



**TRAINING MODULE
FOR
TRADITIONAL AND COMMUNITY
JUSTICE
DUTY BEARERS**

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DAY 1: LEGAL FRAMEWORK

LEARNING OUTCOME: Participants will have reflected on knowledge and skills required when handling VAWG matters (IPV and domestic violence, Harmful Practices): understand the formal legal framework regulating VAWG matters, as well as customary norms and standards prevalent in the informal sector (customary and traditional) and the interactions between them.

Day1 Outline

9.00 – 9.30	WELCOME, INTRODUCTIONS AND EXPECTATIONS
9.30 – 10.10	REFLECTIONS ON VIOLENCE AND VAWG FROM OUR FIRST SESSIONS TOGETHER
10.10 – 11.10	KNOWLEDGE ASSESSMENT: VAWG LAW AND RESPONSIBILITIES
11.10 – 11:20	SHORT REFLECTIVE BREAK
11: 20 – 12:10	IDENTIFYING APPLICABLE LAWS AND CUSTOMARY PRACTICES AND NORMS TO DIFFERENT TYPES OF VAWG & THE INTERACTIONS BETWEEN THE TWO SYSTEMS
14:00 – 14:30	APPLICATION OF FORMAL LAWS AND CUSTOMARY PRACTICES TO CIVIL AND CRIMINAL VAWG MATTERS& THE INTERACTIONS BETWEEN THE TWO SYSTEMS
14:30 – 15:30	ATTITUDE CHECK

1. WELCOME, INTRODUCTIONS AND EXPECTATIONS (30 minutes)

Objective

- *To promote trust and respect in the group by establishing workshop commitments*

Facilitator Notes

It is important that you build a positive and support group dynamic so that participants feel free to share their feelings, knowledge and experience. If this is established at the beginning then the group will become self regulating and supportive.

a) Welcome and introductions (10 minutes)

1. Pair participants and ask them to find out the partner's name, occupation and something you both have in common with each other...the more surprising the better! Allow the participants 3 minutes time for the chat. (the facilitator should also have a participant as a partner). Allow each participant to introduce his or her partner.
2. Provide an overview of the training and of the day's objectives.

b) Hopes and Fears (20 Minutes)

Objective

To explore individuals' hopes and fears and clarify expectations of the training

Materials: Post it notes, flip chart paper, tape

1. Ask participants to take a moment and reflect on the on the hopes they have for this workshop. What insights, learning, skills it may bring. Also, as is common in any new situation they may also have some fears.
2. Ask participants to brainstorm their hopes on one colour 'post it note' and their 'fears' on a different colour. (pre prepared by the facilitator). Encouraging one hope or fear per post it note. Reinforce that there is no right or wrong answer and all answers are anonymous
3. Once they have written them down they can hand to the facilitator or post on the flip chart paper assigned separately for 'hopes and 'fears'. Write the expectations down on flipchart paper
4. The facilitator will quickly group the different viewpoints and respond to them. Ideally, we should be able to allay individuals' fears but it is important not to dismiss fears casually. E.g. If a participant raises a fear around confidentiality, then you can reassure them that this is going to be talked about as one of the first steps in the process. Where possible, show where the participants' expectations align with the objectives, but also for those that do not fit, be open to sharing that they are outside the scope of the training.

2. Reflections on VAWG from our first sessions together. (40 minutes)

Objective:

To reflect on the first training on social norms check and attitude change towards VAWG .

Note to facilitator

The aim of this session is to revisit the discussions on gender norms and individual behaviours in the first Module. The importance of this session is for participants to hear from each other their personal reflections, sharing accounts of actions they took and/or conversations they had with

family members, friends, colleagues around how we are socialised as men and women. Note: this is not a test of what they have remembered in terms of VAWG forms, the focus is on personal reflection.

Step by step

1. Ask participants to shout out the different sessions and types of discussion that we had in the first session. (note them on a flipchart – having the note of the sessions by your side as a prompt for gaps). Ask for people to shout out the types of conversations we had. Were there any controversial debates, really interesting points that they remembered? (The facilitator should take up to 3 participants contributions).

2. Now Ask individuals to pair with person next to them and share with each other;

- conversations they had after the first sessions with families, friends, partners, children about the topics we discussed
- Share, if these conversations led to any changes.
- Share with each other any personal reflections you had about your work and or the role you play as an influential person in the community?
- Also, feel free to share if nothing changed...and your thinking around that.

3. Invite the full group to come together and ask for pairs to share their contributions.

Facilitator note: Allow the sharing to flow and do not cut short. This is a really important in the change process, hearing what others have done and that they are also ready to change – or have already changed. This can be quite instrumental in others taking action.

4. If the issues are not covered, probe:

- Whether the discussions in the first modules had any impact on the way you view VAWG,
- Do you look at women who have experienced violence any differently? If so, how?
- Did it have any impact on the way you respond to VAWG within your role.
- Ask participants to each identify one issue from the foundational module which they found striking and why.
- Having reflected, would you like to see anything done differently in the first module
- Are there issues you would you like to revisit or new issues you would like us to cover in this training.

Facilitator note: Sessions covered in module 1 –

- Exploring power, power over, power within, power to and power with
- Gender and Sex, the difference being that our gender is socialised
- How we are socialised to be men and women in this society and how that has informed our gender beliefs
- Healthy and unhealthy relationships
- Different types of violence, physical, emotional, economic, sexual
- We explored how our beliefs shape our support for survivors
- Survivor needs including trust and confidentiality
- Our role as duty bearers, and how we can better co-ordinate.

