Dear Tek,

In response to the query from the UNDP/Nepal regarding Gender Based Violence (GBV) training for judges, the ABA-UNDP International Legal Resource Center (ILRC) has provided the following report. This report may be useful to the UNDP/Nepal in the development of a standard training manual for Training of Trainers (ToT) on GBV. The report is a compilation of information from four ILRC Gender experts. Should you wish to have the actual materials, please contact the ILRC directly.

A) Ms. Barad has provided a Train the Trainer Manual and Judicial Benchbook. The purpose of the Train the Trainer Manual is to teach trainers to effectively guide others in the skills and techniques of participatory training. The Judicial Benchbook is specific to Rwanda, but does include a judge’s checklist as an Appendix. More important even than gender-sensitizing the judges is training the police on GBV and giving them a checklist to ensure their adherence to proper practices in investigating GBV and protecting victims. Prosecutors also could use this training and a similar checklist.

B) Ms. Huhtanen has provided a summary of the United Nations Police Standardized Training Curriculum on Investigating and Preventing Sexual and Gender-based Violence (UNPOL-SGBV project). Unfortunately the materials related to this project will not be available until the end of February or beginning of March. The training curriculum is proposed to include two parts: 1) presenter training curriculum and 2) participant training materials. The training will be ten days (or 60.0 hours) and include lecture, discussion, individual activities, problem-based (group) learning activities and relevant scenarios. Training modules will include: a) SGBV International Legal Framework; b) SGBV Dynamics; c) SGBV Case Management; d) SGBV Interviewing; e) SGBV Crime Scene Response and Evidence Collection; f) SGBV Victim Impact; and SGBV Prevention and Problem Solving. In addition, she has also provided handbook developed from the U.S. context addressing how improve the response to sexual assault and how to guide and inform local sexual assault prevention. According to this handbook, conveniently titled Sexual Assault Response Team (SART), a collaborative multidisciplinary response is one of the best ways to address community safety.

C) Ms. Nyirinkindi has shared her personal experience in the area of gender and sexual violence from her work in Uganda and the African Great Lakes Region.

D) Judge Walsh has shared her personal experience in handling domestic violence cases in the U.S.

Tek, you can contact any of these four experts through the ILRC. Please let us know if the ILRC can be of further assistance in connection with this query or with other needs such as recruitment of experts for particular in-country projects or more elaborate reviews of draft or current legislation. You can view our 2009 Annual Report on pages 12-25 to see how the ILRC has provided technical assistance in numerous substantive legal fields for UNDP offices worldwide.

Jacqueline
International Program Associate
ABA-UNDP International Legal Resource Center (ILRC)
American Bar Association, Section of International Law
Tel: +1-202-662-1662 Email: gichingj@staff.abanet.org
Dear Colleagues,

The Government of Nepal has recently announced the year 2010 as the year against Gender based Violence (GBV) leading to the development of the National Plan of Action on GBV. In this context, we have also been involved in the implementation of some of the activities listed in the plan of action. One of them is to empower the judicial personnel including judges on GBV. We have been providing training to the judges, lawyers, prosecutors and judicial personnel in different regions of the country in partnership with National Judicial Academy. We have also supported the Academy to develop a training manual on this.

Since the Academy is the one and only authorized body in the judiciary to train the judges and judicial personnel, we have realized to support the academy to develop a standard training manual for ToT on GBV.

In this regard, I would like to request you all to provide your experiences and documents if you have already prepared and produced them.

I look forward to hearing from you.

With warm regards,

Tek Tamata
Programme Analyst
(Justice and Human Rights)
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CHAPTER 1:
Content provided by Elizabeth Barad

Elizabeth Barad holds an advanced degree in Law and extensive gender experience. She has developed GBV training tools for the Rwandan police and prosecutors. She is presently preparing a gender-sensitivity training for Ugandan judges and will follow that with a similar training for the Northern Ugandan police, prosecutors and judges. She has devised and created material for a workshop on “Investigation, Prosecution, and Adjudication of Sexual and Gender-Based Crimes” for over 100 participants, including government officials and members of the judiciary. Furthermore, she has also created a ToT for Hagaruka, a Rwandan women’s legal aid organization.

