



Visoko sudsko i tužilačko vijeće Bosne i Hercegovine
Visoko sudbeno i tužiteljsko vijeće Bosne i Hercegovine
Високи судски и тужилачки савјет Босне и Херцеговине
High Judicial and Prosecutorial Council of Bosnia and Herzegovina



Guidelines

for the Prevention of Sexual and Gender-based Harassment within the Judicial Institutions of Bosnia and Herzegovina

February 2015



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The Guidelines for the Prevention of Sexual and Gender-based Harassment within the Judicial Institutions of Bosnia and Herzegovina were developed by a panel of judicial professionals from across BiH. The High Judicial and Prosecutorial Council of BiH adopted the Guidelines in February 2015. The panel developed the Guidelines with financial support from the Norwegian Ministry of Foreign Affairs, technical and financial support from the Office for Overseas Prosecutorial Development, Assistance and Training and DCAF-Geneva, and technical support from the Atlantic Initiative.

INTRODUCTION

The Guidelines for the Prevention of Sexual and Gender-Based Harassment (hereinafter referred to as the Guidelines) represent a set of measures and preventive actions undertaken within the judicial institutions of Bosnia and Herzegovina (BiH) in order to prevent sexual and gender-based harassment. Members of the judiciary (judges, court associates and prosecutors) and employees of judicial institutions in BiH are obliged to honour and abide by the principle of gender equality, and to ensure that their actions and behaviors do not constitute sexual and gender-based harassment.

The Guidelines are intended to provide helpful information on sexual and gender-based harassment in the workplace and prescribe an internal preventive response procedure in relation to unwanted behavior in the workplace and in connection to the workplace. The Guidelines are further intended to promote and ensure gender equality within all judicial institutions in BiH including at the levels of management, decision-making and employee; and to protect the individual rights and freedoms guaranteed by the Constitution of BiH, the laws and obligatory regulations of BiH and binding international documents.

The purpose of the Guidelines is to secure and promote a professional, healthy and dignified work environment by preventing the occurrence of sexual and gender-based harassment within the judicial institutions of BiH. This is important because sexual and gender-based harassment can result in numerous harmful consequences for employees of judicial institutions as well as the institution itself.

The goal of the Guidelines is to raise awareness among members of the judiciary and official personnel within judicial institutions regarding the unlawfulness and prohibition of sexual and gender-based harassment, and to resolve existing situations of unwanted behavior in the workplace and in connection to the workplace. The Guidelines establish an internal preventive response procedure as a mechanism to provide support, protection and relief in cases of unwanted behaviour. The Guidelines aspire to promote standards of conduct to which all employees are treated with dignity and respect, while also informing employees about the possibility of solving the problem of unwanted behavior through a confidential internal preventive response procedure.

The legal basis for the adoption of the Guidelines and obligatory actions of judicial institutions in BiH to enforcing the Guidelines is contained in Article 13, paragraph 2 of the Law on Gender Equality in BiH¹ and Article 17, paragraph 28 of the Law on the High Judicial and Prosecutorial Council of BiH². This legislation establishes that judicial institutions have a legal obligation and responsibility to prevent sexual and gender-based harassment, while the leaders of judicial institutions have an obligation to establish mechanisms to prevent and respond to unwanted behavior exhibited by their employees.

- 1 “The employer shall take effective measures to prevent harassment, sexual harassment and gender-based discrimination in employment and labor relations [...] and shall not take any measures against the employee due to the fact that he/she complained about harassment, sexual harassment and discrimination based on gender”. *The Law on Gender Equality in Bosnia and Herzegovina - Revised text* (“Official Gazette of Bosnia and Herzegovina”, no. 32/10).
- 2 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina provide guidance to courts and prosecutors within the jurisdiction of the Council. *The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina* (“Official Gazette of BiH”, no. 25/04, 93/05, 48/07 and 15/08).

The Guidelines ensure uniformity and consistency for the entire judicial system in its approach to prevent sexual and gender-based harassment. To that end, the Guidelines send a clear message to all judges and prosecutors and official staff working within the judiciary of BiH that sexual and gender-based harassment will not be tolerated under any circumstance whether in the office, on duty outside the office, or any other official context or activity organized by a judicial institution. This is meant to demonstrate a clear commitment to ensuring a workplace environment that is free from sexual and gender-based harassment, illicit conduct and unwanted behavior.

