

AORC-IOI WEBINAR – 29 August 2023

"Addressing Gender-Based Violence and Harassment: The Ombudsman's Role in Ensuring Women's Safety and Empowerment"

When in 2017, a new report by the European Union Agency for Fundamental Rights (FRA) presented results from the world's biggest-ever survey on violence against women, revealed the extent of abuse suffered by women at home, work, in public and online, FRA Director Morten Kjaerum said: *"These survey figures simply cannot and should not be ignored. FRA's survey shows that physical, sexual and psychological violence against women is an extensive human rights abuse in all EU Member States. The enormity of the problem is proof that violence against women does not just impact a few women only – it impacts on society every day. Therefore, policy makers, civil society and frontline workers need to review measures to tackle all forms of violence against women no matter where it takes place. Measures tackling violence against women need to be taken to a new level now."*

It is true that, both in international and national level, there are significant norms and standards that hold governments accountable for gender-based violence -in private and in public- and require them to take concrete steps to protect, respect and fulfil women's rights to lives free of violence. In 2011, the adoption by the Council of Europe of the Istanbul Convention has been a milestone development in this respect and it has had a great impact on the elaboration of new laws, policies and practices to address all forms of gender violence.

However, progress remains to be done, since it is well-known that there is still a wide range of legal, practical and awareness problems and barriers to ending gender-based violence, such as:

- lack of awareness regarding the existing legal obligations,
- lengthy and bureaucratic procedures for bringing cases to court,
- difficulties in establishing proof and evidence,
- patriarchal and sexist culture and stereotypes

- as well as that gender-based violence and harassment remains a taboo subject and as a result there is silence and under-reporting on the issue.

Ombudsman and National Human Rights Institutions are independent state institutions, mandated with the promotion and protection of human rights, including women's rights, in and by their own countries. Through their continuous engagement with relevant actors at the national, regional and international level, they are in an ideal position to contribute to the development of laws, policies and practices to protect human rights especially for those people who find themselves in a situation of vulnerability.

Victims of violations of gender-based violence are among the most vulnerable groups of the population and they expect from our institutions to respond to their experiences of maladministration, inefficiency or indifference on the part of police, social services and other actors in the administration of justice. And it is true that the Ombudsman institutions have a unique entry point as monitors of state administration and as catalysts of redress for citizens whose rights have been impugned. Furthermore, the Ombudsman has also access to the parliamentary processes and the media and therefore, the possibility of making visible and therefore political citizens' legitimate expectations of fairness, efficiency and responsiveness of state actors.

More particularly, the Ombudsman can use some of his or her existing mandates and functions such as:

- Receive and review complaint about the actions and/or omissions of government departments, agencies, employees, laws or policies;
- Refer victims to programs and services as appropriate and provide guidance about the rights of victims and about the services and programs available through the government or NGO's
- Make recommendations to the government on how to change its policies or laws to better suit the needs and concerns of victims
- Promote public awareness of gender equality and the obligation of eliminating violence against women and girls
- Disseminate information through training of relevant actors

- Collect information and data by way of visits to institutions and analyze how to deal with the treatment of women in particular special groups such as prisoners.
 - Prepare reports on specific areas of abuse, which needs urgent and immediate redress and try to have the matter prioritize.
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I will now give you some examples, through the experience and work of my Office during the last years. The Cyprus Commissioner for Administration (Ombudsman) and the Protection of Human Rights, has been provided with broad functions of protecting, promoting and guaranteeing human rights as National Institution for Human Rights, as well as promoting gender equality and non-discrimination as an Equality Body. In several occasions we have used our wide powers both to ensure awareness of the gendered nature of the different forms of violence against women and to monitor the implementation and co-ordination of measures and policies to combat violence against women. In addition, we fulfil our mission to guarantee and promote gender equality and to fight against any form of discrimination and inequality based on gender in all aspects of life through advocacy and raising awareness on the necessity for the development and implementation of an adequate legal framework, appropriate structures, strategies, instruments and actions.

More particularly, a number of Reports were issued by our Office regarding the deficiencies of the framework for combating domestic violence, sexual violence and stalking, as well as the absence of an effective mechanism for timely and coordinated interagency intervention in cases of serious risk of violence against women. Furthermore, our Office has carried out several educational and training activities on the issues of gender equality and gender-based violence, while it strongly encouraged at first the ratification of Istanbul Convention by our country and thereafter its effective implementation.

A noteworthy Report submitted by my Office in November 2019, concerned a suicide committed by a 14-year-old boy in rural Nicosia. From our investigation, we concluded that law enforcement officers had failed to carry out a risk assessment on the teen's family, despite complaints by the teen's mother who had told police multiple times she was a victim of domestic violence. The report said

social services failed to act or coordinate properly following an attempted suicide by the teen, while two social workers were singled out for dereliction of duty. Furthermore, it was found that no complaint had been filed by the Police, even though the Police had knowledge of at least 20 references of domestic violence in the family and as a result, we indicated that police officers violated the applicable protocol by failing to alert social services. According our findings, although there are protocols and procedures in force for protecting victims of domestic violence, lack of cooperation between competent authorities and deficiencies in the way that professionals carry out their duties may result in inadequate protection. It is our opinion that these deficiencies apply also in other forms of gender violence, such as handling of rape incidents and stalking.

The Attorney General of the Republic adopted my observations and suggestions and proceeded with criminal charges not only against the father for domestic violence, but also against the Officers of the Police and the Welfare Services who were found to have exercised their duties negligently. That was the first time that a criminal case was brought before the Court after a Report having been submitted by the Ombudsman.

Regarding sexual harassment in the workplace, in 2018 my Office drafted the Code of Conduct to prevent and deal with sexual harassment within the civil service, which was adopted by the Council of Ministers and has become obligatory throughout the public sector. The Code provides practical guidance aiming at securing appropriate procedures to deal with sexual harassment and harassment incidents, through prevention but also through repression. This is a useful manual for the creation of a working environment that embraces the gender equality principles and respect of human dignity while uplifting any discrimination on the basis of gender.

One year later, the main Employers and Industrialists Federations of our country signed a similar code of conduct for sexual harassment in the workplace, with the view to incorporate it into collective labour agreements for the first time. The code aims at preventing and effectively tackling unacceptable behaviours which create

an unpleasant work environment that affects human dignity and disrupts the smooth operation of a company.

Furthermore, in the beginning of 2021 our Office carried out an Awareness Campaign for harassment and sexual harassment in the workplace, under its mandate as an Equality Body, within the 30 years since the establishment of the Institution in Cyprus. In this context, our Office has cooperated with several Organisations (eg. Cyprus Theatre Organisation, Cyprus Sports Organisation, Open University of Cyprus) for drafting Codes of Conduct to prevent and combat harassment sexual harassment. Furthermore, through media spots victims of such behaviors are encouraged to break their silence and report to the competent authorities.

In the meantime, our Office, in cooperation with the Cyprus Academy of Public Administration, has carried out a series of training seminars on the Code of Conduct about sexual harassment within the civil service, with large numbers of civil service having been trained about their rights or responsibilities under the Code. It must be also noted that, after recommendations of my Office, the Public Service Law was amended by the Parliament, so that sexual harassment in the public sector is explicitly defined as a distinct disciplinary offence.

I hope that our today's meeting will inspire further ideas on how we can all cooperate on addressing gender-based violence, in order to make our world a safer place for all women and girls. Thank you.