Ms. Barad has provided the following Train the Trainer Manual and Judicial Benchbook. The purpose of the Train the Trainer Manual is to teach trainers to effectively guide others in the skills and techniques of participatory training. The Judicial Benchbook is specific to Rwanda, but does include a judge's checklist as an Appendix. More important even than gender-sensitizing the judges is training the police on GBV and giving them a checklist to ensure their adherence to proper practices in investigating GBV and protecting victims. Prosecutors also could use this training and a similar checklist. Because we would like to gauge the interest in these materials, we have only provided the table of contents of each of these publications. Please feel free to contact the ILRC for further information.
The purpose of the manual is to teach trainers to effectively guide others in the skills and techniques of participatory training.

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PURPOSE AND USE OF THE MANUAL

- The purpose of the manual is to teach trainers to effectively guide others in the skills and techniques of participatory training.

- Refer to the manual throughout the training to reinforce the methods that you are using. Study the outlines in the manual to help participants practice training techniques and plan future trainings.

PARTICIPATORY TRAINING

- Participatory training involves the audience. Participants are active rather than passive and learn by doing. Audience members comment on participants’ ideas and activities instead of the facilitator.

ROLE OF THE FACILITATOR

- Rather than teaching training skills, a facilitator helps participants learn on their own. He/she is not a lecturer but a tour guide for group members to engage in a variety of activities that enable them to train others. The facilitator elicits everyone’s contribution and participation. A leader merely guides group discussions and feedback rather than participating in them.

REVIEW AND REPETITION

- It is important to restate and review training techniques at the beginning and end of each training day. People remember the first thing and the last thing they experience. Repetition reinforces remembrance.

AFTERWORD

The goal of the training is to enable participants to prepare others to train participatory skills in future trainings. These skills include engaging an audience, creating an atmosphere that encourages learning and methods for participants to practice their skills. This method expands the amount of people capable of teaching training proficiency. Therefore, instead of one or two facilitators there is a large group of trainers who can reach everybody in every cell of the country.

Knowing the participatory method of teaching engages everyone in a group and can be used to learn any subject matter. The same method is used—only the topic in the role plays and hypotheticals differ. When a training program is successful and well received, participants’ comments usually reveal that there was substantial interaction and variety. Participants learn more when they engage in activities and practice their skills rather than just listening to a
lecture. A “talking head” teacher can be boring, no matter how good the teacher is. But when participants engage in an activity they remain alert and remember more.

APPENDIX A: RESOURCES

WEBSITES

- www.thetrainingclinic.com
- www.srds.ndirect.co.uk/tot/methods.htm
- www.americanpressinstitute.org/pages/resources/2003/07/the_sweet_science_of_tea
- www.dtinational.org/training/courses/default.asp

BOOKS


BOOK VENDORS

- www.amazon.com
- www.barnesandnoble.com
- www.amanet.org/books
- www.pearsonptr.com
EXECUTIVE SUMMARY: This Benchbook outlines the law and legal procedure regarding gender-based violence (GBV) to be used as a practical guide for judges as they adjudicate a GBV claim.

Section 1 introduces the Benchbook, outlining the purpose of using a benchbook, explaining the role that the court performs in combating GBV, and discussing the method used to compile this Benchbook. Section 1 then outlines the 2008 Law Against Gender-Based Violence, breaking down the law by specific crime and penalty, under the broad categories of crimes of bodily/sexual harm, crimes of psychological/emotional harm, and crimes of economic harm.

Section 2 discusses the procedural mechanisms unique to GBV cases that a judge should use when adjudicating such cases. Part I of this section gives a general overview of how to approach a GBV claim that is brought to the court. Part II discusses the judge's role in administering the pre-trial phase of a case, from the initial point of when a victim files a GBV claim through preliminary hearings. The instructions outlined here include specific details regarding how to treat victims and the accused. Part III discusses the judge's role in administering the trial phase of a case, with a particular focus on courtroom safety, concerns regarding the victim and the accused, and other particulars to a GBV case and concludes by outlining the judgment and sentencing procedure. Lastly, Part V includes useful appendices that a judge may use as a reference or for additional reading on a relevant subject matter, such as an outline of the context of GBV in Rwanda today. This Benchbook was created to help judges conduct trials on gender-based violence. Uniform laws on GBV and a uniform application of these laws by courts will help to reduce the prevalence of gender-based violence and will further Rwanda's goal to equalize the status of men and women in society.

