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Access to justice for women victims of violence:-Analysis and key tenets of international law and practice in the field

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“Access to the courts, which is already not easy at national level, can be even more difficult at international level. ... (A)ccount is still not taken of the female perspective in human rights matters and such instruments are resources which women need to use to greater and better advantage.” Françoise Tulkens, former Judge and Vice-President at the European Court of Human Rights

1. Introduction

Access to justice for women victims of gender-based violence is an inherent part of the broader issue of access to justice for women and of access to justice in general. Originally understood as ensuring the realization of fundamental human rights through courts and tribunals, the notion of access to justice evolved into a broader set of rights related to the concept of equal access to rights and to justice. Access to justice is crucial for ensuring non-discrimination of, and substantive equality for, women. It is a central prerequisite for effectively protecting women from violence, preventing violence and for engaging state responsibility for eliminating gender-based violence. Limited access to justice for women in general, and more specifically, for women victims of violence, is due to a range of obstacles that women face prior to and when accessing courts, including gender stereotyping. The common denominator is that the limitations are pervasive and affect women exclusively.

The exercise by women of their rights related to access to justice before international courts and UN human rights treaty bodies in the last 10-15 years constitutes a positive trend. It led to substantial developments in the case law on violence against women of the European Court of Human Rights (ECtHR) and the UN Committee of the Elimination of Discrimination against Women (CEDAW Committee) under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP CEDAW). Increased awareness of international human rights bodies to access to justice and to barriers faced by women makes also a good momentum for reflection. Further progress may be expected thanks to additional guarantees ensuring women's access to justice that are enshrined in the Council of Europe Convention No. 210 on Preventing and Combating Violence Against Women and Domestic Violence, called “Istanbul Convention” (IC). The adoption by the CEDAW Committee of General Recommendation No. 33 on Women's Access to Justice

¹ The contents of this thematic are the sole responsibility of its author and do not necessarily reflect the views of the WAVE Office nor of WAVE members.

in July 2015 will enhance the Committee's work to monitor the implementation of states' obligation to apply due diligence in the elimination of violence against women.

The present paper explores the concept of access to justice for women victims of violence, as well as barriers to such access, including gender stereotyping and additional vulnerabilities. It also addresses achievements in the access to justice before international human rights bodies. Further, the balance, instead of dichotomy, between ensuring the autonomy of women survivors of violence in initiating procedures for protection of their rights, on the one hand, and the obligation of the state to ensure public prosecution of aggressors in criminal law, on the other hand, will also be discussed.

The indispensable role of civil society organizations, in particular women's NGOs, in facilitating access to justice for women victims of violence will be one of the core arguments put forward in the present paper.

2. The concept of Gender-based violence and violence against women in international human rights standards

Violence against women is one of the most severe forms of gender-based discrimination, degrading women and girls and impeding them in exercising their rights.

Previous research as well as international standards and national laws confirm that women and girls as well as men and boys may become victims of gender-based violence. However, it is widely recognized that in the majority of cases, gender-based violence is committed by men against women and girls. Therefore, the terms "gender-based violence" and "violence against women" are often interchangeably used. The present paper focuses on gender-based violence against women and girls, owing to the frequency, the specificities and the intensity of the violence against them. It also uses "gender-based violence" and "violence against women" interchangeably.

Gender-based violence is violence directed against a woman based on her gender. It represents a violation of her fundamental rights, like the right to life, freedom from torture and inhuman and degrading treatment, the right to security, the right to dignity, the right to privacy and family life, the right to equality between men and women, freedom from discrimination, and the right to physical and mental integrity. Gender-based violence reflects and reinforces the inequality between men and women.

In the Council of Europe system, violence against women is addressed as gender-based violence, which is defined as "*violence that is directed against a woman because she is a woman or that affects women disproportionately*" (Article 3, paragraph d, IC). Violence against women is understood as a "*violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life*" (Article 3, paragraph (a) IC). The notion of "women" includes girls under the age of 18. (Article 3, paragraph (f) IC).

The preamble of the Istanbul Convention recognizes the structural nature of violence against women. Such violence is seen as a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against women by men and to the prevention of the full advancement of women.²

² This nature of violence against women has been affirmed by the Beijing Platform for Action from 1995, <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

These characteristics of violence against expressed in the Istanbul Convention are inspired by principles affirmed in General Recommendation No. 19 on Violence against Women (1992) of the CEDAW Committee and in the Committee's coherent case law under the Optional Protocol to CEDAW.

Although it is difficult to separate the different types of such violence, since women and girls are often subjected to multiple forms of violence, gender-based violence includes, but is not limited to:

- domestic violence; sexual harassment, rape, sexual violence, stalking, sexual violence during conflict and harmful customary or traditional practices such as female genital mutilation, forced marriages and "honour crimes";
- trafficking of women, sexual and economic exploitation, forced prostitution and violations of human rights in armed conflicts (in particular murder, systematic rape, sexual slavery and forced pregnancy);
- forced sterilization, forced abortion, forced use of contraceptives, female infanticide during pregnancy, and prenatal gender selection.

During their entire life cycle women suffer from a combination of types of gender-based violence, from the prenatal period, through early childhood and childhood, as adolescent girls, in reproductive age, in post-reproductive age and as elderly women.

The concept of gender-based violence should be considered within the context of existing social structures, taking into account the historical roots of such violence and its connection with the positions and roles defined for women and men in society. These structures define norms and roles based on gender, thereby encouraging and justifying gender-based violence as a normal and socially accepted phenomenon. Indeed, the Istanbul Convention defines "gender" as the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men (Article 3 paragraph (c) IC).

These same social structures, norms and roles that are based on gender myths and stereotypes, often prevent women from accessing justice.

The barriers for women to fully realize their rights due to violence are stable and pervasive, as demonstrated by a large-scale survey published in 2014 by the European Union Agency for Fundamental Rights. Findings show that the gender-based violence is widespread in EU member states, where 33% of the women surveyed have experienced physical and/or sexual violence after the age of 15. 22% have experienced physical and/or sexual violence by their partner, and 5% of all women have been raped.³ In some EU countries, prevalence rates are lower than average. For instance, in Bulgaria, 28% of women have experienced physical and/or sexual violence. Rather than pointing to lower rates in the prevalence of gender-based violence, lower figures may be explained by the fact that the women in this country still find it harder to talk about such violence and lack sufficient access to services throughout the country.

