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**ROMA  
ACTED**

*Promoting good governance  
and Roma empowerment  
at local level*

**FOSTERING WOMEN'S ACCESS TO JUSTICE IN TURKEY & ROMACTED-II  
PROMOTING GOOD GOVERNANCE AND ROMA EMPOWERMENT AT  
LOCAL LEVEL PROJECTS**

**CIVIL SOCIETY ORGANIZATIONS MEETING  
ON FOSTERING WOMEN'S ACCESS TO  
JUSTICE AND EMPOWERING ROMA  
WOMEN**

**MEETING REPORT**

**ANKARA**

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## 1. INTRODUCTION

This report is a component of the European Union and the Council of Europe's joint actions "Fostering Women's Access to Justice in Turkey" and "ROMACTED-II Promoting Good Governance and Roma Empowerment at Local Level".

The action on "Fostering Women's Access to Justice in Turkey", implemented under the European Union and Council of Europe's joint "Horizontal Facility for the Western Balkans and Turkey 2019-2022", aims to strengthen women's access to justice in Turkey in line with international and European standards.

The ROMACTED II programme aims to address various shortcomings at local level and reinforce the culture of democratic governance to foster community empowerment and inclusion in general, and in particular Roma citizens empowerment.

This report is the outcome of the hybrid format (both online and face to face) roundtable meeting organized by the abovementioned actions held on 25 November 2022 in Ankara that brought together the civil society organisations (CSOs) working on women's rights and the Roma community on the occasion of the 25 November, International Day for the Elimination of Violence against Women and the beginning of the 16 Days of Activism against gender-based violence.

The aim of the meeting is to create synergies between the activities "Fostering women's access to justice in Turkey" and "ROMACTED-II Promoting Good Governance and Roma Empowerment at Local Level" and create an opportunity to the representatives from women and Roma local CSOs to exchange views on promoting women rights and women empowerment and to discuss the challenges faced by women in accessing justice and the concrete actions that can be taken to overcome them.

The findings, analysis and recommendations in this report comes from the discussions and presentations made by the participants during the meeting.

The brief agenda of the meeting is as follows:

- Welcome and Opening Speeches
- Women's Access to Justice: Legislation, Legislative Gaps, Observations and Good Practice Examples
- The Role of Civil Society Organizations in Women's Access to Justice
- The Problems and Difficulties of Women's Accessing to Justice
- The Collaboration and Coordination Between the Organizations as a Help Mechanism

Section 2 of this report presents the general background framework and principles, while section 3 details the findings, analyses and recommendations discussed by the participants of the meeting. While some of the findings, analyses and recommendations are interrelated to

each other and related to more than one subsection, section 3 is divided into the following subsections in order to serve a systematic reading experience:

- **3.1** General
- **3.2** Legal Aid and Legal Illiteracy
- **3.3** Roma Women
- **3.4** Collaboration and Coordination Between Organizations

## **2. THE GENERAL BACKGROUND FRAMEWORK AND PRINCIPLES**

Access to justice is a fundamental right that is the most important guarantee of protecting human rights. When people experience barriers to access to justice, all the other rights could get meaningless.

Access to justice is a broad concept which includes different elements. Men have also barriers in accessing to justice, but the term “women’s access to justice” is used because women have extra disadvantages compared to men. Definitions addressing women’s access to justice detail a number of aspects affecting access that are particularly relevant to women. The six interrelated and essential components that are necessary to ensure women’s access to justice are defined in Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) General Recommendation No.33 as follows:

- **Justiciability** requires the unhindered access by women to justice as well as their ability and empowerment to claim their rights under the Convention as legal entitlements;
- **Availability** requires the establishment of courts and other quasi-judicial or other bodies across the State Party in both urban, rural and remote areas, as well as their maintenance and funding;
- **Accessibility** requires that all justice systems, both formal and quasi-judicial systems, are secure, affordable and physically accessible to women, and are adapted and appropriate to the needs of women including those who face intersectional or compounded forms of discrimination;
- **Good quality** of justice systems requires that all components of the system adhere to international standards of competence, efficiency, independence and impartiality and provide, in a timely fashion, appropriate and effective remedies that are enforced and that lead to sustainable gender-sensitive dispute resolution for all women. It also requires that justice systems are contextualized, dynamic, participatory, open to innovative practical measures, gender-sensitive, and take account of the increasing demands for justice by women;
- **Provision of remedies** requires the ability of women to receive from justice systems viable protection and meaningful redress for any harm that they may suffer;

- **Accountability** of justice systems is ensured through the monitoring of the functioning of justice systems to guarantee that they are in accordance with the principles of justiciability, availability, accessibility, good quality and provision of remedies.