Like all benchbooks, this Benchbook is not a source of substantive law but rather a guide to procedure and should be used in conjunction with manuals on civil procedure, criminal procedure, and evidence. This Benchbook serves as a quick practical guide to the legal procedure(s) judges should file while hearing cases pertaining to gender-based violence. In addition, this Benchbook will help judges make decisions by noting practical and policy considerations that are unique to gender-based violence cases.

New judges should benefit from this Benchbook, but even experienced judges will find useful reminders on how to deal with routine matters or helpful starting points when they face particular situations for the first time.
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BENCHBOOK SUMMARY

SECTION I

I. Introduction

The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Art. 1, July 11, 2003) defines violence against women as “all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time.” As sub-Saharan African, and specifically Rwandan, society continues to transition to a modern judicial and legal regime, traditional notions of gender roles and the acceptability of gender-based violence are eroding, replaced by gender equality and criminal sanctions for such violence.

The Benchbook

Following this trend to mandate greater respect for women, the Institute of Legal Practice and Development (ILPD) created this Benchbook to help judges conduct trials on gender-based violence. Uniform laws on GBV and a uniform application of these laws by courts will help to reduce the prevalence of gender-based violence and will further Rwanda’s goal to equalize the status of men and women in society.

Like all benchbooks, this Benchbook is not a source of substantive law but rather a guide to procedure and should be used in conjunction with manuals on civil procedure, criminal procedure, and evidence. This Benchbook serves as a quick practical guide to the legal procedure(s) judges should file while hearing cases pertaining to gender-based violence. In addition, this Benchbook will help judges make decisions by noting practical and policy considerations that are unique to gender-based violence cases.

New judges should benefit from this Benchbook, but even experienced judges will find useful reminders on how to deal with routine matters or helpful starting points when they face particular situations for the first time.

The Role of the Court in Combating Gender-Based Violence

A judge must use his or her position and status in the community to convey to the public that gender-based violence (GBV) will not be tolerated. Consistent adjudication and punishment of GBV cases plays a crucial role in informing and warning the public that GBV is not accepted in Rwandan society. A judge should take his or her role in the coordinated community response seriously, condemning those who commit and perpetuate GBV.

The role of the court and of judges in particular is to ensure consistent and fair application of the law, to bring perpetrators to justice, and to firmly establish societal rules and norms. Furthermore, judges’ decisions regarding GBV establish precedent, thereby creating law relating
to gender-based violence, expanding the Constitution’s rule that the “human person is sacred and inviolable.” (Article 10)

There are numerous ways by which a judge can show his/her dedication to addressing and ending GBV. First, a judge can accelerate his/her court docket for domestic violence cases. Second, judges should ensure that the court and additional avenues of protection are accessible, such as issuing temporary protection orders for individuals claiming abuse. Finally, judges should work to provide restitution to the victim, including any necessary physical rehabilitation and/or psychological counseling aside from any civil damages claim the victim may bring and be awarded. This Benchbook expands upon these and other methods that a judge can utilize in order to effectively combat gender-based violence.
CHAPTER 2:
Content provided by Heather Huhtanen

Heather Huhtanen holds an advanced degree specializing in Gender, Women, and Development. She is currently working with UN Police Division as a consultant to develop a United Nations police standardized training curriculum on investigating and preventing sexual and gender-based violence. This work includes researching, identifying and reviewing existing similar training materials, facilitating the input and participation of delegates and subject matter experts and composing the final written curriculum.

Ms. Huhtanen has provided a summary of the United Nations Police Standardized Training Curriculum on Investigating and Preventing Sexual and Gender-based Violence (UNPOL-SGBV project). Unfortunately the materials related to this project will not be available until the end of February or beginning of March. The training curriculum is proposed to include two parts: 1) presenter training curriculum and 2) participant training materials. The training will be ten days (or 60.0 hours) and include lecture, discussion, individual activities, problem-based (group) learning activities and relevant scenarios. Training modules will include: a) SGBV International Legal Framework; b) SGBV Dynamics; c) SGBV Case Management; d) SGBV Interviewing; e) SGBV Crime Scene Response and Evidence Collection; f) SGBV Victim Impact; and SGBV Prevention and Problem Solving. In addition, she has also provided handbook developed from the U.S. context addressing how improve the response to sexual assault and how to guide and inform local sexual assault prevention. According to this handbook, conveniently titled Sexual Assault Response Team (SART), a collaborative multidisciplinary response is one of the best ways to address community safety. Because we would like to gauge the interest in these materials, we have only provided the table of contents of each of these publications. Please feel free to contact the ILRC for further information.

