

Tithetse Nkhanza•



Malawi Violence Against Women and Girls Prevention and Response Programme

GENDER TRANSFORMATIVE CURRICULUM PART B:

Traditional and Community Justice
Duty Bearers

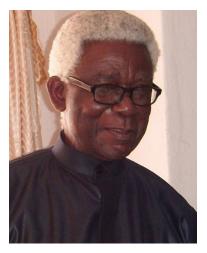


Malawi Violence Against Women and Girls Prevention and Response Programme

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GENDER TRANSFORMATIVE CURRICULUM PART B

Traditional and Community
Justice Duty Bearers



His Royal Highness Paramount Chief Dr. Kyungu XXIV

Mwakabanga III

FOREWORD FROM THE INFORMAL JUSTICE SECTOR

The severity and high prevalence of Violence Against Women and Girls (VAWG), is one of the factors contributing to inequality between men, women, girls and boys, as well as slow progress towards the attainment of sustainable development for Malawi. The Government of Malawi's commitment to ending VAWG is demonstrated through a strong legal and policy framework on VAWG, as well as implementation of several programmes on combatting this vice.

The informal justice sector, which comprises of Traditional Leaders (Group Village Headman, Village Headmen, Traditional Authorities, Community Leaders, and Village Mediators), Religious Leaders, Community Victim Support Units members, Primary Justice Forums members, Community Policing Structures members, and members of Women Forums, among other actors, works alongside a number of partners and stakeholders on the prevention of, and provision of services to survivors of VAWG.

The various players in the informal justice sector are gatekeepers of cultural values, traditions, customs and beliefs some of which are at the core of the disempowerment of women and girls, reinforce toxic masculinities which normalizes violence against women and girls and inhibits women and girls' capacities to access justice. In this regard, employing a gender transformative approach to justice-related work in the informal justice sector is one avenue for promoting women's empowerment, especially as they interact with the various justice service delivery mechanisms.

The gender transformative approach creates opportunities for individuals to actively challenge gender norms, promote positions of social and political influence for women in communities, and address power inequities between persons of different genders. It creates an enabling environment for gender transformation, allowing for the shifting of gendered community perspectives and social relationships towards perspectives of equality that allow both women and men to achieve their full potential within a society. Accordingly, a gender transformative approach goes beyond improving the empowerment of women and girls alone, but also includes benefits for men and boys.

The importance of continuous dedicated training of actors in the informal sector on gender transformative approaches cannot therefore be overemphasized where the quest for improving women's and girls' access to justice and attainment of gender equality is concerned. Employing a gender transformative approach in the informal justice sector leads to removal of obstacles to women's and girls' access to justice while also strengthening the capacity of the actors in adoption of measures for ensuring that the justice delivery chain is gender responsive. Therefore, we, the various players in the informal justice sector, welcome this Gender Transformative Curriculum as a very important tool to guide the learning and skills-building of players in this sector. It is our expectation that this Curriculum will develop the key competencies and confidence required to challenge discriminatory social norms that contribute to violence against women and girls. We also envisage that the training under this Curriculum will contribute to the needed transformation with respect to behaviours, practices or procedures that create obstacles to equal access to justice for women and girls, as well as to promote those that ensure better access. The Curriculum will also enable actors in the informal justice sector to develop critical consciousness of our attitudes, values and behaviours as individuals and the development of positive changes at individual level that is required for the delivery of gender-responsive support to survivors of gender-based violence in our day-to-day work.

As actors in the informal justice sector, we have a powerful role to play in a coordinated response to ending violence against women and girls. The present Curriculum will definitely contribute to improving our capacities to influence positive socio norms change at individual and community levels. This will in turn contribute to meaningful realization of gender equality and significant improvements in ways that women and girls interacts with the informal justice delivery mechanism with better outcomes for access to justice for victims/survivors of violence. This is a very important initiative in our quest to end gender-based violence.