The Guidelines contain:

1. Definitions of harassment, sexual harassment and gender-based harassment, and display of different types of these behaviors;
2. Determination of individuals for whom the Guidelines apply;
3. Establishment and application of the internal preventive response procedure, with the aim of providing assistance to persons exposed to unwanted behavior;
4. Training of employees in judicial institutions and awareness raising on sexual and gender based harassment;
5. Monitoring and revision; and
6. Final provisions.

I DEFINITIONS OF HARASSMENT, SEXUAL HARASSMENT AND GENDER-BASED HARASSMENT

1.1. Introduction to harassment and special forms of harassment

Harassment represents illegal behavior in BiH and is defined within the BiH legal framework. The Law on Gender Equality in BiH defines harassment as “any unwanted behaviour based on gender that aims to harm the dignity of a person or group of persons and creates an intimidating, hostile, degrading, humiliating or insulting environment or attempts to achieve such an effect”³. The Law on the Prohibition of Discrimination notes that harassment “is considered discrimination in every situation in which the behavior has the purpose or effect of violating another person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment associated with [the sex, sexual orientation or gender expression of that individual]”⁴. The Law on Gender Equality and the Law on the Prohibition of Discrimination prohibit harassment, provide protection from harassment and contain sanctions for harassment.

Harassment in the workplace and/or in connection to the workplace causes significant physical, emotional, and social consequences for employees of judicial institutions, as well as serious professional consequences for the institution itself. The mental health of individuals subjected to sexual and gender-based harassment can be damaged due to self-blame, self-doubt and loss of self-esteem. Likewise, harassment can result in an employee no longer being interested in their job, thereby creating the possibility of absenteeism, sickness, fatigue and neglect of official duties. In addition, harassment can result in a lack of commitment to the organization, poor work performance and reduced productivity, as well as disrupted team relations and frequent conflicts within the work collective.

Harassment can be manifested as sexual and gender-based harassment. Sexual and gender based harassment, defined as sex-based harassment by the Law on Gender Equality in BiH⁵, represents a forbidden behaviour, including within judicial institutions.

In order for sexual and/or gender-based harassment to exist the behaviour must be *unwanted*. Unwanted behavior is a behavior that is not wanted and is considered undesirable and/or offensive by the person to whom the behavior is directed. Whether a behavior in a particular case is unwanted is subjective and is assessed from the perspective of the person who asserts that they have been exposed to unwanted behavior (which may constitute sexual or gender based harassment). Unwanted behavior exists regardless of whether the perpetrator of such behavior is aware that the behavior is unwanted or intended the behaviour to be offensive and/or unwanted. Moreover, it is irrelevant whether such behavior is unwanted by others, or was previously accepted in a given workplace.

3 The Law on Gender Equality in Bosnia and Herzegovina, Art. 5, para 1.

4 *The Law on the Prohibition of Discrimination* (“Official Gazette of Bosnia and Herzegovina”, no. 59/09), Art. 4, para. 1.

5 Within the text of the Guidelines the term ‘gender-based harassment’ is used as a synonym for the term ‘sex-based harassment’, which is prescribed, as a form of discrimination, by the Law on Gender Equality in BiH and the Law on the Prohibition of Discrimination.

Harassment (sexual and gender based) can occur vertically within the workplace environment meaning it can occur between superiors and subordinates (regardless of which person commits harassment); or horizontally in which case there is no relationship of superiority between official personnel. Sexual harassment and gender-based harassment is not limited to the workplace, it can also happen outside of the workplace and/or outside of working hours but in the context of institutional events or official duties.⁶

It is important to bear in mind that sexual and gender-based harassment may represent a criminal offense under the Law on Gender Equality of BiH, and that gender-based harassment may represent a special form of discrimination under the Law on the Prohibition of Discrimination.⁷

1.2. Sexual harassment

Sexual harassment is unwanted conduct of a sexual nature, because of which a certain person feels offended, humiliated or intimidated. Unwanted conduct must contain a sexual element, connotation or implication in order to qualify it as “conduct of a sexual nature”.

Sexual harassment can consist of different forms of verbal, nonverbal or physical conduct of a sexual nature. The following are examples of conduct that can be subsumed within sexual harassment.