1. Background

As part of the expansion of UN Policing in multidimensional peacekeeping operations aspects of protection of civilians have to be continuously addressed. UN Security Council Resolutions 1325 (2000), 1820 (2008) and 1888 (2009) recognize that civilians are those adversely affected by armed conflict. In particular, women and girls are targeted by the use of rape and sexual violence to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group. The resolutions require that appropriate measures be taken to protect civilians from all forms of sexual violence. In order to carry out the responsibilities of uniformed personnel deployed to peacekeeping operations, the resolutions recommend that pre-deployment and in-mission induction training on sexual and gender based violence be developed and implemented.

As policing systems and practices vary worldwide, there is a need to develop a standardized training curriculum for investigating and preventing sexual and gender-based violence within a peacekeeping context. Addressing such serious crimes require specialized skills that one may not readily possess due to lack of exposure to this type of widespread and systematic violence in conflict and post-conflict environment. Therefore the development of a high-quality and professional United Nations Police Standardized Training Curriculum on Investigating and Preventing Sexual and Gender-based Violence is aimed to bridge these gaps and increase the effectiveness of peacekeeping.

The United Nations Police Standardized Training Curriculum on Investigating and Preventing Sexual and Gender-based Violence is intended to be a generic training curriculum that trains towards the necessary learning outcomes which ensure that UN Police Officers have the required knowledge of procedures and the skills-set necessary to prevent or manage cases on sexual and gender-based violence throughout the process of investigation, prosecution and trial. It aims to enable UN Police Officers to efficiently advise, mentor and train their national counterparts. A specific module on the latter will be included.
2. Scope of the Training Materials*

The training curriculum is proposed to include two parts: 1) presenter training curriculum and 2) participant training materials. The training will be ten days (or 60.0 hours) and include lecture, discussion, individual activities, problem-based (group) learning activities and relevant scenarios. Training modules will include:

- SGBV International Legal Framework
- SGBV Dynamics
- SGBV Case Management
- SGBV Interviewing
- SGBV Crime Scene Response and Evidence Collection
- SGBV Victim Impact
- SGBV Prevention and Problem Solving

The time allocated for each module will be identified based on priorities for UNPOL efforts, the realities of mission work and the time needed to incorporate problem-based learning activities.

* As the project is ongoing, some details are subject to change as a result of project development.

3. Project Timeline and Anticipated Completion

The development process will take place between the end of September 2010 through the end of February 2011. Thereafter a series of Train the Trainers sessions will be hosted in locations throughout the world.
Sexual Assault Response Team (SART) Handbook: Table of Contents
Provided by Heather Huhtanen

Task Force Information
Introduction
  Chapter 1 SART: A Victim Centered Collaborative Response
  Chapter 2 SART Development
  Chapter 3 Advocacy Response
  Chapter 4 Law Enforcement Response
  Chapter 5 Medical Response
  Chapter 6 Prosecutor Response
  Chapter 7 Offender Response
  Chapter 8 Crime Lab Response
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  Medical Guidelines, February 2005 from the Attorney General’s Sexual Assault Task Force
  Recommended LE Checklist from the Attorney General’s Sexual Assault Task Force
  Why Law Enforcement is Excluded... from the Attorney General’s Sexual Assault Task Force
  Plucking Position Paper from the Attorney General’s Sexual Assault Task Force
  Prison Rape Elimination Act (PREA) from the Attorney General’s Sexual Assault Task Force
  SAVE Fund from the Attorney General’s Sexual Assault Task Force
  SB 198 Summary from the Attorney General’s Sexual Assault Task Force
  SB 199A Summary from the Attorney General’s Sexual Assault Task Force
  Motion for Protective Order SB 199A
OTHER RESOURCES:
Crime Victim's Compensation Program
Crime Victims' Rights
HIPAA: Disclosures Regarding Abuse Victims
HIPAA: Disclosures Required by Law
HIPAA: Disclosures Regarding Crime Victims
HIPAA: Disclosures About Crime Suspects
HIPAA: Disclosures in Emergency Situations
HIPAA Medical Record Release
HIPAA Medical-Legal Exam Release
Overcoming the Consent Defense
Glossary
Laura Nyirinkindi holds an advanced degree in Law and has expertise in criminal law, human rights and GBV. She has participated as a Gender Expert on four missions of the Africa Peer Review Mechanism to Kenya, Nigeria, Mauritius, and Mozambique and was involved in drafting the Country Review Reports that were presented to the Heads of State constituting the Peer Review Forum. For over 15 years, Ms. Nyirinkindi has handled issues of gender and sexual violence at the grassroots and national level. Ms. Nyirinkindi has experience in drafting manuals as well as developing training curricula, and is also familiar with the use of some UN manuals in my training sessions, particularly the UN Manual on Human rights for Judges, Prosecutors and Lawyers. In fact, she was handpicked and trained by Amnesty International (Special Programme for Africa) in 2001 to be a trainer of trainers in the monitoring and documentation of human rights violations, including Sexual violence and conducted such trainings in Sierra Leone, Ethiopia, Zimbabwe, Southern Sudan, Nigeria and Uganda.