The barriers to women's access to justice are divided into two main categories as Legal and Institutional Barriers and Socio-Economic and Cultural Barriers.

Discriminatory legal frameworks, ineffective or problematic laws and procedures, gender insensitive interpretation or implementation of the laws, gender stereotyping and gender bias in the legal system fall into the **Legal and Institutional Barriers** category.

Women's unawareness of their legal rights or procedures to protect their rights, women's low financial resources, unequal distribution of household duties against women, gender roles, gender stereotypes and cultural attitudes fall into the **Socio-Economic and Cultural Barriers**.

The eighth periodic report on Turkey prepared and published by the CEDAW Committee in 2022 (CEDAW/C/TUR/8) emphasizes the persisting barriers to women's access to justice, as follows:

- Legal illiteracy among many women and girls;
- The limited scope of legal aid, both economically and substantively, resulting in non-eligibility for legal aid of women earning the minimum wage, the cumbersome procedure to prove eligibility and language barriers faced by women seeking justice, in particular Kurdish women, women belonging to other minorities and refugee women;
- Limited knowledge of women's rights on the part of law enforcement officials and legal practitioners.

### 3. FINDINGS, ANALYSES AND RECOMMENDATIONS

#### 3.1. General

The origin of the barriers to women's access to justice is related to the gender inequalities. Because of that, gender mainstreaming policies should be developed in order to overcome the barriers to women's access to justice.

Discrimination is forbidden in the legal context such as European Convention on Human Rights, Turkish Constitutional Law, Turkish Criminal Law, Labour Law but the definition of the content of the discrimination is not clear. If a woman experiences difficulties in accessing to justice just because of her sex, that means she is exposed to discrimination. Intersectionality is the interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage. The discrimination against a woman just because of being a woman is not the same as the discrimination against a Roma woman. The different types of discrimination and intersectionality should be taken into account.

In a right-based perspective, access to justice is referred to as the capacity of the service providers (the supply side) to provide access, and the ability of the right holders (the demand side) to exercise their rights through access to justice services. That is why, the capacity of the legal service providers should be empowered and the ability of the women should be improved. Also, the number of women legal professionals should be increased.

Most of the women are not aware of their rights and the legal illiteracy among women is very common. The legal illiteracy among girls is much more common. In this context, the girls are exposed to intersectional discrimination and injustice. They are exposed to pressure related to gender stereotypes and cultural attitudes. The legal professionals and the parents also are not educated on how to behave a girl when she is the victim of a sexual crime. The Child Monitoring Centres are not efficient enough. Awareness raising activities should be performed, pedagogues and social experts must be present at the time of taking the child's statement, legal professionals should be trained in terms of the specialities of the girls and parents should also be trained as well for the cases where the girl is the victim of a crime or is a juvenile delinquent.

For helping girls to overcome their barriers of accessing to justice, a project was developed by the civil society organization Flying Broom. Within the project, a 10 weeks training course was developed and given to the young lawyers and the students of law faculties on these issues video animations were prepared including the legal rights and the ways of accessing legal aid for the girls, a Girls' Access to Justice and Legal Aid Guide was prepared.

The Foundation for Women's Solidarity developed a 3 days training program for the lawyers who are at the beginning of their profession working in the cities without Women Rights Centre for raising the awareness of them about women's access to justice. 54 lawyers completed that training.

Many women are not even aware of the fact that they are exposed to violence and violence is a crime. Studies have shown that the first three violence types that women are exposed to are physiological violence, physical violence and economic violence. Violence by means of digital communication and social media is also increasing during the last few years. 53% of the people who use violence against women are their husbands.

Employment in a formal workplace is very essential for the economic independence of women which shall have an important positive effect on their access to justice. Women employment quota for the workplaces, victims of violence against women employment quota for the workplaces, Roma women employment quota for the workplaces and entrepreneurship supports for women should be taken into account and taken into action. The organizations of profession, trade organizations and public authorities should work on that issue.

The prisons are designed for men, not women. The women in prison cannot have the opportunity to involve in the social activities organized at prison because men prisoners use that social activity duration. The women prisoners have low literacy rate and do not have the skills to get a formal job when they get out of the prison, but they cannot have the opportunity

to have trainings or improve their abilities regarding these disadvantages. They should be given the opportunity to get ready for the life after the prison.