3. KNOWLEDGE ASSESSMENT: VAWG LAW AND RESPONSIBILITIES (60 Mins)

Main Objective:

To understand VAWG related laws and related roles and responsibilities of informal duty bearers.

Specifics Objectives

- To understand the differences between how VAWG cases are handled within the formal and customary systems,
- To interrogate the limits of informal justice duty bearers' lawful roles in handling VAWG cases, and
- To discuss how informal justice duty bearers might interact with the formal system for VAWG cases.

Notes to facilitator

- Make sure to tell participants that they are supposed to draw from their experience and understanding of the law so far and that they do not need to specifically refer to it for the purpose of this exercise.
- The goal is not to get exact answers but responses informed from the current understanding

Step by step

- 1) Open by reminding the participants that in the first module we looked at how we normally respond to cases of violence.
- 2) Divide participants into groups of no more than 4 people. Make sure each group has at least someone conversant with customary laws of their area or persuasive customary norms in general.
- 3) Assign at least one VAWG issue to each group making sure to include all types covered above.
 - a. These may include: Domestic violence or any other IPV; property grabbing; rape and/or defilement; early marriage and any other HP; (ensure to include psychological and financial – these are less talked about forms of violence).
- 4) Ask each group to first discuss, in their communities how is this issue normally addressed? Is it kept within the family, settled between families, taken to police etc. Ask them to note this down first.
- 5) Next ask the groups to discuss and briefly note down how, as justice duty bearers, they see their role within the law (be it Constitutional, statutory or customary) and the way it enables them to address the incident of VAWG assigned to them. They should discuss how these systems complement each other and where they differ, and how (if at all) they interact.
- 6) Ask them to reflect on which system they feel is in the best interest of the survivor? And why?
- 7) Have each group make a short presentation on this and allow for other groups to make comments.

- 8) Ask each group to then note down how, as justice duty bearers, in any cases where the law as they understand it (be it constitutional, statutory or customary) fails to enable them handle the incidents assigned to the groups.
- 9) Have each group present on this and allow for other groups to make comments.
- 10) Ask participants to share what they have gained/learned from this exercise.

4. IDENTIFYING APPLICABLE LAWS TO DIFFERENT TYPES OF VAWG (50 Minutes)

Objectives

To link the various types of VAWG with offences provided for in the law.

To identify traditional leaders and community roles and responsibilities in response to VAWG {as provided in statutes and custom}

Step by Step

- 1) The Facilitator should refer to a list of the types of VAWG as discussed prior to this stage and ask participants to name, on each type, who they think is responsible to respond to the type of VAWG and how.
- 2) The facilitator will then have to walk the participants through different types of VAWG and identify pieces of legislation and other applicable laws (including customs and norms).
- 3) In doing so, the facilitator should pause after explaining each statute and what it provides on the type of VAWG and have a 5-minute discussion with the participants on their views and comments on the law. A good way would be asking if the participants knew about the law, and having them compare and contrast with what they knew before this.
- 4) The facilitator should call upon participants to suggest customary laws and norms that can be linked with the types of VAWG. It must be recalled that some of the participants will be better placed to spell out customary laws from their various areas (especially chiefs). The facilitator should be keen to note who is who so that the entire group may benefit from their insight.
- 5) The group should then discuss how the formal laws and customary practices differ and offer suggestions for why this might be the case.
- 6) Ask the group to brainstorm which of the type of law is more commonly applied, and why. Facilitator note – the aim is to explore barriers to reporting through formal laws, as well as the the extent to which the laws are supportive or discriminatory of survivors.

The facilitator may make reference to the table below for some relevant statutory provisions

TYPE OF VAWG	APPLICABLE LAW
<p>Physical Violence (including IPV)</p>	<p>The Constitution Provides for the implementation of policies to address social issues such as domestic violence - section 13(a)(iii)</p>
	<p>Prevention of Domestic Violence Act makes provisions for the prevention of domestic violence, for the protection of persons affected by domestic violence</p> <p>It establishes structures for protection of victims by defining who can apply for a protection order, occupancy order, or tenancy order under the Act, and outlining what the different orders mandate and entail, as well as detailing the enforcement of the orders</p> <p>Section 2 states <i>“domestic violence” means any criminal offence arising out of physical, sexual, emotional or psychological, social, economic or financial abuse committed by a person against another person within a domestic relationship;</i></p>

<p>Psychological/emotional (Including HP)</p>	<p>Prevention of Domestic Violence Act</p> <ul style="list-style-type: none"> • Defines psychological and emotional abuse • Section 2: <i>“emotional or psychological abuse’ means a pattern of behaviour of any kind the purpose of which is to undermine the emotional and mental well-being of a person...”</i> • This implies that the measures provided under the act applies to all the types of VAWG dealt with here <p>Trafficking in Persons Act</p> <ul style="list-style-type: none"> • Protects women specifically by making the offence of trafficking aggravated if the person trafficked gets pregnant or is forced to terminate a pregnancy as a result of the said trafficking. (see section 16 (1) (h) (iii))
<p>Sexual violence (Including HP)</p>	<p>Prevention of Domestic Violence Act</p> <p>7) Again, the PDVA applies here on definition of domestic violence under section 2</p> <p>Penal Code</p> <p>By way of example, section 132 of the Penal Code provides for the offence of rape: “Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by force or means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, shall be guilty of the felony termed rape.”</p> <p>Section 137 of the Penal Code provides for the offence of indecent assault on females: “Any person who unlawfully and indecently assaults any woman or girl shall be guilty of a</p>

