



**PANEL 2: THE OMBUD, CITIZENS AND
DEMOCRATIC PARTICIPATION**

**ACCESS TO THE OMBUDS – WOMEN IN
PARTICULAR**

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OVERVIEW

- EC report on Turkey 2020 accession to the EU
- Access to Ombuds in general
- Access to Ombuds
- Ombuds in particular
- Other examples

THE EC REPORT ON TURKEY 2020 COMMUNICATION ON EU ENLARGEMENT POLICY (SWD(2020) 355 FINAL) HIGHLIGHTS SOME AREAS TO WORK ON:

- **Equality between men and women** is in place in the legislative and institutional framework. But some issues have been highlighted in implementation and coordination.

- The **Ombudsman** has increased its track record through more active engagement in raising awareness of its role. The Ombudsman still lacks *ex officio* powers to initiate investigations and to intervene in cases with legal remedies.

ACCESS TO THE OMBUD IN GENERAL:

- It is important that everyone can access the Ombud. This means that the Ombud has to be visible and people need to know he exists. In a country as vast as Turkey this means to branch out to more rural areas to include these communities. Local town halls or places where people assemble could carry information (posters) about the Ombud. A free telephone number could be available so everyone can call the Ombud.

ACCESS TO THE OMBUDS FOR PARTICULAR GROUPS:

- The 2019 Annual report of the Turkish Ombud outlines that Article 7 of the Ombudsman Law No.6328 states that the Ombud is assigned to look at cases about women's and children's rights. The Ombud holds workshops and issues special reports on these topics.

OTHER AREAS TO LOOK TO:

- A. UN practitioner's toolkit on Women's access to justice programming
- B. CoE training manual for judges and prosecutors on ensuring women's access to justice
- C. Reif chapter on gender equality
- D. CoE gender equality strategy

A. 2018 UN PRACTITIONER'S TOOLKIT ON WOMEN'S ACCESS TO JUSTICE PROGRAMMING:

The toolkit provides practical guidance on how to address these issues in the context of: marriage, family and property rights, ending violence against women, and women in conflict with the law. Training modules are available:

- [Introduction \(PDF, 729KB\)](#)
- [Module 1: The theory and practice of women's access to justice programming \(PDF, 1.8MB\)](#)
- [Module 2: Marriage, family and property rights \(PDF, 1MB\)](#)
- [Module 3: Ending violence against women \(PDF, 1.4MB\)](#)
- [Module 4: Women in conflict with the law \(PDF 919KB\)](#)
- [Module 5: Programming at the country level \(PDF, 865KB\)](#)
- [Complete toolkit \(3.3MB\)](#)
- [Spanish version](#)

WHY FOCUS ON WOMEN'S ACCESS TO JUSTICE?

- ***Is a means of implementation of women's rights:*** Impartial justice institutions signal that women's rights are human rights and, in this context, discrimination against women is eliminated and laws and standards are upheld and enforced.
- ***Is central to sustaining peace and the rule of law:*** Addressing the myriad of obstacles to women's access to justice before, during or in the aftermath of conflict is essential to eliminating gender-based violence and discrimination.
- ***Contributes to the fight against impunity towards women:*** The availability of justice signals that women's rights are human rights and that perpetrators of violations of such rights must be held to account.
- ***Combats poverty and exclusion:*** Accessing justice is a critical pathway to combating poverty, through the protection of economic assets such as land and housing. Strengthening women's property rights also supports income generation, agricultural productivity and food security.
- ***Protects from economic exploitation and abuse:*** Justice provides legal recourse against unequal pay, sexual harassment and physical harm. By accessing justice, women can address unfair labour practices and exploitation

B. COE TRAINING MANUAL FOR JUDGES AND AND PROSECUTORS ON ENSURING WOMEN'S ACCESS TO JUSTICE

- This manual has a specific focus on Armenia, Azerbaijan, the Republic of Moldova, Ukraine and Belarus. The manual has been designed with two central aims: to provide guidance for judges and prosecutors on steps that can be taken in their daily practice to improve women's access to justice and to provide a tool for national training institutions responsible for the training of judges and prosecutors in implementing initial and in-service curriculum on women's access to justice. This capacity-building tool is aimed at judges and prosecutors but it also is a reference tool that can be used more generally.

C. LINDA REIF (2018) IN RESEARCH HANDBOOK OF THE OMBUDSMAN

- wrote about strengthening gender equality, women's access to justice and protection and promotion of women's rights. She addresses gender equality in public administration and the methods by which Ombuds institutions can strive for gender equality in their operations and in public administration, the notion of women's access to justice that includes NHRIs and other ombuds institutions, and barriers to women's access to ombuds institution justice. It provides examples where Ombuds institutions have applied international human rights norms to protect and promote women's rights. Ombuds institution attention to women's rights is often limited. Accordingly, this chapter proposes reforms to strengthen ombuds protection and promotion of women's rights, promote gender equality internally and in public administration, and enhance women's access to justice.

SOME EXAMPLES

- ***Spain*** the Defensor del Pueblo protects women's rights through human rights protection and promotion activities. The institutional priorities are to eliminate gender violence. He has the power to launch own-initiative investigations and issues public reports.
- ***Poland and France*** NHRI have been designated by the EU to be equality bodies working towards eliminating gender discrimination in the public and private spheres.
- ***Sweden and Norway*** ombuds focus on women (with children) in prisons and issues reports that carry weight.

- The work of Ombuds in strengthening protection promotion of women's rights – achieving international gender equality - and enhancing women's access to justice can be assisted through legislative change, implementation of institutional practices and Ombuds network initiatives.
- Also, Ombud appointment procedures need to be structured and implemented to increase gendered diversity in Ombuds leadership.

D. THE COUNCIL OF EUROPE GENDER EQUALITY STRATEGY 2018-2023

- has six strategic objectives:
- (1) prevent and combat gender stereotypes and sexism;
- (2) prevent and combat violence against women and domestic violence;
- (3) ensure the equal access of women to justice;
- (4) achieve balanced participation of women and men in political and public decision-making;
- (5) protect the rights of migrant, refugee and asylum-seeking women and girls;
- (6) achieve gender mainstreaming in all policies and measures.

This strategy highlights that in the current context of economic uncertainties, austerity policies and measures, political unrest and rising inequalities, the essential contribution of women to communities needs to be acknowledged and the high cost of gender inequalities needs to be remedied.

TO CONCLUDE

All types of Ombuds can reform their institutional operating practises to strengthen women rights and gender equality to improve women's access to justice. Equally the Ombud needs to reach out to all groups in the population to ensure they know about the Ombud and have access.