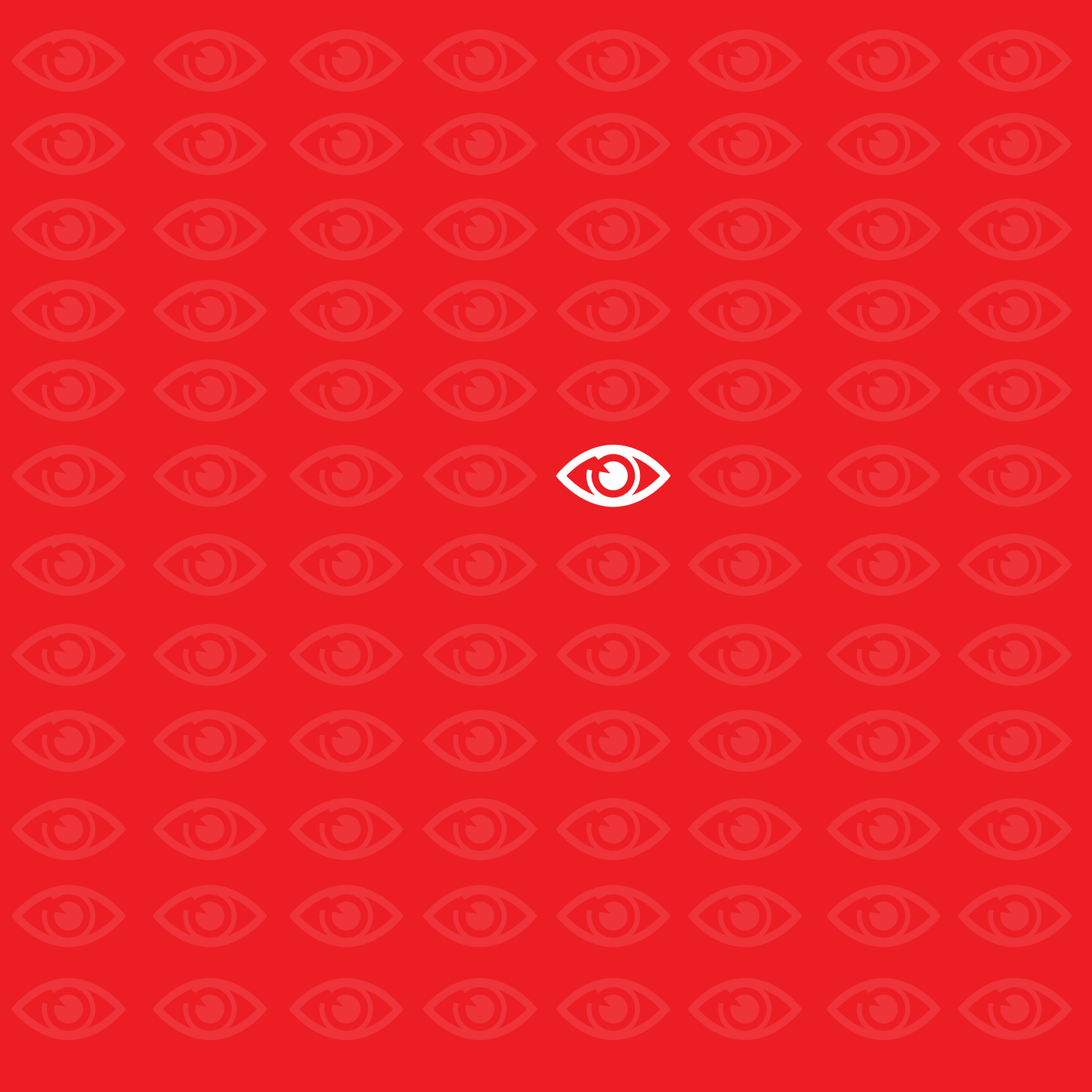




**| What do you see?**





**Do you believe that a woman who was raped is partially to blame for wearing provocative attire?**

**Do you believe that men are not good at raising children or being carers for other people?**

**Do you consider women to be overly emotional which, in turn, affects their credibility as witnesses?**

**Do you consider men to be stronger than women and therefore they cannot be victims of domestic violence?**

**Do you believe that women possess a natural motherly instinct, that their careers are less important than caring for their child, and that they better understand children than their father?**



**Do you consider men to be more aggressive and naturally inclined for violence solely due to their gender, and that they endure greater stress and pressure based on their duty to support their family?**

**Do you consider Roma people to be uneducated and deceitful?**

**Do you consider LGBTI people to be promiscuous and lacking traditional social values?**

**Do you believe that people with disabilities cannot be independent and are unable to work?**

**Would any of your colleagues respond yes to any of the above questions?**

**Look at yourself and around you. What do you see?**



## What are stereotypes & prejudices?

A stereotype is the generalisation of a group of people by attributing the same traits for virtually all members of the group.