Verbal behavior refers to words or sounds that a person expresses, and can be expressed verbally or in writing. Verbal behavior includes but is not limited to:

- Demanding touches, hugs;
- Making sexual proposals;
- Making insults, comments, remarks or innuendos of a sexual nature;
- Unwanted calls for meetings flirting or seeking sexual relations or sexual favours;
- Unwanted questions about sexual life;
- Making offensive sexual jokes or comments;
- Commenting on one’s sexual (un)attractiveness;
- Writing sexually explicit or suggestive (SMS and e-mail) messages or letters;

6 However, the aforementioned acts are typically performed in the context of abuse of power, promises or rewards or threats of retaliation. In many cases, the person making the harassment and the person who is exposed to harassment are often characterized by differences in hierarchy and power.

7 Article 29 of the Law on Gender Equality of Bosnia and Herzegovina, Article 4, paragraph 2 of the Law on Prohibition of Discrimination.

- Spreading sexual rumours (including online);
- Preconditioning the realization of benefits and promotion at work with sexual favours; and
- Threats to punish a person who refuses to comply with sexual offers.

Nonverbal behavior encompasses all behaviours or expressions by a person which do not include words or sounds, such as facial expressions, body movements or symbols. Nonverbal behavior, includes but is not limited to:

- Gestures and insinuations of a sexual nature; and
- Presentation, display or transmission of pornography, sexually explicit pictures, cartoons or posters or other sexual images (including online).

Physical behavior refers to any behavior that includes contact with the body of another person. Physical behavior includes but is not limited to:

- Touches of a sexual nature, hugs, kisses;
- Pinching, stroking, kicking, squeezing another person;
- Unnecessary physical contact with the body of another person and undue familiarity (invasion of personal space); and
- Physical encroachment and attack.

1.3. Gender-based harassment

Gender-based harassment is unwanted behavior that denigrates, humiliates or insults a person on the basis of their gender⁸. It can entail unwanted verbal, non-verbal and/or physical conduct and is a form of harassment based on the gender roles associated with women and men in the society (the gender roles that society generally believes should be performed by women and men in that context). For example, gender-based harassment includes harassment that targets individual for not behaving in a manner consistent with the perceived stereotypical characteristics of their gender; masculinities (gender roles and characteristics associated with men) and femininities (gender roles and characteristics associated with women). Gender-based harassment can therefore include hara-

⁸ Gender refers to the social characteristics, roles, behaviours and activities assigned to women and men within a particular socio-cultural context.

ssment intended to enforce and/or reinforce traditional heterosexual gender norms (e.g. dominant men and subordinate women). Unlike sexual harassment, gender-based harassment is not generally motivated by sexual interest or intent. More often it is based on hostility, and represents an attempt to create an environment in which the person at whom the harassment is directed feels undesirable, unwanted and unwelcome in the workplace. In some cases, gender-based harassment can include harassment based on sexual orientation, which is also called homophobic bullying.

Examples of gender-based harassment include but are not limited to:

- Making inappropriate comments about a person's physical characteristics or behavior on the basis of gender (e.g., a statement that women's place is in the home or is not fit for a specific job);
- Making comments or treating someone badly because they do not behave in accordance with stereotypical gender roles;
- Coarse and vulgar humour or language in relation to gender/sex;
- Verbally abusing someone, threatening or ridiculing someone on the basis of gender/sex; and
- A hostile work environment towards members of a particular gender (e.g. exclusion of members of one sex from the work environment, work tasks, degrading work performance, etc.).

1.4. Conduct that does not constitute sexual and gender-based harassment

Sexual and gender-based harassment does not include relationships that are desired and mutually accepted and returned. These relationships are based on mutual attraction or friendship, and do not constitute harassment because they are not unwanted. This kind of communication and relationship of an intimate nature represents an area of privacy for each person, as long as they take place outside of the professional area and are not damaging to the public reputation of the institution.

II INDIVIDUALS FOR WHOM THE GUIDELINES APPLY

The Guidelines apply to members of the judiciary and employees working within judicial institutions in BiH. Likewise, the Guidelines may relate to former employees and potential employees (job applicants) of judicial institutions, depending on the timing and circumstances of the unwanted behavior.

