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“Towards guaranteeing equal access of women to justice”

Friday 16 October 2015

Session 6 – The role of national equality and human rights bodies and civil society in promoting women’s access to justice Moderator: Dragan Knezevic (Member of the Gender Equality Commission, Serbia)

**10:40 – 11:00 a.m. “The role of civil society in supporting women’s access to justice”
Tania Sordo Ruz, Women’s Link Worldwide, Spain**

“The role of civil society in supporting women’s access to justice” by Tania Sordo Ruz

Good morning, my name is Tania and it is a pleasure for me to be here replacing Ms. Mónica Roa. On behalf of Women’s Link Worldwide, I would like to thank the organizers for their invitation and the opportunity to share the work of civil society organizations towards guaranteeing women’s access to justice. We believe it is very important and necessary to count on the participation of human rights organizations in these spaces.

To expose how we work supporting women’s access to justice, my presentation has the following structure: first, I will talk about Women’s Link Worldwide, the organization I represent; second, I will present our theory on how to use law to create social changes; third, I will focus on the role of civil society in supporting women’s access to justice. With this purpose, I will discuss the access to justice and some important elements of this rights; introduce one of the cases in which we are fighting for women’s access to justice in Europe: the Ángela González Carreño Case in Spain; our work with activists and lawyers on how to use law to create change and protect this right, and put forward the use of law from a comparative perspective and with an egalitarian interpretation through our Gender Justice Observatory and Gender Justice Uncovered Awards, as tools for civil society to support women’s access to justice in different contexts. Finally, I will give my conclusions.

1. About Women’s Link Worldwide

Women’s Link Worldwide is an international human rights organization that uses the power of law to create social changes that promote the rights of women and girls, particularly those who

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face multiple forms of discrimination. We build jurisprudence using a gender perspective and an intersectional analysis. At the same time, we work to build conditions and capacity to bolster protections and guarantees for women's and girls' rights.

From our regional offices located in Latin America and Europe we seek to have a global impact by working in three areas: violence against women and girls, discrimination against women and girls, and sexual and reproductive rights. In recent years, we have begun to develop partnerships with East African organizations to find opportunities to work together and learn from each other.

Part of our work is to support women's access to justice through strategic litigation, training sessions for judges and lawyers, and working on creating consciousness on the importance of eliminating the obstacles in women's access to justice.

2. How to use law to create social changes

We believe in creating sustainable social changes through and beyond courts. In order to assess whether social change can be achieved, Women's Link analyses four conditions: (1) an existing rights framework; (2) a committed judiciary; (3) legal advocates with capacity to engage in strategic litigation, and (4) a network to support and leverage the opportunities presented by litigation.

The analysis of these conditions will depend on the characteristics of each case and context. As we can see, women's equal access to justice is related to all the conditions. In this presentation, I only will focus on some aspects of our work in this sense.

3. Role of civil society in supporting women's access to justice

With regard to the civil society's role in supporting women's access to justice, first of all I would like to emphasize that as civil society we can work to guarantee women's access to justice, but we must keep in mind that this is an obligation that States have to comply with and, if they do not, they are failing to guarantee human rights.

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As I have already mentioned, I will center this part on the next points: (1) the access to justice and some important elements of this right, (2) a brief explanation of one of the cases in which we are fighting for women's access to justice in Europe, (3) our work with activists and lawyers and (4) the use of law from a comparative perspective and with an egalitarian interpretation through our Gender Justice Observatory and Gender Justice Uncovered Awards.

A. The access to justice and some important elements of this right

The guarantee of the right to have access to justice forms part of an important number of instruments within the universal system for protection of human rights and other regional instruments. The obligation to not discriminate against women is an essential part of these rights. The CEDAW Committee's latest recommendation, General recommendation No. 33 on women's access to justice, provides that six interrelated and essential components are necessary to ensure this right: (1) justiciability, (2) availability, (3) accessibility, (4) good quality, (5) accountability of justice systems, and (6) the provision of remedies for victims. The Committee further noted that the right to access to justice is multidimensional, and that in practice, a number of obstacles and restrictions impede women from realizing their right of access to justice on a basis of equality. These obstacles occur in a structural context of grave discrimination and inequality, due to factors such as gender stereotyping and intersecting or compounded discrimination.

B. *González Carreño v. Spain*

In Europe we already have an existing women's human rights framework at a domestic and regional level, but in our everyday experience we see cases in which women can't access justice because they face multiple obstacles such as prejudices and gender stereotypes. It is key that we all learn to identify these harmful stereotypes. As international human rights law places a legal obligation on states to eliminate discrimination against women, states are required to take measures to refrain from gender stereotyping. Also, legal advocates should have the capacity to identify them.

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For example, even though Spain has a legal framework to protect victims of gender based violence from their partners and judges must act in the best interests of the child, this does not always happen.

Among other brave women, we represent Ms. Ángela González Carreño who has spent over twelve years fighting to ensure that the violations of her human rights and those of her deceased daughter, Andrea, will not be repeated. Andrea was murdered by her father, Angela's abusive ex-partner, and when Spanish authorities didn't respond to Ángela's complaints and didn't guarantee her access to justice, she and Women's Link took her case to the United Nations Committee on the Elimination of Discrimination against Women, the CEDAW Committee.