Women belonging to marginalized groups are at particular risk of violence. This includes for instance women from minorities, migrant women and refugee women, women in situations of armed conflict, women detained in institutions or women with disabilities. Often, these women, in particular migrant and refugee women in Europe are at an increased risk of violence and multiple discrimination. Their access to justice and to state-provided services and support is often limited, especially when their status is undetermined or when they are undocumented.

³ European Union Agency for Fundamental Rights, Violence against women: an EU-wide Survey, 2014, http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf (accessed on 30 January 2015).

The non-discrimination clause of the Istanbul Convention provides an important guarantee for protecting women belonging to marginalized groups from all forms of gender-based violence: “The implementation of the provisions of the Convention, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status. Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.” (Article 4, paragraphs 3 and 4 IC).

Given the complex nature of this phenomenon, it is of key importance for prevention of violence and protection of women victims to adopt and implement integrated policies, as required by the Istanbul Convention. This approach requires the inclusion of all relevant and interested actors, including active women’s NGOs. It is of paramount importance to strike the right balance between prevention, protection and criminal prosecution, while putting the needs of victims at the centre. In existing good practice examples models of interagency cooperation and coordinated community responses to violence against women, the representatives of the judiciary are an integral part of the model.⁴

3. Access to justice and obstacles in accessing justice for women victims of violence

3. 1. The concept of access to justice and the responsibility of the state

Access to justice in international law and practice is understood as the ability of citizens to use the justice system and its institutions in order to obtain solutions for their justice problems. In order to have real access to justice, these institutions including judicial bodies and special jurisdictions must function effectively in order to provide fair results of justice procedures. A reliable legal framework for protection of rights, complemented by an effective justice system, are key prerequisites for access to justice. Access to justice requires also knowledge and awareness of rights on the part of women, access to legal advice and representation, real access to the justice system, fair procedures and outcomes that are enforceable. In cases of ensuring access to justice for vulnerable groups, like women victims of violence, access to justice should be understood more broadly requiring the development of “*means of overcoming the obstacles faced by certain groups in making use of the processes established to provide redress where rights are considered not to have been respected*”.⁵ These means may include public funding for legal advice and representation, special procedures (such as class actions and public interest litigation), or simplified procedures, provided that there is informed consent of the interested individual.

When speaking about ensuring access to justice for women, especially for women victims of violence, it is central to remove the limitations and barriers hindering such access and closing the gap between the rights of women and their effective realization.

States are obliged to respect women’s human rights related to access to justice, such as the right to equality before the law, the right to a fair trial, or the prohibition of discrimination (Article 5, paragraph 1 IC), and to ensure the practical realization of these rights. , In addition, states are obliged to exercise due diligence to protect women from violence committed by non-state actors (Article 5, paragraph 2 IC):

⁴ *Training for Trainers Manual on Effective Multi-agency Co-operation for Preventing and Combating Domestic Violence* - report by WAVE - author Rosa Logar, <http://www.bvsde.paho.org/bvsacd/cd64/manual.pdf>

⁵ Council of Europe, European Committee on Legal Co-operation, *Access to Justice for Migrants and Asylum-seekers in Europe*, author: Jeremy McBride, CDCJ (2009) 2.

“1. Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.

2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors”.

Ensuring women’s access to justice is clearly linked with state obligations and the obligation to exercise due diligence to protect women from violence committed by non-state actors. The latter principle has evolved in the case *Velasquez Rodriguez v. Honduras* (1988) before the Inter-American Court for Human Rights. Since then, the due diligence principle has been further developed by international human rights practice and jurisprudence in the context of violence against women, for instance in the CEDAW Committee’s General Recommendation on Violence against Women (1992) or the case *Maria da Penha v. Brazil* (2001) before the Inter American Court for Human Rights. Further on , the principle has been applied by the ECtHR in important cases like *Bevacqua and S. v. Bulgaria* (2008), *M.C. v. Bulgaria* (2003), *Opuz v. Turkey* (2009), *A. v. Croatia* (2010), *Eremia and Others v. the Republic of Moldova* (2013), *Y. v. Slovenia* (2015). Examples of jurisprudence of CEDAW Committee referring to the state obligation to exercise due diligence in protecting women from gender-based violence include *Yildirim v. Austria* (2007), *Goekce v. Austria* (2007), *V.K. v. Bulgaria* (2010), *Jallow v. Bulgaria* (2012), *V.P.P. v. Bulgaria* (2012), *Vertido v. the Philippines* (2010), and *Gonzales Carreno v. Spain* (2014).⁶

3. 2. Obstacles to women’s access to justice

Women’s limited access to the legal and justice systems is due to gender inequalities found at different levels – the family, community and cultural level, the institutional or economic level. It is a continuation of inequality and discrimination of women in practice and in law. As participants in judicial proceedings, women in general, and women belonging to marginalized groups in particular experience a number of obstacles, as outlined in the following.

First, women’s lack of equal access to socio-economic rights is transformed in economic barriers at the justice system level. Access to legal aid for advice and representation are often conditional upon a means test for eligibility, also for women victims of violence. This requirement deprives these women from legal advice and access to justice. The lack of specialized lawyers that are sensitive to the rights and needs of women victims of violence is another barrier.

Further, women victims are hindered from accessing justice due to feelings of shame, self-blame, fear from blame from others, often from their families and communities, and fear of further violence. Women victims often feel guilty because they used the system against the aggressor, who is in many cases the father of their children. Additional barriers exist for women who have children, such as fear to put the children at risk, fear to lose their children, or fear to be blamed for being “*not good enough mothers*”.

Other obstacles derive from the law itself, for example when laws for protection against domestic violence do not provide women with quick and direct access to justice, or when criminal law makes prosecution of domestic violence or rape cases dependent on women’s initiative to bring the claim to the prosecutor. Furthermore, the majority of laws to protect women against violence in Europe are gender-neutral, and the institutions and mechanisms applying these laws lack gender sensitivity.