III INTERNAL PREVENTIVE RESPONSE PROCEDURE

3.1. General remarks

- a. The internal preventive response procedure represents a process for internal resolution of unwanted behaviour, including sexual and gender-based harassment. Most recipients of unwanted behavior, including sexual and gender-based harassment, want first and foremost for the behavior to stop so they can continue working in a comfortable, respectful and professional workplace. Thus the internal preventive response procedure seeks to provide individuals with the opportunity to resolve unwanted work place behavior in a confidential, non-threatening and non-contentious manner. Resolving complaints of unwanted behavior in a confidential manner contributes to a workplace free from conflict and animosity and increases the likelihood that the individuals involved in the internal preventive response procedure will be able to continue working together.
- b. The internal preventive response procedure documents the initial efforts of a person who is exposed to unwanted behavior to stop the behavior in good faith. The application of the internal preventive response procedure, vis-à-vis actions taken by the judicial institution (through the actions of an Advisor) is intended to resolve the situation of unwanted behavior in the workplace and document the response.
- c. The internal preventive response procedure does not affect the right of a person who is exposed to unwanted behavior, or the obligation of the responsible person in the judicial institution to initiate a criminal, civil or disciplinary proceeding.
- d. The objective of the internal preventive response procedure is to stop the occurrence of the unwanted behavior, including sexual and gender-based harassment in the workplace and in connection to the workplace. In addition, the internal preventive response procedure aims to prevent the occurrence of sexual and gender-based harassment within judicial institutions. The aim of the procedure is to enable individuals to resolve situations in the workplace before they reach the level of criminal misconduct or a violation of the ethical codes or rules of conduct of judicial institutions in which they work.

- e. A person who is exposed to unwanted behavior and a person who exhibits unwanted behavior shall not suffer any consequence in the workplace due to their participation in the internal preventive response procedure.
- f. Neither a judicial institution, nor any member of the judiciary or employees of judicial institutions shall take measures or actions that produce negative consequences toward the employee who complained about the existence of unwanted behavior, who raised the question of the existence of sexual or gender-based harassment in the workplace, or who witnessed sexual or gender-based harassment. If any employee undertakes such actions, it will be treated as a special form of harassment.

3.2. Reasons for Applying the Internal Preventive Response Procedure

- a. The unwanted behavior is of a less serious nature but the individual experiencing the unwanted behavior wants the behavior to cease and seeks assistance in getting the behavior to cease.
- b. The internal procedure is used when the individual experiencing the unwanted behavior does not wish to seek sanctions or disciplinary action against the individual who is alleged to be engaging in the unwanted behavior (but would simply like assistance getting the behavior to cease).
- c. The parties involved are likely to have ongoing contact with each other and the individual experiencing the unwanted behavior wishes to use the internal preventive response procedure in order to sustain the working relationship.
- d. All other reasons.

3.3. Advisor for the prevention of sexual and gender-based harassment

- a. The internal preventive response procedure is applied by the Advisor for the prevention of sexual and gender-based harassment (hereinafter called Advisor). The Advisor is appointed by the head of the judicial institution for a term of four years. The Advisor will be a person who is determined to be respected within the labor organization and professional community, and who communicates with colleagues in a confidential manner. That Advisor shall be someone who has received specialized training on the prevention of sexual and gender-based harassment and their specific role as an Advisor. The heads of judicial institutions have the ability to appoint more than one person to perform the duties of Advisor in accordance with the needs of the institution.⁹

⁹ If an institution has a greater number of employees and is shown in practice that one advisor is not sufficient for the effective

3.4. Options for Individuals who Experience Unwanted Behavior

- a. Individuals who have experienced or are experiencing unwanted behavior are encouraged to communicate directly with the individual engaged in the unwanted behavior - whether in-person, in writing or by phone - to let them know that the behavior is not welcome, offends them, makes them uncomfortable or interferes with their work. The individual is encouraged to keep a record of when, how and what was communicated.
- b. For individuals who either do not feel comfortable communicating directly with the individual engaged in the unwanted behavior or direct communication did not result in stopping the unwanted behavior, they may seek the assistance of any of the following:
 - i. Advisor
 - ii. Third party - a person of trust who can assist them in communicating with the individual engaged in unwanted behavior to notify them that the behavior is unwanted. The individual experiencing unwanted behavior is encouraged to keep a record of when, how and what was communicated to the individual engaged in unwanted behavior.