### 3.2. Legal Aid and Legal Illiteracy

Legal aid should be a mechanism guiding the disadvantaged groups on protecting their rights. It is performed by the bar associations and lawyers, in general. But because the budget allocated to the legal aid services by the Ministry of justice is not sufficient, the legal aid mechanism is not efficiently used by women. Legal aid, the professional legal advice and representation of a lawyer is necessary for women's access to justice. Legal aid mechanisms do not cover the legal advice of a lawyer, but it should cover that expense as well. Women are experiencing institutional barriers because of insufficient and ineffective legal aid. Some bar associations do not even have a Women Rights Centre and because of the lack of trained human resources and insufficient funding, lawyer appointments cannot be accomplished on time. While women experience that their legal problems are not solved and rights are not protected via legal aid effectively, they prefer to apply to the civil society organizations where they can get help or in some cases, they give up claiming their rights which is the worst but not an uncommon scenario. Women often cannot access to justice when they go a police station because of the unaware police officers of women's specific needs related to justice, gender stereotyping and cultural attitudes (for instance, the police officers advise her to go home and talk to her husband who used violence against her a few hours ago).

A crucial element in guaranteeing that justice systems are economically accessible to women is the provision of free or low-cost legal aid, advice and representation in judicial and quasi-judicial processes in all fields of law. CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) General Recommendation No.33 article 37 recommends the following actions to the parties of member states:

- Institutionalize systems of legal aid and public defence that are accessible, sustainable and responsive to the needs of women; and ensure that these services are provided in a timely, continuous and effective manner at all stages of judicial or quasi-judicial proceedings, including alternative dispute resolution mechanisms and restorative justice processes. Ensure unhindered access to legal aid and public defence providers to all relevant documentation and other information including witness statements;
- Ensure that legal aid and public defense providers are competent, gender-sensitive, respect confidentiality and are granted adequate time to defend their clients;
- Conduct information and awareness-raising programmes for women about the existence of legal aid and public defence and the conditions for obtaining them. Information and communications technology should be used effectively to facilitate such programmes;

- Develop partnerships with competent non-governmental providers of legal aid and/or train paralegals to provide women with information and assistance in navigating judicial and quasi-judicial processes and traditional justice systems;
- In cases of family conflicts or when the woman lacks equal access to the family income, means testing eligibility for legal aid and public defence should be based on the real income or disposable assets of the woman.

The implementation of the abovementioned recommendations would be very useful and helpful in supporting women's access to justice. At first, the quality and efficiency of legal aid should be improved, and the budget allocated to legal aid should be increased.

Specialized training tools related to the legal literacy should be developed for the needs of women in order to overcome their legal illiteracy and increase the awareness related to the ways of accessing to justice and legal aid. As a good practice example to that issue, a project called EASILY was developed and carried out by Turkey Soroptimist Clubs Federation. Within that project, 4 different interactive training modules were developed by using the methods how women can express themselves easily by finding and using something from her own daily life. The training modules focused on raising the participants' awareness on their domestic labour, paid labour, economic issues, domestic violence, family law, divorce and legal aid. 31 civil society organizations were involved during the different phases of the project and the training sessions were given to more than 800 participants.

Even though the positive effects of digital transformation on social, economic and cultural areas are observed in people's daily lives, the same effect is not observed on areas related to law. The effects of digital technology should be used in helping disadvantaged groups accessing to justice. Keeping that finding in focus, İzmir Syrian Refugees Society developed a project aiming to overcome the legal illiteracy of refugees. The Project included the development of digital content such as 22 videos, audial content, podcasts, a digital map of İzmir indicating where they can get legal aid and where to apply for which legal requirement. Also, a mobile application, including sections related to general terminology on refugees, rights of refugee women, gender equality, legal status of refugees, family law and human rights, was developed including the related information that will be available on Google Play at the beginning of December 2022. The project shall also help to collect data related to the indicators of women's access to justice in long term. The partners involved in the project are İzmir Bar Association, İzmir Refugee Studies Network and Refugee Women's Council of İzmir. The applications of that type shall increase the awareness of disadvantaged groups including women and Roma women which helps them overcoming the barriers to access to justice.