Once formed, stereotypes become very resistant to change based on any new information and are essentially used to overly simplify a person's views and perspectives. Everyone does this to a certain extent. However, if this crosses a boundary and if we forget to pay attention to the individual differences of each person within a given group, then stereotypes become unfair and potentially abusive.

## Can this be justice?





Unlike stereotypes, prejudices are based on the affective component. They are emotionally coloured and prevent us from properly assessing people, things and situations.

Prejudice is the perception of an individual or group, based on stereotypes, which makes a person more inclined to think, perceive and act positively or adversely towards a certain group or member of a group.

The danger in doing so is that we view and pass judgment on others inappropriately, passing premature and often untrue conclusions. Prejudices are preconceived opinions that are created without forethought.

They represent negative viewpoints towards all or most of the members of a group, though totally lacking in any proof.



## Do I have stereotypes and prejudices?

Prejudices are acquired the same way as are all other opinions and convictions in life, starting at our earliest childhood, from our parents, teachers, families and friends.

Did your parents ever tell you scary stories about someone living in your neighbourhood who had certain shortcomings.

Considering that stereotypes and prejudices stem from socialisation processes which start with the family, and any negative views acquired at such an early stage are difficult to alter, we can safely say that everyone of us has certain prejudices.

**Our upbringing, our culture, our education and our experiences inevitably determine our way of life and our work.**

Therefore, even judges, being human, with their own ideas and experiences, are not immune to prejudices or stereotyping. On the contrary! It is precisely our ideas and experiences that influence our decisions in life, as well as the decisions we pass in court.

Many judges, and people in other professions, are unable to put aside their own convictions in their work, even if they have the best intentions. One reason for this is that we are often unaware of our own prejudices and stereotypes.



We create stereotypes and prejudices based on a person's sex, gender, race, skin colour, language, religion, disability, wealth, education, social status etc. In doing so, we view people with disabilities as incapable of work, we believe that men don't cry, that Roma people are uneducated and uncivilised, that all women are good mothers, that lesbians are masculine and gay men feminine etc.

**Our view of the world is warped and, more often than not, we remain unaware of this fact!**

**Education has allowed us to win the battle but not the war!**



Education is a very powerful weapon in combatting prejudices since, through education, we achieve personal contact with a diversity of people which, in turn, allows us to perceive members of other groups as individuals whose qualities stem not only from their affiliation with a given group. At the same time, education also provides us with insight on the causes of prejudice as well as the power to objectively assess our own convictions.