HIS ROYAL HIGHNESS PARAMOUNT CHIEF DR. KYUNGU XXIV MWAKABANGA III

Module for Traditional and Community Justice Duty Bearers

Day 1	Module	Page Reference
9.00 - 9.30	WELCOME, INTRODUCTIONS AND EXPECTATIONS (30 MINS)	5
9.30 – 10.10	REFLECTIONS ON VAWG FROM OUR FIRST SESSIONS TOGETHER	6
	(40 MINS)	
10.10 – 11.10	KNOWLEDGE ASSESSMENT: VAWG LAW AND RESPONSIBILITIES	7
	(60 MINS)	
11.10 - 11.20	Short Reflective Break	
11.20 - 12.10	IDENTIFYING APPLICABLE LAWS TO DIFFERENT TYPES OF VAWG	8
	(50 MINS)	
12.10 - 14.00	Lunch	
14.00 – 14.30	APPLICATION OF FORMAL AND CUSTOMARY LAWS AND NORMS	10
	TO CIVIL AND CRIMINAL VAWG MATTERS (30 MINS)	
14.30 – 15.30	ATTITUDE CHECK: ROLE PLAY (60 MINS)	11

Day 2	Module	Page Reference
9.00 - 9.30	WELCOME, INTRODUCTIONS AND EXPECTATIONS (30 MINS)	13
9.30 - 10.30	SURVIVOR-CENTRED APPROACH IN SERVICE DELIVERY (60 MINS)	13
10.30 – 11.00	OBSTACLES FOR GOOD QUALITY RESPONSE ACTIVITIES (30	15
	MINS)	
11.00 – 11.15	Break	
11.30 – 13.00	HYPOTHETICAL CASE STUDY (90 MINS)	16
13.00 - 14.00	Lunch	
14.00 – 15.00	REFLECTION SESSION (60 MINS)	17

Day 3	Module	Page Reference
8.30 - 9.00	WELCOME, INTRODUCTIONS AND EXPECTATIONS (30 MINS)	18
9.00 - 10.30	KEY AREAS OF VAWG RELATED RESPONSE (90 MINS)	18
10.30 – 11.30	MANAGING CASES IN THE INFORMAL JUSTICE SECTOR (60 MINS)	20
11.30 – 12.30	HANDLING SURVIVORS (60 MINS)	20
12.30 - 14.00	Lunch	
14.00 – 15.00	ATTITUDE CHECK: SURVIVOR CENTREDNESS AND THE	22
	REFERRAL SYSTEM (60 MINUTES)	
15.00 – 15.30	REFLECTION AND EVALUATION (60 MINUTES)	23



Day 1: Legal Framework

Learning Outcomes

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.

1. WELCOME, INTRODUCTIONS AND EXPECTATIONS (30 MINS)

Obiective

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

Facilitator notes

It is important that you build positive and supportive group dynamics 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.

Step by Step

Welcome and introductions (approx. 10 mins)

- Pair participants and ask them to find out their partner's name, occupation and something they have in common
 with each other...the more surprising the better! Allow the participants three minutes for the chat. The facilitator
 should also have a participant as their partner. Return to a plenary and allow each participant to introduce his or
 her partner.
- 2. Provide an overview of the training and of the day's objectives.

Hopes and Fears (approx. 20 mins)

Objective

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

Materials

Post-it notes, flip chart paper, tape

- 3. Ask participants to take a moment and reflect on the hopes we have for this workshop. What insights, learnings and skills it may bring. Also, as is common in any new situation, we may also have some fears
- 4. Ask participants to brainstorm their hopes on one colour post-it note and their fears on a different colour (these should be pre-prepared by the facilitator). Encourage one hope or fear per post-it note. Reinforce that there is no right or wrong answer and all answers are anonymous
- 5. Once participants have written their hopes and fears down they can hand the post-it notes to the facilitator or post them on the flip chart paper assigned separately for 'hopes and 'fears'. Write the expectations down on flip chart paper
- 6. 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. For example, 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 MINS)