Ms. Nyirinkindi has shared her personal experience in the area of gender and sexual violence from her work in Uganda and the African Great Lakes Region.
Gender Based Violence - experiences and practices
By Laura Nyirinkindi

1. Setting appropriate frameworks and standards in line with international human rights norms and instruments in Resource materials is crucial.

In Uganda, the National Machinery known as the Ministry of Gender, Labour and Social Development is mandated to set standards regarding gender mainstreaming. It does this through various instruments such as policy documents and guidelines. The Ministry undertook a project to harmonize and streamline the various efforts by diverse actors regarding GBV training. It reviewed existing manuals of various trainers in the health, law enforcement sector as well as NGOs and community activists, under the following categories

Prevention
- Engaging men and boys in Reproductive Health in conflict and Emergency settings (draft), USAID and AQUIRE, Uganda 2007
- Mobilising Communities to prevent Domestic Violence: A Resource Guide for organizations in the horn, east and central Africa, Raising Voices 2003
- Preventing Sexual Exploitation and Abuse in Uganda – Training Manual and facilitators guide, UPDF Uganda
- Rethinking Domestic Violence, A training process for community Activists, Raising Voices, Uganda 2004
- SASA! Activist Toolkit (Community mobilization methodology to prevent VAW and HIV), Raising Voices

Under Response/services:
- Child, Domestic, Sexual and Gender Based Violence – Training Manual (Draft), Rwanda National Police, Rwanda 2008
- Legal Response to Sexual and Gender Based Violence, War Child Canada, Uganda 2007
- Management of Sexual and gender Based Violence Survivors, Ministry of Health 2007
- Responding to Domestic Violence, A hand book for the Uganda Police Force, CEDOVIP in cooperation with Uganda Police
- The Role of the Uganda Police in the protection of Women and Children's Legal Rights- A trainers manual, Uganda Police/UNICEF
- Training Manual on Combating Defilement Rape Sexual Harassment, AFCODE Action for Development, Uganda
- UNICEF Training Manual on Caring for Survivors of Sexual Violence in Conflict Situations
- Women’s Access to Justice, A Training Manual for Law Enforcement Officers, Action Aid, Uganda
Under Response/services:

- Child, Domestic, Sexual and Gender Based Violence – Training Manual (Draft),
- Rwanda National Police, Rwanda 2008
- Legal Response to Sexual and Gender Based Violence, War Child Canada, Uganda 2007
- Responding to Domestic Violence, A hand book for the Uganda Police Force, CEDOVIP in cooperation with Uganda Police
- The Role of the Uganda Police in the protection of Women and Children’s Legal Rights- A trainers manual, Uganda Police/UNICEF
- Training Manual on Combating Defilement Rape Sexual Harassment, AFCODE Action for Development), Uganda
- UNICEF Training Manual on Caring for Survivors of Sexual Violence in Conflict Situations
- Women’s Access to Justice, A Training Manual for Law Enforcement Officers, Action Aid, Uganda
- Raising Voices/CEDOVIP manual; Rethinking Domestic Violence, A training process for community Activists

The following Training Manual serves as a useful resource - Sexual and Gender Based Violence- A Facilitators Guide (GOU-UNFPA GENDER PROJECT) February – 2007

www.mglsd.go.ug/.../TRAINING%20MANUAL%20LAW%20UGANDA.pdf

2. The harmonisation process of the Ministry of Gender picked up on the fact that most training manuals for GBV do not incorporate the aspect of monitoring and evaluation, which is important in facilitating assessments of impact of interventions to combat GBV.