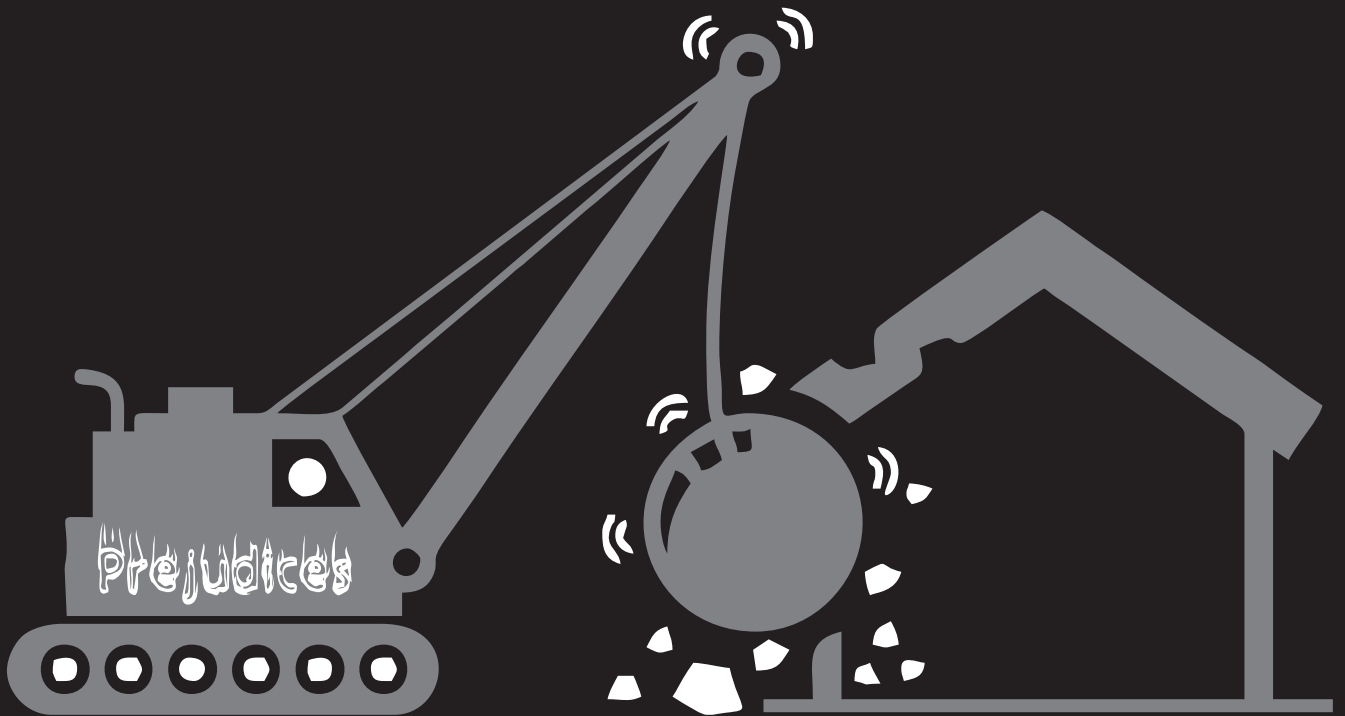


## The consequences to prejudices and stereotypes

Regardless of it being a subjective phenomenon, prejudice leads to very objective consequences. It is the foundation for various forms of unfair behaviour and discrimination against those who are subjected to prejudice.

Prejudice makes us judge, undermine and be hostile without justification or any specific evidence and no firm facts.

**In other words, prejudice gives rise to injustice!**



Prejudice makes us discriminate and position a person or group of people unfavourably compared to other people or groups in similar situations. We violate their dignity and create a fearful, hostile, degrading, humiliating and hurtful environment.

**Laws can either serve to create and reinforce stereotypes and prejudices or prevent and eliminate them.**



We should know that even nonverbal signs unconsciously made in a courtroom can emit a negative message to a party in court and in doing so, affect the testimony of the party and, ultimately, the outcome of the case.

**Words and actions matter!**



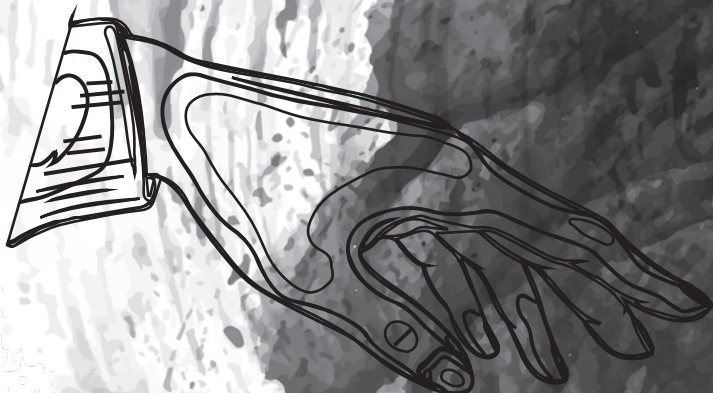
# The importance of your role

Eliminating prejudices is a prerequisite for equal access to justice for all.

Court decisions can be tainted with stereotype and bias which, in turn, undermines equal access to justice.

Furthermore, stereotypes may affect the way a judge perceives the character of a criminal offence. In cases of rape, it is not uncommon to witness attempts to move focus from the offence to the victim's sexual conduct, especially if there is prejudice as to the victim's promiscuity, appearance, attire, sexual conduct etc.

If prejudices are present in the very mechanisms that serve to protect and preserve human rights, can we, then, claim that such mechanisms serve their purpose?



Public confidence in the judiciary is rooted in the perception of justice and equality before the court, which is shaped by the court, itself.

The courts contribute to such perception through their interaction with the public as well as based on the interactions between judicial office holders, the parties and all other participants to proceedings. Specifically, judges, through their actions, relay their own convictions and views to the public which ultimately defines the level of (dis)trust in the judiciary.