	<p>parental consent for underage children</p> <ul style="list-style-type: none"> • Child Care Protection and Justice Act criminalizes parents who consent marriage for underage children. • GENDER EQUALITY ACT • HIV AIDS AND MANAGEMNET ACT
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Other Key legislation

1. Gender Equality Act

- VAWG is addressed in the context of prohibiting harmful practices, along with sexual harassment.
 - *Section 3: Harmful practices are social, cultural, or religious practices that, “on account of sex, gender or marital status” [are likely to, or do “undermine the dignity, health or liberty of any person,” or “result in physical, sexual, emotional or psychological harm”*
- The act also mandates that the government ensure that employers create and implement policies to comply with the law regarding sexual harassment - section 7(1)

2. Child Care, Protection and Justice Act

- Provides for *Protection of Children from Undesirable Practices*
- These include sexual abuse, child trafficking, abduction, harmful cultural practices, and forced marriage - Part II Division 6
- Most of such undesirable practices affect girls more. The act thus protects girls against violence

3. Trafficking in Persons Act

- The Act further accords protection by providing a wide definition for what amounts to trafficking which includes recruiting, transporting, transferring, harboring receiving or obtaining a person through, among other things, fraud and deception and abuse or threats of abuse of position of vulnerability. Women and girls are vulnerable.
- Section 20 of the Act can serve to protect women and girls from sexual exploitation by making it an offence to benefit from exploitation of trafficked persons. Women and girl are prone to sexual exploitation after being trafficked.

Other Key legislation

4. Gender Equality Act

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5. APPLICATION OF FORMAL AND CUSTOMARY LAWS AND NORMS TO CIVIL AND CRIMINAL VAWG MATTERS (30 Minutes)

Objective

To identify applicable formal laws in civil and criminal VAWG in Malawi and jurisdiction of traditional/ community leaders, and how they interact.

Notes to facilitator

Ensure to emphasize to the participants that the next exercise requires that they be open-minded and freely express their views on issues without worry about saying the wrong things.

They should be assured that they as duty bearers should be the see themselves as a representation of society in terms of opinion and belief.

Step by step

- 1) Highlight to the participants that cultural practices are very important in building a nation’s identity and they should therefore not be discarded without proper justification.
- 2) Having said that ask participants to pair up then present the following case scenario:

Case Scenario

Take an example of *kulowakufa* which is practised in some cultures (notable Sena and Mang’anja), where when there is death and the widow is left behind another man (the *fisi*) must be found in order for the widow to sleep with her so that they should do away with evil spirits causing death in the family. During the practice, the widow has no say on the choice of the person and her consent does not matter.

- 3) Ask the pairs to find at least one thing that they feel is acceptable and what is harmful with the practice above. If they cannot think of any positive things themselves, they may state what they have heard people in society say about the practice that they find to be beneficial to society.

- a. Again, encourage participants to openly share their views for there is no right or wrong answer
- 4) Allow each pair to present their thoughts and note down the harmful effects. Let the whole group comment on each other's thoughts.
- 5) Ask the participants to form buzz groups of about 4 people each and distribute the issues noted down in step 4 above.
- 6) Ask each group to outline how the laws as they know them at any level can be used to address the harms.
- 7) Their solutions should include moving with the victim from the point of suffering the abuse to the point where they, as duty bearers act on it. And what potential laws they would apply to address the issue.
 - a. Advise participants to treat this process as any of the cases they already have come across in their line of work.

The table below suggests an outline of a *kulowakufa* victim's journey and what would happen at each stage.

Table 2

Family level	Community	Informal justice sector	Formal justice sector
Fisi imposed on widow, family members	The larger public, extended family, friends, neighbours and other actors (such as elders)	Chiefs (VH, GVH, TA), <i>Anduna</i>	Police, Magistrates, Judges
<ul style="list-style-type: none"> ○ Undignified treatment ○ Rape (where no consent given) ○ Psychological/emotional abuse ○ Harmful practice 	<ul style="list-style-type: none"> ○ Issuing advice to victim ○ Encouraging victim and offering moral support 	<ul style="list-style-type: none"> ○ Application of customary law to provide remedy to victim ○ Issuing of advice to victim ○ Referring case to other authorities 	<ul style="list-style-type: none"> ○ Arresting of accused ○ Trial leading to conviction and/or remedy for the victim

6. ATTITUDE CHECK (60 minutes)

Objective

To interrogate customary law, norms, beliefs and personal attitudes in treatment of VAWG survivors.

Role Play

Notes to Facilitator

The purpose of this activity is to test the attitudes of the duty bearers and the law on how to handle the survivor of VAWG as they walk through the system.

For this activity, Table 2 above will be used for reference.

Step by step

- 1) Pick out 4 participants and assign them roles as follows:
 - a. Widow (Zione)
 - b. Uncle to the widow
 - c. 2 friends to the widow (preferably one male and one female)
 - d. GVH (spell this out)
- 2) Ask the uncle to play out how he would go about convincing the widow to undergo *kulowakufa*. This can be done by pointing out some of the advantages of the practice as outlined in the previous exercise
- 3) Pause and have a short discussion where the rest of the participants comment on whether that is how it would happen in real life. Any additions and subtractions should be presented. Ask participants what type of power is at play here between uncle and widow.
- 4) Ask participants to think about how, in this instance, Zione can draw from her power within at this point. A discussion of this should be had in plenary, where it proves difficult refresh the participants on the power dynamics covered under the foundational module of the training. (Please refer to the section on power in the foundational module)
- 5) Then stage a meeting between the widow and her two friends where they offer advice on whatever decision Zione made on *kulowakufa*. (flag the potential for 'power with')
- 6) Pause again and have input from the rest of the participants. Ask the participants to suggest how they think Zione must be feeling.
- 7) Stage a scene where Zione complains to the GVH and how he/she would go about the issue.
- 8) Again, pause and take input from the participants on how they believe the GVH handled the situation. The group should make input on the following
 - a. The language used (was it to make Zione comfortable or not?)
 - b. The demeanor (did the GVH seem concerned)
 - c. Seriousness (how serious did the GVH find the issue to be?)
 - d. How they think Zione would have felt following her experience with the GVH
- 9) Ask participants to generally make input on what they believe should be the right approach to accord Zione justice. This discussion should include an exposition of the foundations and rationale of the *Kulowakufa* practice from the participants who are conversant. Ask