Objective

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

Facilitator Notes

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, or colleagues around how we are socialised as men and women. Note: this is not a test of what they have remembered in terms of the types of VAWG, 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 module. Note these on a flipchart (ensure you have a note of the sessions to-hand as a prompt for gaps). Ask the participants to offer up the types of conversations that were held. Ask them to recall if there were any controversial debates, or really interesting points that they remembered. The facilitator should take up to three participants' contributions.
- 2. Now ask individuals to pair up with person next to them and share with each other;
 - Conversations they had after the first sessions with families, friends, partners, children etc. about the topics discussed
 - Whether these conversations led to any changes;
 - Any personal reflections they had about their work and or the role they play as an influential person in the community;
 - Encourage participants also to share if they felt nothing changed, and their thinking around that.
 - Invite the full group to come together and ask for pairs to share their contributions.

Facilitator Notes

Allow the sharing to flow and do not cut discussion short. This is 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.

- 3. If the issues are not covered, probe:
 - Whether the discussions in the first module had any impact on the way participants 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?

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 society and how that has informed our gender beliefs
- Healthy and unhealthy relationships
- Different types of violence; physical, emotional, economic, sexual
- 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)

Objective

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

- 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
- To discuss how informal justice duty bearers might interact with the formal system for VAWG cases

Facilitator notes

- Make sure you 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 participants' current understanding

- 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 four people. Make sure each group has at least someone conversant with customary laws of their area or persuasive customary norms in general.
- Assign at least one VAWG issue to each group making sure to include all types covered above. These may
 include: Domestic violence or any other IPV; property grabbing; rape and/or defilement; early marriage and any
 other harmful practice. Ensure to include psychological and financial violence; these are less talked about forms of
 violence.
- 4. Ask each group to first discuss how the issue is normally addressed in their communities. Is it kept within the family, settled between families, taken to police etc.? Ask groups to make a note of this.
- 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, as justice duty bearers, 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 MINS)

Objective

- 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, for each type, who they think is responsible for responding to the type of VAWG and how.
- 2. The facilitator should then walk the participants through the 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 five-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 notes

The aim is to explore barriers to reporting through formal laws, as well as the extent to which the laws are supportive or discriminatory of survivors

Relevant Statutory Provisions

Type of VAWG	Applicable Law		
Physical Violence (including IPV)	Provides for the implementation of policies to address social issues such as domestic violence - section 13(a)(iii)		
	Prevention of Domestic Violence Act Makes provisions for the prevention of domestic violence and for the protection of persons affected by domestic violence		
	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		
	Section 2 states "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.		
Psychological /	Prevention of Domestic Violence Act		
emotional	Defines psychological and emotional abuse		
(including harmful practices)	 Section 2: "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" 		
	 This implies that the measures provided under the act applies to all the types of VAWG dealt with here 		
	Trafficking in Persons Act		

Protects women specifically by making the offence of trafficking more serious if the person trafficked gets pregnant or is forced to terminate a pregnancy as a result of said trafficking. (see section 16 (1) (h) (iii)) Sexual Violence Prevention of Domestic Violence Act (including harmful Again, the PDVA applies here on definition of domestic violence under section 2 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." Section 137 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 felony and shall be liable to imprisonment for 14 years...lt shall be no defence to a charge for indecent assault on a girl under the age of 16years to prove that she consented to the act of indecency..." The Constitution Section 24 of the constitution guarantees women the right to full protection by the law which extends to the right to acquire and own property. **Prevention of Domestic Violence Act** The PDVA applies here on definition of economic violence under section 2 as follows: "'economic abuse' means the denying of a person the ability to undertake any lawful income generating activity or access economic resources, and includes refusal to provide basic household necessities, withholding that person's income or salary and denying that person the opportunity to seek employment;" Deceased Estate (Wills, Inheritance and Protection Act This law protects spousal property rights by prohibiting application of customary laws to inheritance of deceased property - section 4 The Act also does away with customary heirs and ensures that property remains with the immediate family of a person who dies without a will. In so doing, the Act protects women from property grabbing which is a common custom. Harmful practices The Constitution Section 22 prohibits marriages under the age of 18. The Constitution outlawed parental consent for underage children **Child Care Protection and Justice Act** Criminalises parents who consent marriage for underage children 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