3. Linking training efforts and resource materials on GBV to other crosscutting issues, such as HIV /AIDS and women in conflict has been useful and has strengthened cross sectoral collaborations. In Uganda the National Association of Women Judges have made this link and have cast a wider net in their training content and target groups.
Marcia Walsh holds two advanced degrees in Law and worked as a full time Judge for 23 years. In addition, she has studied, written, and taught in the area of gender equality. From 1997-2004, she taught judges at regional workshops and the annual conference of the Missouri Municipal and Associate Circuit Judges’ Association. Furthermore, Judge Walsh served as a Fulbright Senior Scholar, lecturing at the St. Petersburg State University in Russia on “International Law and Women’s Rights in Russia and the United States,” a course that she developed. While there, she also provided a short series of lectures on the U.S. Constitution. In 1984-1986, she served as a Professor and taught a course on Sex-Based Discrimination. Lastly, on over 20 occasions, she has provided legislative reviews (concept papers and analyses) on draft laws of different countries.

Judge Walsh has shared her personal experience in handling domestic violence cases in the U.S.
Experiences and Documents Regarding the Handling of Domestic Violence Cases
By Judge Walsh

I served as a full-time municipal court judge in Kansas City, Missouri, for 23 years. During that time, I handled probably thousands of domestic violence cases. The maximum jurisdiction of our court was 6 months in jail and a fine of $500. Prior to becoming a judge, I served on the Board of and as President of the shelter in Kansas City for battered women and their children.

Missouri passed a state law that helped victims of domestic violence. It is a civil law, called the “Adult Abuse Law.” (You can find it at www.mogamo.gov/statutesearch. Go to Section 455.010 and following.) Under its terms, a domestic violence victim or a stalking victim may come to State court, fill out some forms provided by the court alleging that she or he is in fear for her or his life or safety because of the actions of the defendant, and receive an “ex parte” order of protection. This order lasts for a matter of days only, just until the defendant can be notified that there is a case in court concerning him or her, get a lawyer if desired, and come to court for the full hearing. The ex parte order can include an order that the defendant vacate the joint residence, that the defendant come no closer to the petitioner/victim than 100 feet, for example, and that temporary child custody be granted to the petitioner. The petitioner must convince the judge in this ex parte hearing that there really is reason to fear for her or his life, because this first hearing is held without the defendant being present. The temporary order will also set the date for the full hearing, so that the defendant can be present. The important point about this order is that it can be obtained rapidly, even within an hour of filing the necessary papers by the petitioner.

Of course, the thing to remember is that the order is just a piece of paper: it cannot stop a fist and it cannot stop a bullet. If the defendant is in control of him or herself now, though, the order can help the petitioner. A police officer can serve the order on the defendant.

If the petitioner fears that the order will not stop the violence temporarily, she can go to a shelter here in town, and bring her children with her. This shelter does not cost her any money. It provides counseling, job search help, child care, counseling for the children, meals, and of course, shelter. A police officer is stationed at the shelter.

In addition to filing a request for an order of protection in Circuit (State) court, the injured person may also request that the police charge the defendant for a municipal ordinance violation, a charge that is heard in municipal court. The charge would typically be an assault case. Sometimes, if the bodily injury is severe, the police charge the defendant in Circuit court on a criminal misdemeanor or felony charge of assault, or sometimes attempted murder.

The police would try to find the defendant immediately, and arrest him or her, and bring him or her to the police station for him or her to post bond. Bond on any case is meant to ensure that the defendant shows up in court on the court date. In our municipal court, bond on a domestic violence case was usually $1000.00. If the defendant could not post bond, then he or she sat in jail until the next morning, when he or she would be brought into municipal court.

Legal Aid attorneys represented indigent defendants for free. The judge must explain to the defendant what the charge was, how much bond was, and other such matters. If the defendant was indigent and wanted to speak with an attorney, the Legal Aid attorney would take the actual paper constituting the case, and take the defendant into the hall to speak with him or her. They would come back into court, and the attorney would speak with the prosecutor if the defendant were considering pleading guilty, and determine what the prosecutor would be recommending as a sentence. If the defendant did not want to accept the
prosecutor’s recommendation, or if the defendant were pleading not guilty, and the victim/witness were not present in court, then the defendant would be returned to jail for one week, and the trial would be held that next week. At any time during this week, the defendant has the right to post bond if he or she can do so.