⁶ The years indicate the years of issuing the Views of the CEDAW Committee

Stereotyping and non-responsiveness of the “justice chain” is another barrier that deserves special attention and led to the development of specialized studies in the last few years. A “stereotype” is a generalised view or preconception about attributes or characteristics that are or ought to be possessed by, or the roles that are or should be performed by, members of a particular social group.⁷ Using gender stereotyping in the judicial system bears particular risks for women, as they may negatively affect the decisions and other outcome of the procedures, in violation of the principles of impartiality and integrity of the justice system. Stereotyping may cause judges to reach a view about cases based on preconceived beliefs. This may distort their perception of the facts, affect their vision of who is a “victim” and lead to the revictimization of complainants. It is also important to understand that the judicial system is a particularly sensitive area for gender stereotyping. This is because of the authority and legitimacy of the source, which may serve to justify stereotypes by awarding the “stamp of approval of the state” on prejudice and bias.⁸ This is particularly true for final judgments that have repercussion in society. Such judgements have great potential to discourage women participants in proceedings from using further remedies, thereby impeding their access to justice at the national level. Gender-biased final judgements may also deter potential women applicants from entering the judicial system in the first place.

The described obstacles to women’s access to justice, although not exhaustive, demonstrate the seriousness, scale and importance of the problem as a systemic issue, and its pervasiveness and impact on substantive equality. It becomes clear that women are revictimized in a vicious circle of inequalities in practice and in the pursuit of justice. Facing such barriers, women seeking to pursue their right to protection from violence experience the well-known “glass ceiling” effect, hampering the real enforcement of their rights.

Stereotyping by the justice system may affect women in several ways. It may impact judges’ understanding of the definition of domestic violence, and the context, pattern and severity of domestic violence suffered by women. Stereotypes may also adversely affect the judge’s ability to understand power relations with respect to child custody in cases of domestic violence against women, when assessing relations with children and other family members, and the exercise of women’s obligations as mothers. Stereotyping may occur in cases of rape and sexual assault, when police or judges blame women for the violence as a result of being potentially promiscuous, or fail to properly apply rules on the burden of proof in cases of discrimination.

Barriers and stereotypes are even stronger when it comes to violence against women from ethnic minorities, women with disabilities, against girls, women refugees and migrant women who have to overcome additional cultural, language or religious barriers.

Here are some examples of case law by international human rights bodies that identified the failure of states to remove barriers faced by women and to ensure their access to justice as a violation of women’s human rights.

The CEDAW Committee in the *V.K. v. Bulgaria* case found that the denial of the court to issue a permanent order for protection of a woman victim of domestic violence was based on judicial stereotyping and constituted a violation of the CEDAW Convention. The Committee affirmed that “..... *States Parties are accountable for judicial stereotyping that violates CEDAW.(S)tereotyping affects women’s right to a fair trial and (...) the judiciary must be careful not to create inflexible standards based on preconceived notions of what constitutes domestic or gender-based violence’.*” Similarly, in the case *Karen Vertido v. The Philippines* that involved gender stereotyping by the judiciary, in

⁷ <http://www.ohchr.org/EN/Issues/Women/WRGS/Pages>

⁸ S. Cusack, *Eliminating judicial stereotyping - Equal access to justice for women in gender-based violence cases*, 2014. www.opcedaw.wordpress.com and www.stereotypingandlaw.wordpress.com

particular harmful myths about rape, the Committee stressed that “... stereotyping affects women’s right to a fair and just trial and that the judiciary must take caution not to create inflexible standards of what women or girls should be or what they should have done when confronted with a situation of rape based merely on preconceived notions of what defines a rape victim or a victim of gender-based violence, in general.” Furthermore in *R.P.B. v. The Philippines*, the CEDAW Committee urged the state party “... to ensure that all criminal proceedings involving rape and other sexual offences are conducted in an impartial and fair manner and free from prejudices or stereotypical notions regarding the victim’s gender, age and disability.”⁹

There is also important case law of the ECtHR addressing the failure of states to enable women victims of violence to access justice and to address stereotypical attitudes of the judiciary and other institutions. In the case of *Opuz v. Turkey*, the applicant and her mother had been assaulted and threatened over many years by the applicant’s husband, at various points leaving both women with life-threatening injuries. The Court found the violence suffered by the two women was gender-based and in violation of Article 14 ECHR (prohibition of discrimination). It held that the alleged discrimination was not based on the legislation but rather resulted from the general attitude of the local authorities, including the way in which the women were treated at police stations when they reported the violence and from passivity of the judicial system. Excerpts from the judgment are indicative of the importance of the problem:

“ Bearing in mind its finding above that the general and discriminatory judicial passivity in Turkey, albeit unintentional, mainly affected women, the Court considers that the violence suffered by the applicant and her mother may be regarded as gender-based violence which is a form of discrimination against women. Despite the reforms carried out by the Government in recent years, the overall unresponsiveness of the judicial system and impunity enjoyed by the aggressors, as found in the instant case, indicated that there was insufficient commitment to take appropriate action to address domestic violence [...].”

The ECtHR used a similar approach in domestic violence cases against the Republic of Moldova (e.g. *Eremia v. Moldova*) in which the passive attitudes of domestic authorities, including the justice system, towards women victims amounted to condoning such violence and reflected a discriminatory attitude towards female victims. A very recent case before the ECtHR (*Y. v. Slovenia*) adjudicated in 2015 deals with sexual violence against a girl who was assaulted at the age of 14 by an older man. The Court found a violation of Article 8 ECHR (right to respect for private and family life) due to the way in which the criminal proceedings against the applicant’s aggressor were conducted. The Court found breaches of the girl’s right to personal integrity during the criminal proceedings, because she was cross-examined by the defendant himself during two of the case hearings, which led to her being traumatized.