HIV AIDS and Management Act

practices)

Economic

Violence

- **Section 4:**(1) A harmful practice listed in the First Schedule is hereby prohibited. These are - 1. Chimwanamaye 2. Fisi 3. Hlazi 4. Chijura mphinga 5. Kuchotsa fumbi * 6. Chiharo 7. Kuika rnwana kumalo 8. Kujura nthowa 9. Kulowa or kupita kufa 10. Kulowa or kupita ngozi 11. Kupimbira 12. Kupondera guwa 13. Kusamala mlendo 14. Kutsuka mwana 15. Mbirigha 16. Gwamula 17. Mwana akule 18. Bulangete la mfumu
 - (2) Any person who practices a harmful practice commits an offence and shall be liable, upon conviction to a fine of K5,000,000 and imprisonment for five years.
- Section 5: Any person who subjects, permits or encourages another person to indulge in a harmful practice commits an offence and shall be liable, upon conviction to a fine of K5,000,000 and imprisonment for five years.

Other Key Legislation

Childcare, 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

Trafficking in Persons Act

- The Act further accords protection by providing a wide definition for what amounts to trafficking which
 includes recruiting, transporting, transferring, harbouring 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.

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

Objective

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

Facilitator notes

Ensure you emphasise 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 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 study

Case Study

Consider the example of *kulowakufa* which is practised in some cultures (notable Sena and Mang'anja). When there is a death and the widow is left behind, another man (the fisi) must be found in order for the widow to sleep with him 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. 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 four people 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. 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. Ask them to consider what potential laws they would apply to address the issue.
- 7. Advise participants to treat this process in the same way they would treat any of the cases they have already come across in their line of work.

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An outline of a kulowakufa victim's journey

Family level	Community	Informal Justice Sector	Formal Justice Sector
Fisi imposed on the widow by family members	The larger public, extended family, friends, neighbours and other actors (such as elders)	Chiefs (VH, GVH, TA), Anduna	Police, Magistrates, Judges
Undignified treatment Rape (where no consent given) Psychological/emotional abuse Harmful practice	Issuing advice to victim Encouraging victim and offering moral support	Application of customary law to provide remedy to victim Issuing of advice to victim Referring case to other authorities	Arresting accused Trial leading to conviction and/or remedy for the victim

6. ATTITUDE CHECK: ROLE PLAY (60 MINS)

Objective

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

Facilitator notes

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, the table in the previous exercise will be used for reference

- 1. Pick out four participants and assign them roles as follows:
 - Widow (Zione)
 - Uncle to the widow
 - 2 friends to the widow (preferably one male and one female)
 - 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 or changes should be presented. Ask participants what type of power is at play here between the uncle and the 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. If it proves difficult, remind the participants about the power dynamics covered under the foundational module of the training (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
 - The language used (was it to make Zione comfortable or not?)

- - Seriousness (how serious did the GVH find the issue to be?)

The demeanour (did the GVH seem concerned?)

- How they think Zione would have felt following her experience with the GVH
- 9. Ask participants to generally 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

Learning Outcomes

Participants will be better able to design and deliver VAWG-related services in the informal sector

7. WELCOME, INTRODUCTIONS AND EXPECTATIONS (30 MINS)

Objective

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

Step by Step

- 1. Facilitator should welcome all participants, and express gratitude for their decision to attend for today's training.
- 2. Ask participants to share a one-minute reflection of the day one activities. In the reflection, ask participants to mention the activity, incident, statement or thought that they liked most about the previous day's session. If no one steps up, ask participants randomly to just say something about the previous session in general. Targeting at least half of the participants would be okay.
- 3. 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.
- 4. As usual, encourage participation and free speech during today's training.

