

TRAINING PACKAGE FOR

Prosecutors Responding to Violence Against Women and Girls in Asia and the Pacific

Developed through a partnership of
Global Rights for Women and
the UN Women Regional Office for Asia and the Pacific

Criminal Prosecution of Violence against Women and Girls Training Curriculum



Acknowledgements

Authors: Laura Wilson, Melissa Petrangelo Scaia, Laura Williams

Advisers: Lori Flohaug and Meriel Lester

Technical editor: Cheryl Thomas

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Curriculum Content and Use

This curriculum is for training prosecutors who handle cases of violence against women. It includes step-by-step instructions for facilitators, descriptions of exercises, handouts, a summary of learning points for each module and PowerPoint slides. It is divided into two modules: Module 1, Developing a Shared Understanding of Violence Against Women and Girls, and Module 2, Victim-Centred Prosecution.

While there is some flexibility with the curriculum, it is expected that facilitators will follow the outline and be aware of time constraints. Breadth of coverage is not the goal; it is perfectly acceptable for facilitators to omit and add materials to meet the needs of participants in any particular module and/or exercise. Suggested time frames give facilitators an idea of how much time to plan for each segment, but can be modified as needed.

Please note: This curriculum covers sensitive and potentially triggering material since it is focused on violence against women. There may be survivors of violence in any group, so it is essential to be sensitive to any participants that may feel upset, triggered or uncomfortable. Facilitators should encourage participants to seek self care should they need it, and should offer professional helplines for survivors throughout the sessions to call for support.

A few key notions are included to help guide the facilitator:



Slide numbers indicate the PowerPoint slides that relate to content being offered. They provide visual support for selected materials, such as factual summaries, discussion questions and learning points.



Handout numbers refer to one or more participant handouts that relate to the lesson's content.



Facilitator notes are directions to set up the exercise or module.



Sample scripts offer suggestions for what facilitators should state verbally to participants. A facilitator can use her/his own words, but should include the core content of the script.

Estimate of training duration

Module 1 will take approximately 9 hours and 45 minutes to complete, if the training is conducted in English or simultaneous interpretation is used. Module 2 will take 14 hours to complete. This does not include break or meal times. The time needed will depend on the number of participants, and more or less time may be needed for discussion depending on their knowledge and engagement.

Case scenarios

Case scenarios are based on actual incidents of violence against women and girls. Some modifications have been made to facilitate specific learning points, and identifying information has been removed. In some cases, the curriculum includes a link to the original source material for facilitators to use.



Small group sessions

Many exercises involve breaking participants into small groups. This training guide presumes facilitators have experience in making these exercises successful. Some considerations may include: the composition of the groups, meeting space available, the clarity of instructions for a task, participant personalities (to some extent), and using a variety of methods for debriefings on a small group experience that fit topic and time constraints.

In some instances, a facilitator may want to divide people from the same employer (or geographical location) into different groups. In other instances, the facilitator may want to keep them together. Likewise, there can be good reasons to keep the same membership in a small group over several breakout sessions (e.g., when working on the same scenario several times), and to switch membership from one exercise to another (e.g., decrease boredom, more broadly disperse insights that some individuals may bring, etc.).

Early in the training, and when a small group has new membership, encourage them to introduce themselves. Consider adding a bit of extra time to allow for this. Groups often move faster on tasks once they've had a chance to connect. All of these decisions are left to the training team based on the specific context of each session.

Key references

This training package supplements existing United Nations and international guidance on good practices in the prosecution of violence against women and girls. In particular, the materials have been created to supplement (and will reference) the following sources:

- 🔗 [Handbook on Effective Prosecution Responses to Violence Against Women And Girls](#)
- 🔗 [Essential Services Package for Women and Girls Subject to Violence, Module 3: Justice and Policing](#)
- 🔗 [The Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam](#)

Note for facilitators on preparation

The training package can be used throughout Asia and the Pacific. Given the region's vast diversity with regard to laws on violence against women and their implementation, the structure and functioning of legal systems, language, and social and cultural norms, the curriculum allows flexibility and adaptability while remaining aligned with international human rights norms. Facilitators will need to plan sufficient time for research and preparation when adapting the curriculum for use in specific countries. They should complete, at a minimum, the following research steps.

- **Connect with local advocacy leaders.** Identify and connect with a local women’s non-governmental organization (NGO) or civil society group that provides support or advocacy for survivors of domestic and/or sexual violence. Local women’s organizations provide invaluable inputs on the actual implementation of local laws and policy due to their direct knowledge of the lived experiences of victims/survivors. Ideally, you should form a partnership to co-facilitate parts of the training with local advocates (particularly Module 1). Their inputs will ground the training in the reality of victims’ experiences.
- **Review local laws on sexual assault and domestic violence.** Also review criminal and civil procedure laws to gain an understanding of the rights afforded to defendants/respondents and to victims. Some parts of this training may not apply in some countries. For example, not every country in the region allows plea bargains. Evidentiary requirements frequently vary by jurisdiction.
- **Interview a local prosecutor.** If possible, connect with and interview a local prosecutor to understand how their work is organized, and the level of authority and flexibility afforded to them in their local system. The role and authority of prosecutors may vary by jurisdiction.
- **Review assessments of local law and policy.** If there are reports from local civil society organizations about gaps and strengths in local law, policy and practice on violence against women, review them carefully and reflect on how they should be addressed in the training. UN Women’s [Handbook for Legislation on Violence Against Women](#), in addition to the sources cited here, provides a valuable guide to best practices in laws on violence against women and girls.
- **Review country reports.** If available, read recent country reports under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and/or reports by the UN Special Rapporteur on violence against women, its causes and consequences.
- **Read the three guiding documents.** Thoroughly review the sources listed in this overview as they are the basis for this curriculum.

In addition, facilitators should thoroughly review the curriculum prior to a training, and provide translations of documentation as required. Each section includes information on preparation on specific topics covered.

Module 1: Developing a Shared Understanding of Violence Against Women and Girls





Total time for module: 9 hours, 45 minutes

1.	Welcome, Overview, Introductions and Key References	
1.1	Welcome	5 minutes
1.2	Introductions and Overview	40 minutes
2.	Learning Objectives and Segments	5 minutes
3.	Segment 1: What Is the Role of a Prosecutor in Violence Against Women Cases?	
3.1	Exercise and Discussion About the Role of the Prosecutor	45 minutes
3.2	Mini-lecture on the Role of the Prosecutor	5 minutes
3.3	Accountability	15 minutes
3.4	Learning Objectives on the Role of a Prosecutor	5 minutes
4.	Segment 2: Who Is a Victim?	
4.1	Exercise: Who Is a Victim?	45 minutes
4.2	Examining Our Biases About Victims	5 minutes
4.3	Barriers Victims Face in Accessing the Criminal Justice System	10 minutes
5.	Segment 3: Types of Violence Against Women and Girls	
5.1	Domestic Violence	
5.1.1	Prevalence of Domestic Violence	5 minutes
5.1.2	Types of Domestic Violence	55 minutes
5.2	Sexual Violence	
5.2.1	Defining Sexual Violence	10 minutes
5.2.2	Types of Sexual Violence	30 minutes
5.2.3	Understanding Consent	40 minutes
5.2.4	Continuum of Prevalence	10 minutes
5.3	Femicide	20 minutes
5.4	Experience of VAWG Exercise	45 minutes
6.	Segment 4: The Effects of Violence Against Women and Girls	60 minutes
7.	Segment 5: What Causes Violence Against Women and Girls?	
7.1	Who Is a Perpetrator of Domestic and Sexual Violence?	30 minutes
8.	Domestic Violence Interventions: Exercise	30 minutes
9.	Case Scenarios: Domestic and Sexual Violence Exercises	30 minutes
10.	Questions and Closing	10 minutes

1. Welcome, Overview, Introductions and Key References

Length	50 minutes
Overview	<p>Participants will be introduced to the facilitators and other participants.</p> <p>Facilitators will provide a brief overview of the content and objectives of Modules 1 and 2, and the key references that form the basis for the training.</p>
Objectives	<ul style="list-style-type: none">• Learn who is in the room and begin to build rapport within the group.• Provide participants with a road map of the training.
Preparation	None
Materials	Laptop, projector, Module 1 PowerPoint
Session type	Discussion and lecture

1.1 WELCOME (5 MINUTES)

slide #1

This module begins the Training Package for Prosecutors Responding to Violence Against Women and Girls in Asia and the Pacific. The lead facilitator welcomes the participants to the programme.



Sample script: Welcome everyone to this training for prosecutors. The content over the next few days will focus on the prosecution response to violence against women and girls. My name is (enter name) and I work for (enter employer). In just a few minutes, we will do introductions of everyone here today. Before we do that, I want to acknowledge that we are here because of the partnership between UN Women Asia and the Pacific, Global Rights for Women and [add names of additional partners, if any]. Thank you to our hosts; we deeply appreciate your commitment to ending violence against women and girls. We will be talking about violence against women throughout this training. We acknowledge that there are often survivors in each group, and ask that we all treat this topic with sensitivity and respect. If you yourself have experienced or are experiencing violence, we encourage you to seek support. We will share helplines so you can seek support anytime if you like.

1.2 INTRODUCTIONS AND OVERVIEW (40 MINUTES)

slide #2

Introductions



Facilitator notes: Begin by asking local UN Women staff and other partners to introduce themselves. Then introduce yourselves as facilitators. Provide background about yourself and your experience working on violence against women and girls.

Ask each participant to introduce themselves and provide the information listed below:

Participants

- Name
- Job title and organization
- How long have you worked as a prosecutor?
- How frequently do you work on cases involving violence against women and girls?

TRAINING OVERVIEW

slide #3



Sample script: This training consists of two modules. The first module focuses on developing a shared understanding of violence against women and girls. In this part of the training, we will examine some of the social, cultural and personal beliefs that can impact a prosecutor's approach to these cases. We will examine how different ways of thinking can affect prosecutors' work, and help you develop understanding of using a victim-centered approach. In the second module, we will practice applying a victim-centered approach to various stages of your work as a prosecutor, from interviewing victims to making charging decisions to handling a trial.



Facilitator notes: Throughout this module, you will need a laptop, projector and the Module 1 PowerPoint. Each section lists additional materials and handouts that you will need for that particular section. This training is intended to be interactive. We encourage participants to ask questions during each session as opposed to waiting until the end of the day or end of the training.

KEY REFERENCES

slide #4



Sample script: Throughout the training, we will be referring to United Nations guidance on best practices in prosecuting cases of violence against women. These sources include:

- The United Nations Office on Drugs and Crime's *Handbook on Effective Prosecution Responses to Violence Against Women and Girls*, a manual developed to share best practices in victim-centred approaches to prosecution of these cases around the world. **We will refer to this as the UNODC Handbook.**

The United Nations' *Essential Services Package for Women and Girls Subject to Violence*, specifically Module 3 on Justice and Policing. The package is a comprehensive set of guidelines on services countries should provide to victims of gender-based violence. Module 3 covers policing, prosecution and the courts. **We will refer to this as Module 3 of the ESP.**



- The United Nations' *The Trial of Rape: Understanding the Criminal Justice System Response to Sexual Violence in Thailand and Viet Nam*. This report studies attrition in sexual violence cases in Thailand and Viet Nam, and makes recommendations for improving justice system responses to these crimes across Asia and the Pacific. **We will refer to this as The Trial of Rape Study.**



2. Module 1 Learning Objectives and Segments

Length	5 minutes
Overview	Facilitators will discuss the objectives of Module 1 and provide a road map for the five learning segments.
Objectives	Participants will understand the learning objectives and road map for Module 1.
Preparation	N/A
Materials	N/A
Session type	Lecture



Facilitator notes: The lead facilitator will review Module 1 learning objectives with participants.



Sample script:



Here's a list of our objectives for Module 1, "Developing a Shared Understanding of Violence Against Women and Girls". Together we will:

- Examine our beliefs about the role of prosecutors in VAWG cases, as well as our beliefs and biases about victims and perpetrators of violence against women and girls (VAWG).
- Learn about the roots of VAWG, and the role of patriarchy and male entitlement in perpetuating this social problem.
- Begin examining your role in holding perpetrators accountable for violence. We will also reflect on the criminal justice system's accountability to victims in terms of changing the climate of tolerance for VAWG.
- Deepen our understanding of violence against women and girls.



Sample script: We will explore five topics:

- 1) What is the role of the prosecutor in VAWG cases?
- 2) Who is a victim?
- 3) The types of violence against women and girls
- 4) What causes violence against women and girls?
- 5) The effects of violence against women and girls

3. Segment 1: What Is the Role of a Prosecutor in Cases of Violence Against Women?



Length	70 minutes
Overview	In 3.1, facilitators will facilitate discussion about prosecutors' role in cases of violence against women. Through an interactive exercise, prosecutors will share their thinking about their role. Facilitators will lead the group in a discussion. In 3.2 to 3.4, facilitators will provide a lecture on prosecutors' role in holding perpetrators accountable for violence. Facilitators will emphasize that through their actions, prosecutors can send broader messages to the community that VAWG is not tolerated.
Objectives	<ul style="list-style-type: none"> • Facilitators will gain understanding of participants' current thinking about their role in VAWG cases. • Participants will reflect on their roles in: seeking justice, holding perpetrators accountable, making VAWG "visible" within the justice system, and sending messages of support and accountability through their actions.
Preparation	Hang 11 pieces of large paper on the wall with each of the discussion questions in 3.1 pre-written on the top of the pieces. Distribute post-it notes and pens to all participants.
Materials	<ul style="list-style-type: none"> • Large pieces of paper that can adhere to the wall in the training room • Post-it notes (each participant will need at least 10) • Pens (one for each training participant)
Session type	Exercise, discussion and lecture

3.1 EXERCISE AND DISCUSSION OF THE ROLE OF THE PROSECUTOR (45 MINUTES)



Facilitator notes: The following exercises will help you identify participants' current belief systems and biases. This also allows participants to get to know the facilitators and build trust as the training progresses and you explore more issues together. As you move through the exercises, encourage reflection through dialogue with participants. Listen for the prosecutors' understanding of their role, and their beliefs and biases about domestic and sexual violence.

The purpose is to encourage participants to share their thinking so that you understand potential barriers. Later, you can guide them in reflecting on how their beliefs inform their decisions in cases. It is very important not to react negatively or "shut people down" as they discuss their views and beliefs. Participants' answers will likely lead you to identify relevant follow-up questions.



Sample script: Let's start by talking about the role of the prosecutor in violence against women cases. We want to hear from you, as prosecutors, about how you see your role in these cases.

We have put large pieces of paper on the wall with questions about your role. You also have post-it notes and pens. We will go over the questions with you and then give you a moment to write your answer to each question on a post-it note. Use one post-it note for one answer. Then put your post-it notes on the large piece of paper with the question you answered. Do not put your name on the note. You do not have to answer every question, but try to answer as many as you can. For example, one of these pieces of paper reads: "What is the role of prosecutors in ending violence against women?" I'm going to respond to that question by writing an answer on this post-it. I'll write: "To enforce the laws." Then I'll place my post-it on the piece of paper with the corresponding question. You may have a different answer to that question – remember, we want to know about your experience and perspectives as prosecutors.