Judges must be aware that, in the eyes of the public, they stand for justice and serve to guarantee equal treatment before the law which, accordingly, entails a far greater degree of responsibility. A judge exemplifies the degree with which they meet with public expectations through their work and the way they communicate with the public.

By eliminating discriminatory practices through raising awareness and doing away with prejudices and stereotypes in courtrooms, as well as by accepting and respecting diversity in one's own environment, a judicial system becomes accessible, fair and impartial and public perception of the judiciary, in turn, follows its path.





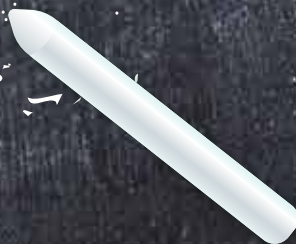
# How can you contribute?

- ✓ Treat all participants to proceedings and colleagues politely and courteously and refrain from comments or actions that may offend or humiliate. Do not use demeaning vocabulary or other inappropriate phrases when addressing participants to proceedings or colleagues.
- ✓ Use gender-sensitive language in all written and verbal communications.
- ✓ Treat all participants to proceedings and colleagues equally, regardless of race, skin colour, language, religion, ethnicity, disability, age, nationality or social origin, connection with any ethnic minority, political or other convictions, status, membership in any union or other association, education, social standing or sex, sexual orientation, gender identity, sexual nature or any other circumstances.
- ✓ Don't make rash judgments regarding someone's status and standing based on the aforesaid circumstances.
- ✓ Do not display unlawful or inappropriate conduct, including sexual or gender-based harassment, and demand the same standards of conduct from other participants to proceedings and colleagues.
- ✓ Learn to recognise stereotypes and prejudices, eradicate them from the courtroom and do not allow them to affect your decision-making. As required, talk with your colleagues and point out to them that discriminatory behaviour cannot and will not be tolerated in the court.

As a judge, you rightfully expect to be treated with respect by the participants to proceedings and by your peers. Do not forget that they rightfully expect the same from you!

At the same time, as a judge, you have the right and duty to prevent and sanction any prejudicial conduct in the courtroom and at the workplace, and actively participate in creating such an environment where all participants to proceedings and your colleagues can feel comfortable and appreciated.

**Your contribution towards eliminating prejudices from the judiciary is crucial!**



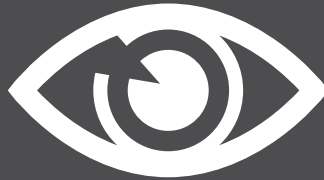


## Does this look familiar?

- ◆ A judge recognises and respects diversity in society, in particular, regarding race, skin colour, sex, religion, national origin, social standing, disability, age, marital status, sexual orientation, social and economic status as well as other criteria, and treats everyone they meet at the workplace with equal respect. Accordingly:
  - ▶ in the performance of their duties, a judge shall show no favour or prejudice towards any individual or group;
  - ▶ a judge shall perform their duties so as to ensure equal treatment for all participants to proceedings;
  - ▶ a judge shall not allow parties, court staff or other persons under their supervision to treat any participants to proceedings differently, without valid reason.



- ◆ A judge shall promote the highest standards of judicial conduct in order to reinforce public confidence in the judiciary.
- ◆ A judge shall perform their duties and treat all parties in a case without favouritism, bias or prejudice. Impartiality refers not only to the decision rather also the procedure for its rendering. Judges shall conduct themselves both inside and outside the court in a manner as to uphold and increase public/party confidence in the impartiality of the judge and the judiciary, in general.
- ◆ A judge shall recuse him or herself in the event of the potential public perception that they may not be able to decide on the given case impartially or when they assess so themselves.
- ◆ A judge shall conduct themselves in a manner that affirms public confidence in the integrity of the judiciary.



Look at yourself and around you. What do you see?  
Do you see the same world as the one  
you saw when we first asked this question?



# A Judiciary without Prejudice



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



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The general objective of the Project is to improve the efficiency of the judiciary from the aspect of the courts by strengthening the rule of law, democracy, human rights, improving the position of vulnerable groups in contacts with the courts, strengthening gender equality among judicial office holders, fighting corruption, providing support for case management, training for judicial office holders, court staff and support staff as well as through the reform of enforcement procedures in the BiH judiciary.

The HJPC BiH implements activities within the framework of the Project with the aim of improving gender equality in the judiciary, improving the position of vulnerable groups in contacts with the judiciary, as well as to meet with other specific Project targets.

The views and opinions expressed in this brochure are those of the HJPC BiH and do not necessarily reflect the official policy or position of the Government of Sweden.