8. SURVIVOR-CENTRED APPROACH IN SERVICE DELIVERY (60 MINS)

Objective

To explain and apply a survivor-centred approach in service delivery on applicable customs, procedure for handling cases, expediency in handling and reporting, and impact.

Part One - Introduction (agree-disagree)

Facilitator Notes

Do the following exercise for participants to acknowledge, 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.

- 1. Label one side of the room AGREE and the other DISAGREE and ask participants to move to the side relating to 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:
 - Women and girls lie about sexual encounters;
 - Forced sexual encounters always leave a trace that will provide collaborative evidence;
 - A man is entitled to have sex with his partner if they are in a long-term relationship;
 - Domestic violence is a private matter between the couple and there should be no outside intervention;
 - · Good girls don't get raped;

- Previous sexual experience predisposes women to be sexually available;
- Good wives are not beaten by their husbands;
- Good wives prioritise their domestic responsibilities;
- Good wives do not challenge their husbands;
- A woman in a mini skirt is definitely trying attract attention from men;
- Today's girls deliberately go after men so that they can get favours;
- Children often tell lies.
- 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

Part Two - Information session: Building survivor-centred response services

Facilitator Notes

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

Participants should remain mindful that the main focus of any service provision should be such that the survivor feels helped, as opposed to them feeling that the service provider is just executing their role. As such, the approach to service provision 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-centred 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.

Building Survivor-Centred Response Services

The principle that underpins survivor-centred case management is individualised service-delivery based on the survivor's wishes

- The survivor is the primary actor
- The response should be developed in collaboration with the survivor and must reflect her wishes and choices
- The goal is to empower the survivor and ensure that she is involved in all aspects of the planning and service delivery

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 worker's.
- Case management is about empowering survivors to make their own decisions about their own lives.

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.

Why you should give information

Giving information means telling someone facts so they can make an informed decision about what to do

- 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.

What to always remember when assisting a VAWG Survivor

All actors should remember:

- To be aware of the different feelings a survivor will have and help her to talk about them if she wants to.
- To be aware that not all survivors will react in the same way.
- To treat the survivor gently, with respect and compassion, even if she doesn't look or act affected.
- To take the survivor's fears and feelings seriously.
- To give her privacy. Some people can be very embarrassed talking about their experience and may not
 want to talk about the details.
- Not to force a survivor to talk if she doesn't want to.
- To use active listening and empathy.
- Not to push the survivor. Let her talk at her own speed.
- To remain calm at all times. This will help the survivor feel calm.
- To tell her she is not alone and although the trauma has disrupted her life, it will not last forever.
- To assure her that her feelings are normal.
- To provide help, but not to take over. It's up to the survivor to make decisions about what action to take.
- To allow the survivor to choose her own action.
- To encourage the survivor to talk about what happened and how she is feeling with someone she trusts.
- Not to cause further damage to a woman who has already been brutalised.
- 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 raised.
- 4. Split the group into four and ask two groups to develop a role play that highlights an approach that is not survivor-centred, and the other two to develop a role play demonstrating a survivor-centred approach. Assign the same issue (e.g. sexual assault) to a survivor-centred and a non-survivor-centred group.
- 5. Refer back to the case study from day 1 (page 7) and show how you would respond based on the principles of a survivor-centred approach.

9. OBSTACLES FOR GOOD QUALITY RESPONSE ACTIVITIES (30 MINS)

Facilitator Notes

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-traumatise a survivor and do more harm than good, despite the good intentions of a duty bearer.