4. Access to justice for women victims of violence - international standards and case law

4.1 In the framework of the CEDAW Convention

Access to justice for women, including for women victims of violence, is enshrined as a human right in the CEDAW Convention, with corresponding state obligations. The core obligations of states under Article 2 CEDAW include: to take all appropriate measures, including legislation, to modify or abolish

⁹ Examples of case law under CEDAW OP where the access to justice for women victims of violence also in the broader sense was involved are: *Isatou Jallow v. Bulgaria*, Communication No. 32/2012; *V.K. v. Bulgaria*, Communication No. 20/2008, UN Doc. CEDAW/C/49/D/20/2008 (2011) (CEDAW); *Karen Tayag Vertido v. The Philippines*, Communication No. 18/2008, UN Doc. CEDAW/C/46/D/18/2008 (2010) (CEDAW); *Fatma Yildirim v. Austria*, Communication No. 6/2005, UN Doc. CEDAW/C/39/D/6/2005 (2007) (CEDAW); *Şahide Goekce v. Austria*, Communication No. 5/2005, UN Doc. CEDAW/C/39/D/5/2005 (2007) (CEDAW).

existing laws, regulations, customs and practices which constitute discrimination against women; to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination. The crucial provision of Article 5(a) CEDAW defines the crosscutting obligation of states parties “to modify the social and cultural patterns of conduct of men and women” in an effort to eliminate practices that are “based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”. Moreover, Article 15 of CEDAW embodies the principle of women’s equality before the law and lists specific obligation to ensure women’s equal access to courts and tribunals, as well as their equal protection by the law.

The CEDAW Committee in its practice has taken a principled position and a comprehensive approach to the issue of access to justice for women, aiming at guaranteeing women a substantive right to access justice, rather than a merely formal right. This position is expressed in the Committee’s Concluding Observations and General Recommendations to states parties, and in almost all individual communications dealing with obstacles to women’s access to justice, which were declared admissible. Most recently, in July 2015, the Committee adopted General Recommendation No. 33 specifically dealing with women’s access to justice. General Recommendation No. 33 elaborates states parties’ obligations to overcome obstacles to women’s access to justice, which include discriminatory provisions of substantive and procedural laws, lack of knowledge of their rights on behalf of women, poverty, isolation, gender stereotypes and bias against women in the justice system, as well as the existence of plural legal systems. The substantive approach which aims at de facto or substantive equality of women has implications on the availability and accessibility of courts, the quality and accountability of the justice system, capacity-building and education on human rights, and legal aid and representation in court by competent and dedicated advocates. GR 33 highlights state obligations to ensure the gender responsiveness of the justice system, to remove economic and linguistic barriers to justice, to establish one-stop centres, and to focus on the rights of illiterate, rural women, and women with disabilities, among others. States are also obliged to combat stereotypes and gender bias in the justice system and to extend capacity building to actors of the justice system who often interact with the justice system, such as health professionals and social workers.

States can be held accountable for violations of the rights enshrined in the CEDAW Convention, including access to justice, through two procedures under the Optional Protocol to CEDAW (OP CEDAW):¹⁰ 1. a communications procedure allowing submitting communications by or on behalf of individuals or groups of individuals, in relation to claims of violations of rights protected under the Convention to the CEDAW Committee; and 2. an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women’s rights.

Since the entry into force of the Optional Protocol in 2000, the communications procedure has been extensively used for the protection of women against violence. Interestingly, communications may also be submitted on behalf of individuals or groups of individuals, with their consent, unless the lack of consent can be justified. This clause gives broad access of women to justice at international level. Main conditions and requirements for the communications to be admissible include:¹¹

- the state must be party to the Convention and the Protocol;
- the communication must be submitted in writing and may not be anonymous;
- domestic remedies must have been exhausted; this rule applies only to remedies that are available, not unduly prolonged and likely to bring effective relief;¹²

¹⁰ <http://www.un.org/womenwatch/daw/cedaw/protocol>

¹¹ Articles 3 and 4 OP CEDAW, Ibid

¹² A general principle recognized also by the other human rights bodies.

- the complaint is not being or has not been examined in its merit by the Committee, nor has it been or is it being examined under another procedure of international investigation or settlement;
- the complaint is compatible with the provisions of the Convention and is not an abuse of the right to submit a communication.

Meeting the admissibility criteria and further substantiation of the complaints are crucial in determining women's success in bringing a communication before the Committee. Therefore, despite the availability of a special model complaint form for the communications procedure¹³, it is strongly advisable for women or groups of women who decide to use the procedure to seek the support of a specialized lawyer.

Once the communication submitted, the Committee will examine and consider all information provided in closed meetings. Presuming that the communication has been declared admissible and that violations of the Convention have been identified, the Committee will issue its findings and recommendations and forward them to the complainant and the state party concerned. The so-called "views" of the Committee contain specific recommendations related to the individual case, including recommendations for compensation or reparation commensurate to the violation of the rights and to harm suffered by the victim. In addition, recommendations of a more general nature may be issued in relation to the violations identified, in order to prevent similar violations in the future. The latter are specific and characteristic for the views issued by the CEDAW Committee and make a difference for women who use this mechanism. After issuing individual and general views, the CEDAW Committee has established a procedure to follow-up on the implementation of its views and both, individual and general recommendations. Thus, when using OP CEDAW, women victims of violence can rely on pressure from the UN body and have more guarantees for the payment of compensation/ reparation and for implementation of changes in legislation and policies related to the problems raised by the individual case.

Here are some examples of cases brought by women victims of violence under the Optional Protocol, in which the CEDAW Committee found violations of their rights under the Convention and issued views with recommendations to the states parties concerned. It is noteworthy that most cases were brought before the Committee with the support of human rights or women's rights NGOs.

a. Case of ***Goekce v. Austria*** - Communication No. 5/ 2005

The victim's husband, M.G., repeatedly assaulted the victim, S. G., including by choking and threatening to kill her. After moving to a neighbour for safety reasons, Ms S. G. reported the incident to the police who issued a temporary expulsion and order prohibiting her husband from returning to the apartment they shared. The police asked the Public Prosecutor to detain the husband, but the Prosecutor declined to do so. The prosecutor failed to charge M. G. with making a criminal dangerous threat because at that time, the Penal Code required that a threatened spouse had to give authorization to prosecute such a threat. S. G. however had not authorized the Austrian government to prosecute. M. G. was charged with the lesser offense of causing bodily harm, but was acquitted because S. G.'s injuries were deemed too minor.

On December 7, 2002, M. G. fatally shot S. G. in front of their children. S. G. had called the police on the emergency call line a few hours before she was killed, yet no patrol car was sent to the scene of the crime. M. G. was sentenced and sent to serve the sentence of life imprisonment in an institution for mentally disturbed offenders.

