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EDITORIAL

Welcome!

We are very pleased to present you the first issue of the newsletter of the Association of Women Judges (AWJ) in Bosnia and Herzegovina (BiH). This newsletter is a direct outcome of an interesting and engaging two-day gathering of members of the AWJ, where opportunities to strengthen the Association were discussed. You will read more about the AWJ member retreat on the following pages. The newsletter will be published on a regular basis with the objective to inform on specific topics related to gender and justice and update members on current activities of the AWJ. We hope you enjoy your reading.

COOPERATION WITH DCAF AND THE ATLANTIC INITIATIVE

The Geneva Center for the Democratic Control of Armed Forces (DCAF) is a Swiss based international foundation working to support effective, efficient security sectors which are accountable to the state and its citizens. The Atlantic Initiative is a BiH NGO that conducts security policy research, produces an academic journal on democracy and security in Southeastern Europe and promotes an open and informed debate on the Euro-Atlantic integration of BiH. DCAF, together with the Atlantic Initiative and Žene Ženama, throughout 2011 conducted an assessment process on the current state of gender integration into security sector reform (SSR) in BiH. The resulting assessment [report](#) shows that although BiH is one of few countries with a clear majority of women among its judges and almost gender parity among prosecutors, these numbers have not yet translated into a justice sector that promotes women and men on an equal basis. While women account for a majority of judges in courts, they are not positioned as well as men in decision making processes. The report positively notes the establishment of the AWJ and highlights the significant potential of the Association’s members to act as agents of change in judicial institutions.

Based on these findings, the AWJ has been identified as a key partner in DCAF’s and the Atlantic Initiative’s three year long project on gender and justice reform in BiH. The recent member retreat was one of the first joint activities realized within the framework of this cooperation. In addition, DCAF, the Atlantic Initiative and the AWJ developed a membership survey which was circulated to all members in February 2012. The outcome of the survey will, together with the results of the discussions at the retreat and subsequent focus groups, determine the framework and content for capacity building activities for members throughout the duration of the project.



MEMBER RETREAT IN JAHORINA – A SUMMARY



It was an unprecedented event that took place from 30 March to 1 April 2012 in the beautiful mountains of Jahorina in Hotel Termag. The AWJ retreat brought together 25 members including two men from all over BiH. The key objective of the retreat was to strengthen the Association and its members through advancing the members' knowledge on the concept of gender and the importance of gender in the judiciary, and by providing a unique opportunity for networking and sharing of experiences. Several speakers, including Vibeke Villoe, the Norwegian Ambassador to BiH, Samra Filipović-Hadžiabdić, the Director of the Gender Equality

Agency, Milena Karapetrović, professor at the faculty of philosophy of the University of Banja Luka, as well as collaborators of DCAF and the Atlantic Initiative contributed with sessions and presentations. Several of the experts' contributions triggered interesting and engaging debates. How does gender influence the dynamics in the courtroom and how can judges, prosecutors and other court staff ensure gender-bias free courtrooms and proceedings? How has feminism and gender equality developed in BiH over the time? In what ways does women's leadership differ from men's? Why are women judges in BiH not perceived as leaders? What does civil society expect from the judiciary and why is public trust in the BiH judiciary rather low? What can the AWJ do to effectively strengthen the role of women judges and increase women's authority in the BiH judiciary? The different text boxes on these pages offer an insight into some of the questions and topics discussed.



Basic Concepts of Feminism and Gender

"Feminism is a movement that developed as the woman realized that she was not visible, her voice was not heard, her body was looked at as not being hers, she had no right to education and the doorstep was defined as the limit of her world. Feminism is women's fight for their recognition and their rights. From Olympe de Gouges with her *Declaration on the Rights of Women and Citizens (1791)* over the introduction of women's vote in New Zealand (1893) and most of Europe (1919-1921) to the *Convention on the Elimination of All Forms of Discrimination Against Women (1979)*, women have thought for equal rights and they have achieved a lot. For feminists there are three areas of activity: Within institutions where laws are made, in NGOs, which can be more radical and outspoken, and within centers of formal and non-formal education, where theoretical aspects of feminism and gender are examined. In BiH, only the University of Sarajevo offers the subject of gender theory. But it is also important to remember the history of feminism, in particular the antifascist front of women that existed during a short period in the 50-ies in BiH. It is important to pay the debt to the generations before us. Imagine how difficult it would have been to organize such a retreat 100 years ago, where almost no women had access to education. Oppression of women today is not that visible anymore. It has received new forms, like sexist (gender discriminating) advertising on commercial television. Or the lack of women's representation on the highest decision-making levels. The key word of today's debate is *gender mainstreaming*: The acceptance of gender differences in various aspects of life. As society takes over a corrective role through legislation and institutions, this should lead to more inclusion and to overcoming new gaps between women and men." (Excerpts from Milena Karapetrović's presentation on gender equality and femininism)



Women's Leadership - Does Gender Matter?

