

# Trial against stereotypes

1

A fair trial is a trial free of stereotypes

Myths, misconceptions and discriminatory assumptions in case law continue to place survivors of gender-based violence in a position of disadvantage from a legal point of view, and reduce significantly their opportunities to obtain redress for the violence they have suffered.

CEDAW Committee - Vertido vs. Fillipine case (Communication No. 18/2008).



Reflect on the relationship between the sexes and integrate professional paths with these reflections. To recognise one's own experiences as men and women who also act in the context of the legal process. Getting out of the cages of the patriarchal culture.

2

Impartiality with regard to discrimination

There is due process where a judge is impartial, but impartiality must also concern discrimination against women. Women are not asking for advantages, or for the trial to be different, but that it should not be based on overcoming stereotypes that have been known for decades.



3

A judicial system capable of being accommodating

ISTAT surveys and the experience of anti-violence centres show that it is difficult for women to report violence. Moreover, during the trial, especially in cases of sexual violence, the burden of proof falls on the body and on the narrative of the woman who suffered it. If stereotypes and prejudices operate in a justice system, the focus shifts from the behaviour of the perpetrator of the violence to the behaviour of the woman

who suffered it, and it is therefore her conduct that ends up being judged. Some questionable rulings in recent years confirm this.

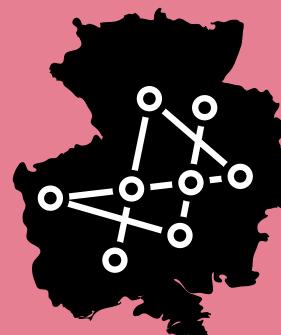
It is important to ensure that the whole process is respectful and welcoming towards women who have to testify and go over their experiences of violence.



4

The importance of the network

It is important that the judicial system works in synergy with the territorial networks, which are responsible, among other things, for monitoring the enforcement of sentences. It is in fact the networks in the territories that accompany people on their way out of violence and along the reconstruction of their lives. Discussion with local networks is essential to make the judicial process effective.



Distinguishing violence from conflict

The Istanbul Convention prohibits compulsory recourse to settlement procedures or alternative dispute resolution, including mediation and conciliation, in relation to all forms of violence (Art. 48)