participants to make arguments for and against the practice in light of their current understanding of VAWG.

- 10) Encourage participants to explore why the 'right approach' may not be the path that is generally followed.
- 11) Ask for any general reflections from the participants on how the GVH should have handled it asking for a pair to role play the improvements suggested by the group at large.

DAY 2: SKILLS BUILDING: SURVIVOR CENTRED APPROACHES TO VAWG - USING CASE STUDIES IN RELATION TO DAY 1 AND DAY 2 LESSONS

LEARNING OUTCOME: Participants will be better able to design and deliver VAWG -related services in informal sector.

Day 2 outline

9.00 – 9.30	WELCOME, REFLECTIONS AND EXPECTATIONS
9.30 – 10.30	SURVIVOR-CENTERED APPROACH IN SERVICE DELIVERY
10.30 – 11.00	OBSTACLES FOR GOOD QUALITY RESPONSE ACTIVITIES
11.00 – 11.15	BREAK
11.30 – 12.30	HYPOTHETICAL CASE SCENARIO
12.30 – 2.00	LUNCH BREAK
2:00 – 3.00	REFLECTION SESSION

1. WELCOME, REFLECTIONS AND EXPECTATIONS (30 Minutes)

Objective

To create a conducive environment for another session where participants will build on knowledge and skills so far acquired.

Step by step

1. Facilitator should welcome all participants, and as usual express gratitude for their decision to turn up for today's training.
2. Ask participants to share in 1 minute a reflection on the previous days' (both days) activities. In the reflection, ask participants to mention the activity, incident, statement or thought that they liked most about the previous day's session. Participants should also feel free to express what they were not impressed with.
3. If no one steps up, casually ask participants randomly to just say something about the previous session in general. Targeting at least half of the participants would be okay
4. Facilitator should then briefly outline the objectives and activities for the day. These should not be given in great detail to avoid planting the thought that it will be a long day.
5. As usual, encourage participation and free speech during today's training.

2. SURVIVOR-CENTERED APPROACH IN SERVICE DELIVERY (30 mins)

Objective

To explain and apply a survivor-centered approach in service delivery- on customs applicable; procedure for handling the cases; expediency in handling and reporting and impact

Energizing introduction (Agree – Disagree)

Notes to facilitator

Do the following exercise for participants to acknowledge, and confront and overcome their own prejudices. Be sure to assure the participants that there is no right or wrong answer in this exercise and that it is meant to demonstrate the diversity of views in society.

Step by Step

- 1) Label one side of the room **AGREE** and the other **DISAGREE** and ask participants to move to the side as per their take on the issue
- 2) Read out these statements one by one allowing time for the participants to move towards AGREE or DISAGREE accordingly:
 - a. Women and girls lie about sexual encounters;
 - b. Forced sexual encounters always leave a trace that will provide collaborative evidence;
 - c. A man is entitled to have sex with his partner if they are in a long term relationship;
 - d. Domestic violence is a private matter between the couple and there should be non-intervention;
 - e. Good girls don't get raped;
 - f. Previous sexual experience predisposes women to be sexually available;
 - g. Good wives are not beaten by their husbands;
 - h. Good wives prioritize their domestic responsibilities;
 - i. Good wives do not challenge their husbands;
 - j. A woman in a mini-skirt is definitely trying attract attention from men;
 - k. Today's girls deliberately go after men so that they can get favours;
 - l. Children tell lies many times;

- 3) Ask participants to observe the differences in views and bear in mind their own views to the statements in this activity.
- 4) Ask participants what they take away from this session?

Information session: Building Survivor-Centered Response Services (1 hour)

Notes to facilitator

This session is intended to equip the participants with things to know when handling VAWG case with the survivor as the primary concern.

It should never depart the minds of the participants that the main focus is that whatever service they seek to provide should be such that the survivor feels helped as opposed to just them feeling they have executed their role. As such, approach may be altered slightly on a case by case basis.

To achieve this, participants should be able to differentiate between giving advice and providing information.

Step by step

- 1) First ask the participants to come up with the principles that would underpin a survivor-centered approach. They should not be expected to list them with technical precision but the ideas can be extracted (with some explanation where need be).
- 2) Share the following information with participants clearly and slowly, making sure they are free to ask and comment as you do so. Make the session as interactive as possible.
 - A. The principle that underpins survivor-centered case management is individualized service-delivery based on the survivor's wishes:**
 - a. The survivor is the primary actor.
 - b. The response should be developed in collaboration with the survivor and must reflect her wishes and choices.
 - c. The goal is to empower the survivor and ensure that she is involved in all aspects of the planning and service delivery.
 - B. Why you should not Advise Survivors**

Giving advice means telling someone what you think they should do and how you think they should do it or giving your personal opinion.