"In 2002, only 10% of Norwegian ambassadors were women. Today it is 29%. This is a big step forward, but there is still space for improvement. Norway has come a long way. It is among the world's leading countries regarding gender equality. Yet, there is still some way to go, especially with regard to women in top leadership positions. In BiH as well there have been achievements, there are good laws, but they lack implementation. There is still a long way to go to achieve gender equality. What we want is equality, which means the same as men, not more. To reach this we need to work with men". (*Excerpts from the statement by H.E. Vibeke Lilloe, Norwegian Ambassador to BiH, speaking of her own experience as a diplomat and of the current situation of women leaders in Norway*).

"In terms of stereotypes, studies show that men gravitate to the hard power of command, while women are collaborative and intuitively understand the soft power of attraction and persuasion. In many cultures, a man is still perceived as a natural leader, whereas women have to prove their skills ever and ever again. As "atypical leaders," women are often perceived as either going against the norms of leadership or against the norms of femininity. We need more women in positions to be role models, to show that they can do the job as well as men, and bring in skills to advance the whole society to peace, democracy and stability. Questions of when to use hard and soft skills are equally relevant for men and women. In some circumstances, men will need to act more "like women"; in others, women will need to act "like men"."

(*Excerpts from the speech on women's leadership by Anja Ebnöther, Assistant Director of DCAF*).



Participants were also presented the preliminary results of the membership survey mentioned on the first page of this newsletter and invited to discuss these initial findings. On the second day specific sessions were devoted to analyze and discuss the current needs of the members of the AWJ, how the AWJ can further be strengthened, and what role local and international actors, including DCAF and the Atlantic Initiative can play to this end. Participants split into three groups where lively discussions around the following questions took place: What are current challenges to judicial reform in BiH and what role can women judges play? Which challenges do women face in the judiciary, be it as users of the judicial service, or as employees? How can the AWJ support women judges and women users of judicial services? How can the role and the profile of the AWJ be strengthened? What can individual members, the Coordination Board and external actors do to support the AWJ?



Discussions evolved around how the AWJ can draw on its members' knowledge and resources by for example increasing its collaboration with CSOs and media or by supporting the development of information material on relevant topics for judges, but also for service users and other stakeholders, as it has been the case with the recent publication on "sextortion". The participants also discussed how to increase the AWJ's membership base in particular outside of Sarajevo and in Republika Sprska and focus outreach activities on potential male members.



Gender and Judiciary: What Role Does Gender Play in the Daily Work of a Judge?

“Men, women, boys and girls have different justice and security needs and access to justice is often not equal. States do however have an obligation under international law to ensure non-discrimination and gender equality. Integrating women also increases the legitimacy of the judiciary, as it is more representative of the whole population.”

But how, in concrete ways, does gender affect the daily work of judges? Participants realized gender influences their attitudes to a great extent, often without being aware of it. In a lively debate, some women judges who explained why they give preference to women in child custody cases were immediately challenged by men present who claimed that preconceived ideas on mothers taking better care of a child than fathers are unjustified. Adisa Zahiragić gave an example of some African countries where women judges enjoy more public trust because women are perceived as more trustworthy and less corruptive than their male colleagues. All participants agreed that next to cases of gender based violence and promotion of women to leadership positions, gender also influences the general dynamics and communication in the courtroom and matters in the language used in processes and documentation and many other aspects of their work.

(Excerpts from the session on gender and judiciary presented by Kathrin Quesada Project Coordinator at DCAF).



In their evaluation forms participants stated that they were very satisfied with the retreat and found the sessions relevant for their work. They also suggested topics for further capacity building activities. Some of these will be realized within the framework of the cooperation project with DCAF and the Atlantic Initiative.



UPCOMING ACTIVITIES

The following activities are planned for the next few months. AWJ members will receive detailed information sufficiently in advance.

- Focus groups to complement the member survey on individual and institutional capacity building needs (May 2012)
- Court visits in Republika Srpska and the Federation of BiH (May/June 2012)
- Capacity building workshop on advocacy skills (June 2012)

We look forward to meeting you in one of these events and welcoming you among our readers for the next newsletter!