Parliamentary Assembly
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COUNCIL OF EUROPE
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Resolution 2668 (2026)[1]

Women's access to justice

Parliamentary Assembly

1. Access to justice is a human right and an integral element of the rule of law. It is also an enabling right, allowing those who consider that their rights have been violated to enforce them and seek redress. Access to justice is a fundamental requirement of democratic societies.

2. Access to justice is a cornerstone on the path towards full and effective equality between women and men, and a fundamental element of the international human rights system. The availability and accessibility of effective remedies, adequate reparation and/or compensation are part of ensuring genuine access to justice for all women and girls, in all their diversity, which must be guaranteed without discrimination on any ground.

3. Yet formal equality in legislation does not automatically translate into substantive equality in practice. Persistent power imbalances in society and a failure to take into account gender-related issues and bias mean that women and girls are still often denied access to remedies and redress.

4. The barriers facing women in their access to justice are multiple. Economic and social inequalities, gender bias and gender stereotypes in the justice system lead to structural imbalances, resulting in a playing field that is far from level. Legal, institutional and sociocultural barriers generate women's lack of trust in the justice system, leading to high levels of under-reporting and attrition.

5. The difficulties and barriers that prevent women from enjoying effective access to justice affect them differently, as some groups of women are exposed to multiple and intersecting forms of discrimination, including lesbian, bisexual, transgender and intersex (LBTI) women; migrant, refugee and asylum-seeking women; Roma and Traveller women; women belonging to national, ethnic or religious minorities; women with disabilities; older women; undocumented women; and women human rights defenders.

6. In its Resolution 2054 (2015) "Equality and non-discrimination in the access to justice", the Parliamentary Assembly called on member States to step up efforts to remove legal, social, economic and cultural barriers to women's access to justice. The Assembly regrets that, eleven years later, much remains to be done.

7. All Council of Europe strategies on gender equality have included the objective of "ensuring equal access to justice for women and girls". Thematic guidance and tools on this issue have been published over the years. The Gender Equality Strategy 2024-2029 aims to increase the capacity of member States to remove barriers and obstacles to women's and girls' access to justice.

8. Swift and reliable access to justice is particularly critical for women and girls who are victims of gender-based violence. According to the survey on gender-based violence in the European Union, published by the European Union Agency for Fundamental Rights (FRA) in March 2026, while one in three women has experienced violence, only one in eight has reported it to the police. The high prevalence of online and offline violence against women requires giving priority to improving their access to justice.

1. *Assembly debate* on 25 June 2026 (26th sitting) (see Doc. 16446, report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Aysu Bankoğlu. *Text adopted by the Assembly* on 25 June 2026 (26th sitting).

9. Many women and girls who are victims of violence experience long delays in court proceedings and procedures that make them relive the trauma they have been through, while they face complex judicial procedures. Legal assistance and free legal aid are essential for victims of violence to secure their rights to justice, protection, compensation and redress.

10. The Assembly expresses its concern at the high prevalence of violence against women and the high level of impunity for perpetrators, demonstrated in very low conviction rates. In its Resolution 2649 (2026) "Promoting the Istanbul Convention and improving its implementation: building on lessons learnt", the Assembly noted the lack of awareness among women victims of violence about their rights, as well as a lack of trust in the justice system.

11. Women who seek justice for gender-based violence are often confronted with the stereotype of the "ideal victim", facing disbelief, blame or diminished protection if they do not conform to it. Judicial reasoning that relies on gender stereotypes, myths about sexual violence or assumptions about women's credibility create structural barriers to justice and perpetuate a discriminatory approach in the institutions that should protect women's rights.

12. The case law of the European Court of Human Rights ("the Court") also illustrates this reality, as the Court has underlined that discriminatory judicial passivity creates a climate conducive to domestic violence, which amounts to a violation of Article 14 of the European Convention on Human Rights (ETS No. 5). The Court has also noted that the discriminatory passivity of law-enforcement authorities can be considered as a "systemic failure".

13. The Assembly stresses that it is of the utmost importance that women and girls who are victims of violence can count on specialised and well-trained law-enforcement officers, legal and judicial professionals. It welcomes the Council of Europe Network of specialised lawyers and non-governmental organisations assisting women victims of violence, created to facilitate exchanges among lawyers and to serve as a knowledge-sharing platform for strategic litigation on violence against women.

14. The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is witnessing an increasing number of cases where women who report being victims of violence are faced with retaliatory legal proceedings by the perpetrator. The Assembly shares the concern of the growing misuse of legal systems as instruments to silence, intimidate or punish women who challenge discrimination, violence or unequal laws.

15. The Assembly calls for the effective implementation of General Recommendation No. 33 on women's access to justice, adopted by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) in 2015.

16. The Assembly also calls for the legal recognition of gender apartheid in order to combat this scourge that persists in many countries around the world.