- You cannot know if you are giving the 'right' advice.
- You might give the 'wrong' advice and it can have a bad outcome for the survivor. This can lead to a survivor's problems getting worse.
- Case management is about the survivor's opinions and judgments, not the case workers.
- Case management is about empowering survivors to make their own decisions about their own lives.

1) Telling someone what to do does not help a person to understand her choices. It should be up to the survivor to decide the best way to solve her problems.

2) Giving advice is based on your values and beliefs.

C. Why you should Give Information

- It empowers a survivor to have control over her choices.
- It shows that you respect a survivor's opinions and judgements.
- The survivor has responsibility for making the right decisions about her life, not the case worker.
- The survivor is the one who will have to live with the consequences of her or his decision, not the counsellor.
- Giving information means telling someone facts so they can make an informed decision about what to do

D. What to always remember when assisting a VAWG survivor

ALL ACTORS SHOULD REMEMBER ...

- i. To be aware of the different feelings a survivor will have and help her to talk about them if she wants to.
- ii. To be aware that not all survivors will react the same way.
- iii. To treat the survivor gently, with respect and compassion, even if she doesn't look or act affected.
- iv. To take the survivors fears and feelings seriously.
- v. To give her privacy. Some people can be very embarrassed talking about their experience and may not want to talk about the details.
- vi. Not to force a survivor to talk if she doesn't want to.
- vii. To use active listening and empathy.
- viii. Not to push the survivor. Let her talk at her own speed.
- ix. To remain calm at all times. This will help the survivor feel calm.
- x. To tell her she is not alone and although the trauma has disrupted her life, it will not last forever.
- xi. To assure her that her feelings are normal.
- xii. To provide help, but not to take over. It's up to the survivor to make decisions about what action to take.
- xiii. To allow the survivor to choose her own action.
- xiv. To encourage the survivor to talk about what happened and how she is feeling with someone she trusts.
- xv. Not to cause further damage to a woman who has already been brutalized.
- xvi. Perpetrators of violence are responsible for the abuse and for stopping it.

Adapted from UNFPA Pakistan Participant Manual - BUILDING SURVIVORCENTERED RESPONSE SERVICES

- 3) Ask participants to reflect on how easy or challenging they feel it is to take a survivor centred approach. Allow for a discussion on points that will be raised.
- 4) Split the group into 4 and ask two groups to develop a role play that highlights a non survivor centred approach – and two that demonstrated survivor centred. (assign the same issue e.g. sexual assault for groups 1 and 2 but ask one to show survivor centred and one non survivor centred – same for groups 3 and 4 with

a different form of violence). Using the above case study role play again to show how you would respond based on the principles of survivor centered approach

3. OBSTACLES FOR GOOD QUALITY RESPONSE ACTIVITIES (30 mins)

Responding to VAWG is a difficult task. It is emotionally demanding for both the survivor and the justice duty bearer. In some cases, response activities can re-traumatize a survivor and do more harm than good, despite the good intentions of a duty bearer.

Step by step

- 1) Split the participants into four groups
- 2) Ask participants to brainstorm the potential obstacles that would be faced in trying to provide a good quality survivor-centered response to VAWG at:
 - a) the family level,
 - b) the community level
 - c) the customary justice system and
 - d) the formal justice system?Assign one to each group.
- 3) Make a summarized list of the obstacles given by the groups.
- 4) Share the information below:

Community Level

- Most societies tend to blame the survivor, and this social rejection can result in further emotional damage including shame, self-hate, and depression. If you do not recognize psychosocial trauma and social isolation, a survivor faces increased risks of harm and suffering.
- Community attitudes of blaming the survivor can also carry through to courts. Many gender-based violence crimes are dismissed or guilty perpetrators are given minor sentences, which can result in psychological harm for the survivor and also physical harm if the perpetrator wants to seek revenge.

Laws and Policies

National laws can also prevent response activities from protecting and helping survivors. Some laws do not provide protection against gender-based violence. For example, in Malawi, there is no law which prohibits marital rape. The emotional damage to survivors of marital rape is made worse by the suggestion that the perpetrator is not at fault.

- 5) Ask participants to name any laws or policies that they believe would be an obstacle.
- 6) Ask how the participants handle such situations when they encounter them in their areas
- 7) Ask them to brainstorm how these challenges can be overcome and how the approach currently taken can be improved.

Safety and Security Forces

In some cases, however, security workers view domestic violence as a “family issue” and are unwilling to step in. If police and security workers are not sensitive to a survivor’s needs for immediate care, dignity and respect, further harm may result because of their delayed assistance or insensitive behavior.

- 8) Ask participants to outline how the security forces’ methods that they know of would be an obstacle here
- 9) Ask how the participants handle such situations when they encounter them in their areas

- 10) Ask them to brainstorm how these challenges can be overcome and how the approach currently taken can be improved from their end.

Adapted from UNFPA Pakistan Participant Manual - BUILDING SURVIVORCENTERED RESPONSE SERVICES

4. HYPOTHETICAL CASE SCENARIO (90 minutes)

Objective

To interrogate informal justice duty bearers' attitudes in response to VAWG

Notes to Facilitator

This hypothetical case scenario will be used by the participants in their role play exercise in assessing the practice of the informal justice duty bearers when handling VAWG.

Specifically, this exercise will help the participants assess their attitudes when dealing with VAWG.