If the victim/witness is present in court at this first setting, the defendant may request a continuance to prepare for trial (and probably hope that the witness will not show up in court on the next setting), or may proceed to trial that day. Advocates from the municipal prosecutor’s office, and sometimes advocates from the domestic violence shelter, are present in the courtroom every day, and they speak with the witness/victim, explain what is happening in court, and generally provide support for the witness/victim in what might be an entirely new situation.

**Regarding training for judges:** I think judges need to clearly understand the domestic violence cycle, because handling the cases expeditiously is particularly important for these kinds of cases. I do not think the witness/victim ought to be treated any differently from a witness/victim in any other case. Sometimes I thought the advocates were emphasizing the “victim” part too much, and not letting the witness learn her own strength. They always called the woman the “victim.” In the court proceeding, I always called the woman the “witness.”

**Regarding best practices/lessons learned:** The judge being able to hear the case literally within hours of the alleged assault really helped, in part because of the domestic violence cycle.

**Challenges:** I found it so disheartening when I would see the same witness, different defendant or same defendant, time and again. Counseling and shelter resources just didn't work for everyone.

When the witness refused to testify, after having put everyone in the system—police, advocates, prosecutors, court personnel—“through the hoops,” I found it hard to be patient.

**Necessary legislation:** An adult abuse law is important.

**Reparations:** We did not have this in our court.
The International Legal Resource Center (ILRC) was created in 1999 to enhance access to worldwide legal expertise for technical assistance and other development projects. UNDP, with over 160 country offices and regional service centers (RSCs), is the main development branch of the United Nations system tackling problems as diverse as public health, conflict prevention and recovery, and the independence of the judiciary. In the 10 years since its founding, the ILRC has complemented UNDP’s on the ground efforts with the following services:

- Identifying legal experts for short or long term in-country assignments
- Conducting legal research and analysis based on international standards
- Compiling assessments of domestic legislation.

Some country offices, such as UNDP/Nepal, have consistently worked with the ILRC on multiple projects during the course of a year. In fact, a substantial number of circa 100 UNDP country offices that have cooperated with the ILRC have been repeat beneficiaries of its services. The advantage of ILRC services, especially the recommendation of experts, is that they are free of charge to country offices and RSCs.

ILRC Guiding Principles

The ILRC is committed to providing high quality assistance to UNDP and other international organizations and is guided in its work by the following principles:

- **Cost Effectiveness**: By generally recommending pro bono experts from its database of over 1,780, the ILRC delivers tremendous benefits in a cost effective manner. Entities recruiting experts who volunteer their time through the ILRC are solely responsible for covering business related expenses. Over a month, this could mean that pro bono expert costs are one quarter of a usual professional consultant's fee. The ILRC usually recruits already employed legal professionals with extensive experience in the requisite legal fields.

- **Timeliness**: The ILRC provides quick turn around responses to both recruitment and research requests. Requests for experts are answered in a one to two week period while general research and assessments take anywhere from two to four weeks to complete.

- **Flexibility**: The ILRC accesses a network of lawyers whose time commitments complement the needs of international development projects. Short-term assignments fit well with ILRC professionals who can devote two to four weeks of their time. Longer in-country postings also appeal to many ILRC experts who have a deep interest in contributing to worldwide legal reform.

- **Diversity and Quality**: In addition to its database which includes highly experienced multilingual legal experts, the ILRC benefits from the talent of its multicultural advisory committee (with 26 members located on five continents), steering committee, and staff. Furthermore, the ILRC legal research program attracts young lawyers who work outside the United States and students from top international law schools and graduate programs.

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<tr>
<th>ILRC at a Glance (as of January 2010)</th>
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<tbody>
<tr>
<td>Number of Registered Experts: 1,786</td>
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<tr>
<td>Average Years of Experience: 19.5</td>
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<tr>
<td>(71.2% of experts have more than 10 years of experience)</td>
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<tr>
<td>Countries Represented in Roster: 102</td>
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<td>Number of Languages and Dialects: 106</td>
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<tr>
<td>Percentage of Women in Roster: 36.4%</td>
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<tr>
<td>Percentage of Non-US Experts: 51.03%</td>
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<td>Number of Completed Projects in 2009: 40</td>
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For more information about the ILRC, please contact Christina Heid • heidc@staff.abanet.org • Tel: 202.662.1034 or Jacqueline Gichinga • gichingj@staff.abanet.org • Tel: 202.662.1662

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