- 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-centred response to VAWG at the following levels (assign one to each group):
 - the family level;
 - the community level;
 - the customary justice system;
 - the formal justice system.
- 3. Summarise the list of obstacles as presented by the groups.
- Share the information below:

Obstacles

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 recognise 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.

- 1. Ask participants to name any laws or policies that they believe would be an obstacle.
- 2. Ask how the participants handle such situations when they encounter them in their areas
- 3. 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, 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 behaviour.

- 4. Ask participants to outline how the security forces' methods that they know of would be an obstacle here
- 5. Ask how the participants handle such situations when they encounter them in their areas
- 6. 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

10. HYPOTHETICAL CASE STUDY (90 MINS)

Objective

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

Facilitator notes

This hypothetical case study 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 on a flip chart.
- 2. Read out the following facts slowly and clearly:

Case Study

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 another 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 the participants listed in 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.

11. REFLECTION SESSION (60 MINS)

Objective

To examine participants' understanding of days training.

- 1. Ask participants to split into pairs. They should try to pair with someone they have not interacted with during the entire period of the training.
- 2. Ask the participants to share with their partner:
 - What their general impression of the days training was
 - The thing that has most interested them
 - The thing that has least interested them
 - Any main things that they have learnt throughout the training period in relation to:
 - Types of VAWG and the law
 - o Roles and responsibilities
 - Survivor-centred approach
- 3. Ask anyone who is ready to present what their partner said. The facilitator should make summaries of the responses given for evaluation purposes.
- 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 whether the participants are on the right track. Ask the participants to reflect deeply on everything they have learnt and play their important role towards a better gender-sensitive, survivor-centred response to VAWG, and linkages between formal and informal which will be explained more tommorow.
- 5. Close the session for the day.



Day 3: The VAWG case management system in the informal sector and linkages with the formal

Learning Outcomes

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

12. WELCOME, INTRODUCTIONS AND EXPECTATIONS (30 MINS)

Obiective

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

Step by Step

- 1. In introductory remarks, the facilitator should welcome all participants and thank them for their decision and effort to come for the third day, and for their fruitful participation in days 1 and 2. Express optimism and excitement towards yet another fruitful session. Then ask (rhetorically) if everyone is as enthused as you.
- 2. Ask participants to share a one-minute reflection of the day one and two activities. In the reflection, ask participants to mention the activity, incident, statement or thought that they liked most about the previous sessions. If no one steps up, ask participants randomly to just say something about the previous session in general. Targeting at least half of the participants would be okay.
- 3. 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.

13. KEY AREAS OF VAWG RELATED RESPONSE (90 MINS)

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

Flipchart and markers; printed copied of the table 'An outline of a kulowakufa victim's journey' from Day 1 (page 7).

Facilitator notes

- This activity is for participants to understand the system within which they operate and how their roles and responsibilities can best interact with other actors in responding to VAWG, drawing on some of the barriers identified in the discussion on Day 1.
- I he participants are players in this system, so the session needs to be participatory.
- Always bear in mind that the approach should be survivor-centred, so always ask participants to picture the
 journey through the system of which they are custodians.

Step by Step

On a flipchart visible to all, write down the following sectors and give the simple explanation 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.

Key sectors of VAWG response

Safety and Security

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

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.

Medical Health

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

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.



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 this exercise and to look at the flipchart whenever they need a reminder.
- 3. Remind participants about the day 1 *kulowakufa* activity (page 7) and let them know it will be used as a case study again here.
- 4. Distribute copies of the table from day 1 (page 7) and divide participants into groups of no more than four.
- 5. 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 she seeks justice. In the upper boxes are the various players. In the bottom boxes are things that would happen at each level.
- 6. 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.

7. Ask each group to make a brief presentation on what additions they have done to the table and have everyone comment on the additions.

14. MANAGING CASES IN THE INFORMAL JUSTICE SECTOR (60 MINS)

Facilitator notes

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 outcomes. 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.