¹³www.ohchr.org/en/hrbodies/cedaw/pages/cedaw

The Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice, as representatives of the descendants of the deceased victim, introduced a communication before the CEDAW Committee. They argued that the state party violated its obligations under Articles 1, 2, 3, and 5 because it had failed to actively take all appropriate measures to protect the victim's right to personal security and life, and to treat the perpetrator as an extremely violent and dangerous offender under criminal law.

The authors requested, among others, that the Committee recommend that the full criminal justice system routinely cooperate with organizations that work on behalf of women victims of gender-based violence and make training and education programs on domestic violence for criminal justice personnel compulsory.

After declaring the communication admissible, the Committee concluded that in light of the facts, **the police knew or should have known that the victim was in serious danger and should have treated her last call as an emergency. By not responding to the call immediately, the police failed to exercise due diligence to protect the victim.** Furthermore, the Public Prosecutor should have responded to the request by the police to detain M.G.

The recommendations to the government included: a) Strengthen implementation and monitoring of relevant legislation, by acting with due diligence to prevent and respond to such violence, apply sanctions for failure to do so; (b) Vigilantly and speedily prosecute perpetrators of domestic violence and use all criminal and civil remedies available to protect women from violence, emphasizing that perpetrator's rights cannot supersede women's human rights to life and to physical and mental integrity; (c) Ensure enhanced coordination within all levels of the criminal justice system and cooperation between the criminal justice system and non-governmental organizations that support women victims of gender-based violence; and (d) Strengthen training and education programmes on domestic violence for the criminal justice system, based on CEDAW, general recommendation no. 19 and the Optional Protocol.

b. Case of *V.P.P. v. Bulgaria* - Communication No. 31/2011

The author, S.V.P, brought this case on behalf of her daughter, V.P.P. The author stated that V.P.P. at the age of 7 years was sexually assaulted by a man who lived in her neighbourhood. The indicted perpetrator admitted he was guilty for fornication and entered a plea bargain to receive a three-year suspended sentence under Article 55 of the Criminal Code. Even though a suspended sentence was not allowed for serious crimes, the court approved a suspended sentence in this case, because the crime was not considered a serious crime at the time it was committed.

On 13 June 2006, the court rejected the author's request to file a civil claim for moral damages under Article 84, paragraph 1 of the Criminal Procedure Code because of the plea bargain. As a result, the daughter received no effective compensation.

S.V.P. filed a separate civil lawsuit for compensation of her daughter's moral damages. The court issued a ruling recognizing the long-term effect of the sexual assault on the daughter, and sentenced the perpetrator to pay 15,000 euros for moral damages. Despite that the existing laws did not allow for the effective execution of the court judgement. Therefore no real compensation from the perpetrator or from the state could be sought. The law did not provide for the possibility to issue a restraining order for victims of sexual crimes after the end of the criminal proceedings.

S. V. P. submitted a communication under the OP CEDAW and claimed that Bulgaria had violated her daughter's rights under Article 1, Article 2, paragraphs (a), (b), (c), (e), and (g), in conjunction with Articles 3 and 5, Article 12 and Article 15 of the Convention.

With respect to V.P. P., the Committee recommended that the state provide reparation, including appropriate monetary compensation, commensurate with the gravity of the violations of her rights.

It also issued, among others, the following general recommendations:

1. That the state **ensure that all acts of violence against women and girls, especially rape, are defined, prosecuted, and punished in accordance with international standards.**
2. That the state amend legal aid legislation to provide aid for the execution of judgments awarding compensation to victims of sexual violence.
3. That the **state provide a mechanism for adequate compensation for moral damages to victims of gender-based violence.**
4. That the state amend criminal legislation to protect victims of sexual violence from re-victimization.
5. That the **state enact and apply health-care protocols and hospital procedures to address sexual violence against women and girls.**

*c. -Case of **Isatou Jallow v. Bulgaria** - Communication 32/2011/*

I.J. moved from Gambia to Bulgaria after her marriage with A.P., a Bulgarian national. Her husband became abusive toward her and subjected her to physical and psychological violence, including sexual abuse. He attempted to force her to take part in pornographic films and pictures. He abused their daughter, M.A.P. as well. I.J. could not speak and write in Bulgarian.

Social workers who were made aware of the abuse called the police and advised Jallow to seek refuge without further guidance. Despite being called to the family home on numerous occasions and evident risks to Jallow and M.A.P, police only issued verbal warnings to A.P as an administrative measure under the Law of the Ministry of Interior. No further measures were taken by authorities.

A.P. filed an application with the Sofia Regional Court alleging that he was a victim of domestic violence and requesting an emergency protection order. After his second application for an order, based only on his declaration/ affidavit / as the Law on Protection from Domestic Violence allows/ he succeeded and was granted also temporary custody of M.A.P. Instead, the complaints of I.J from domestic violence were not taken into account. I.J. was deprived of her daughter and left without any information about her. In this situation I.J., in order to be awarded custody of her daughter, agreed to divorce A.P. by mutual agreement.

I.J. submitted a communication to the Committee on the Elimination of Discrimination against Women (CEDAW Committee) on behalf of M.A.P. and herself in which she claimed violations by Bulgaria of Articles 1, 2, 3, 5 and 16(1)(c), 16(1)(d), 16(1)(f) and 16(1)(g) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The CEDAW Committee found violations of rights protected under the Convention, namely failure to investigate allegations of domestic violence, failure to take violence allegations into account when issuing an emergency protection order and awarding temporary custody of the child to the father, gender stereotyping and equal rights within marriage and family relations.

The Views of the Committee: The CEDAW Committee urged Bulgaria to compensate I. J. and M.A.P. for violating their rights under CEDAW. It also **recommended that the state party adopt measures to ensure that women victims/survivors of domestic violence, including migrant women, have effective access to justice and other services** (e.g., translation services). It also called on the state party to provide regular training on CEDAW and the Optional Protocol and **to adopt legislative and other measures to ensure that domestic violence is taken into account in the determination of custody and visitation rights of fathers.**

*d. - Case of **Gonzales Carreno v. Spain** - Communication No. 47/ 2012*

G. C. was a victim of physical and psychological violence by her husband, F.R.C. She filed more than 30 complaints before the police and the courts and repeatedly sought protection orders to keep F.R.C. away from her and her daughter. She also sought a regime of monitored visits and payment of child

support. F.R.C. did not comply with child support payments. G.C. initially gave up use of the marital residence, but circumstances changed and she applied for use of the family residence as part of the separation procedure.