3.5. Application of the Internal Preventive Response Procedure

- a. The internal preventive response procedure is initiated solely on the basis of an oral or written request for assistance by the person exposed to unwanted behavior, which is to be submitted to the Advisor.
- b. A person who is exposed to unwanted behavior should submit a request for assistance within 60 days from the day when the unwanted behavior occurred or from the last act of unwanted behavior that occurs continuously. In exceptional cases, a person who is exposed to unwanted behavior may submit a request for assistance after the deadline has expired, if there are good reasons why the person was not able to submit a timely request.
- c. If the Advisor is informed about the case of unwanted behavior in the workplace by a third party acting with trust and in good faith, with the aim to help the person who is exposed to unwanted behavior, the Advisor shall inform the third party that it is necessary that the person exposed to the unwanted behavior directly seeks help to initiate the internal preventive response procedure.
- d. If the Advisor is informed about a case of unwanted behavior through an anonymous report, the Advisor will conduct preventive actions of an indirect nature with the objective of further raising awareness among employees regarding the harmfulness of sexual and gender-based harassment. Preventive actions can include: organizing a joint meeting of all employees in which the topic will be prevention of sexual and/or gender-

based harassment; (re)sending the Guidelines via e-mail to all employees; re-publishing the Guidelines on the bulletin board stating the roles and contact information of the Advisor; holding an orientation session on sexual and gender-based harassment; and/or distributing informational brochures on sexual and gender-based harassment.

- e. The Advisor shall, upon receiving a request for assistance, inform the individual experiencing the unwanted behavior of their rights – including information about the possibility to make a formal ethics or disciplinary complaint¹⁰, initiating a criminal complaint in accordance with the Law on Gender Equality, as well as any other procedures within the area of rights protections.
- f. The Advisor shall inform the person who exhibits unwanted behavior that such behavior is unwanted for the person who turned to the Advisor for assistance and submit feedback to the person who requested assistance without delay, but not later than thirty days after receiving the request for assistance.
- g. The Advisor will clearly notify the person engaged in the unwanted behavior about the following: the behavior is unwanted from the perspective of the receiving individual and therefore the individual engaged in the unwanted behavior is asked to cease. Also, a person who exhibits unwanted behavior will be informed about the maintenance of confidential records, including documentation of the implementation of the internal preventive response procedure. In addition, a person who exhibits unwanted behavior will be informed that he/she has an opportunity to comment or provide an explanation of the behavior in question.
- h. The notice is not intended to factually prove or substantiate whether the behavior constitutes sexual or gender-based harassment. However, upon notification, a copy of the Guidelines shall be provided.
- i. The Advisor shall notify the person who is exposed to unwanted behavior that she/he can return for help if the unwanted behavior continues after the Advisor has informed the person exhibiting the unwanted behavior about its objectionable character. In the case of re-addressing unwanted behavior in the event that the behavior does not cease, the Advisor will give further notice to the complainant regarding the possibility of launching additional procedures of protection¹¹.
- j. The Advisor will keep a confidential record about any actions taken in relation to the application of the internal preventive response procedure. The record will be maintained in confidence unless the individual who experienced the unwanted behavior wishes to use the record as part of their formal complaint process. Access to such records is allowed only to the Advisor, who is obliged to take care of the security of records. Exceptionally,

10 A formal ethics or disciplinary complaint should be made to the High Judicial and Prosecutorial Council of BiH in the case of a complaint against a judge or a prosecutor, or to the Head of judicial institution in the case of complaints against employees working within the judicial institution.

11 Protection procedures may include: filing a complaint for a disciplinary offense to the judicial institution or the High Judicial and Prosecutorial Council of Bosnia and Herzegovina; a petition or appeal to the State Agency for Gender Equality or entity Gender Centres for violation of the provisions of the Law on Gender Equality in BiH; instituting a separate procedure for protection against discrimination under the Law on the Prohibition of Discrimination; or filing a criminal complaint.

the records can be made available to authorized persons in accordance with applicable laws. The record will include:

- i. Date of the request for assistance
 - ii. Name, job title of the person requesting the assistance
 - iii. Name, job title of the person engaged in the unwanted behavior
 - iv. Brief description of the unwanted behavior
 - v. Date and brief description of the notice given to the person engaged in the unwanted behavior
 - vi. All other actions taken.
- k. The internal preventive response procedure is strictly confidential – the Advisor, the individual being notified as well as the person requesting assistance through the internal preventive response procedure are expected to maintain the confidentiality of data relating to the application of the internal preventive response procedure.