Step by step

- 1) Ask participants to list name justice duty bearers in the informal justice sector available in their communities. List them down on a flip chart.
- 2) Read out the following facts slowly and clearly

Tamandani was very nervous. It was very dark outside. Her husband should have been home two hours ago. He had been paid that day and she had asked him to come home right after work. They needed food for the children, and school was starting and their oldest son (nine years old) needed new shoes and a school uniform.

Tamandani wondered where her husband was. She knew that he had probably stopped off to have a drink with his friends. He would spend the money he had earned and there was nothing she could do. He had already spent much of the money she had earned that month cleaning and doing laundry for others, refusing to let her have any say over how it was spent. Tamandani grew more worried when she remembered what had happened the previous month at this time.

Finally, Jabulosi came home at around 1:00 AM. He smelled of alcohol and cigarettes. He was drunk. Tamandani did not want to have sex with him, she was afraid of getting pregnant again, and she did not feel well. Besides, she was still nursing their six-month-old daughter. He told her that he was her husband and she could not say no to him. As he punched her face, he yelled that he knew she was probably seeing some other man while he worked and that was why she did not have any energy for him. He had sex with her very roughly, leaving her upset, bruised, sore and with a black eye.

Tamandani knew that this happened because her husband was drunk, but she was relieved this time, because the last time he had also hit the children.

Tamandani has now come to report the incident.

Adapted from UNITED NATIONS OFFICE ON DRUGS AND CRIME's Training curriculum on effective police responses to violence against women, pg. 20.

- 3) Divide participants into groups equivalent to the number of duty bearers listed on step one

- 4) Assign a duty bearer to each group
- 5) Provide a page of the facts above to each group and ask them to detail out how they would respond to Tamandani if they were the duty bearer assigned to their group. Give them 20 minutes to do this
- 6) Ask each group to make a 5-minute presentation of their response allowing for general discussion after each presentation outlining what is okay and what is not, and how that can be done better
- 7) Have a general plenary discussion at the end of all presentations.

DAY 3: THE VAWG CASE MANAGEMENT SYSTEM IN INFORMAL SECTOR AND LINKAGES WITH FORMAL SECTOR

LEARNING OUTCOME: Participants will be better able to adopt survivor-centred case management system and learn coordination mechanisms in handling VAWG matters

Day 3 Outline

8.30 – 9.00	WELCOME, REFLECTIONS AND EXPECTATIONS
9.00 – 10.30	KEY AREAS OF VAWG RELATED RESPONSE
10.00 – 11.00	MANAGING CASES IN THE INFORMAL JUSTICE SECTOR
11.00 – 12.00	HANDLING SURVIVORS
12.00 – 14.00	LUNCH BREAK
14.00 – 15.00	ATTITUDE CHECK
15.00 – 15.30	REFLECTION AND EVALUATION

1. WELCOME, REFLECTIONS AND EXPECTATIONS (30 MINUTES)

Objective

To create a conducive environment for another session where participants will build on knowledge and skills so far acquired.

Step by step

6. In introductory remarks, facilitator should welcome and thank the participants for their decision and effort to come for day three; and for their fruitful participation in day 1 and 2. Express optimism and

anticipatory excitement towards yet another fruitful session. Then ask (though rhetorically) if everyone is as enthused as you.

7. Ask participants to share in 1 minute a reflection of the day 1 activities. In the reflection, ask participants to mention the activity, incident, statement or thought that they liked or learnt most from the previous day's session and why. If no one steps up, casually ask participants randomly to just say something about the previous session in general. Targeting at least half of the participants would be okay
8. Facilitator should then briefly outline the objectives and activities for the day. These should not be given in great detail to avoid planting the thought that it will be a long day.

2. KEY AREAS OF VAWG RELATED RESPONSE (90 minutes)

Objective

To outline the response systems (e.g. services available in local settings, roles and responsibilities of each service provider) and key areas of VAWG related response.

Materials Needed:

- Flipchart and markers
- Printed copies of table 2 from Day 1 session (provided on a separate page below)

Notes to facilitator

- 1) This activity is for participants to understand the system within which they operate and how their roles and responsibilities in relation to each other can be made better in responding to VAWG, drawing on some of the barriers identified in the discussion on Day 1.
- 2) The participants are players in this system, so the session needs to be participatory throughout.
- 3) Always bear in mind that the approach should be survivor-centered so always ask participants to picture the journey of the participants through the system of which they are custodians.

Step by step

1. On a flipchart visible to all, write down the following sectors and give the simple explanation of them as provided below (Make sure to pause after each sector and have the participants weigh in by giving examples, asking questions or making any comments)

a) Safety and Security

In relation to the VAWG survivors, this is ensuring that they feel free from violence or abuse and that they are protected against any harm.

b) Psychosocial

In relation to VAWG survivors, is acknowledging that the mind and social interaction can be affected and ensuring that their mind is not troubled and that their interaction with society is normal