Are there any questions about the instructions?



Facilitator notes: Read each question below out loud and give participants a moment to write their answers on one or more post-it notes. Provide explanations to them as necessary. Remind them not to include their name. After three or four questions, invite them to place their post-it notes up on the corresponding sheets. Then do another round until you've gone through all of the questions.

Discussion questions

slide #9

What is the role of prosecutors in ending violence against women?

1. How does your role as a prosecutor differ from the roles of other professionals in the criminal justice system?
2. Do you depend on other criminal justice colleagues in your prosecution of a case involving violence against women? Who? How so?

3. What are the desired outcomes of a prosecutor in cases of violence against women? How important is it to achieve these outcomes?
4. What frustrations do you have in prosecuting violence against women cases?
5. How would you define justice in cases of violence against women?
6. How important is providing justice to victims in the outcome of a case?
7. Why do countries have laws criminalizing violence against women and girls? What is the intent of criminalizing violence against women?
8. Why should these cases be prosecuted?
9. Is it the goal of a prosecutor to seek the accountability of perpetrators of violence against women, to address the safety of victims, or both?



a. Facilitator notes: In presenting this question, you may want to give an example of when the safety of the victim conflicts with holding the perpetrator accountable. For example, when victims do not want to testify because they are afraid of facing the perpetrator.

10. Does the public sentiment and culture where you live and work support the prosecution of these crimes, or does it permit ongoing violence by perpetrators?



Facilitator notes: Take turns reviewing responses to the questions and look for answers you'll share out loud with participants. Listen for common themes as well as divergent views. Also look for themes that you want to highlight, such as "seeking justice", "holding offenders accountable", "protecting victim safety" and "sending messages that VAWG is not tolerated". Ideally, someone can start doing this on the first three or four post-it notes that are put up, while participants answer the other questions.

Facilitators should comment and give their own thoughts about the answers to a few of the questions. If a particular answer seems problematic, ask other participants what they think. The facilitator should not ask who gave the particular answer on the post-it note.

3.2 MINI-LECTURE ON THE ROLE OF THE PROSECUTOR (5 MINUTES)

The next three slides provide a context for the open dialogue discussion that the prosecutors just had in a large group (5 minutes)

slide #10



Sample script: According to Module 5 of the UN Essential Services Package, a primary purpose of the justice system is to promote the "non-tolerance of violence against women and girls". Another way to say this is that the justice system should act in ways that send messages to perpetrators that violence will not be tolerated, and to victims that they will be believed and supported.

slide #11



Sample script: The UNODC Handbook echoes these principles, and frames its approach to the role of a prosecutor by looking to international law. CEDAW as well as regional treaties on VAWG have been interpreted by international courts as requiring states to exercise due diligence in VAWG cases. For prosecutors in particular, this means providing a fair and effective response that prioritizes both victim safety and offender accountability.

slide #12

“Prosecutors have a crucial part to play in ending impunity for violence against women and girls” (UNODC Handbook, p. 26).



Facilitator notes: Slide 12 is intended as a transition to the following discussion about accountability. Feel free to include an example here, or simply read the quote and then move to the next section.



Sample script: We will now move to talking about one of the primary roles of prosecutors: promoting offender accountability.

3.3 ACCOUNTABILITY (15 MINUTES)

Three rings slide

slide #13



Facilitator notes: Provide a mini-lecture on the importance of accountability in the role of a prosecutor.



Sample script: What must be in place for a perpetrator to change? All three rings of accountability must be in place, because perpetrators of domestic and sexual violence live in a social world. Their families, community and government are constantly giving them messages about whether an act of domestic violence or sexual violence is okay.

For example, messages from the community may include advertisements, billboards, etc. that sexualize women and girls or support men’s power over women and girls. Think of the “rape joke” and other aspects of “rape culture”. When these messages are normalized and not refuted, accountability for sexual violence is undermined and the message of “no tolerance” is lost.

Men are more likely to stop using violence if the two outer rings send consistent messages that violence against women is not acceptable in the community where they live.

slide #14

1. Community accountability

Importance of messages of accountability from family and friends

2. Government/NGO accountability – integrated response

Arrest and prosecution

Enforcement of court orders

3. Self-accountability

Motivation can come from:

- Being held accountable
- Impact of sanctions on their lives
- Effects and impact on their children



Sample script: Let's think about the community we are in today. We know that last night in this city (name city that training is in) a man committed acts of violence against a woman. Let's assume the victim was not able to call for help because the man took the phone. This morning, did the man wake up thinking, "I really messed up last night. If she tells someone what happened, I am going to face consequences today for what I did."

Or did he wake up knowing that his day will not be any different for him, even if she does tell someone? He can go about his day like any other day and ask, "How is your day? What's for breakfast?" Which reaction do you think he had?

Which community do you live in?

- A community that enables ongoing violence against women? Or a community that holds offenders accountable?

How does what you do as a prosecutor contribute to the kind of community you live in?

Prosecutors can send a clear message to perpetrators: "You are not entitled to abuse another person. The criminal justice system will hold you accountable, and there will be consequences for the harm you have caused, along with opportunities for you to change your behaviour."

How do prosecutors do this? Through their decisions and actions in these cases.

When offenders are charged and prosecuted, prosecutors can also send a message to victims: “You have the right to live without violence. No one has the right to abuse or hurt you. The criminal justice system will intervene to stop the violence, place controls on abusive behaviour and centralize your safety.”

3.4 LEARNING OBJECTIVES ON THE ROLE OF A PROSECUTOR (5 MINUTES)

slide #15



Sample script: The primary role of a prosecutor is to seek justice. Prosecutors have the ability to reveal the effects of violence against women to the court, the community, the perpetrator and the victim.

Key ways that prosecutors advance justice in VAWG cases include:

- **Educating others**, particularly the court, on the effects of violence on victims by making the violence visible.

Every court appearance affords the prosecutor the opportunity to make the violence visible, and send powerful messages to victims, perpetrators and the broader community.

- **Conveying to victims their right to live without violence** and the role of the criminal justice system in safeguarding that right.
- **Sending a message to perpetrators that they will be held accountable** for the harm they cause, and they will be given opportunities to change their behaviour.

While messages of accountability should come from all justice system personnel, through their role, prosecutors can tell perpetrators that they are not entitled to hurt other people, and that if they want to change their behaviour, opportunities will be provided.



4. Segment 2: Who Is a Victim?



Length	60 minutes
Overview	Facilitators will facilitate a large group discussion about who comes to mind when participants hear the word “victim”, and who they do not consider a victim. Facilitators will ask some volunteers to share their answers, and will write the answers on large pieces of paper or a white board. Facilitators will then provide a mini-lecture on common biases against victims, and the many barriers that victims face in accessing the criminal justice system.
Objectives	Participants will examine their own biases about the characteristics of a “real” or “good” victim, and will develop a better understanding of the barriers victims face in accessing the criminal justice system.
Preparation	<p>Prior to the training, work with local partners to find an appropriate video of a victim talking about her experience.</p> <p>Distribute paper and writing utensils to participants.</p>
Materials	<ul style="list-style-type: none">• Video of victim talking about her experience• Whiteboard• Flip chart• Paper and writing utensils for the participants
Session type	Exercise, discussion and lecture

4.1 EXERCISE: WHO IS A VICTIM? (45 MINUTES)

slide #16



Facilitator notes: The purpose of the following exercise is to identify and examine participants’ beliefs and biases about who is a victim and who is not. You may find that many participants rely on stereotypes about how victims should respond, their physical appearance after an attack, how they behave and dress, how they feel about the violence and about their relationships with men, as well as about their religion, gender expression, ethnicity, class/caste and/or cultural background.



Sample script: Throughout this training, we will be talking about victim-centered prosecution. Therefore, it is important to ask ourselves, who do we mean when we say the word victim?

Who is a victim? Who is not a victim?

slide #17



Sample script: Who is a victim of domestic violence and/or sexual violence? And who is not a victim of domestic violence and/or sexual violence?"

We will begin by giving you a few minutes to think about the answers to these questions on your own. Write down your thoughts. You will not be giving this to anyone.

When thinking about who is not a victim, think about a time you did not believe someone who said they were a victim. What led you to the conclusion that they were not a victim?

When thinking about who is a victim, what characteristics of the person led you to that conclusion?

As you think about who is a victim and who is not a victim, please focus on your own beliefs and experiences, not just on the legal definition of who is a victim under the law.



Facilitator notes: Give participants about 3-5 minutes to write down their answers. When that time is over, facilitate a large group discussion and write answers to the questions on the white board or flip chart. Make one list for responses describing a victim, and a separate list for describing who is not a victim. Start with who is a victim. When the participants are giving their responses, if someone gives a response that you think is problematic, instead of responding yourself first, ask the rest of the participants what they think. Ask if anyone has a different idea they'd like to share. (This strategy can be used throughout the training to enable participants to teach each other.)

Use the lists below for reference when participants are reporting back in the large group discussion. Encourage participants to describe the following with those they are evaluating as a victim or not a victim: gender, ethnicity, how they behave, their personal history, education, how they talk about the violence that happened to them, their attitude and demeanor.


Who is a victim of domestic and sexual violence?


- Gender
- Ethnicity
- Behaviours
- Personal history
- Education
- Social class


- How does a victim talk about the violence they experienced?
- Does a victim talk about what they experienced? To whom?
- Attitude
- Demeanor
- The timeline of when a victim reports to the criminal justice system


Who is not a victim? When someone says they are a victim, but you do not believe them, why not?

 Gender


 Ethnicity

 Behaviours


 Personal history

 Education

 Social class

 How does someone talk about an incident of violence to lead you to think they are not a victim?

 Attitude

 Demeanor



Facilitator notes: In section 4.2, you will provide a mini-lecture on common misconceptions about victims. This lecture will provide a transition from talking about who is a victim to talking about the causes of violence against women, and the prosecutor's role in holding perpetrators accountable.

4.2 EXAMINING OUR BIASES ABOUT VICTIMS (5 MINUTES)

slide #18



Sample script: All of us have biases and prescribed ideas about domestic and sexual violence. In addition, when victims act in certain ways, it can make the job of a prosecutor feel easier or more difficult. It is important for you as prosecutors to ask: "What are my biases about victims?" "How would I answer the question, 'Who is a 'good victim'?" When you answer that question, do you really mean, "Who is a 'good witness for my prosecution case'?" How does it change your prosecution of a case when the victim is not behaving like you think she should?

Women and girls are often blamed for the violence perpetrated against them. Ask yourself as a prosecutor: "How often have I found myself blaming the victim for what happened?" Even if you have not said it out loud, how often do you find yourself thinking it?

The Trial of Rape Study found that stereotypes about "ideal victims" and "bad victims" – both among members of the public and criminal justice practitioners – thwart many victims' access to justice.



Facilitator notes: Prosecutors often think of victims in narrow ways, as people who make their job easier or more difficult. Our goal is for prosecutors to see victims as more than simply a witness to "their" case. Instead, we want them to see a person whose life was affected by the violence and will be affected by how the criminal justice system responds. In Module 2, you'll be training on a case-centred versus a victim-centred system. The distinction you're making here between victim and witness starts to prepare participants for that conversation. Ultimately, we want to discard the idea that there are "good" and "bad"

victims, and move towards an understanding that justice professionals should use their skills, training and resources to uphold justice, prevent revictimization and ultimately hold offenders accountable. We are not trying to train victims to be “good”; we’re trying to train prosecutors how to use their skills, knowledge and resources to handle what they may see as difficult cases.

At the same time, be aware that there may be more than ideological pushback on this point. All steps involved in effectively investigating and prosecuting cases that do not draw on a stereotype of a “good victim” typically require more time from busy justice professionals. Be attentive to systemic factors that might encourage maintaining an efficiency that comes with not believing victims. For example, a law or policy that allows evidence of victims’ sexual history may be used by defense attorneys to undermine a victim’s statement that she did not consent. Because of this, busy investigators and prosecutors might be tempted to more easily disbelieve a victim with any kind of sexual history and not truly investigate. Sadly, this is doing the defense attorney’s job for them. It is not the role of a prosecutor.

4.3 BARRIERS VICTIMS FACE IN ACCESSING THE CRIMINAL JUSTICE SYSTEM (10 MINUTES)

slide #19



Sample script: As prosecutors, when a victim does not want to participate in the criminal justice process, what is your first thought? Do you find yourself judging her? Do you have an understanding of why she may not find the criminal justice system helpful?

Barriers Victims Face in Accessing the Criminal Justice System

- Intimidation or threats by the abuser
- Fear of retaliation by the abuser
- Fear she won’t be believed
- Previous negative experiences with the criminal justice system
- Fear of being criminalized herself
- Fear of the process: medical examination, testifying, reliving trauma
- Shame, self-blame
- The goals of prosecution may not align with her goals
- Economic dependence on the perpetrator
- Pressure from the community (UNODC Handbook, p. 42)
- Pressure or requirement to use alternative forms of redress (The Trial of Rape Study, pp. 40, 56)



Sample script: In domestic violence cases, the victim must be extremely careful. If she tries to leave or pull away, threatens to have her abuser arrested or cooperates with the prosecution, abuse can quickly escalate. Neither marriage counselling nor individual therapy will stop domestic violence. Saving the relationship cannot be the priority. Safety must be the primary focus, so any plans to end the relationship must be done carefully and secretly with the help of domestic violence victim support specialists. We will discuss the limitations of marriage counselling and therapy in addressing domestic violence later in this training.

In sexual violence, protecting a victim's privacy is a significant part of safety. When cultural norms and beliefs about women make a distinction between "good" and "bad" women based on a perception of their sexuality, it puts women's safety at risk. A victim may know or feel that she will lose the support of her family, significant others and friends (her whole community) if it is known that she was sexually assaulted. This may threaten more than her psychological and emotional safety; she may feel (or know) that it will put her physical safety at risk as well. It may also put her in economic jeopardy. Therefore, her desire to manage her personal information will be very strong. We will talk more in Module 2 about ways justice professionals can protect private information.

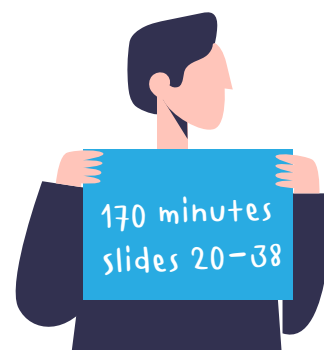
Connected to safety fears may be a concern that she will not be believed if she reports sexual violence. This concern is valid since victims are regularly not believed when they come forward. If she takes this risk and is not believed, she achieves nothing. Instead, because others can now see that even the authorities do not believe her, she may be at greater risk for more and different types of harm.



Facilitator notes: Show a video of a victim of domestic violence and/or sexual assault talking about how the violence affected her.



5. Segment 3: Types of Violence Against Women



slide #20



Sample script: In this section, we will discuss the types of violence against women and girls. We will focus on domestic violence and sexual violence, the most prevalent forms in the world. We will also talk about the relationship between domestic and sexual violence and femicide, or the gender-related killing of women and girls.