3.6. Obligation to prepare reports and submit regular and annual reports and keep statistical records disaggregated by sex

- a. The Advisor is required to prepare a confidential report in respect to the application of the internal preventive response procedure, which contains an overview of all actions taken, within eight days of the completion of the internal preventive response procedure.
- b. The Advisor is required to regularly (at monthly intervals) inform the Head of the judicial institution on actions taken regarding the application of the internal preventive response procedure; and to generate a special report on an annual basis containing a summary of the use of the internal preventive response procedure and preventive actions undertaken by the Advisor.
- c. The report is confidential in the segment related to the application of the internal preventive response procedure - it does not contain data of a personal and professional nature which can reveal a person's identity.
- d. Statistical data collected, recorded and processed for the purpose of reporting will be disaggregated by sex.
- e. Judicial institutions shall submit information to the High Judicial and Prosecutorial Council of BiH related to the use of the internal preventive response procedure and the preventive actions undertaken by the Advisor as part of their regular annual report, to be submitted by January 31th for the preceding year.

IV TRAINING AND AWARENESS RAISING ON THE PREVENTION OF SEXUAL AND GENDER-BASED HARASSMENT

- 4.1. Judicial institutions are obliged to provide orientation for all members of the judiciary and staff employed by judicial institutions to familiarize them with the Guidelines and the internal preventive response procedure (this includes displaying a training video on the prevention of sexual and gender-based harassment).
- 4.2. Judicial institutions are obliged to publicly post outreach and awareness materials within their institutions in order to raise awareness about the Guidelines and the internal preventive response procedure, including the need to prevent sexual and gender-based harassment.
- 4.3. The Advisors are obliged to undergo specialized training within three months of assuming their role of Advisor in order to build their capacity to undertake this specialized position.
- 4.4. Once the necessary infrastructure for conducting training is in place, judicial institutions are individually and/or in collaboration with other related cantonal or circuit judicial institutions or entity centres for judicial and prosecutorial training and the Judicial Commission of Brcko District of BiH obliged to enable all staff the opportunity to attend trainings on the prevention of sexual and gender based harassment.
- 4.5. Given that sexual and gender-based harassment touches upon questions of gender relations and the functioning of gender stereotypes within society, it is important that individuals conducting trainings are familiar with the subject of gender equality. With that in mind, those who meet the criteria to provide training on the prevention of sexual and gender-based harassment are: experts in issues of sexual and gender-based harassment, educators of entity centres for judicial and prosecutorial training on issues of gender equality and the protection of women's rights, or Advisors for the prevention of sexual and gender-based harassment within the judicial institutions who underwent specialized training.
- 4.5. The training program on sexual and gender-based harassment should cover: definitions and types of behaviour, recognition and consequences of sexual and gender-based harassment, as well as familiarization with the internal preventive response procedure. In addition, the training programs should address problem solving techniques for victims of sexual and gender-based harassment, modalities of reactions/responses of the employer and practical exercises.

V MONITORING AND REVISION

- 5.1. The application of the Guidelines shall be regularly monitored, and the content thereof accordingly revised and adapted to changes in relation to the occurrence and manifestation of harassment within judicial institutions in BiH. Monitoring of the application of the Guidelines is carried out by analyzing the annual reports of judicial institutions (which contains information on the application of the internal response procedure and the institutionalization and availability of orientation, training and awareness raising programs which judicial institutions shall submit to the High Judicial and Prosecutorial Council annually.

VI FINAL PROVISIONS

- 6.1. The heads of judicial institution shall take measures for the effective implementation of these Guidelines.
- 6.2. The heads of judicial institutions in BiH are obliged to acquaint members of the judiciary and employees of judicial institutions with the content of the Guidelines - as a strategy to prevent sexual and gender-based harassment within judicial institutions and an instrument to support individuals who are exposed to unwanted behavior - and to ensure their accessibility. It is recommended that managers officially publish the Guidelines, distribute a copy of the Guidelines to all employees, provide a copy of the Guidelines to new employees, and post the Guidelines on notice boards within their institutions; all with the purpose of familiarizing employees with the content of the Guidelines.
- 6.3. The Guidelines establish standards for recognizing the types of behaviors that may constitute sexual and gender-based harassment and a framework for initiating the internal preventive response procedure in cases of unwanted behavior. The internal preventive response procedure does not prejudice the possibility of initiating a formal proceeding of protection including: submitting complaints or grievances in accordance with the relevant codes of ethics and general or individual regulations governing disciplinary procedures within judicial institutions; initiating a criminal complaint for the offense of harassment or sexual harassment in accordance with the Law on Gender Equality in BiH; instituting proceedings for protection against discrimination in accordance with the Law on the Prohibition of Discrimination; and/or instituting other applicable judicial proceedings.