The court issued protective orders, but only one included the daughter and it was limited to 2 months. F.R.C. violated other protective orders without legal consequences.

Despite numerous incidents of violence during the year and a half of supervised visits with his daughter, the court entered an order authorizing unsupervised visits, based on a report of social services that did not expressly recommend any changes in the visitation regime.

While on an unsupervised visit F.R.C. killed his daughter and himself. G. C. filed several claims for compensation before all possible instances due to negligence by the administration and judicial authorities but without success.

G. C. brought complaints before the CEDAW Committee and alleged violations of Articles 2(a – f), 5(a) and 16, separately and jointly with Articles 2 and 5.

The Committee found serious violations by focusing, among other, on the consideration **that the best interests of the child must be a central concern and must take into account the existence of domestic violence.** The Committee found that **the authorities applied stereotyped and discriminatory notions when deciding on unsupervised visits.**

The Committee found violations of Article 2(a), 2(b) and (c), (e), 2(f) and 5(a), and Article 16 (1) of CEDAW and recommended the government to provide the victim with appropriate reparations and compensation and to conduct an impartial investigation on failures on state structures. It issued the following general recommendations: take measures so prior acts of domestic violence will be considered when determining custody and visitation; strengthen the application of the legal framework so competent authorities can exercise due diligence, and provide mandatory training for judges and administrative personnel on the application of the legal framework to combat domestic violence.¹⁴¹⁵

4.2. In the framework of the ECHR

The protection of women victims from gender-based violence and their access to justice at regional level in Europe is ensured through the European Convention on Human Rights and Fundamental Freedoms (ECHR) and the European Court of Human Rights (ECtHR) in Strasbourg. As opposed to CEDAW, the ECHR is gender-neutral. Therefore, it does not address the violation of human rights of women and the obstacles to their access to justice as violations of specific women's rights, but as violations of several substantive articles of the ECHR and the positive obligations of the state under these provisions. The majority of cases on violence against women brought so far before the ECtHR are about violations of Article 2 (right to life), Article 3 (prohibition of torture), Article 4 (prohibition of slavery and forced labour) and Article 8 (right to respect of private and family life) of the Convention. Women applicants claim violation also of Article 13 of the Convention (effective remedy before a national authority). Another relevant provision is Article 6 (right to a fair trial in relation to any civil litigation or criminal charges, including the right to legal assistance). A very important provision in the context of gender-based violence is Article 14, which prohibits discrimination, including sex discrimination, in the enjoyment of the rights and freedoms set out in the Convention. In practice however, the Court has to date only in few cases found separate violations of Article 14 (e.g. in *Opuz v. Turkey* or *Eremia v. Moldova*). In the majority of cases related violence against women, and especially in cases related to sexual violence against women, the Court does not explicitly recognize

¹⁵ For the summaries of case law in this section and in the section of case law of the ECtHR the summaries provided for the purpose of the Women's Human Rights Training Institute/ WHRTI/ were partly used.

such violence as gender-based discrimination. According to a publication issued by the Court,¹⁶ this is because of the lack of ability to plead for discrimination based on sex, especially in the case of indirect discrimination, which has to be proven through relevant statistical and research data. At the same time, some scholars criticize this approach for being too strict, arguing that “*the rigid test followed by the Court in the course of examining a claim under Article 14 is not well suited for sex discrimination cases*”.¹⁷ It is a challenge for women and their advocates to pass this barrier and a double challenge in the case of sexual violence against women.

In addition to these obstacles of substantive character, due to the fact that violence against women in most cases is not considered to be a form of discrimination, women victims of violence also face formal barriers in accessing justice within the framework of the ECHR. The number of cases before the ECtHR is still extremely high, which leads to delays in proceedings in many cases. Furthermore, over 90 % of all applications are rejected on the grounds of inadmissibility, because they do not fulfil the formal requirements for admissibility. This shows again that it is important for women to be supported by a specialized lawyer knowledgeable also about these procedural requirements.

In order for the application to be admissible, there is a need to provide all the information which is requested in the model application form.¹⁸ In practice, the most important conditions for admissibility are that

- complaints to the ECtHR are brought within a period of six months from the date of the final domestic decision, and that domestic remedies have been exhausted¹⁹

As far as the exhaustion of domestic remedies is concerned, the applicant has to use all remedies before competent civil, criminal or administrative courts. The ECtHR understands the requirement of exhaustion of domestic remedies in light of generally recognised rules of international law (as is the case for communications under the OP CEDAW). Thus, it is not necessary to use a particular national remedy, if this would be unreasonable in practice and would constitute a disproportionate obstacle to the effective exercise of the right to individual application.

Further requirements for the admissibility of the complaint are:

- The application does not constitute an abuse of the right of application.
- The same matter has not already been brought before the Court or another international body.
- The applicant has the status of a victim
- The state against which the application is directed is a party to the Convention (*ratione personae*).
- The facts have occurred within the territorial jurisdiction of the given State (*ratione loci*).
- The acts or facts complained of have occurred after the date of entry into force of the Convention in the respondent state in question (*ratione temporis*).²⁰

Even if the application meets all the mentioned requirements, the ECtHR may declare it inadmissible if it assumes that the applicant has suffered no significant disadvantage.

Due to the complexity of the procedure, the Court published detailed instructions for applicants and their lawyers, as well as guides for the applications and on the admissibility criteria.²¹

¹⁶ Council of Europe, Equal access to justice in the ECHR case- law on violence against women - Report of the Council of Europe, 2015. The report may be downloaded from: www.echr.coe.int (Case-law – Case-law analysis – Case-law research reports).

¹⁷ Ibid.

¹⁸ <http://www.echr.coe.int/Pages/home.aspx?p=applicants/ol&c>

¹⁹ Article 35, paragraph 1 ECHR

²⁰ Article 35, paragraph 3 of the Convention. However, the application may be declared admissible if the State caused the continuous situation which began prior to ratification and persisted after that date.