5.1 DOMESTIC VIOLENCE (SLIDES 21-27)

Length	60 minutes
Overview	In this section, we will review the most common form of violence against women: domestic violence. We will discuss three different types.
Objectives	The objective is to delineate between the three types of violence as a step towards prosecuting them differently.
Preparation	<ul style="list-style-type: none">• The facilitator needs to know if the country has a self-defense law and what it covers.• Research and select local statistics on domestic violence, if available.• Review and select the three videos you will show about the Power and Control Wheel/Equality Wheel.• Review the video of Lori's story (on resistive violence).• Review the handouts and prepare your comments on them (see Facilitator notes).
Materials	<ul style="list-style-type: none">• Handout 1: Three Types of Domestic Violence• Handout 2: Power and Control Wheel• Handout 3: Equality Wheel• Handout 4: Coercive Controlling Violence and Abuse, Resistive Violence and Relationships Based in Equality
Session type	Lecture, discussion, small group discussion

5.1.1 Prevalence of Domestic Violence (5 minutes)

slide #21



Sample script: Domestic violence is the most prevalent form of violence against women around the world. An estimated 30 per cent of women who have been in an intimate relationship will be physically or sexually abused by a partner at some point in their lifetime. Prevalence varies from country to country, and reports of domestic violence vary widely within Asia and the Pacific. Domestic violence is also called family violence or intimate partner violence.



Facilitator notes: Include local statistics if available.

5.1.2 Three Types of Domestic Violence (55 minutes)

slide #22



Facilitator notes: The three types of violence described below were first identified through research in the United States by Ellen Pence. For more information, see:

- Ellen Pence, Laura Connelly and Melissa Scaia (2011), [Turning Points: A Nonviolence Curriculum for Women](#).
- Mary Asmus (2017), [Got Justice? Options for Prosecutors When Battered Women Fight Back](#). National Clearing House for the Defense of Battered Women.

This framework has been adopted internationally by a number of criminal justice systems. For example, it has informed predominant aggressor policies, which will be covered in Module 2. Another option for facilitators in this section is to use “[Understanding Violence](#)”, the short video of Ellen Pence describing the three types of domestic violence.



Sample script: Over time, we have learned that not all types of domestic violence are the same. Three types have been identified. As prosecutors, it is important to distinguish between these because the response to each should be different in order to attain justice. In Handout 1, we have a more detailed description of the three types.

Coercive controlling violence and abuse

slide #23

Ongoing patterned use of intimidation, coercion, violence and other tactics of control to establish and maintain dominance over an intimate partner.

- Perpetrators believe they are entitled to control the actions, thinking and behaviours of their partner and children.



Sample script: Coercive controlling violence and abuse is the most common form of domestic violence. It encompasses up to 90 per cent of all domestic violence in any community. This form is most often perpetrated by men against women, and seeks to control the victim – her body, her mind, her actions and her thoughts.



Sample script: Coercive controlling violence is best represented in the Power and Control Wheel. In 1984, staff at the Domestic Abuse Intervention Project in Duluth, a city in the United States, began developing curricula for groups working with men who use coercive or controlling violence and abuse, as well as for victims of domestic violence. The goal in creating this graphic was to describe domestic violence for victims, offenders, practitioners in the criminal justice system and the general public.

Over several months, the creators convened focus groups of women who had been battered. They heard heart-wrenching stories of violence, terror and survival. After listening and asking questions, they documented the most common abusive behaviours or tactics used against the women interviewed. The tactics chosen for the wheel were those that were most universally experienced. The wheel makes the pattern, intent and impact of violence visible. It has been translated into many different languages and adapted to over 30 different cultural contexts, and is used all over the world, resonating with victims everywhere.

It is important to understand that the core cause of most men's violence against women is men's belief that they are entitled to control the woman or the relationship. We call this entitlement. These are men who believe they are entitled to satisfy their wishes and desires, even if they must use violence against their partners to get their way. They believe that men are the superior gender and should be the head of the household. They think they are smarter than women and make better decisions. All of this means that means that for men to end their violence against women, they must change their beliefs.



Sample script: The Equality Wheel was developed not to describe equality per se, but to describe the behaviour changes needed for men who batter to move from being abusive to non-violent partnership. For example, the "emotional abuse" module on the Power and Control Wheel contrasts with the "respect" module on the Equality Wheel. So the wheels can be used together as a way to identify and explore abuse, and then encourage non-violent change.



Facilitator notes: [Short videos](#) describe each part of the Power and Control Wheel. Consider showing at least three of these to describe coercive-controlling violence and abuse.



Sample script: Have you heard women talk about similar tactics of coercion and control in abusive relationships? Are there other common tactics used by perpetrators of domestic violence in your community? (Ask three to four participants to respond.)



Sample script: Resistive violence includes both legal and illegal use of force in response to an abuser's coercive and controlling tactics. Resistive violence is most commonly perpetrated by women experiencing coercive-controlling violence and abuse, and use violence in response. The intent of this type of domestic violence is to get control over the situation, not to control the mind, body, thoughts and actions of a partner.

Let's watch Lori's story of resistive violence. As we do, keep in mind that her husband committed coercive controlling violence and abuse against her for over 10 years. Lori had begun to plan to leave her husband. Also note that her husband claims that she had an affair with another man, but she did not.



Facilitator notes: Divide participants into small groups of four to five members. Play [Lori's story](#). After watching the video, ask small groups to discuss the following questions.



Sample script: What would justice look like in Lori's case? Should she be arrested? Should she be prosecuted? If yes, why? If no, why not?



Sample script: Violence unrelated to coercive control is used by one intimate partner against the other. It is neither an ongoing attempt to exert coercive control nor a response to coercive control. This type of domestic violence is not a pattern but most commonly occurs only once, in a context where neither partner seeks to control the other. The perpetrator's violence could stem solely from a mental health condition or a chronic chemical dependency.



Facilitator notes: Ask participants to look at Handout 4, Coercive Controlling Violence and Abuse, Resistive Violence and Relationships Based in Equality.



Sample script: This handout shows the difference between a relationship and family structure based on fear, violence and coercion, and a relationship and family structure based on equality, nurturing and autonomy. Coercive controlling violence and resistive violence are depicted as they are the most common types of domestic violence. An abusive partner believes he is entitled to make decisions for his partner and family and to control all aspects of their lives. The triangle represents the parameters he places around the family – his rules and expectations. He uses many different tactics to instill fear of challenging his expectations.

Most victims resist the oppression and violence they experience, as represented by the arrows pointing upwards. The abuser may use violence to enforce his expectations, and the victim may occasionally use violence to protect herself and/or resist her oppression.

A relationship and family dynamic not based on fear, violence and coercion is one where family members and partners can speak and think for themselves without fear.

Take a moment and think about the home you grew up in. Was it based on fear, violence and coercion? If so, who held the most power in your family’s home? What effect did growing up in that home have on you?

Or was the home you grew up in based on love, nurturing and equality? If so, what was the effect on you?



5.2 SEXUAL VIOLENCE

Length	90 minutes
Overview	Facilitators will provide a lecture on the definition of sexual violence, types of sexual violence, the meaning of consent, and the prevalence of various types of sexual violence. Using the “Cup of Tea” video, facilitators will lead an interactive activity about consent.
Objectives	Participants will deepen understanding of different forms of sexual violence, and reflect on the meaning of “freely given consent”. They will also consider how “consent” is or is not embodied in local law on sexual violence.
Preparation	<ul style="list-style-type: none"> • Review local laws on sexual violence and include them in the lead slide to this section. • Review the UNODC Handbook, pp. 10-12 (Table 1) and 14-18 (Table 2), for an overview of legal instruments and their reference to various forms of sexual violence. • Review prevalence data in The Trial of Rape Study, pp. 8-10, and some facts and figures as well as country profiles. • Review information on, and definitions of, consent found in The Trial of Rape Study, pp. 53-55; the UNODC Handbook, p. 16; and Module 3 of the ESP, pp. 8-10. • Review and prepare the “Cup of Tea” video for showing. Provide the video to interpreters ahead of time so that they can also review it.
Materials	“ Cup of Tea ” video
Session type	Lecture, discussion, video



Facilitator notes: In reviewing relevant local laws, note how they do or do not address issues related to consent and sexual acts found in Slides 39 and 40. Be prepared to recognize that some forms of sexual violence may not be criminal or illegal in the local context. Your demonstrated knowledge of the local law will add to your credibility as a facilitator as will your knowledge of international law and standards.

If some forms of sexual violence are not illegal under local law, consider how you can: 1) help participants understand that the impact of sexual violence on victims (and impunity for offenders) is still significant, 2) explore what they and other justice professionals may still offer victims in those circumstances, 3) learn how they could use the range of criminal law and other legal tools available to address what harms they can, and 4) discuss how they might support or participate in changing or strengthening the law to better protect victims and ensure offender accountability.

At the conclusion of this section, prosecutors should be able to:

- Recognize sexual violence has many forms, countering the myth that “real” sexual violence is a (vaginal) rape by a stranger.
- Understand that sexual violence can overlap and intersect with other forms of violence against women (UNDOC Handbook, p. 18).
- Understand that most sexual violence is committed by intimate partners or someone the victim knows.
- Identify the core elements of sexual violence (lack of freely given consent to acts of a sexual nature) in line with the discussion in the UNODC Handbook (p. 10, note the guidance by the Council of Europe Convention, Article 36), and counter the many rape myths having to do with force and the relationship (or lack thereof) between perpetrators and their victims.

These concepts lay a foundation for understanding the importance of being victim-centred both to support victims and improve their cases to stem attrition.

5.2.1 Defining Sexual Violence (10 minutes)

slide #28



Sample script: This definition from CEDAW highlights the nature of the impact of sexual violence (as a violation of a women’s right to personal, sexual and psychological integrity) and highlights a general standard of “consent” as freely given. How does that compare to the legal definition of (this/these country/ies)?

Violence against women occurs because society tolerates it. This is also true about the many forms of sexual violence. In this section, we’ll be talking about what “freely given” consent includes, and what kinds of acts are typically included when we say sexual violence.



Sample script: Sexual violence is any type of unwanted sexual contact. It can include words and actions that are sexual, against a person's will and without their consent.

The United Nations refers to three contexts for sexual violence: within the family, within the general community and by the State (UNODC Handbook, p. 10).

We'll be going into that a bit further in a moment.

Words can be sexual violence in the form of sexual harassment – whether in a work place, online or on the street. Some of this conduct is illegal, some is not. Some jurisdictions criminalize sexual harassment even where there is no assault; in others it is a civil offense. Even when it is not considered illegal, it is important to remember that it still does harm. Rape jokes, sexist comments and other forms of sexual harassment are pervasive, and reinforce a message to both men and women that men's violence against women is an expected part of life and acceptable. As discussed before, such acts of harassment undermine a community's message that violence against women will not be tolerated.

5.2.2 Types of Sexual Violence (30 minutes)



Sample script: In this training, we'll talk mainly about four types of sexual violence:

- Intimate partner sexual violence
- Non-partner sexual violence
- Child sexual abuse
- Sex trafficking

We will occasionally refer to other types as well.

Intimate partner sexual violence



Sample script: Intimate partner sexual violence is unwanted sexual contact by a person's spouse or partner. You learned earlier about the dynamics of domestic violence. As we said in that section, sexual violence can be both one of the tools of control and one of the outcomes or forms of the abuse.

"Marital rape" is a form of sexual violence that falls in this category. Even if the other dynamics of domestic violence do not seem present, it is possible for a spouse to rape or sexually assault their partner.

We use the term sexual assault or sexual violence instead of rape, as rape typically refers to a more narrow set of assaults – those that involve penetration.

What can intimate partner sexual violence look like?

Give one or two examples that seem most relevant.

- A headline in a Vietnamese newspaper read: “Unbelieve: Man asked friend to rape his wife” (The Trial of Rape Study, p. 10).
- A husband moves from physical violence to raping his wife. *“When I forcefully told him no, he just knocked me down from the edge of the bed where we were sitting, held me down to the floor, and forcefully had sex with me, even though I was crying telling him to get off and stop. He did say, ‘You are my wife, you can’t say no’. He truly believed that. At the time I didn’t think it was ‘rape’. I was married, I loved him, but it made me feel hurt, angry, disrespected and sad. He actually thought it was so funny that I was so mad and locked myself in the bathroom to shower and cry after”* (ibid.).
- A man waits until his spouse or partner is asleep, and then sexually assaults her. *“Apparently he felt that as his wife I had an obligation to fulfill his sexual needs and that if I was unwilling while I was awake he would take it while I was sleeping and could not tell him ‘No’. In the beginning, I didn’t wake up while it was happening. When I awoke the next morning I would be confused thinking I had maybe been dreaming”* (ibid.).
- One woman learned her husband had been drugging her at night with sleep medicine, raping her and videotaping it. She only discovered the videos on his cell phone after he left it behind one day. Over time, she had worried something was happening to her as she once woke up without her clothes on and didn’t remember taking them off. She also would frequently wake up with a bitter taste in her mouth. She had started to think something was wrong with her, but trusted her husband. She didn’t realize she was being raped until she saw the [videos](#).

How common is intimate partner sexual violence?

Use one or two of the following data points that seem most relevant.

- According to a World Health Organization (WHO) global systematic review of data on intimate and non-partner sexual violence, South-East Asia is ranked highest after Africa, at 34 per cent, for lifetime prevalence of intimate partner violence (physical and/or sexual) or non-partner sexual violence, or both, among all women aged 15 years or older.¹
- In Nepal, the Ministry of Health [reports](#) that 25 per cent of women aged 15-49 who have ever been partnered have experienced intimate partner physical and/or sexual violence in their lifetime.
- Some national studies have shown that up to 70 per cent of women have experienced physical and/or sexual violence from an intimate partner in their lifetime. Evidence shows that women who have experienced physical or sexual intimate partner violence report higher rates of depression, abortion and HIV, compared to women who have not.²

1 WHO (2021). [Violence against Women Prevalence Estimates 2018 - Global, regional and national prevalence estimates for intimate partner violence against women and global and regional prevalence estimates for non-partner sexual violence against women](#), p. 35.

2 World Health Organization and others (2013). *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*, p. 2. For individual country information, see the UN Women [Global Database on Violence against Women](#).

- Data from female participants of prevention interventions in six low- and middle-income countries in Asia and Africa show that women with disabilities are two to four times more likely to experience partner violence than those without disabilities.³

Non-partner sexual violence

slide #32



Sample script: Non-partner sexual violence is unwanted sexual contact by anyone who is not a partner. While this could be someone who is a stranger to the victim, it is much more often someone the victim knows in some way. For example, the offender could be a relative, friend, acquaintance, neighbour or work colleague.

You may have heard the term “non-stranger sexual violence” (see The Trial of Rape Study). This term includes any sexual violence committed by someone known to the victim, including a spouse or partner. These are just different ways of describing the contexts in which sexual violence occurs.

What’s important to know is that most victims of sexual violence know the person who harms them. In fact, many perpetrators who are strangers to the victim before the assault will find ways to get to know or groom their victims, as this gives them greater access to the victim and often decreases their need to use more overt force. Since their behaviour plays into myths and misunderstandings about sexual violence, they also know they may be more readily able to claim a consent defense.