17. The Assembly refers to the agreed conclusions adopted in March 2026 by the 70th annual Commission on the Status of Women, which underline that justice systems should respond to the needs and rights of all women and girls.

18. The Assembly underlines the need to meet relevant targets under the United Nations 2030 Agenda for Sustainable Development, including targets 5.1, 5.2 and 16.3: to end all forms of discrimination and violence against all women and girls, and to ensure equal access to justice for all.

19. The Assembly stresses the urgency of redoubling efforts to combat the growing backlash against women's rights, which is further hindering their access to justice.

20. Recognising the urgent need to tackle the persistent barriers to women's access to justice, as a key building block to achieving real gender equality in practice, the Assembly calls on Council of Europe member States, and States whose parliament enjoys observer or partner for democracy status with the Assembly:

20.1. with regard to ensuring gender-sensitive and gender-responsive justice systems, to:

20.1.1. ensure that legal and justice professionals are fully trained on the barriers faced by women in accessing justice and on how to tackle such barriers, including the use of the online course of the Council of Europe Programme for Human Rights Education for Legal Professionals (HELP) on women's access to justice;

20.1.2. promote the use of two Council of Europe guides for legal professionals: “Women’s access to justice” and the “Guide for developing a mentoring programme on women’s access to justice”;

20.1.3. ensure adequate and sustainable funding for justice facilities and online and offline services that respond to the needs of women and girls seeking redress;

20.1.4. ensure that evidentiary rules, investigations and other legal procedures are impartial and free from gender stereotypes or bias;

20.1.5. identify and address inadequate or discriminatory legal frameworks or *de facto* practices that discriminate against women in the workforce and in the workplace;

20.1.6. strengthen institutional co-ordination between law enforcement, courts, prosecution services, legal aid, child protection and social services to ensure timely and effective responses to the needs of women and girls in accessing justice;

20.1.7. support and facilitate the work of civil society organisations that assist women to access justice and redress;

20.1.8. ensure full access by women and girls to justice and reparation in conflict and post-conflict settings, including investigation and prosecution of the use of sexual violence as a weapon of conflict;

20.1.9. carry out data collection in the justice sector – disaggregated by gender, age, marital status, migration status, disability – taking into account the Council of Europe Guidelines on data collection practices relevant for women’s access to justice, to monitor progress on achieving justice for all women and girls;

20.1.10. conduct research and gender analyses of justice systems to identify practices, procedures and jurisprudence that either facilitate or limit women’s access to justice, and use them for evidence-based policy formulation;

20.2. with regard to improving access to justice for women victims of gender-based violence and domestic violence, to:

20.2.1. ratify, if they have not yet done so, and put into practice the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);

20.2.2. provide accessible information to women victims of violence about their rights and how to access justice;

20.2.3. ensure effective access to legal aid for women victims of violence;

20.2.4. provide compulsory initial and in-service training for judges, prosecutors, lawyers and law-enforcement officers, following a victim-centred and trauma-informed approach to prevent secondary victimisation, covering the additional barriers faced by women with disabilities, migrant women, women in prostitution, women with addictions, women in rural areas, older women and LBTI women;

20.2.5. use the online courses of the HELP programme on combating violence against women and domestic violence, including the course addressed to law-enforcement officials and the new short course on technology-facilitated violence against women and girls;

20.2.6. take measures to address judicial bias and eliminate gender stereotyping in courtrooms, ensure accurate legal qualification of gender-based violence, impose sanctions that reflect the seriousness of such offences and guarantee victim-centred procedures that prevent secondary victimisation;

20.2.7. provide the necessary resources for law enforcement to investigate and prosecute the growing number of cases of gender-based violence against women, including technology-facilitated violence such as online stalking, the non-consensual sharing of intimate images, privacy violations, misogynistic hate speech campaigns and image manipulation;

20.2.8. collect comparable administrative and judicial data, disaggregated by sex, age, type of violence and the relationship between the victim and perpetrator, covering all forms of violence against women;

20.2.9. ensure co-operation and information sharing between criminal courts and family courts in cases of violence against women, including training on the dynamics of violence for judges and court-appointed experts in cases of separation, child custody and visitation rights;

20.2.10. address the minimisation of domestic violence claims in parental separation and child custody cases, based on ill-founded concepts such as “parental alienation”, which have no scientific basis;

20.2.11. ensure that mandatory alternative dispute resolution processes are strictly prohibited in all cases of violence against women;

20.2.12. improve legislation, protocols and practices on conducting risk assessments and on the implementation of emergency barring orders and protection orders, and pay increased attention during investigations to any history of gender-based violence;

20.2.13. analyse and address the reasons for the low rates of prosecution and conviction in cases of violence against women, in online and offline environments, including the reasons and obstacles behind the low reporting rates.