²¹ http://www.echr.coe.int/Documents/Admissibility_guide_ENG.pdf

Below are the summaries of several cases brought by women victims of sexual and domestic violence and the respective judgments of the ECtHR.

Eremia v. R. of Moldova²²

Facts

Mrs L. E. (applicant) and her two daughters, D. and M. E. had been victims of domestic violence by the husband of L. E. The applicant reported the assaults to the police. A protection order was issued in her favour but was never effectively enforced. The husband of L. E. violated the order on numerous occasions but despite the fact the prosecutor was made aware of this, there was no real reaction. L. E. was even pressed by authorities to drop her criminal complaint. This pressure was reinforced by her husband who returned home, assaulted her and threatened to kill her. L. E. was invited to meet with social workers who advised her to reconcile with her husband since she was *“neither the first nor the last woman to be beaten by her husband”*.

The husband admitted he abused L.E. and the two daughters, concluded a plea bargain and asked to be conditionally released from criminal liability. The prosecutor decided that the offence was a *“less serious offence”*, the husband had three minors to support, was respected in the community and did not represent a danger to society. Hence the prosecutor suspended the criminal proceedings.

Judgment

The Court found that the failure to effectively implement the existing legislation against domestic violence amounted to a breach of the state’s obligations under the ECHR. Namely, the suspension of the criminal investigation in fact protected the aggressive husband from criminal responsibility.

The Court held that the applicant experienced suffering and anxiety amounting to inhuman treatment within the meaning of Article 3. The failure to take adequate measures to protect the daughters as witnesses of their father’s assaults was a breach of the obligations regarding respect for private life under Article 8.

The failure of the judicial system and other government agencies to provide an adequate response to serious domestic violence amounted to gender discrimination under Article 14 in conjunction with Article 3. According to the court, the combination of factors, such as failure to investigate, make pressure for the complaint to be dropped, urging the applicant to reconcile and so on *“clearly demonstrates that the authorities’ actions ... amounted to repeatedly condoning such violence and reflected a discriminatory attitude towards the first applicant as a woman.”*

After the *Opuz* case, this decision also sets a higher threshold for what is considered adequate action against violence against women.

S.Z. v. Bulgaria²³

Facts

On 19 September 1999 S.Z., a student aged 22, left Sofia for Blagoevgrad in a car with two young men, who told her that they intended to “sell” her as a prostitute. She

²² <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-119968>

²³ Application no. 29263/12, judgement from DATE.

was taken to a flat where she was repeatedly beaten and raped by several men for about 48 hours. She managed to escape but in the course of being interviewed by the police, S.Z. attempted to throw herself out of the window.

A criminal investigation was instituted. The applicant identified two of her assailants and also stated that the men were part of a criminal gang involved in human trafficking who wanted to force her into prostitution in western Europe.

Despite that the investigation was closed four times and the case was sent back for further investigation.

In 2007 seven defendants were committed for trial in the Blagoevgrad District Court on charges of false imprisonment, rape, incitement to prostitution or abduction for the purposes of coercing into prostitution. After 22 hearings, by a judgment of 27 March 2012 five of the accused were convicted and given prison sentences and fines but later the sentences were reduced.

The judgment

The Court examined the applicant's complaints solely under Article 3. The Court observed that the criminal proceedings

had lasted for over 14 years all in all - an excessively long period, namely the Court found that the lack of diligence on behalf of the authorities had delayed the investigation phase. The Court was not satisfied that such a delay could be explained by the complexity of the case.

Despite the applicant's statements that her assailants were members of a network for trafficking in women for forced prostitution abroad, the authorities had not deemed it necessary to examine the possible involvement of an organised criminal network.

The Court decided that there had been a violation of Article 3 in relation to the re-victimisation of S.Z. due to the excessive length of the proceedings and the numerous court hearings and examinations by the Court.

In this case the Court noted that there are recurrent violations in Bulgaria hindering effective investigations and that it is a systemic problem. Namely, the Court observed that it had already, in over 45 judgments, found violations of the obligation to carry out an effective investigation in applications concerning Bulgaria, like delays in the investigation resulting in termination of the prosecution as time-barred.

***B.S. v. Spain*²⁴**

B. .S., a female sex worker of Nigerian origin legally resident in Spain was mistreated physically and verbally on the basis of her race, gender and profession. She claimed that, unlike other sex workers of European origin, she was subject to repeated police checks and fell victim to racist and sexist insults ("*black whore*").

The Court examined the case under the aspect of a breach of a procedural obligations under Article 3 of the Convention in relation to the effectiveness of the national authorities' investigations into the alleged ill-treatment of the applicant. An interesting aspect of *B.S.* is that two third-party interveners – The AIRE Centre and the European Social Research Unit of the University of Barcelona – asked the Court to recognize intersectional discrimination.

The Court found violations of Article 14 and Article 3 of the Convention. Although the Court's reasoning is short and does not use the term "intersectionality," it contains a clear intersectional approach. The Court says:

²⁴ Application No. 47159/08, judgment from 24 July 2012

« .a.la lumière des éléments de preuve fournis en l'espèce, la Cour estime que les décisions rendues en l'espèce par les juridictions internes n'ont pas pris en considération la vulnérabilité spécifique de la requérante, inhérente à sa qualité de femme africaine exerçant la prostitution »²⁵.

Y. v. Slovenia²⁶

Facts

The applicant, Y, was born in Ukraine in 1987 and moved to Slovenia with her sister and mother in 2000. At the age of 14 she was repeatedly sexually assaulted by a family friend, X, who was 55 years old at the time. In July 2002, Y's mother filed a complaint with the police and in May 2005, the investigating judge issued a decision to open a criminal investigation concerning X.

For over 3 years, Y. was subjected to examinations and cross- examinations during court hearings. Namely, in September 2008, Y was personally cross-examined by her suspected offender, when she was asked more than a hundred questions, many having been humiliating and offensive. X. was acquitted and the appeals of Y. were rejected.