What can non-partner sexual violence look like?

Give one or two examples that seem most relevant.

- A woman who works at a factory is told by a male co-worker that he is sick and needs help. He asks her to come into his room to help him. When she does, he rapes her (see The Trial of Rape Study, p. 31).
- Mai Xiong, a woman in her late 30s, was having marital concerns. She went to the pastor at her church for support and counselling because her husband was a prominent figure in the community, and she did not want to ruin his reputation by speaking to the family elders. The pastor at first was helpful, but then he asked her to meet him after church and outside of church. At one of the first meetings after church, he asked her to come to his office as he had some resources to offer her. There he raped her. She was shocked. After the rape, he told her that if she told anyone he would deny it and he would be believed, not her, because he was the pastor. She stopped going to church. Then the pastor started calling her husband and harassed him about her absence from church. She grew tired of arguing with her husband, and feared she wouldn’t be believed, so she started returning to church. Her pastor told her to continue to meet him outside of services or he would tell her husband she was having an affair.⁴

3 K. Dunkle and others (2018). *Disability and Violence against Women and Girls: Emerging Evidence from the What Works to Prevent Violence against Women and Girls Global Programme*, pp. 1-3.

4 E. Buchwald, P. Fletcher and M. Roth (2005). *Transforming A Rape Culture*. Minneapolis, MN: Milkweed Editions, pp. 207-209.

- Shiori, a Japanese professional woman, agreed to meet a prominent professional in her field for a business meeting. She joined him for dinner. They had some drinks at a restaurant, after which she started to feel dizzy and went to the bathroom. She passed out there and reportedly regained consciousness in a hotel room to find Yamaguchi on top of her and raping her. She escaped the hotel and [reported the event to the police](#).
- Some examples of non-partner sexual violence from Indonesia are: "[Woman is 'groped' on the street](#)" and "[Rape and abuse by supervisors in the palm oil fields](#)".

How common is non-partner sexual violence?

Use one or two of the following data points that seem most relevant.

- In one study reviewing reported cases in two Asian countries, 86-91 per cent of suspects were known to the victim. Strangers were the identified offender in only 9-14 per cent of the cases (The Trial of Rape Study, p. 41).
- Approximately 15 million adolescent girls (aged 15-19) worldwide have experienced forced sex (forced sexual intercourse or other sexual acts) at some point in their lives. In the vast majority of countries, adolescent girls are most at risk of forced sex by a current/former husband, partner or boyfriend. Based on data from 30 countries, only 1 per cent ever sought professional help.⁵

Child sexual abuse

slide #33



Sample script: Child sexual abuse is sexual contact with a child. Most children are harmed by someone they know rather than a stranger. Terms like incest or intrafamilial sexual abuse refer to abuse within the family. A child can also be sexually abused by people they know outside the family and, although this is not nearly as common, by strangers. Both boys and girls can be victims of child sexual abuse. Some believe that boys aged 6-12 in South Asia may be more vulnerable to sexual abuse outside the home than girls since they generally have more freedom than girls.⁶

Consent is not a defense in child sexual abuse cases when the child is under the age of consent as understood by law. This age varies from State to State, but it's common for laws to include distinctions based on the child's age, the age of the perpetrator, the relationship between the perpetrator and the victim, and the age difference between them. These distinctions reflect the various ways that minors are vulnerable and can be exploited or subject to grooming by older adults. Both girls and boys can be victims of child sexual abuse, and while women can be perpetrators, most perpetrators are men (see results of the case study in The Trial of Rape Study, p. 35).

Sadly, we know that: "Sexual abuse in childhood increases the likelihood of experiencing sexual and/or domestic violence as an adult" (UNODC Handbook, p. 19).

⁵ UNICEF (2017). *A Familiar Face: Violence in the lives of children and adolescents*, pp. 73, 82. UN Women [facts and figures](#).

⁶ J. Frederick (2010). "[Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses](#)." UNICEF Innocenti Working Paper, pp. 6, 10.

What does child sexual abuse look like?

Give one or two examples that seem most relevant.

- A grandfather comes to visit his son's family. After everyone else is asleep, he crawls in bed with his 10-year-old grand-daughter, Zainab, and lifts her nightdress and kisses and touches her all over her body. She begins to wear pajamas but it doesn't stop him (see [Zainab's story](#)).
- Beginning at age 8, Samiha was sexually abused by her father. The abuse continued well into Samiha's teenage years. Her mother knew, but discouraged Samiha from reporting it to the police, according to her cousin Bina. Her father would molest her, abuse her and pull her hair. And then he would threaten to kill her if she said anything to anyone. Samiha struggled for years with depression and eventually threw herself in front of a car to kill herself (see [Samiha's story](#)).
- Boys who grow up in brothels, live on the street or in institutional settings (shelters, orphanages, etc.) or are kept by wealthy, influential men are vulnerable to child sexual abuse. More details can be found [here](#).

How common is child sexual abuse?

Give one or two examples that seem most relevant.

- Among adolescent girls younger than 15, one multi-country study found that 11-48 per cent experienced forced sex as their first sexual encounter (The Trial of Rape Study, p. 49).
- Data about the prevalence of child sexual abuse vary widely across Asia and the Pacific, both by country and by data collection method. Physical contact sexual abuse (e.g., molestation, touching, and attempted and forced sex) ranged from 1.7 per cent in Hong Kong SAR China to 11.6 per cent in the Pacific Islands in probability sampled studies. For convenience samples, the prevalence ranges from 1.2 per cent in Cambodia to 17.1 per cent in Thailand, and up to 47 per cent among prostituted women and girls in Thailand (see more [here](#), pp. 46-61).
- For studies on forced sexual intercourse, prevalence ranged from 13.8 per cent for both boys and girls in the Mariana Islands to 29.3 per cent for both in the Marshall Islands in 2003. Similar frequencies were reported in Palau (14.2 per cent for both) and Cambodia (15.5 per cent for both). For more see [here](#), pp. 46-61.

Sex trafficking

slide #34



Sample script: Sex trafficking is the use of women and children in forced prostitution. There are three key elements (see the UNODC Handbook, p. 17 for more details):

1. The acts: recruitment, transportation, transfer, harbouring or receipt of a person
2. The means: threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability
3. The purpose: forced labour or services, slavery, slavery-like practices or servitude

What does sex trafficking look like?

Give one or two examples that seem most relevant.

- A 22-year old woman, Luiza, has difficulty finding a job because she does not have a university degree or the proper papers. She meets a woman who tells her of a job opportunity in a larger city away from her home. Luiza goes to the building where she has an interview. She is taken into a meeting room and told to give up her passport, and then locked in an apartment and informed she will receive employment papers. She is later trafficked to Dubai where she is given a fake passport and taken to an apartment and a local club. “We were to be sex slaves and do whatever the clients wanted. The next day I was sent to a nightclub and told that I would have to earn at least 10,000 USD by the end of the month,” says Luiza. For 18 months, her life was consumed by the nightclub work. Upon leaving the club one evening, Luiza saw a police car approaching, and instead of running away, she stayed to let the police arrest her. She was deported and returned to serve more jail time in her home country where she also reported her traffickers. Read [Luiza’s story](#).
- A young girl who is being sexually abused at home runs away. She meets someone who promises to take care of her, but instead turns her over to a trafficker who forces her into prostitution.

How common is sex trafficking?

Globally, women and girls account for 72 per cent of all human trafficking victims. More than three out of every four trafficked girls, and more than four out of every five trafficked women are trafficked for sexual exploitation.⁷

What is sexual violence?



Facilitator notes: Many laws recognize that sexual violence can involve much more than vaginal penetration. Even if the acts below are not criminalized, it is important for prosecutors to understand that these types of sexual violence cause harm.



Sample script: We’ve been talking about a number of different types of sexual violence. They all have this in common: The sexual acts are unwanted. The victim did not freely give her consent. We’ll talk more about consent in just a moment. For now, what do we mean by “acts of a sexual nature”?

⁷ UNODC (2018). *Global Report on Trafficking in Persons 2018*, pp. 25, 28. UN Women [facts and figures](#).

Acts of a sexual nature that are addressed in laws around sexual violence can include:

- Penetration – any object or body part of someone else in the anus, vagina or mouth of the victim.
- Contact – touching a victim’s breasts, buttocks or vaginal area, over or under clothing. In some places, unwanted contact with sperm or seminal fluid on the victim (e.g., masturbating on the victim) has also been criminalized.
- Exposing – willfully showing private body parts or convincing others to expose their private parts (sometimes referred to as indecent exposure). Private or intimate body parts are considered the genital area, the groin, inner thigh, buttocks or breast of a human being.
- Harassment – words or actions that suggest sexual violence, or sexualize a woman or girl who does not want it, or suggest or require sexual contact in exchange for something else (may not be criminal). Another form of sexual violence is the distribution of sexually explicit images or videos of a person without their consent.

5.2.3 Understanding Consent (40 minutes)

slide #36



Facilitator notes: Understanding the true meaning of consent is at the core of understanding sexual violence. Be aware that many rape and sexual assault laws are based on the use of force by perpetrators. Others may be broader but not include detailed legal definitions of terms used or the kinds of acts that comprise sexual assault. This leaves broad discretion for justice professionals to apply their own interpretations (The Trial of Rape Study, p. 53).

Focusing primarily on the victim’s behaviour, instead of the offender’s actions, is so commonplace that it may not occur to justice professionals to do otherwise. In fact, the way sexual offences are defined in some jurisdictions may “require active or earnest resistance on the part of the victim in order to negate consent” (The Trial of Rape Study, p. 54). Whether legal definitions require it or not, research suggests most justice professionals in Asia and the Pacific believe that the lack of evidence of resistance, injury or additional witnesses will make it nearly impossible to prove a case of sexual violence (ibid.). At the same time prosecutors in many countries are increasingly able to prove these cases. Progress starts with a better understanding of the biases and misconceptions we’re discussing in this training.



Sample script: One of the most important things to understand about sexual violence is the concept of consent. There are three key elements: 1) it is freely given, 2) it is a present agreement (meaning a prior agreement does not extend to the present moment or act), and 3) it is specific to this sexual act with this person. Agreeing to sexual acts with one person does not mean that a woman consents to acts of a sexual nature with another person. In addition, causing another person to engage in non-consensual acts of a sexual nature with a third person is explicitly recognized by some legal instruments as sexual violence (see the Council of Europe Convention).

What does “freely given” mean? It means that there is no:

Use of force: Including but not limited to grabbing a person, hitting them, holding them down, using a weapon, etc. The legal language might be the infliction, attempted infliction or threatened infliction of bodily harm, which causes the victim to submit as they reasonably believe the other person will hurt them.

Use of coercion: Including but not limited to the offender being bigger and stronger than the victim, and trapping or confining a victim, or using other words or circumstances that cause the victim to fear that they will be harmed if they do not submit. In intimate partner sexual violence, an abuser may withhold money/food/transportation on the condition that the victim consent to the sexual act, or they may threaten to hurt a child or pet or another person that woman cares about.

Use of trickery: Including but not limited to an adult who tells a child that their parent said it was okay for them to be together, and that the sexual act is how they show love for one another. Or it may be tricking someone to go to a place where they may be alone and vulnerable.

Mental incapacitation or physically helpless: Recognizes that some victims are not in a position to consent if their brains cannot sufficiently understand consent or what is happening (e.g., because they are under the influence of alcohol, other drugs or medicine to such a degree that they lack the ability to judge the situation appropriately), or that they are physically unable to communicate consent because of a physical condition (e.g., they are asleep, unconscious or simply unable to communicate due to a disability).

Too young to consent: We addressed this when we talked about child sexual abuse.

Position of authority, significant relationship:

Clauses like these in laws recognize that if someone is responsible for a child and their health, welfare or supervision – even briefly – they may have undue influence over the child. Consent is not a defense in these cases. This relationship of significance or authority may exist at the time of the act or even some time leading up to the act (where the grooming might have occurred). An example is a teacher who may wait until after a student has graduated before initiating sexual contact, hoping a girl is at or over the age of consent. Where exercising undue influence is illegal, the law requires some time to pass so that the girl can be in a better position to freely give consent. An offender in the victim’s family or household is considered to be in a significant relationship that must exclude any inappropriate sexual contact. People in positions of authority can also include a spiritual leader, a teacher, a doctor or mental health therapist, employers or supervisors, or a law enforcement officer if the victim is detained.



Not resisting an act does not signify consent. There are many reasons a victim may not or cannot resist.

Silence does not mean consent. There are many reasons victims may be silent. Giving in or submitting is not the same as consenting.

One does not lose the ability and right to give or withhold consent because they gave consent in the past.

The bottom line is that consent is “freely given” agreement, meaning it must be safe to say no, and that a person is in a position, and of a mindset, to give or withhold agreement on a particular act with a particular person in the present moment.

“Cup of Tea”

slide #37



Sample script: Let’s watch a video that shows these elements of consent in a way that might make it easier to understand.

As you watch the video, look for the ways you hear consent addressed.



Facilitator notes: Show the “Cup of Tea” video.



Sample script: Using the language of “tea”, what examples in the video demonstrate that there is not consent?

Facilitators should listen for:

- I do not want tea.
- I changed my mind, and now I do not want tea.
- I am unable to tell you whether or not I want tea.
- I am asleep.
- Even if I have had tea in the past, and often, I am able to decide whether or not I want tea in this moment.

Discussion questions: consent

slide #38



Facilitator notes: Conduct a large group discussion. Choose one of the following questions for the discussion.

- How does this understanding of consent relate to the laws on sexual violence in your country?
- How does this understanding of consent compare to your colleagues’ or police investigators’ understanding of consent?
- How is this understanding of consent similar to your community’s understanding?



Sample script: When working on a sexual violence case, prosecutors should pay attention to how police, judges and defense counsels assess the victim’s consent or lack thereof. At times, prosecutors may need to challenge or educate colleagues (or the court) about the nature of consent. In many cases, prosecutors must be prepared to present evidence of non-consent or to counter the defendant’s claims that the victim consented to the sexual violence. We will discuss this further in Module 2.



Sample script: Nearly all women experience unwanted looks, comments and pressure for sex. This chart shows that while a smaller percentage of women experience rape, intimate partner violence and sexual abuse, these extreme acts of sexual violence are also a result of societal attitudes that sexually objectify women and girls. We can see these discriminatory and violent behaviours on a continuum.

As the UNODC Handbook says (p. 8):

“Violence against women is manifested in a continuum of multiple, interrelated and sometimes recurring forms—physical, sexual and psychological violence and economic abuse and exploitation, experienced in a range of settings, from private to public, and in today’s world, transcending boundaries.”