In 2014, the CEDAW Committee issued a decision, finding, for the first time before an international body, that the Spanish State bears responsibility in a gender-based violence case. The CEDAW Committee's decision establishes a series of measures the State must take, some with regard to Ángela and some others which are more general in character. The resolution maintains that although it is positive and important to have laws to combat this human rights violation, laws which were hard won by feminists and women's organizations, this alone is not enough. It is also necessary to effectively implement these laws without the prejudices and without the gender stereotypes that normalize, minimize, and perpetuate gender-based violence and which impede women's access to justice.

Ángela's Case helps us identify the gap between written law and practice. It provides us with the tools to go through a process of reflection on the use of stereotypes in relation to victims of gender based violence and reinforces the importance of the evaluation of the risk in these cases.

Deplorably, the Spanish State has declared it will not comply with CEDAW Committee on Angela's decision. Because of this, we started new procedures in Spain again to guarantee Angela's access to justice and we have to continue fighting, even though the United Nations Committee founded responsibility of Spain in this cases for violating the CEDAW Convention. The states that are part of the Council of Europe have ratified this Convention.

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C. Our work with activists and/or lawyers on how to use law to create change

We are committed to mentoring and training students and attorneys who are interested in issues of human rights and gender equality. Women's Link believes that fostering this mentorship will increase the number of capable activists committed to gender justice in the future.

We work in different spaces, for example Universities, to share with young activists and/or lawyers how to use the law to create social change. We see the legal framework in human rights and gender perspective in a domestic, regional, international and comparative way. We also consider the gap between written laws and practice.

In Women's Link we have an internship program where we receive students and lawyers from all over the world. During their time at Women's Link, interns gain direct legal experience and exposure to the inner-workings of an international human rights organization. Interns prepare summaries of legal decisions from courts all over the world, conduct legal research in a variety of topics related to gender justice, assist with in-depth country mapping exercises and help with the strategic work of Women's Link while having access to direct supervision by the Women's Link staff. Women's Link Worldwide offers internship opportunities in both Bogotá, Colombia and Madrid, Spain. All of this work is crucial to support women's access to justice all over the world.

We need to work with future generations. In fact, I once was an intern at Women's Link. I was impressed to see how law can be used to guarantee inclusion and protect human dignity, instead of being used to maintain unequal distribution of power between men and women. Our internship program is a rewarding experience where we all learn together to be strategic and creative. We see people from different contexts, cultures and law traditions use international human rights law to guarantee access of women to justice.

Lawyers and interns work together to build our Gender Justice Observatory and Gender Justice Uncovered Awards.

D. Gender Justice Observatory and Gender Justice Uncovered Awards

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Women's Link Gender Justice Observatory is a free online information system which contains analytical summaries and the full judicial decisions that have a significant impact on gender issues. We learn with the positive decisions, that all countries, from South and North, can issue judgments that advance women's human rights. On the other hand, negative decisions that discriminate against women and girls show us we must continue our work.

Creating summaries for the Observatory helps people develop the tools to analyse a legal document with a gender perspective. Interns work on judgments from different countries and legal traditions to become aware of the importance of the role of judges in respecting human rights. Judges are the ones who give meaning to the written law. It is very interesting to see the development process and the evolution of interns' summaries from beginning to end. Also, a comparative perspective enriches our professional activity.

The Observatory is an important tool for young lawyers, as they can find judgments related to different topics that are important to women's human rights, such as discrimination, access to justice, access to information, torture and sexual violence, among others. This tool can help them in their legal and/or academic work.

The important role of judges and the need to understand the impact their decisions have on the lives of women is part of supporting women's access to justice. With this in mind, Women's Link created the Gender Justice Uncovered Awards because in all countries, regardless of their political system or religious beliefs and traditions, what judges and courts say have a tremendous influence on the sense of justice and on the day to day lives of people.

The Awards highlight decisions or statements made in the context of a legal process by judges, members of human rights committees, asylum offices, prosecutors, or ombudspersons which have a positive or negative impact on gender equality, including those related to sexual and reproductive rights, gender violence, and gender discrimination.

The three most sexist decisions receive bronze, silver, and gold Bludgeons; and the three decisions that best promote gender equality receive bronze, silver and gold Gavel. A special award is also given to the decisions that gain most of the votes from the public via our website.

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Some of the nominated cases will be added to Women's Link's Gender Justice Observatory.

Both lawyers and non-lawyers from around the world participate in the Awards by nominating, voting for and commenting on the cases. The Gender Justice Uncovered Awards provides an accessible platform for people around the world to read, discuss, and think critically about how judges' interpret and implement the law. They also serve as a channel connecting society and the judicial branch as a way to applaud decisions that protect human rights and condemn those that discriminate.

4. Conclusions

To end, I would like to reiterate the importance on the commitment of all states to narrow the gap between the legal framework and practice. At Women's Link we believe in the use of law to promote social changes and to construct democratic societies where women and girls, no matter their nationality, ethnicity, age, sexual orientation, or other dimensions of their life, can live free from violence and discrimination. Where their rights are violated, they should be respected, repaired and protected by states. We also believe that promoting women's access to justice is essential to the realization of all their rights and indispensable in democratic societies. This will make the world a better place, not only for women, but also for men and all the society.