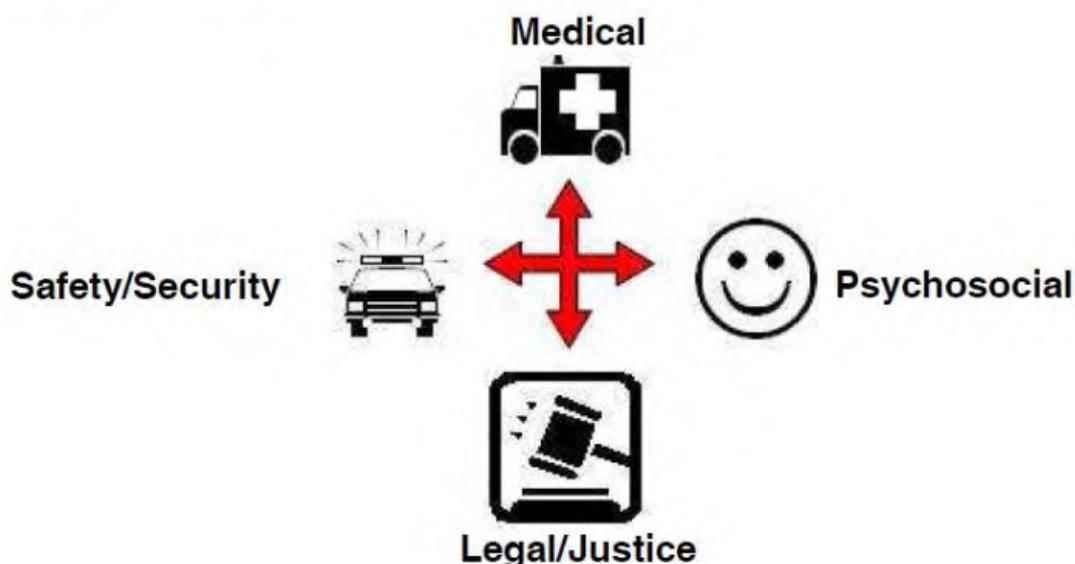
c) Medical Health

This refers to the physical well-being of the survivor in terms of any physical pain or suffering, and it entails ensuring the survivor is well physically.

d) Legal and Justice

This has to do with the solutions, remedies or any other measures that the law affords to the survivor at any stage is accessible and given to her.

Key sectors of response include:



Adapted from UNFPA Pakistan Participant Manual - BUILDING SURVIVORCENTERED RESPONSE SERVICES

2. Having outlined and explained these concepts, ask the participants to bear them in mind throughout and to always look at the flipchart whenever they need a reminder.
3. Remind participants about Day 1 *kulowakufa* activity and let them know it will be used as a case in point.
4. Distribute copies of table 2 and divide participants into groups of no more than four.
5. Refer back to table 2 from yesterday's activity. It is reproduced below

Family level	Community	Informal justice sector	Formal justice sector
Fisi imposed on widow, family members	The larger public, extended family, friends, neighbours and other actors (such as elders)	Chiefs (VH, GVH, TA), Religious leaders, <i>Anduna</i>	Police, Magistrates, Judges

<ul style="list-style-type: none"> ○ Undignified treatment ○ Rape (where no consent given) ○ Psychological/emotional abuse ○ Harmful practice 	<ul style="list-style-type: none"> ○ Issuing advice to victim ○ Encouraging victim and offering moral support 	<ul style="list-style-type: none"> ○ Application of customary law to provide remedy to victim ○ Issuing of advice to victims ○ Referring case to other authorities 	<ul style="list-style-type: none"> ○ Arresting of accused ○ Trial leading to conviction and/or remedy for the victim
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6. Orient the participants on the table. Highlight that from left to right is the journey of the survivor from where she suffered violence to where they seek justice. In the upper boxes are the various players. In the bottom boxes are things that would happen at each level.
7. Ask participants to add players and occurrences at each stage which have not been included. Give the following example:
 - At stage 3 (Informal Justice level) you could add “community workers” at the top and “interviewing survivor to learn more about the violation” at the bottom
8. Ask each group to make a brief presentation on what additions they have done to the table and have everyone comment on the additions.

3. MANAGING CASES IN THE INFORMAL JUSTICE SECTOR

Note to Facilitator

A case management approach to survivor care has been defined as a collaborative, multidisciplinary process which assess, plans, implements, coordinates, monitors and evaluates options and services to meet an individual’s needs to promote quality, effective outcomes¹. The figure below is a representation of what the process would be like and what the informal justice duty bearer may be required to do at each step of the case. It is just an outline of what the process would be like ideally.

¹Case Management Society of Australia, 1998 as cited by IRC, 2012, pg.70

TELLING SOMEONE AND SEEKING HELP (REPORTING)

Survivor telling family, friends, community members who letter reports to duty bearers

Survivor reports by herself



IMMEDIATE RESPONSE

The duty bearer to provide a private, safe and secure environment and attentively listen to the case. The duty bearer should bear in mind the potential psychosocial and medical health conditions of the survivor. Where necessary, refer the survivor to health care service provider or counsellor before continuing with the matter.



HEARING THE CASE

The duty bearer should then, as soon as possible, proceed to start all the processes for handling the case so that a remedy may be provided as per rules, regulations, customs and norms as the case may be.

Where required, case may be refereed to other authorities e.g. magistrates court or police,

Participants should brainstorm on scenarios when they would deem it necessary to refer the case to other authorities including the formal justice system (which includes Police and Courts)

4. HANDLING SURVIVORS (40 Minutes)

Objective

To attain skills of a conducting a safe, effective and ethical interviews that are gender sensitive and survivor- centred.

Notes to Facilitator

- 2) Before starting the next exercise, it is important to alert the participants of the following:
 - a. Before interviewing a survivor of VAWG, it is important to take time to understand and consider the impact that this violence can have on an individual. Some of these have been discussed throughout the training.
 - b. VAWG affects everyone: women, men and children and it is a traumatic experience for survivors.
 - c. The effects of VAWG differ for every individual and can be long-lasting and variable over time. Common effects include (but are not limited to): physical injuries, illness and psychosocial issues such as shock, anxiety and post-traumatic stress disorder

Step by step.