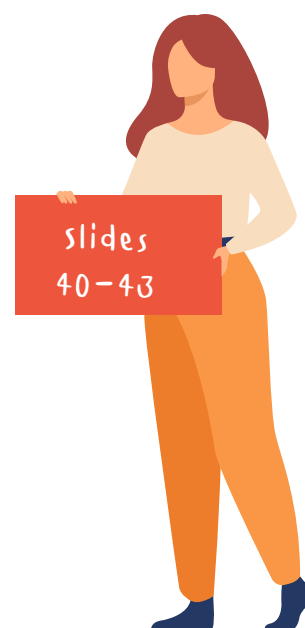
While not all of these forms of sexual violence may be criminal, it is important to understand how normalized – and problematic – these experiences are, in order to begin to understand violence against women and girls and its impact.



Facilitator notes: Take questions about sexual violence before moving on to femicide.

5.3 FEMICIDE

Length	20 minutes
Overview	Facilitators will provide a mini-lecture on femicide and its relationship to domestic and sexual violence. They will facilitate a discussion about femicide in the local context.
Objectives	Prosecutors will understand that femicide is the killing of women because of their gender; that femicides often happen in the context of domestic violence or sexual violence; and that effective responses to domestic violence or sexual violence can help to prevent femicides.
Preparation	N/A
Materials	N/A
Session type	Lecture, discussion



LECTURE (10 minutes, Slides 40-42)

Femicide

slide #40

Definition: The gender-related killing of women and girls

Prevalence

According to the UNODC Global Study on Homicide⁸:

- 20,000 women were killed in Asia in 2017.
- Of them, 11,000 were killed by intimate partners or family members.
- Asia and Africa had the highest numbers of intimate partner femicides in the world in 2017.
- Worldwide, 58 per cent of femicides are committed by intimate partners or other family members.



Sample script: Femicide refers to the gender-related killing of women and girls. In other words, femicides are homicides of women and girls *because of* their gender. As we've discussed throughout this training, violence against women and girls is a manifestation of patriarchy, gender inequality and the subjugation of women.

There is growing recognition internationally that when investigating and prosecuting killings of women and girls, it is important for criminal justice systems to recognize that the killing is often motivated either by bias against or the objectification of women and girls, or by the perpetrator's desire to oppress or control the victim – even to the point of killing her. Some countries have passed femicide laws that require the criminal justice system to investigate and address the gendered nature of the crime. International courts have found that some countries fail to exercise due diligence when they delay investigations of domestic or sexual violence or disappearances of women and girls that later result in homicide.

In its 2019 global study of femicide, UNODC found that globally, 137 women are killed by a member of their own family every day. Of the 87,000 women killed worldwide that year, 58 per cent were killed by family members. In Asia, 20,000 women died by homicide; over half were killed by their intimate partners or other family members.⁹

Relationship between femicide and domestic and sexual violence

slide #41



Sample script: Femicide is closely linked to domestic violence and other forms of gender-based violence. Recognizing this connection is critical because criminal justice systems often have opportunities to intervene in domestic and sexual violence cases in order to prevent femicide. Investigations of domestic violence give police and prosecutors

⁸ UNODC (2019). *Global Study on Homicide – Gender-related killing of women and girls*, p. 10-11. The data is based on a state's reporting. This data may be incomplete, depending on how cases are recording by a state.

⁹ Ibid.

the opportunity to identify risks of future lethal violence to a victim of ongoing abuse. Sexual violence can also be a precursor to a future femicide, or the victim may be killed directly after or during a sexually assault.

Femicide takes many forms. For example:

- A doctor was shot dead by her husband. He came into the clinic where she worked brandishing a gun and killed her. News articles contained very few details of the killing, but this type of intimate partner femicide typically occurs in the context of ongoing domestic violence. It is likely that the murder was not the first time he was violent toward her. See the [full story](#).
- A 14-year-old was gang-raped and killed by a group of boys in her community on her way home from school. While this example may seem especially horrific and unusual, it highlights a common reality; that girls and women are often targeted for homicide because of their gender, and femicide often occurs in conjunction with sexual violence. See the [full story](#).

Femicides present unique challenges for prosecutors, in that the victim is deceased. In some cases, family members of the victim are very motivated to support prosecution, whereas in other cases, the same cultural and societal barriers that prevent victims from seeking justice may deter surviving family members. Family members may blame the victim for the domestic violence that preceded the femicide. In a sexual violence case, they may feel ashamed and prioritize their privacy over justice for the victim. Family members may also be afraid of the perpetrator.

Even in countries with very high rates of femicide, it is common for these to go unpunished. Femicides are commonly treated as “crimes of passion”. For example, when a husband kills his wife, the killing is excused because of the husband’s jealousy or possessiveness. Women engaged in sex work or being trafficked are at very high risk of femicide, and justice is rarely pursued diligently in response to their killings. Instead, they are treated as if they deserved to be killed because they were sex workers.

Femicide cases should be treated with the same scrutiny and care as other homicide cases, but prosecutors must also recognize that the killing is often gender-motivated. The perpetrator may have also committed domestic or sexual violence against the victim and evidence may be available about these other crimes.

In addition, prosecutors have a role in preventing femicides. Effective prosecution of domestic violence, with meaningful accountability and opportunities for perpetrators to change their behaviour, can prevent violence from becoming more severe. Remember that 38 per cent of women who are killed are killed by intimate partners. In many of these crimes, there are opportunities for the criminal justice system to intervene in ongoing domestic violence before it is too late.



Sample script: Femicide prevention should also be addressed on a broader, systemic level. UN Special Rapporteurs on violence against women, its causes and consequences, have also made femicides a priority during their tenures. She launched an international campaign calling for countries to establish a femicide watch or femicide observatory to collect more detailed data on this crime. In addition, she is developing best practices to prevent and investigate femicides.

Fatality review is another local strategy for femicide prevention. It can be replicated in any community. Fatality review teams comprise criminal justice system professionals and local women's NGOs. They meet to review information related to recent femicides and identify patterns that may reveal opportunities for prevention. For example, in femicides stemming from domestic violence, a fatality review team may discover gaps in the criminal justice system's response to previous acts of domestic violence. If these systemic gaps can be addressed, femicides may be prevented.



Facilitator notes: Facilitate a large group discussion on the following questions:

- Is the term “femicide” familiar to prosecutors in your community?
- What are some common assumptions about killings of women in your community?
- Are there any local efforts to improve prevention or investigation of femicides?

First afternoon break (15 minutes)

5.4 EXPERIENCE OF VAWG EXERCISE (45 MINUTES)

slide #44

In this section, you will engage participants in an exercise to develop a better understanding of the experiences of survivors of domestic and/or sexual violence. Two options are presented. Carefully consider which exercise is best suited both to the facilitators and the group of participants with whom you are working. In Section 8 of Module 1, you will refer back to participants' experience during this exercise.

Option 1: Sandbag Exercise



Facilitator note: The Sandbag Exercise should be used with caution and only when the facilitator has developed trust with the participants. It seeks to emulate the experience of an abusive relationship. For those who have experienced domestic or sexual violence, this exercise could be retraumatizing. We encourage you to speak with your co-facilitators and ensure all agree to conduct this exercise. See option 2 for an alternate exercise. Please note that this exercise should only be facilitated by facilitators with a strong background on and understanding of violence against women. All participants should be given the option to leave the exercise at any time.

Length	45 minutes
Overview	Facilitators will facilitate an exercise in which the facilitators play the role of an abuser, and the participants play the role of victims. Facilitators will then facilitate a discussion with participants about their experience as “victims” of coercive controlling violence.
Objectives	This exercise seeks to put the prosecutors in the “seat” of victims in a violent and coercive-controlling relationship. Participants will gain a better understanding of what it feels like to be the victim of ongoing coercive controlling tactics. They will also experience what it is like to make decisions in this type of relationship.
Preparation	<p>Read through the exercise with co-facilitator(s) to determine who will play which part, and how to signal each other for moving on if necessary for the safety and/or fit of the training.</p> <p>Work on the gender references for the first part on imagining being in a heterosexual relationship with the facilitator. We generally recommend that a female facilitator should lead the exercise to mitigate potential triggers for female survivors.</p> <p>Prepare for triggers and options to give participants if they need a break.</p> <p>Prepare an arm sling.</p>

Materials

Whiteboard, markers, arm sling

Session type

Lecture, discussion



Sample script: For this interactive exercise, we will emulate a violent and coercive controlling relationship. If you have experienced violence or abuse as an adult or child, this exercise may be difficult for you. Please make sure that you do what you need to do to take care of yourself. (*Give specific options: "You may leave the room through X door if you need to take a break."*)

Begin this exercise by pushing your chairs slightly back from the table, and put both feet on the floor and your hands on your lap. This exercise does not require any pen or paper.

In this exercise, you will answer each of the questions as if you were really in the scenario we are going to describe. **Do not role play a victim of domestic violence. Be you.**

We need all doors of the training room closed.

Now we want you to imagine that you live in this space with us. For this scenario, if you are a man, you are in a relationship with me as a woman. If you are a woman, I need you to imagine that I am a man because in this situation, we want you to imagine that you are in a heterosexual romantic relationship.

We had dated for six months, and I convinced you to move in with me and get married. You just recently moved in with me. Soon after moving in, you realized that I was much more controlling than I was before. I want you to imagine that you live in this space with me and above your head in the ceiling are sandbags. They are very heavy sandbags. I have a clicker in my hand and if I click on the button associated with your seat, then a sandbag will fall from the ceiling and seriously injure you or kill you. Also, over the exits of the doors, those sandbags are extra heavy. You also recently found out that I am capable of doing it and will because this person right here (choose a participant) has his arm in a sling because he talked back and I pressed his button. To participant: "You need to put your arm in a sling because you have a broken shoulder."

You have been living in these conditions for three weeks. How would you act towards me after living here for **three weeks**? What would you do, be thinking about, or say to me?

■ *Ask participants to respond to the question. Get responses from three to four participants.*

Now, it has been **three months** since we have been married and you began living here. How would you act towards me after living here for three months? What would you do, be thinking about, or say to me?

■ *Ask participants to respond to the question. Get responses from three to four participants.*

It has been six months, and you have been complaining that we never spend time together. You told me that you want to go to a movie. Fine, we will go.

■ *Ask a participant, "What movie do you want to go to?" Act impatient. "Come on, I don't have all day, how hard can it be to pick a movie? You are the one who wants to go." If the participant names a movie respond with, "Why would you pick that movie? That is the dumbest movie I have ever heard of! Forget it, you can't pick a movie, we are not going. I am going out with my friends."*

Now, it has been **nine months**. I have gone out and bought a lot of alcohol. I have bought that before but previously would not let you have any. That has changed. I say to you, "I have bought alcohol and put it in the fridge and put the extra in the garage. You can have as much alcohol as you want, the only thing is that any time I go to the fridge, there better be a cold one for me. It better not be warm. Who wants to drink with me?"

■ *Ask participants to respond to the question. Ask those who would drink with me to raise their hand and those who would not to keep their hands down. Get responses from one to two participants who would drink and one to two who would not.*

When I like to drink, I get "touchy, feely" and like to kiss. It is now **two years** since you moved in, and after many nights of drinking and kissing, we have a **2-month-old baby**. Now, here is the thing, I don't mind babies, but you better keep that baby quiet. I work early in the morning. That baby had better not wake me up in the middle of the night or early morning. Got it?

■ *Ask participants what they are thinking and feeling now that there is a child. Does*

it make you think about this situation any differently? If yes, how? Get responses from three to four participants.

Now, it is **five years** since we have been together, and there are two children, a **4-year old** and a **2-year old**. You have been saying that you want to leave me. I tell you, "Ok, you want to leave me? Fine, you can, but you can only take one child with you, and you have to choose which child. Oh, and by the way, I will tell the other child when they are older that you did not pick them. Are you going to leave knowing you can only take one child, or are you going to stay?"

■ *Ask participants if they are going to stay or if they are going to leave. Get responses from three to four participants.*

You decided to leave and you took the younger child with you. You left the 4-year-old girl here, and I am a man. You call the house phone and are talking to her, and you say, "What are you doing?" The girl answers, "I am going to date night with daddy tonight. He just bought me a new dress. Mommy, I don't want to go to date night with Daddy. Mommy, please do not make me! Daddy says if you come back and live here, I don't have to do on date night with him anymore and then you will. Please Mommy, I hate date night! It's awful!"

■ *Ask participants if they are going to come back home with the other child or not move back home. Get responses from three to four participants.*



Facilitator notes: This is the conclusion of the exercise. The next section begins with an exercise that will guide participants in reflecting on their experiences, and more broadly, on the effects of violence on victims. Before starting the next section, it is important to bring participants out of the previous exercise, and back into the room and training. You can do this in any way that supports a shift back to the training participant role. For example, a facilitator can indicate: “This is the end of this exercise. I am no longer the character I just played, but am returning to my role as a facilitator. Let’s take three deep breaths together.” Perhaps have them focus on something concrete in the room on each breath. And then send them on at least a 15-minute break saying that you’ll debrief on the exercise after the break.

Option 2: Survivor Stories

Length	20 minutes
Overview	In this exercise, facilitators show one or more videos of survivor(s) talking about their experiences of domestic or sexual violence. In the following sections, participants will reflect on the videos to discuss the effects of the violence, and the appropriateness and effectiveness of different types of interventions.
Objectives	<ul style="list-style-type: none"> Prosecutors develop deeper understanding of the short- and long-term effects of violence against women.
Preparation	Consult with local partners about whether they have access to videos of local women discussing their experiences of violence. If not, preview the videos included in this section with partners to determine
Materials	<p>Video(s) of women talking about the effects of violence against women. Options include:</p> <p>“Christine’s story”</p> <p>“Talking About Family Violence: Women talk about the effects of abuse”</p>
Session type	Lecture, large group discussion



Facilitator Notes: Share one or more videos that include women talking about their experiences with domestic violence. Ask participants to pay attention to the effects that the woman/women describe.

Possible videos:


 [“Christine’s story”](#)

 [“Talking About Family Violence: Women talk about the effects of abuse”](#)

6. Segment 4: The Effects of Domestic and Sexual Violence on Victims and Children




Length	60 minutes
Overview	<p>In this section, facilitators will facilitate a discussion on the effects of domestic violence. Participants will reflect on their experience in the Sandbag Exercise or the Survivor Stories exercise. Facilitators will then facilitate a mini-lecture on the effects of violence on victims.</p> <p>The effects of violence can be short or long term. Deeply understanding these can motivate prosecutors to change.</p>
Objectives	<ul style="list-style-type: none"> • Prosecutors develop deeper understanding of the short- and long-term effects of violence against children. • Prosecutors gain knowledge about the effects of violence against women
Preparation	
Materials	Whiteboard, poster paper, markers
Session type	Lecture, large group discussion

 **Facilitator notes:** The purpose of this section is to deepen participants' understanding of the effects of violence against women. This can increase their motivation to address these crimes, and help them understand common victim behaviours in response to trauma or risk that may pose challenges for prosecution.

Option 1 (Sandbag Exercise): Begin with a large group discussion about the Sandbag Exercise. Use a whiteboard or poster paper to list effects that participants name in response to the questions below.

Option 2 (Survivor Stories): Ask a few participants to share what effects they heard the woman or women discuss in the video. Then ask prosecutors how they think those effects might impact a woman's decision to report violence or participate in the criminal justice process.