Telling someone and seeking help (reporting)

Survivor telling family, friends, community members who later report 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 healthcare 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 referred to other authorities e.g. magistrates court or police,

- 1. Do a consolidation of the exercise by tracing the survivor through the system and highlighting what and how each duty bearer would handle the survivor. Make reference to the figure in the facilitator notes above.
- 2. Participants should brainstorm scenarios when they would deem it necessary to refer the case to other authorities including the formal justice system (which includes Police and Courts).

15. HANDLING SURVIVORS (60 MINS)

Objective

To obtain skills in conducting a safe, effective and ethical interview that is gender sensitive and survivor-centred.

Facilitator notes

Before starting the next exercise, it is important to alert the participants of the following:

- 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.
- VAWG affects everyone: women, men and children and it is a traumatic experience for survivors
- 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 participants to reflect and share what they have taken away from the discourse so far on the survivor-centred approach to VAWG response. Find out if any of the participants have (or have elected to) handle things differently in light of what they have leant. Open up for a discussion of the changes either implemented or contemplated.



- 1. Ask participants to reflect and share what they have taken away from the discourse so far on the survivor-centred approach to VAWG response. Find out if any of the participants have (or have elected to) handle things differently in light of what they have leant. 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
- 3. Introduce the next activity as building on the survivor-centred approach
- 4. Refer to the extract from witness.org below

WHAT TO KEEP IN MIND WHEN DEVELOPING QUESTIONS

CREATE OPEN-ENDED QUESTIONS

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:

- Please describe your experience...
- Can you tell me about...?
- Explain what was said...

QUESTION ETHICALLY

Avoid directly 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 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.

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INAPPRORIATE QUESTIONS X	APPRORIATE QUESTIONS ✓	
 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 didn't know who raped you? 	Tell me about the events leading up to the assault What did you do after this attack? What are your hopes for the future?	
DE CONSCIOUS OF VOUR WORD CHOICE		

BE CONSCIOUS OF YOUR WORD CHOICE

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, framing and language for their interview. For example, do they identify themselves as victim, a survivor, neither or both? Whatever they decide, respect this in the interview

- 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. Give groups 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 roles.
- 8. The facilitator should walk around the room to observe how the interviews are going.
- 9. Ask one group 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

16. ATTITUDE CHECK: SURVIVOR CENTREDNESS AND THE REFERRAL SYSTEM (60 MINUTES)

Objective

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

Facilitator notes

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*

- 1. Remind the participants about the *kulowakufa* case from day 1 (page 7)
- 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
 - Mr Eric Aniva was a fisi for a long time
 - 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
 - The president ordered that he should be arrested after the story broke on BBC
 - He was supposed to be tried for defiling underage girls (below the age of 16) but none came forward to testify against him
 - Two women testified against him although one said she was able to escape before Aniva could sleep with her
 - He was instead tried and convicted of "harmful cultural practices" contrary to section 5 of the Gender Equality
 Act and sentenced to two years in prison
 - 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.

17. REFLECTION AND EVALUATION (60 MINUTES)



Objective

To examine participants' understanding of days 1-3 using case studies

Step by Step

- 6. Ask participants to split into pairs. They should try to pair with someone they have not interacted with during the entire period of the training.
- 7. Ask the participants to share with their partner:
 - What their general impression of the training was
 - The thing that has most interested them
 - The thing that has least interested them
 - Any main things that they have learnt throughout the training period in relation to:
 - Types of VAWG and the law
 - o Roles and responsibilities
 - Survivor-centred approach

What they will do differently here onwards

8. Ask anyone who is ready to present what their partner said. The facilitator should make summaries of the responses given for evaluation purposes.

Ask them to first state the name of their partner and what they do

Then present the answers in the order they appear in step 2.

- 9. 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 whether the participants are on the right track. Ask the participants to reflect deeply on everything they have learnt and play their important role towards a better gendersensitive, survivor-centred response to VAWG.
- 10. Ask any participants to give the last remarks.



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