ICT”.

Due to the urgency of the situation, the Lanzarote Committee adopted on 17 June 2016 a focused questionnaire on the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse. Findings based on the information received through this urgent monitoring round should be adopted by the end of 2016.