 **Sample script:** We are now going to discuss the effects of violence against women and girls. There are short-term effects that influence how victims feel and behave during and immediately after experiencing violence. The long-term effects can impact victims in many ways over extended periods of time. You have just been through an exercise where you learned about some common tactics used by abusers in coercive controlling relationships.

Questions for Option 1 (Sandbag Exercise):

- What were the effects on you of doing this exercise? How did you feel emotionally? How did your body feel physically? Were any of your reactions surprising to you? Did you find yourself making any unexpected decisions?
- What are some of the “in the moment” effects that you think domestic or sexual violence has on victims?
- Did any of you think about using violence towards me? (If someone answers yes, remind them that would be resistive violence.)
- What are some of the ways this type of abuse would impact you if you experienced it in real life over a period of several years?
 - » What would the emotional impact be? How do you think you would feel?
 - » What would the physical impacts be? How would the abuse affect your health and physical well-being?
 - » What would the cognitive impacts be? Do you think you would be able to remember all of the details of the abuse? How would the abuse impact you when you try to work or study?
 - » How would the abuse impact you spiritually? What would be your outlook on life?
 - » How would the abuse impact you economically? Would you worry about leaving the abuser because of not being able to support yourself or your kids? If you did leave, what challenges would you face financially?
- What are the effects of the abuse described in this exercise on people other than the victim?
 - » The children?
 - » The community?
 - » The abuser?

Questions for Option 2 (Survivor Stories):

- What were the effects on you of hearing these stories? How did you feel emotionally? How did your body feel physically? Were any of your reactions surprising to you?
- What are some of the “in the moment” effects that you think domestic or sexual violence has on victims?
- Do you think victims who have experiences like the women in these videos might ever use resistive violence? Why or why not?
- What did you hear the women say about how the violence impacted them in the short and long-term?
 - » What was the emotional impact?
 - » What were the physical and health impacts?
 - » What were the cognitive impacts? Did the abuse affect the women’s ability to remember, think, do their work, etc?
 - » How did the abuse impact the women spiritually? What was their outlook on life?
 - » How did the abuse impact the women economically? Did any of them worry about leaving the abuser because of not being able to support themselves or their kids?
- What effects do you think the abuse had on:
 - » The children?
 - » The community?
 - » The abuser?



Facilitator notes: Now that participants have identified some of the short- and long-term effects of violence, provide a mini-lecture on these.



(30 minutes)



Sample script: There are at least five categories of effects of violence on victims. This slide provides some examples of these, but the lists are not exhaustive. Victims do not all experience violence in the same way. There may be many other impacts that are not listed here.

Physical/health impacts often include:

- Physical injuries from the abuse
- Unplanned pregnancy
- Complications with sexual and reproductive health
- Unsafe abortions
- Sexually transmitted diseases (HIV/AIDS, pelvic inflammatory disease)
- Urinary tract infections
- Disrupted sleeping
- Joint disease (victims of intimate partner violence are more likely to report this)
- Substance abuse
- Increase in smoking
- For children and teens, disrupted learning about healthy sexuality
- Reduced visits to doctors and dentists for some victims (due to the invasive nature of these health-care visits), which can mean gaps in preventative care and early screening for cancers and other diseases
- Long-term chronic health conditions such as coronary heart disease, asthma, chronic obstructive pulmonary disease, smoking and drinking have been associated with children who have experienced a combination of adverse childhood events that can include abuse, sexual abuse and witnessing domestic violence.
- Repeat exposures to abuse and harassment can become chronic stressors to the body, and lead to high blood pressure; risks of stroke, heart attack and heart disease; and poorer sleep quality.

Economic/financial impacts can include:

- Medical care
- Costs of medications
- Mental health treatment

- Changing locks or other security enhancements for safe housing
- Insecure housing – moving and relocation costs, higher rent or payments for safer areas
- Loss of wages if she cannot work because of trauma, depression or her work place exposes her to her offender
- Costs associated with child care – needed while she recovers and to enable her to participate in the prosecution/judicial processes
- Defending immigration status, fighting deportation
- Going into hiding
- Attorney’s fees if she needs representation for civil matters (e.g., to protect her privacy, address employment or education discrimination)
- Loss of education benefits if she needs to drop out of school, if schools do not provide support/protection from offender
- Loss of participation in the economy due to the threat of violence, which can compound the risk of developing mental health issues

Each of these effects has short- and long-term elements.

Financial impact example: In the short term, a woman who is experiencing intimate partner violence may have nowhere to live if she leaves her abuser. She may have to take on a new job or borrow money. She may have medical bills due to treatment for injuries. In the long term, she may face debt collection because of medical bills, or eviction from an apartment or house if she cannot pay the rent.

Emotional impact example: Sexual and physical violence are forms of trauma. Trauma impacts the way our brains process our experiences. In the short term, victims may do whatever their brains and bodies tell them to do to stay safe. They may have trouble relating the trauma when and if they tell someone about the violence. Later on, they may suffer from post-traumatic stress disorder, which can include many long-term symptoms, such as flashbacks and nightmares. Evidence shows that women who have experienced physical or sexual intimate partner violence report higher rates of depression, abortion and HIV, compared to women who have not.¹⁰

Violence also impacts the victim’s children, extended family and community. Children who witness violence against women suffer emotional consequences similar to those of the primary victims. They are more likely to become perpetrators or victims themselves when they are adults (UNODC Handbook, pp. 19-20).



Sample script: Prosecutors who work on domestic violence cases will often be working with a victim who is trapped in the relationship. Many victims experience intense pressure from family, friends and abusers to oppose prosecution, even though the victim may want the criminal legal system to impose sanctions. The fundamental purpose of violence is to instill fear and control what victims think, say and do. The experience

¹⁰ WHO and others (2013). *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*, p. 2. For individual country information, see the [UN Women Global Database on Violence against Women](#).

of violence and fear often makes it impossible for a victim to fully cooperate with the criminal legal system. Even victims of non-partner sexual violence may feel fear and receive threats from family or community members linked to reporting the violence or cooperating with an investigation. Or they may be pressured to use alternative forms of reconciliation outside the system.

Prosecutors can work collaboratively with victims to confront the offender and protect the victim from retaliation.

Victims of sexual violence suffering from trauma may have difficulty remembering and reporting what happened to them. In addition, talking about sexual violence can be retraumatizing. Victims may blame themselves or feel ashamed; therefore, protecting their privacy is an essential component of supporting their safety and sense of autonomy.

In both domestic and sexual violence cases, prosecution should be victim-centred but not victim-dependent. We will discuss this distinction in detail in Module 2.



7. Segment 5: What Causes Violence Against Women?

Length	60 minutes
Overview	Facilitators will facilitate an exercise to reveal some of participants’ biases about who is a perpetrator of VAWG and what causes their violence. Facilitators will then provide a mini-lecture on common myths about the causes of VAWG, and about male entitlement as the primary cause of VAWG. Deeply understanding these can motivate prosecutors to change.
Objectives	<ul style="list-style-type: none"> • Examine biases about the causes of violence against women and girls. • Develop an understanding of male entitlement and patriarchal social/cultural norms as the root causes of VAWG.
Preparation	Distribute paper and writing utensils to participants.
Materials	<ul style="list-style-type: none"> • White board, flip chart • Paper and writing utensils for each participant • Handout 4: Coercive Controlling Violence and Abuse, Resistive Violence and Relationships Based in Equality
Session type	Discussion, lecture



Sample script: We have talked about your role as prosecutors, who is a victim, the types of violence against women and girls, and the effects of violence on victims, their families and their communities. Now we are going to discuss the causes of violence against women and girls. Understanding the causes will help you, as a prosecutor, to pursue effective strategies to end violence and provide justice.

7.1 WHO IS A PERPETRATOR OF DOMESTIC AND SEXUAL VIOLENCE? (30 MINUTES)



Sample script: In this section, we will discuss how we think about perpetrators. Let's start with these two questions: "When you think of a perpetrator of violence against women and girls, who comes to mind?" And: "If someone is accused of violence against women and girls, what would make you think they are innocent?"

Take a few minutes to think about the answers to these questions on your own. Write down your thoughts on a piece of paper. You will not be giving your notes to anyone.

As you think about who is a perpetrator and who is not a perpetrator, please focus on your own beliefs and experiences, and not just on the legal definition of who is a perpetrator under the law.



Facilitator notes: Give the group about 3-5 minutes to write down their answers. Once that time is over, facilitate a large group discussion and write answer to the questions on the white board or flip chart. Start with: "When you think of a perpetrator of violence against women and girls, who comes to mind?" If someone gives a response that you think is problematic, ask the rest of the participants what they think before you respond as a facilitator.

Ask the large group the questions below, and write their answers on a flip chart or white board:

- When you think of a perpetrator of violence against women and girls, who comes to mind?
- If someone is accused of perpetrating VAWG, what would make you think they are innocent?

What are some causes of men's violence against women?¹¹

Entitlement: Men who believe they are always entitled to prevail or overrule use violence when women do not do what they want.

11 Further information about what causes violence against women can be found in: WHO (2019). [RESPECT Women: Preventing Violence against Women, Framework](#); UN Women and WHO (2020). [RESPECT Women: Preventing Violence against Women, Implementation Package](#); and UNDP, UNFPA, UN Women and UNV (2013). [Why Do Some Men Use Violence against Women and How Can We Prevent It? - Quantitative Findings from the UN Multi-Country Study on Men and Violence in Asia and the Pacific](#).

- They believe they are superior to women.
- They believe they are entitled to control over and unrestricted access to women's bodies for sex.

Examples of an entitlement belief system, primarily by men, in intimate partner relationships:

- As the "head of the household" I get to...
- Men are smarter with money than women are...
- I am rarely wrong...
- Women are inferior to men, and need men to get through life...



Handout 4, Coercive Controlling Violence and Abuse, Resistive Violence and Relationships Based in Equality



Sample script: (Refer back to Handout 4, which was discussed earlier under types of domestic violence.) It is important to understand that the core cause of most men's violence against women is their belief that they are entitled to prevail in all decision-making. We call this entitlement. They believe that they were born the superior, smarter gender. They believe that as the head of the household they should rule over women, and that their decisions are better and more logical. They believe they are entitled to unrestricted access to women's bodies for sex. These men must change their beliefs in order to end their violence against women. The equality side of the handout is instructive here.

Why do men use violence against women and girls? (20 minutes)

slide #51



Facilitator notes: Ask the large group: Why do so many men commit violence against women? Allow 3-4 minutes for discussion.

- Because they can and there are few to no consequences.
- Prevalence (from The Trial of Rape Study, p. 9):
 - » "A United Nations study on men's use of violence in Asia and the Pacific¹² revealed that 26-80 percent of men reported having perpetrated physical and/or sexual intimate partner violence and 10-40 percent of men reported committing non-partner rape, with sexual entitlement being the most commonly cited motivation."
- What cultural support do men get in your country to commit violence against women and girls?



Sample script: Why do so many men use violence against women? The first reason is because they can. Around the world, there is still very little accountability for men's violence against women. Second, there is pervasive cultural support and

12 UNDP, UNFPA, UN Women and UNV (2013). [Why Do Some Men Use Violence against Women and How Can We Prevent It? - Quantitative Findings from the UN Multi-Country Study on Men and Violence in Asia and the Pacific.](#)

encouragement for men to use violence to “keep women in line” and demonstrate their masculinity through control.

What types of attitudes and beliefs drive violence against women and girls?

slide #52

- Men who have harmful and rigid beliefs about gender
- Men who believe that it is acceptable to commit violence against women
- Men who believe that it is natural for men to have and exert power over women
- Men of all social classes, races, education levels and income levels



Facilitator notes: It is important here to discuss this as a widespread global problem. Two useful examples from the UNODC Handbook are:

- “There is no racial, socio-economic, professional, or other demographic profile that typifies a rapist. This type of criminal is not physically identifiable and often appears friendly and non-threatening. Sexual assault defendants commonly appear in court well-groomed and well dressed. They might also be married and have children. The defendant could also be a friend or family member of the victim and uses that relationship to gain, and then betray the victim’s trust. Perpetrators often are very adept at being charming and social, as they are often grooming people to trust them” (p. 33).
- “Domestic violence is common throughout all levels of society, whether rich/poor, educated/uneducated or rural/urban. Studies consistently find that violence occurs among all types of families regardless of income, profession, religion, ethnicity or educational level. Violence is not caused by poverty or lack of education; rather it is rooted in the historically unequal power relationship between men and women” (p. 36).



Sample script: Not all men are violent towards women. What types of men are violent? Men who have very rigid and stereotypical ideas and beliefs about gender roles are those prone to being violent. In addition, it is common for men to believe that it is acceptable for men to use violence. This is part of how men have been socialized throughout the world.

7.2 MYTHS ABOUT MEN WHO COMMIT VIOLENCE AGAINST WOMEN (10 MINUTES)

slide #53



Sample script:

- It is a myth that men who commit violence against women are mentally ill (UNODC Handbook, p. 33).
- The rate of mental illness among men who are violent towards women is the same as the rate in the general public. Most men who commit violence against women are not mentally ill.

- It is a commonly held belief and a myth that men commit violence against women because they cannot control their anger, and that they just need anger management classes (UNODC Handbook, p. 36).
- Men who commit violence against women get angry at non-family members, other men and people they work with, and do not use violence.
- Men's sexist belief systems, not their lack of anger control, leads them to commit violence.
- It is a myth that most sexual violence is committed by men who are unknown to the victims (UNODC Handbook, p. 31).
 - » Sexual assault against strangers is rare.
 - » Most sexual violence is committed by men who are known to the victims.
- It is a myth that sexual violence is an act of lust or passion.
 - » "It is a common defence tactic in rape trials to redefine the rape as sex and try to capitalize on the mistaken belief that rape is an act of passion that is primarily sexually motivated...there is no situation in which an individual cannot control his sexual urges" (UNODC Handbook, p. 31).



Facilitator notes: It is possible that participants will voice resistance to the first two bullets on Slide 53. Many people believe those two myths. The abuser's behaviour is driven by his desire for power and control; the problem is rooted in his belief system.

It is not caused by his lack of self-control, anger or temper problem, sickness, mental health issue, or alcohol or drug use. (Many people have these and yet do not abuse their partners.) This is why "anger management" isn't helpful.



8. Domestic Violence Interventions: Exercise

Length	30 minutes
Overview	In this section, we will discuss the types of interventions in domestic violence cases. We discuss this here because what you think is the solution in a case of domestic violence is directly tied to what a participant believes the cause of domestic violence is.
Objectives	Explore common intervention strategies to analyse their effectiveness in addressing violence against women.
Preparation	<ul style="list-style-type: none"> • Research common interventions used for domestic violence and sexual violence in the local jurisdiction. • Prepare to divide the participants into five groups – one per intervention. • Consider creating a handout on each of the five interventions for small groups to use to inform their discussions.

Materials	Flipchart, markers (optional)
Session type	Small group discussions



Facilitator notes: The exercise will show why some interventions (listed below) are ineffective and others are effective. For this part of the exercise, divide participants into five different groups, corresponding to the five interventions listed below. After giving a short description of each intervention, ask participants to discuss the questions listed below and on the slide. Give groups 7-10 minutes to discuss. Then ask a representative of each group to report back to the larger group. You can ask follow-up questions or open the discussion up to the larger group.