- 1) Ask individual participants to share by way of reflection what they took away from the discourse so far had on survivor-centered approach to VAWG. Find out if any of the participants have (or have elected to) handle things differently in light of what they have learnt. Open up for a discussion of the changes either implemented or contemplated.
- 2) Ask if they found challenges with any of the methods suggested previously

WHAT TO KEEP IN MIND WHEN DEVELOPING QUESTIONS

CREATE OPEN-ENDED QUESTIONS

<p>Avoid questions that can be answered with "yes" or "no". A good way to ensure a complete answer by your interviewee is to ask questions that begin with prompts:</p>	<ul style="list-style-type: none">• Please describe your experience.• Can you tell me about...?• Explain what was said...
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QUESTION ETHICALLY

<p>Avoid directly or indirectly blaming the survivor for their experience or implying that they could have prevented, avoided or resisted the incident. Avoid offensive, rude or shaming language. Do not intentionally ask questions aimed at provoking an emotional response from</p>	<p>your interviewee or revealing something they would prefer to keep private. In your questions and approach, avoid reinforcing incorrect perceptions about SGBV, such as that survivors are to blame for the acts committed against them or that SGBV is inevitable.</p>
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<h3>INAPPROPRIATE QUESTIONS</h3> 	<h3>APPROPRIATE QUESTIONS</h3> 
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<ul style="list-style-type: none">• What were you wearing on the evening that you were raped?• Why didn't you have someone accompany you?• How is it possible that you don't know who raped you?	<ul style="list-style-type: none">• Tell me about the events leading up to the assault?• What did you do after this attack?• What are your hopes for the future?
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BE CONSCIOUS OF YOUR WORD CHOICE

<p>The words you use are important. Be accurate - 'rape' is not 'sex'. Realize, however, that some interviewees may not use the word 'rape' as they may not be comfortable speaking directly about sexual violence. Work with your interviewee to determine the best approach,</p>	<p>framing and language for their interview. For example, do they identify themselves as a victim, a survivor, neither or both? Whatever they decide, respect this in the interview</p>
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- 3) Introduce the next activity as building on the survivor-centered approach
- 4) Refer to the extract from [witness.org](https://www.witness.org) below

Extracted and Adapted from witness.org

- 5) Present the contents of the extract above to the participants
- 6) Divide the participants in groups of three and assign each group a type of VAWG. In the groups, one should take the role of survivor, one the role of the justice duty bearer handling her issue and the other a referee.

- 7) In 10 minutes, the survivor should approach the duty bearer who should then interview the survivor. The referee should observe to make sure the interview is being handled in accordance with the guidance given. Should time allow, ask the participants to switch up the roles.
- 8) The facilitator should walk around the room to observe how the interviews are going.
- 9) Ask one pair to volunteer showcasing their role play to the entire group and have people make comments at the end.
- 10) Then ask participants how they found the exercise. Did anyone find it particularly challenging? Or any aspect particularly challenging.
- 11) Ask what participants learnt from this exercise

5. ATTITUDE CHECK SURVIVOR CENTEREDNESS AND THE REFERRAL SYSTEM (60 Minutes)

Objective

To evaluate the current referral system on gender sensitivity and survivor-centeredness.

Notes to Facilitator

For more on the Eric Aniva case refer to the report on the BBC website (bbc.com) titled *Malawi 'hyna man' Eric Aniva sentenced to two years' hard labour*

Step by step

- 1) Remind the participants about the *kulowa kufa* case
- 2) Reveal to the participants that this was the case of Erick Aniva, a man from Nsanje district who was working as a "fisi"
- 3) Point out the following elements
 - a. Mr Eric Aniva was a *fisi* for a long time
 - b. In 2016, he revealed to the BBC that he had slept with 104 women and girls and that he continued despite finding out he was HIV positive
 - c. The president ordered that he should be arrested after the story broke on BBC
 - d. He was supposed to be tried for defiling underage girls (below the age of 16 years) but none came forward to testify against him
 - e. Two women testified against him although one said she was able to escape before Aniva could sleep with her
 - f. He was instead tried and convicted of "harmful cultural practices" contrary to s5 of the Gender Equality Act and sentenced to 2 years in prison
 - g. Aniva's lawyer said he would appeal the conviction and sentence
- 4) Ask participants to point out why they think the case was handled well in light of the survivors. Allow for a general discussion after the responses
- 5) Then ask participants to point out why they think the case was not handled well in light of the survivors. Again allow for general discussions after responses.
- 6) Ask for general reflections from the group on the issue.

6. REFLECTION AND EVALUATION (60 minutes)

Objective

To Examine participants understanding of day 1 -3 using case studies

Step by step

- 1) Ask participants to be in pairs. They should try to pair with someone they have not interacted with during the entire period of the training. (Starting from day 1 to now). **Facilitator should make summaries of the responses given for evaluation purposes.**
- 2) Ask the participants to share each with their partner:
 - a. What their general impression of the training was
 - b. The thing that has most interested them
 - c. The thing that has least interested them
 - d. Any main important things that they have learnt throughout the training period
 - i. Types of VAWG and the law
 - ii. Roles and responsibilities
 - iii. Survivor Centered Approach
 - e. What they will do differently here onwards
- 3) Ask anyone who is ready to present what their partner said.
 - a. First state the name of the partner and what they do
 - b. Then present the answers in the order they appear in step 2.
- 4) After at least half of the participants have presented, the facilitator should make a brief summary of what the participants have learnt and make an assessment of the same in terms of whether the participants are on the right track or not. Ask the participants to reflect deeply on everything they have learnt and play their important role towards a better gender-sensitive, survivor-centered response to VAWG.
- 5) Ask any participants to give the last remarks

