



INTERNATIONAL LEGAL RESOURCE CENTER



UNDP/NEPAL
GENDER BASED VIOLENCE TRAINING FOR JUDGES:
TRAINING MATERIALS AND BEST PRACTICES
NOVEMBER 23, 2010

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.

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ORIGINAL QUERY:
UNDP Nepal

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,

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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.

TRAIN-THE-TRAINER METHODOLOGY MANUAL

Provided by Elizabeth Barad

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

TABLE OF CONTENTS

INTRODUCTION

Purpose and Use of the Manual

Participatory Training

Role of the Facilitator

Review and Repetition

PART 1: TRAINER'S PLANNING AND PREPARATION

Planning Activities

Preparing the Training

PART 2: OPENING THE TRAINING

PART 3: CONDUCTING THE TRAINING

Introduce Every Activity

Enable All the Participants To Contribute

Monitor the Participants

Repetition Is a Key to Learning

PART 4: TRAINING TECHNIQUES

Present an Overview of the Items in the Program Outline

Use a Flip Chart or Blackboard

Design Openings and Closings

Involve All the Participants

Use Role Plays

 The Benefits of Role Plays

 Types of Role Plays

 Write a Role Play

 Conduct the Role Play

 Process the Role Play

Enable Small Group Work on a Hypothetical (Case Study)

 Using Hypotheticals

 Form Small Groups

 Write a Hypothetical

 Debrief the Hypothetical

Use Real-Life Situations

Judge Timing

Prepare Assignments

 Suggested Homework:

 Provide a Worksheet for Future Trainings

 Create a Checklist for Mock Trainings

Working with a Training Partner
Ensure Feedback and Discussion
Discuss Elements of Questioning and Answering Skills
 Asking Questions
 Phrasing Questions
 Answering Questions
 Eliciting Participants' Questions

PART 5: PROCESSING THE TECHNIQUES

 Timing
 Discussion
 Questions and Answers
 Solutions

PART 6: CLOSING EACH DAY OF THE TRAINING

 Questions and Answers
 Repeat the Training Techniques
 Assign Homework for the Next Day
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AFTERWORD

APPENDIX A: RESOURCES

 Websites
 Books
 Book Vendors

TRAIN-THE-TRAINER METHODOLOGY MANUAL

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.htn
- www.americanpressinstitute.org/pages/resources/2003/07/the_sweet_science_of_teaching
- www.dtinational.org/training/courses/default.asp

BOOKS

- *Training Methods That Work*. Lois B. Hart, Ed.D. Thomson Course Technology, a division of Thomson Learning. 1991.
- *Training The Trainer*. Mary Jo Dolasinki. Pearson Education, Inc. 2004.
- *The Trainer’s Tool Kit* Second Edition. Cy Charney & Kathy Conway. American Management Association. 2005.

BOOK VENDORS

- www.amazon.com
- www.barnesandnoble.com
- www.amanet.org/books
- www.pearsonptr.com

Gender-Based Violence Benchbook

Provided by Elizabeth Barad

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

BENCHBOOK: TABLE OF CONTENTS

SECTION I

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What is a Benchbook and Why Are They Used?
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II. Law on Prevention and Punishment of Gender-Based Violence

Purpose of the Law

Gender-Based Violence

Bodily/Sexual Harm: Crimes

Rape

Conjugal Rape

Abduction

Child Neglect on Account of His/Her Gender

Sexual Slavery Aimed at Achieving Self-Satisfaction

Murder of One's Spouse

Sexual Torture

Gender-Based Human Trafficking

Intentionally Transmitting a Terminal Disease

Committing Sexually Indecent Acts

Aggravated Sexual Violence

Psychological/Emotional Harm: Crimes

Distorting Tranquility of One's Spouse

Polygamy

Concubinage

Adultery

On Sexual Grounds

Harassing One's Spouse

Economic Harm: Rights and Crimes

Maternity Leave

Rights of a Pregnant Woman or of a Woman Who Delivers

Sexual Harassment of One's Subordinate

Defaming a Person or His/Her Job

Other Crimes, Rights, and Responsibilities

Damages

Violence as the Cause of Divorce

Protecting a Child Against Gender Based Violence

Refusing to Assist the Victim of Violence or to Testify Over the Violence

Lying Against Somebody of having committed Gender-Based Violence

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Law Determining the Responsibilities, Organization, and Functioning of the Gender Monitoring Office in Rwanda

Gender-Based Violence Cases

Gender-Based Violence Claim

II. Pre-Trial

What to do when a woman or man makes a claim of gender-based violence

- Refer the claimant to a courtroom dedicated to GBV

- The time of accusation is dangerous for the victim

- The judge must also respect the rights of the accused

- Provisional Arrest/Preventative Detention

Conduct a preliminary hearing

- Each party should introduce affidavits or witnesses

- Victim's cooperation is not necessary for proceedings to proceed

- What to do if the accused does not appear in court

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 - Preliminary injunctions and protective orders

Treatment of Victims

- Treat victims sensitively and fairly

- Protect family members from risk of continuing violence

Treatment of Accused

- Treat the accused fairly

- Release on Bail

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Courtroom safety overview

- Safety of the Victim/Witness

- Right of the defendant to a fair trial

Testing and counseling for sexually transmitted diseases

- Persons arrested for sex-related offenses

- Persons charged with sex-related offenses

Closing the courtroom during trial proceedings

Closing the courtroom during juvenile delinquency proceedings

Privacy protections concerning the victim's identity

Separation of victims and witnesses

Special protections for victims and witnesses while testifying

- Use of dolls or mannequins

- Use of a support person

- Shielding the victim or witness from the defendant

- Use of videotaped depositions or closed-circuit TV

- Victim gesturing and reenactment

Defendant's right of self-representation and cross-examination

Evidence relating to gender-based violence

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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 follow 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 *Benchmark* 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.



United Nations Police Standardized Training Curriculum on Investigating and Preventing Sexual and Gender-based Violence (2010/2011)

I. 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

Chapter 9 Outreach and Prevention

Chapter 10 Professional Competency

Chapter 11 Training

Chapter 12 County SART Summaries

Chapter 13 County SART Samples

Jackson County SART

Lincoln County SART

Multnomah County SART

Union County SART

Washington County SART

Appendices: Task Force Resources

Criminal Justice Flow Chart from the Attorney General's
Sexual Assault Task Force

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

CHAPTER 3: Content provided by Laura Nyirinkindi

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 practises

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
- Sexual and Gender based violence Training Manual – Facilitator’s Guide, UNFPA, Uganda 2007
- 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, AF CODE 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
- 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
- Sexual and Gender based violence Training Manual – Facilitator’s Guide, UNFPA, Uganda 2007
- 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
- Ministry of Health training Manual: Management of Sexual and gender Based Violence Survivors MGLSD/UNFPA manual and booklets
- 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.

CHAPTER 4: Content provided by Marcia Walsh

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.



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