Sample script: With our earlier exercise (Sandbag Exercise or Survivor Stories) in mind, let's discuss your thoughts about an effective intervention to end the violence in this relationship. We are going to focus on five types of common interventions. For each intervention, consider whether it is: safe for the victim, presents risks to the victim, and how effective it would be in ending the violence. Please use your reflections on the Sandbag Exercise or Survivor Stories to consider these questions.

Small Group 1: Mediation for perpetrator and victim



Sample script: Mediation takes several different forms, but is usually a conversation or exchange between two parties, with a neutral facilitator who helps the parties to reach some sort of agreement or to resolve a conflict. Is mediation used for domestic violence or sexual violence cases in your community? How is it used? (Before moving on, ask three to four participants to respond.)

Thinking about your experience in the Sandbag Exercise/Survivor Stories:

- Would mediation be safe for the victim? Why or why not?
- What are the risks of mediation?
- Do you think this intervention would be effective to stop/redress the violence?
- Sandbag Exercise questions: Based on your experience in the exercise:
 - » Is there anything you could have changed about your behaviour in this exercise to make me less violent or controlling?
 - » When you tried to appease me, did it work?
 - » What do your answers tell you about how effective mediation would be?



Facilitator notes: Mediation for domestic violence offences is often used in communities and in some countries prescribed by legislation as an alternative or a pre-trial exercise. Untrained mediators might fail to recognize the power dynamics present in a coercive controlling relationship and reinforce the oppression of the victim by supporting the idea that she deserves to be harmed if she does not do what the perpetrator

wants her to do. Although mediation is highly discouraged by international human rights bodies as a response to violence against women and girls it is commonly practiced in many communities and the only option for many women. It is therefore essential for mediators to be registered, trained and accountable to utilize a victim-centered approach, acknowledge and cater for power imbalances in the mediation process and to facilitate women's access to the formal justice system if requested.

The fallacy of this response is that it fails to recognize the power dynamics present in a coercive controlling relationship. It assumes that women should not "talk back" or argue because the man is the head of the household. The man in this relationship blames his violence on the woman's behaviour, but even if she does everything he says, he will always find some other thing she is doing wrong in order to "keep her in line". Using mediation reinforces the oppression of the victim by supporting the idea that she deserves to be harmed if she doesn't do what the perpetrator wants her to do.

Mediation is highly discouraged by international human rights bodies as a response to violence against women and girls.

Small group 2: Spiritual counselling with a religious leader for the perpetrator only



Sample script: Is spiritual counselling used in your community as a response to domestic violence or sexual violence? How is it used? (Before moving on, ask three to four participants to respond.)

Thinking about your experience in the Sandbag Exercise/Survivor Stories:

- Would religious counselling for the perpetrator be a safe intervention for the victim? Why or why not?
- What are the risks of religious counselling?
- Do you think this intervention would be effective to stop/redress the violence?
- Sandbag Exercise questions: Based on your experience in the exercise:
 - » Do you think I would have been less violent or controlling if I had received religious counselling?
 - » Do you think a religious leader could have held me accountable or prevented me from using violence in the future?



Facilitator notes: Some religious communities believe that violence is caused by the perpetrator's disconnection from his spiritual self. Or that religious leaders, rather than the criminal justice system, should be responsible for resolving domestic violence.

Some countries also have separate customary or religious legal systems that operate parallel to the official legal system.

Relying on religious counselling or interventions to end domestic violence can be problematic and counterproductive, however. Domestic violence is rooted in patriarchy, which is often reinforced by religion. Religious leaders, who are predominantly male, often collude with

perpetrators of domestic violence and blame victims for sexual violence. Even in cases where religious leaders admonish men for using violence, they usually lack the tools that the criminal justice system has for holding perpetrators accountable.

Small group 3: Anger management for the perpetrator only



Sample script: Are anger management classes used in your community as a response to domestic violence or sexual violence? How is this tool used? (Before moving on, ask three to four participants to respond.)

Thinking about your experience in the Sandbag Exercise/Survivor Stories:

- Would anger management classes for the perpetrator be a safe intervention for the victim? Why or why not?
- What are the risks of anger management?
- Do you think this intervention would be effective to stop/redress the violence?
- Sandbag Exercise questions: Based on your experience in the exercise:
 - » Do you think my violence was caused by anger towards you? Why or why not?
 - » Were there times that you tried to de-escalate my violence? Were your tactics effective?



Facilitator notes: Violent offenders may be ordered to attend anger management classes as a consequence of their behaviour. This is based on the belief that violence is caused by an inability to control anger. But anger management classes are deficient because they do not address men's underlying beliefs about women or assumptions of male entitlement to control their female partners. Studies have shown that perpetrators of domestic violence often are not angry or violent towards other people in their lives, such as their co-workers or friends; they are only angry and violent towards their female partners. Therefore, anger management classes alone will not end domestic violence.

Communities that promote anger management classes may also adhere to Lenore Walker's Cycle of Violence theory, which is common around the world, although it has been debunked in many quarters. The Cycle of Violence presumes that relationships with domestic violence are characterized by three distinct phases: A tension-building phase, a violent incident and a honeymoon period, and that violence escalates over time (becoming more and more dangerous with each episode). Interviews with victims of domestic violence have shown that victims often do not experience a honeymoon period, however, and that domestic violence often does not follow a cyclical pattern or escalate in a predictable way.

The theory is also deficient in that it puts the onus on the victim to disrupt the violence during the tension-building phase by leaving the relationship. Evidence shows that victims often face a heightened risk of violence when they leave the relationship, however. It is important for facilitators to be aware that well-meaning prosecutors and local advocates may still be using the Cycle of Violence theory.

Small group 4: Couples counselling for the perpetrator and victim



Sample script: Is couples counselling used in your community as a response to domestic violence or sexual violence? How is it used? (Before moving on, ask three to four participants to respond.)

Thinking about your experience in the Sandbag Exercise/Survivor Stories:

- Would couples counselling be a safe intervention for the victim? Why or why not?
- What are the risks of using couples counselling?
- Do you think this intervention would be effective to stop/redress the violence?
- Sandbag Exercise questions: Based on your experience in the exercise:
 - » Do you think I would have genuinely listened to you in couples counselling and felt responsible for changing my behaviour based on what you shared?
 - » Do you think you could have ended my violence and controlling behaviour by communicating better with me?



Facilitator notes: Couples counselling is another remedy often recommended in communities that accept the theory that domestic violence is caused by relationship problems. This theory ignores the fact that although there are conflicts in all relationships, there is not violence in every relationship. Couples counsellors encourage couples to communicate better in order to resolve conflicts between them. Counsellors assume that there is equal power between the partners, and that communication and mutual respect is possible.

Abusive relationships are characterized by an imbalance in power, however, where the abuser uses many different tactics to dominate and control his partner. Couples counselling does not address the fact that abusers believe that they are always right and that they are entitled to control their partners. Couples counselling can be dangerous and cause further harm to victims. It can also lead victims to blame themselves for the abuse, because they are unable to “fix” the relationship.

Small group 5: Arrest of perpetrator, criminal prosecution and criminal sanction, probation, and intervention group for domestic violence offenders



Sample script: Which of these criminal justice system interventions are regularly used in your community? (Before moving on, ask three to four participants to respond.)

Thinking back to your experience with the Sandbag Exercise:

- Would criminal justice interventions be safe for the victim? Why or why not?
- What are the risks of criminal justice interventions?
- Do you think these interventions would be effective to stop/redress the violence?



Facilitator notes: A well-coordinated criminal justice response is designed to hold the perpetrator accountable for his violence and protect the victim from further violence. Sure and swift consequences such as arrest and criminal sanctions send the message to the perpetrator and the community that violence against women will not be tolerated. (Remember the earlier question we posed: Will the perpetrator wake up thinking there will be consequences for his behaviour in his community, or not?). Arresting the perpetrator immediately after an act of domestic or sexual violence also protects the victim's safety. Intervention/behaviour change programmes can later offer perpetrators an opportunity to change the beliefs underlying violence against women.

Even prosecutors, whose role is to pursue justice in criminal cases, may be adverse to criminal consequences for domestic and sexual violence, since violence against women and girls is normalized and minimized in many communities. Facilitators should expect possible resistance and discomfort with the idea of imposing sure and swift consequences for violence against women. The purpose of reflecting on the Sandbag Exercise is to help participants arrive at their own conclusion that the other interventions discussed above are inadequate, and that they as prosecutors have a critical role to play in ensuring that perpetrators are held accountable for violence.



9. Case Scenarios: Domestic and Sexual Violence Exercise

Length	30 minutes
Overview	Participants will be divided into small groups to discuss two case scenarios based on a real domestic violence case and a real sexual violence case from the region. This exercise gives participants a chance to apply what they learned in Module 1, and provides a segue to Module 2.
Objectives	Participants will apply the concepts they learned in Module 1, reflecting on which interventions achieve justice and end violence in sexual and domestic violence cases.
Preparation	<ul style="list-style-type: none"> • Prepare copies of the handouts including translations as required. • Prepare to divide participants into groups of four to five people per group.
Materials	<ul style="list-style-type: none"> • Handout 5: Case Scenario: Bashira's Case • Handout 6: Case Scenario: Devna's Case
Session type	Exercise, small group discussion, large group discussion



Facilitator notes: You will end this module with an exercise using two different case examples, which will also be used in the next module. The examples are below and are provided as handouts. Pass out the handouts and have participants read the first case. Divide participants into groups of four to five to discuss the following questions. Then ask one member of each small group to report back. After discussing the first example, repeat this exercise with the second case. Allow 5-7 minutes for small group discussions, and 5 minutes for large group discussions of each case.



Sample script: We will now use two case examples to apply some of your learning from today's training. One of these cases is drawn from a real case of domestic violence; the other is based on a real case of sexual violence. Both occurred in Nepal. We have changed the names of the people involved and some facts in order to bring out issues that are important to prosecution.

Discussion questions:

- What solutions would help end the violence by the perpetrator?
- What does justice look like in this case?
- What will be the barriers to achieving justice in your system?



CASE EXAMPLES:

Bashira's case (sexual violence): Bashira is 15 years old. One day, she was walking home when Sajit, a 17-year-old boy, approached her. He pushed her into a secluded area, forced her to the ground, and raped her. Sajit is the son of a prominent local businessman. Bashira suffered bruises on her wrists and scrapes on her back and genital injuries, which healed after a few days. She was terrified and ashamed. About a week later, Bashira's mother asked her why she had been so upset lately. Bashira told her mother, Durga, what had happened. Durga went to confront Sajit's father at his business. He vehemently denied that his son raped her daughter, and shouted at Durga, threatening to destroy Bashira and Durga's lives if they continued with their claims. Word got out in the community that Bashira had been saying that Sajit raped her. Two weeks after the rape, Durga attempted to take her daughter to the police station to make a report. Community members physically tried to stop them from entering the police station to make the report, but they managed to push past several people and get into the building. The police investigated, and forwarded the complaint and investigation to the prosecutor's office. The file included Bashira and Durga's statements and statements by Sajit and his father. No physical evidence was collected. Bashira and Durga are now ostracized by the community. People who used to be friendly now ignore them. Shops have even refused to sell items to them. The threat by Sajit's father is also hanging over their heads.

This scenario is based on a real case.

Devna's case (victim expelled from home): Devna and her husband, Tej, had been married for two years when Devna gave birth to their first child, a baby girl. Tej had wanted a boy, and he began beating Devna after their daughter was born. Devna and Tej lived with Tej's parents. Soon, Devna's parents-in-law began participating in the beatings. Tej also obligated Devna to have sex every day, even when she told him she did not want to, and often after beating her. Eventually, when Devna did not become pregnant again quickly, Tej and his parents told Devna she must leave their home. Devna was able to stay with her sister, but there was not much room for her there. With her sister's encouragement, Devna filed a criminal complaint. By that time, several weeks had passed since she was last beaten, and her physical injuries had healed. Emotionally, she felt depressed, betrayed, hopeless and fearful. Devna said she either wanted to go home and have the violence stop, or needed monetary support to afford to live somewhere else.

This scenario is based on a [real case](#).

10. Questions and Closing



Facilitator notes: Close the training by asking participants if there are any remaining questions about the material covered in Module 1.



Sample script: In Module 1, we discussed our beliefs about who is a victim; learned about the types, causes and effects of violence against women; and began exploring the role of prosecutors in these cases. In Module 2, you will have a chance to apply these concepts to various stages of prosecution. We will focus on the concept of victim-centred prosecution. Thank you all for your hard work today.



Module 2: Victim-Centred Prosecution





Total time for module: 14 hours

1.	Learning Objectives, References and Overview	5 minutes
2.	Coordination with Police	60 minutes
3.	Approach to Prosecution	
	3.1 Exercise: Decision Making in Prosecution	60 minutes
	3.2 Approach to Prosecution: Victim-Centered, Victim-Dependent, and Case-Centered	30 minutes
4.	Specialized Prosecution and Multi-Disciplinary Teams	
	4.1 Specialized Prosecution in Violence Against Women Cases	30 minutes
	4.2 Multi-Disciplinary Teams	10 minutes
5.	Applying a Victim-Centered Approach to the Stages of Prosecution	
	5.1 Case Scenarios	10 minutes
	5.2 Interviewing	
	5.2.1 Understanding Victim Reactions: Trauma and the Brain	75 minutes
	5.2.2 Interview exercise	45 minutes
	5.3 Further Evidence Collection	
	5.3.1 Evidence Collection Exercise	45 minutes
	5.3.2 Domestic Violence Evidence Based Prosecution	20 minutes
	5.3.3 Sexual Assault Forensic Evidence	30 minutes
	5.4 Charging	
	5.4.1 Assessing the Strength of VAWG Cases	45 minutes
	5.4.2 Charges against victims in domestic violence cases ('victim defendants')	60 minutes
	5.5 Pretrial Release and Protection for Victims	90 minutes
	5.6 Victim Recantation and Victims who do not Want to Testify	60 minutes
	5.7 Plea Bargains	45 minutes
	5.8 Expert Witnesses	10 minutes
	5.9 Trial Considerations	70 minutes
	5.10 Sentencing	30 minutes
6.	Conclusion and Questions	10 minutes

Check-in from Module 1 (5 min.)

slide #1



Facilitator notes: Check with participants about their insights or questions after Module 1. Review participants of the topics and learning objectives covered in Module 1 and encourage questions.



Sample Script: Now that we are complete with Module 1 and you have had a chance to think about the information provided, we wanted to check with you about any thoughts or reflections you have of Module 1. Please share any thoughts or comments you have about the information we've covered so far.