The decision

The Court found that the state violated Article 3 of the Convention with respect to the long periods of inactivity during the investigation and criminal proceedings. The Court noted that the government had not provided any justification for the delays. The Court found that the way the criminal proceedings concerning sexual abuse against Y were carried out constituted a violation of Article 8 because of the lack of adequate measures taken to protect the applicant's personal integrity. The Court discussed in detail the balance that must be struck between protecting the interests of the defence, particularly the right to call and cross-examine witnesses, while also protecting the rights of victims who are called upon to testify and act as witnesses.

It is important to note that this is the first time that the Court, in a case before it, referred to the Istanbul Convention. This instrument obliges state parties to take legislative and other measures towards the goal of protecting victims' rights and interests, for instance by taking action against intimidation and repeat victimization, enabling them to be heard, and allowing them to testify in the absence of the alleged perpetrator. Furthermore, in relation to the victim status, the Court also referred to the 2012/29/EU Directive Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime.²⁷ The Directive urges that interviews with victims are to be conducted without undue delay and that medical examinations are to be kept to a minimum. The influence of these new European standards indicates a new development of legal practice in the field of ending violence against women.

In conclusion, it is worth mentioning the role of human rights NGOs and of specialized lawyers cooperating with these organizations in providing support, legal counselling and representation to women victims of violence. This contribution plays an important role in the development of diverse, innovative solutions to individual cases and ever higher standards of protection established by the ECtHR.

5. The way forward towards effective access to justice for women- the benefits of the Istanbul Convention and the role of civil society organizations

²⁵ " in light of the elements of evidence provided in substance, the Court estimates that the decisions of the national jurisdictions did not take into consideration the specific vulnerability of the applicant , inherent to her status of African woman in prostitution." - translation of the author

²⁶ Application No. 41107/10, judgment from 28 May 2015

²⁷ <http://eur-lex.europa.eu/LexUriServ/>

The review of the barriers that prevent women from accessing justice at national level and of the opportunities for such access at international level show that these opportunities are conditioned by complex rules and procedures. It entails the need for removing the limitations at both levels. Women's needs and concerns have to be taken into account by the justice system in their countries, and access of women victims of violence to international redress mechanisms has to be alleviated and facilitated by all means.

The Council of Europe's Istanbul Convention and the support offered to women victims in the procedures at national and international level by non-governmental organizations are currently a resource to counterbalance these obstacles.

The Istanbul Convention is the first regional instrument with a specific focus on prevention and protection against violence against women and domestic violence. It represents an achievement also at the global level, as it provides a codification of core principles and good practices in the field of protection of women against violence as severe forms of discrimination. The Istanbul Convention also creates concrete obligations for states to ensure access to justice for women. In this regard, as well as in the other areas, the Convention frames the obligations of states as obligations to achieve the results required, without indicating the specific means to this end. It uses language such as "*... shall take all necessary legislative and other measures...*" or "*...shall ensure....*" which establish even stronger obligations of results upon state parties.

The principles codified and translated into state obligations include the principle of due diligence and of the obligation of the state to ensure and apply co-ordinated responses to VAW and integrated Policies. The effective implementation of these standards will also enhance women's access to justice. For instance, the Convention requires that a system of urgent protection measures is immediately made available to victims, that investigations and judicial proceedings in relation to all forms of violence are carried out without undue delay and that the rights of the victim are taken into consideration during all stages of the procedures. Investigation and prosecution of offences covered by the Convention shall not be fully dependent upon a report or complaint filed by a victim. Furthermore, states have to guarantee legal assistance to victims, including at the international level.

Unfortunately, the Istanbul Convention does not contain a direct mechanism to enable women to bring violations of the rights ensured to the ECtHR. An interesting example in this regard is the Inter-American Convention on Prevention, Punishment and Eradication of Violence against Women (Belem do Para Convention), which provides for direct access to the Inter- American Human Rights Court. Nevertheless, judgments of the ECtHR like in the case of *Y. v. Slovenia* give hope that the Court will be taking into account the Istanbul Convention when dealing with cases related to violence against women and girls. Furthermore, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), that is responsible for monitoring the implementation of state obligations under the Istanbul Convention, will also contribute in monitoring access to justice of women victims of violence.

The review of case law under the OP CEDAW and under the ECHR gives evidence of the fact that many women victims of violence succeeded in bringing their cases thanks to the support of human rights and women's rights NGOs. The latter are specialized in selecting and training committed, gender-sensitive lawyers. At the national level, women's NGOs that are trusted by women victims of violence are crucial for supporting women in accessing justice before domestic courts. In this regard, the Istanbul Convention creates an important obligation for states to guarantee that women victims receive support from NGO counsellors during investigations and judicial proceedings.

A good practice from Austria confirms the important role of NGOs. Amendments to the procedural law introduced the pioneering measure of a legally enshrined right to psychosocial and legal court

assistance for all victims of violent crimes. Its aim is to safeguard the rights of victims and to empower them during legal proceedings. The Austrian government assigned specialised victim support organisations with the implementation. Positive feedback and having increasing numbers of victims of gender-based violence and sexual abuse having recourse to this bear testimony to the success and importance of this legal provision. In 2014 this policy was awarded the Silver Award in the competition of the World Future Council for Policies of the Future in the field of ending violence against women and girls.²⁸

The Women's Human Rights Training Institute (WHRTI) is an initiative which started over ten years ago. It was founded in 2004 as an initiative of three partners – the Network of East-West Women from Gdansk, Poland, the Bulgarian Gender Research Foundation (BGRF) and the Centre for Reproductive Rights from New York, USA, as the first-of-its-kind programme in Europe. The WHRTI is coordinated by BGRF and aims at building and developing the capacity of young lawyers from Europe for litigation on women's rights issues. The thematic focus is on three main topics (violence against women, sexual and reproductive health and rights, and employment discrimination), and their intersections and connections with other areas of gender equality and women's rights, as well as multiple discrimination of women. To date, WHRTI has trained over 100 lawyers from over 20 countries. WHRTI provides participants with advanced and in-depth knowledge on women's human rights protection in the three areas noted above. Participants improve their practical skills in writing and advocacy for development of strategic litigation in the region through the use of regional and universal human rights mechanisms. As a result of participating in the training, lawyers brought new litigation on women's rights and non-discrimination in their countries and at the international level, and influenced the case law of international courts and jurisdictions.

²⁸ www.worldfuturecouncil.org