### **3.3. Roma Women**

Gender is related to the socially constructed characteristics of women and men such as norms, roles and relationships. The gender inequalities generated by the society effect Roma women worse than other women. Roma women experience the negative effects of gender inequality in the areas of education, health, employment, and public realm. Because of that fact, Roma

women have very low chances of accessing public resources and services. Also, all these areas are also related to each other and create negative feedback on each other. In other words, the individual disadvantages of Roma women related to these areas intersect and Roma women experience difficulties strongly compared to any other women. All these disadvantages also cause too many barriers to access to justice for Roma women, undoubtedly. Roma women gets trapped in a vicious circle caused by all these circumstances.

Roma families have very low economic resources and suffer poverty. Because of that reason, Roma girls are not even sent even primary school, or they cannot complete their education and they have less education opportunities compared to Roma boys. As a result of this fact, they have very little chances of working in a formal workplace, accessing to social security and health services. They live in low quality accommodation conditions and have legal illiteracy, as well. They are exposed to domestic violence and accept this violence as normal.

The refugees and the Roma society are invisible in the public and they do not exist in active positions and decision mechanisms. Because 71% of the refugees are women and girls, the problems of the refugees should be solved by gender responsive policies. They should be organized, exist in the decision mechanisms, involved in the system and play active roles related to governance. In order to achieve these targets, civil society organizations should be more active, and they should perform the related activities collaboratively and in coordination with the other civil society organizations. The people have negative stereotypes about Roma society and because of that they are exposed to all forms of discrimination for instance while looking for a job, at the courts, in public places even during shopping.

The literacy rate of Roma women is much less than the rest of the public. A significant percentage of Rome girls are not even sent to primary school by their parents. Because of their disadvantages mentioned, they experience difficulties finding a job in formal labour market and have to work for the domestic household jobs and less paid and unsecure/informal workplaces at their early ages. They are also forced to marry at their early ages even when they are a child. So, all of these mentioned issues feedback and intersect each other and build up their barriers for accessing to justice. Local organizations and municipalities should organize literacy trainings and free shuttle services to the courtyards.

The feminist activists and civil society organizations working on women rights should study on Roma women carry out more activities related to them. Also, the representation and involvement of Roma women in these civil society organizations should be supported and increased.

Studies on Roma society in Turkey started after the year 2000, but there is no interrelation between these studies. These studies start from the scratch (start form the zero point) each time and that causes a disadvantage to progress towards the solution of the problems. These studies should be gathered, collected, categorized and a database should be created in order to take quicker steps ahead towards the solution of the problems of Roma society. That database shall



also serve as a policy development tool for the civil and governmental organizations both at local and central level.

Because of the negative stereotypes, social exclusion and discrimination against Roma women in the society, they do not feel comfortable and safe out of the neighbourhood they live. Also, because of that reason, they do not want to get out of their neighbourhood and that causes them to be invisible in the society and stuck in a very narrow circle. Because of that fact, the services that could help them overcome the barriers to access to justice should be served in the neighbourhood they live and the necessary actions needed should be developed, designed and performed locally.

The political parties have action plans for Roma society, but these plans do not involve specifically Roma women. Local strategic long term action plans and policies should be developed including the specific needs of women and Roma women.

### **3.4. Collaboration and Coordination Between Organizations**

The impact of civil society organizations on fostering women's access to justice and empowering Roma women is vital and they can play a significant role on the actions related to these activities. But because the resources of the civil society organizations are limited and generally low, the civil society organizations and the networks between these organizations should be supported in order to exchange views and data and develop joint projects helping women access to justice.

City councils are the local governance mechanisms including the representatives from the local municipalities, political parties and civil society organizations within the city. Any citizen can also participate in a working group of the city council. The city councils should work effectively for the problems of Roma women and problems related to women's access to justice by developing local good policies and should also enable the collaboration and cooperation between the organizations at local level.

There are good practise examples including the collaboration and coordination between the organizations such as Diyarbakır Fighting Against Violence Network (a civil network comprised of civil society organizations, organizations of profession and unions in Diyarbakır aiming to fight against violence against women), İzmir Legal Aid Bus (a joint project of İzmir Municipality and İzmir Bar Association supplying mobile legal aid and advice services by a bus to the regions of İzmir where the courthouse is far), Ankara Purple Map Application (a joint project of Ankara Municipality, Turkish Economic and Social Studies Foundation and UN Women funded by Swedish International Development Cooperation Agency indicating the safe and unsafe regions and the places to get legal services and legal aid in Ankara for women) and the projects mentioned in sections 3.1 and 3.2 of this report.

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