1. Learning Objectives, References and Overview

Length	5 minutes
Overview	The facilitators will inform participants of the learning objectives for Module 2, review the key references, and provide an overview of the topics to be covered.
Objectives	Participants will understand that they will be examining the differences between three styles of prosecution: victim-centered, victim-dependent and case-dependent. This training focuses on applying a victim-centered approach. Using case scenarios, they will discuss various stages of prosecution to practice applying a victim-centered approach. In this Module, they will also learn about the importance of coordination with police, advocates, and medical professionals.
Preparation	None
Materials	None
Session type	Mini-lecture

LEARNING OBJECTIVES (5 MIN.)

slide #2

- Learn the difference between victim-centered prosecution and case-centered prosecution
- Reflect on which aspects of your current approach to prosecution are grounded in a victim-centered approach, and which aspects could be adapted to better serve justice
- Learn to apply a victim-centered approach to each stage of the prosecution process

References: This module references the following sections of the resources discussed above:

[Handbook on effective prosecution responses to violence against women and girls](#)

[Essential services package for women and girls subject to violence, Module 3](#)

[The Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam](#)

TRAINING AND MODULE OVERVIEW (5 MIN.)



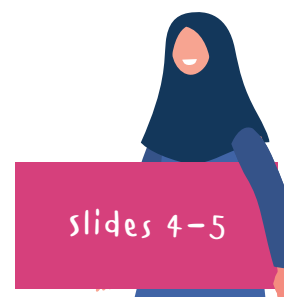
Facilitator notes: In this module, participants will apply the information they learned in the previous session to the work of a prosecutor. The goal is for participants to gain an understanding of practical measures to implement victim-centered prosecution. Because criminal justice systems globally put the onus on victims to pursue charges, provide evidence, motivate action in the case, and even take accountability for the violence against them through measures like mediation, a more concerted effort to focus on victims is important. Prosecutors should come away from this session with a better understanding of their role in holding offenders accountable for violence while protecting the safety and autonomy of victims.



Sample script: Today, we will focus on a practical application of the theories and information we learned in the last module. Our goal is to assist you in developing strategies to use your knowledge, skills, and resources as prosecutors to pursue justice for victims of violence. Our first exercise in this Module has two purposes. We will apply some of the concepts we discussed in the first module: the cause of violence against women and girls, and the effects on victims and their families. Second, we will examine the importance of strong coordination between police and prosecutors.



2. Coordination with the police and effects of domestic and sexual violence - Emergency call case example



Length	60 minutes
Overview	In this segment, participants will apply the concepts they learned in Module 1 to a real case. This case also gives participants an opportunity to think about the importance of effective coordination with police. Facilitators will play a recording of a real 911 call. The transcript of the call will appear on the video, and the recording is in English. After listening to the call, divide participants into groups to discuss the effects of the violence described in the video (on the particular people involved) and the cause of the violence. Next, participants will read two versions of a police report about the incident; a detailed report that follows best practices, and a shorter report. Facilitators will facilitate a discussion about the information included in each report and the importance of coordination with police.
Objectives	<ul style="list-style-type: none"> • To increase participants' awareness of the effects of coercive controlling violence and abuse • To identify the cause of domestic violence • To reflect on the coordination between law enforcement and prosecution
Preparation	<ul style="list-style-type: none"> • As part of your research preparation: Investigate what coordination between police and prosecutors is like locally - when do prosecutors receive police reports, and what information do they contain? How involved are prosecutors in the investigation? • Watch the video in advance to think about how you will take participants through the exercise and discussion. • Prepare to divide the participants into 4 groups. • For the exercise: If the audience's primary language is not English, provide the emergency call recording referenced in this exercise to the training interpreters prior to the training. They will be simultaneously interpreting the recording as it plays.
Materials	<p>Emergency Call Video</p> <p>Handouts:</p> <ul style="list-style-type: none"> • #7: Police Report: Short Version • #8: Police Report: Long Version
Session type	Video, Exercise, Discussion



Sample script: Before we discuss the stages of prosecution, we will address the role of police in cases of violence against women and girls. While police and prosecutors have different roles in the justice system, it is a prosecutor's responsibility to assess and coordinate the information the police present to you. Good coordination between police and prosecutors is an essential part of achieving justice. This coordination is frequently lacking throughout the world - especially where laws on violence against women are new.



Facilitator notes: In this exercise the facilitator will play a recording of a real emergency call to the police. It is important that the facilitator watches this before using it in the training. The purpose of this exercise is threefold: 1) to increase participants' awareness of the effects of coercive controlling violence and abuse; 2) to identify the cause of domestic violence; and 3) to reflect on the coordination between law enforcement and prosecution.

slide #4



Sample script: In this exercise we will examine the importance of the coordination between the police and the prosecution. We will be listening to an actual emergency call to the police. You will hear the voices of the woman who makes the initial call, her 10-year-old daughter, the man/father who is abusive, and the baby who is 11 months old. The man is the little girl's stepfather; her biological father died in a motorcycle accident when she was 3 years old. For those in the room who have experienced domestic violence as an adult or child, this emergency call could trigger your painful memories. We encourage you to take care of yourself in whatever way you need to. [Facilitator note: remind participants of options provided for Sandbag exercise.]

Before listening to this emergency call, we will divide you into four different groups. The four groups will consist of: 1) woman / mother; 2) 10 year old girl; 3) 11 month old baby; and 4) man / father.

If you are in groups 1 – 3, I want you to listen to this emergency call and think about how this experience affects the person you are assigned to. What are the possible short and long-term effects of this situation? If you are in group 1 for the woman/mother, identify the possible physical effects on her as well as other effects. If you are in group 2, identify the possible cognitive effects on the daughter as well as other effects. If you are in group 3, identify the possible emotional/psychological effects on the baby as well as other effects. If you are in group 4, identify the entitlement thinking of this man/father as we discussed in Module 1. What did you hear him say that identifies his entitled thinking? Also, what would it take to end his violence? What intervention would be effective?

The written transcript of the emergency call video will appear on the screen. It is approximately 7 minutes long. After it is done, you will discuss your assigned questions in your group.



Facilitator notes: Play the emergency call. Remind them to pay attention to their assigned person in the video.



Sample script: We will give you 5-7 minutes to discuss in your assigned group. Be prepared to report to the large group of all training participants from your small group. Assign one person to do this report before your discussion begins.



Facilitator notes: After your discussion, the reporter from each group should summarize their discussion for the whole group. In particular, listen to the response of group 4 and their comments on the cause of the man's violence. Do they identify communication skills, substance abuse or mental health as the cause of the violence? If so, this is important to address. You may want to remind them of the information covered in Module 1, Segment 5.

When the report back is complete, distribute the two versions of the police report (Handouts # 7 and # 8) to all participants. The shorter version of the police report includes no information about the history of the relationship or risk information. The longer one includes this information.



Sample script: You are now being given two versions of a police report regarding the details of this incident. Take 5 minutes to review the two police reports. When your review is complete, take a moment to reflect on the following questions that we will discuss together. 1). What are the significant differences between the two police reports? 2). What did you learn in the longer report that you did not learn in the shorter version? 3). Are the police reports produced in your jurisdiction more similar to the shorter report or the longer report?



Police Report Exercise: Report 1
Emergency Call - FC & DS & their family
Incomplete report

Officer TE and myself attended (address redacted) for a domestic incident at 21:03 PM on (date redacted)

Alleged victim is a 43 year old white female (FC) who works part time from home. They have two children a 10 year old daughter (name redacted) who is a step daughter to DS, and a one year old son (name redacted). All parties reside at this address.

Alleged offender (DS) is a 45 yr old white male who works as a gas fitter.

No weapons involved and no record of weapons at the address.

DS has minor history of driving while disqualified and DWI (twice within the last 10 years).

FC claims she has been assaulted by DS. There have been two previous responses to the address for arguments one three months ago and one five months ago, by the parties.

Upon arrival at the residence Officer TE and I separated the parties and interviewed them.

The alleged offender (DS) was apologetic and admitted he had been yelling at FC because he was frustrated with her oldest child over her continued poor behavior but denied assaulting her.

C appeared somewhat upset and apologized for calling the emergency number and did appear worried but did not want DS arrested. Officer TE asked to see her back where she claimed DS had hit her but it was difficult to determine any redness or swelling from an assault.

FC was apologetic and hopeful that just by our attendance DS would calm down and not be so hard on her daughter because it was a constant arguing point between them.

Officer TE suggested counseling or perhaps a parenting course and FC seemed interested.

We cleared the residence at 21:33 PM after Officer TE briefly checking on the 10 year old who was in her room playing on an iPad and seemed reluctant to talk after returning from the neighbor's house.

Officer SM

Police Report Exercise: Report 2
Emergency Call - FC & DS & their family
Best practices with strong narrative risk assessment questions

Synopsis:

Officer HD spoke with the alleged victims the 43 year old female and her 10 year old daughter, and Officer ML spoke with the alleged offender, a 45 year old male and father to the one-year old son, and step father to the 10 year old girl. The alleged offender was found to be of significant risk to his partner and his children, having assaulted YS in the incident and so was charged with misdemeanor domestic assault and remanded in jail to appear in court the following morning. The alleged victim was referred to the local community domestic violence program which offers confidential advocacy. A referral will be made to child protection for the 10 year old daughter and one year old son because of assaults on their mother.

Narrative:

Officer ML and myself attended (address redacted) for a suspected domestic incident at 21:03 PM on (date redacted). Alleged victim is a 43 year old white female (FC) (cell ### ##) who works part time from home. They have two children a 10 year old daughter (name redacted) who is a step daughter to DS (cell ### ##), and a one year old son (name redacted). All parties reside at (address redacted).

On entering the residence I noted there was tension between FC and DS. The infant son was crying fitfully and appeared to be having trouble settling for bed. He was arching his back and refusing his bottle and had a very red face that gave the impression he had been crying for some time. FC was apologizing and also seemed upset and had red eyes as if she also had been crying. DS was blaming FC for not managing the child effectively. FC told me the 10 year old daughter was at the house next door at (address redacted) and assured me that she was fine and they are very kind to her and that she will come back home when FC makes a call to the neighbors.

My partner Officer ML asked the alleged offender (DS) if he could speak with him separately to get his account of what has happened this evening. DS agreed and they went out the rear door of the kitchen to a covered outdoor area adjoining the garage/workshop.

I asked the alleged victim FC if we could discuss what was happening for her but she seemed reluctant to speak to me. FC appeared somewhat upset and apologized for calling the emergency number and stated that she did not want DS arrested. Once FC was out of the room she did calm down somewhat, she was holding the one year old child and he was now accepting a bottle and was calming down also.

I told FC that I was recording the conversation because we would be creating a police report from our interviews and the evidence we collect and she once again said she did not want FC arrested and I told her that decision would be made by my partner and I.

I asked her to tell me what had happened this evening and she started to cry and told me that it was a something that happens a lot. She and her partner had arguments over her daughter who was not her partner's child and he thinks she is very badly behaved and he gets agitated when she doesn't do all the things he thinks she should do to help around the house. She said sometimes it's true, but he has a bad way of talking to her and she gets caught in between them and their arguing, because she feels she has to stand up for her daughter and she thinks he's too hard on her. I asked "When there's an argument what happens? Is there violence? Does he hit your daughter? Are you frightened for her safety? Is your daughter frightened?"

She looked at me and paused and said “No not really, but he gets very loud and calls her names and I hate it and everyone gets upset”. I asked “Has he ever made you afraid for your daughter’s safety?” She quickly stood and walked to the other side of the room and turned away from me and said “I love this man, he works hard for our family and he tries hard to be a good dad and it’s stressful with a young family you know, he’s doing the best he can.” She seemed scared to answer my question and it left me unsure whether their daughter was safe or not.

I asked her how well she knows her neighbors and whether she has supportive family nearby. She seemed to relax a bit and said yes her neighbors are wonderful they love her daughter and also her mother lives just down the road and is very helpful even though she doesn’t get on very well with DS she still helps them out several times a week so she can work at home when there’s a rush on, or the baby is unwell. I asked her if her partner tries to stop her mother coming over and she says no because he’s not usually at home when her mother is helping.

I told her that we always ask a series of risk questions when we respond to domestic violence cases because domestic violence is so common and we want to make sure everyone gets the help and support they need.

1. Do you think he/she will seriously injure or kill you, your children, or someone else close to you?

She said no she didn’t think so, but he does need help with his anger and sometimes she is scared when he yells and cusses, and she knows it’s very hard on the kids.

What makes you think so? What makes you think not? She knows he wants to be a good father and partner but sometimes he falls back on behavior he learned from his dad. Does he/she have access to guns? No, he’s not someone who is even interested in guns.

2. How frequently does he/she assault you? She responded, “Not very often. He did hit me tonight on my back but not really hard. But I don’t think he meant to hit me. I just think when he gets really angry he doesn’t know what else to do. He’s just like his dad and when he thinks about it later he feels bad.”

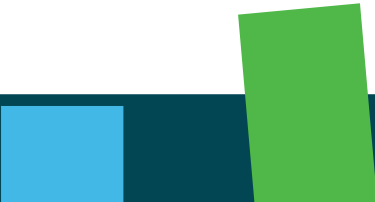
Describe the time you were the most frightened or injured by him/her. She said, “I’m frightened each time but I do get over it I guess. I don’t want him to get into trouble or lose his job.” I asked to see her back where she told me DS had hit her and there was a very slight redness but no swelling from an assault. I took a photo of her lower left back and submit that photo as evidence. I asked her how many times DS has hit her previously and she told me about three times previous in the last two years.

3. Does he/she initiate unwanted contact either electronically or in person? Describe the unwanted contact. How often? Her reply, “No, I don’t think he does that.”

4. How frequently does he/she intimidate or threaten you? She told me that it’s only bad when he gets upset about (their daughter) or when he thinks she’s taking her side against him.

Has he/she intimidated or threatened you regarding talking to police or seeking help from the court? She responded, “No, I don’t think so but he thinks the courts and police are all against men.”

5. Has he/she ever forced you to do things sexually you didn’t want to? She answered, “No, but he tends to want to have sex more than I want to, especially if he’s been drinking and I don’t like it when he won’t listen to me.”



I told FC that was concerning and that she has the right to say no to any form of sexual contact that wasn't fully consensual. Drinking is not permission to pressure someone into sex. She said: "I understand that, but he's got old fashioned ideas about when you're married it's a woman's responsibility to have sex if her husband wants it". I asked her he had pressured her into sex or some other sexual contact within the last few days. She said "no." I told her that many women I talk to find it confusing and difficult to talk about something so private, and yet it's not uncommon. I told her that it was okay to tell me if DS was forcing her to have any form of non-consensual sexual contact—that I would listen closely. I explained that even though he is her husband, it is still a crime for him to pressure or force her into sex or sexual contact. I explained that often people do want to talk about it, because they want it to stop, but they don't always talk with me about it the first time we meet. I offered that if she ever wanted to talk with me about this, we could set up a separate time in a safe place to talk about it more. If she has questions about what will happen with any information she gives me, we can talk about that too before she tells me what happened. I also explained that I often work with community advocates who are great at supporting people who are being hurt by their husbands. What women tell them is held in confidence. They won't even tell me about something unless a woman gives them permission to do so. I told her I would give her the information for the community advocate and for how to reach me again before I left. She stayed silent, but her eyes welled up with tears. She nodded her head up and down indicating she understood and then wiped her eyes, shifted her weight, and then said "Excuse me, I need to put my son to bed."

At this point FC wanted to put her young child to bed and I was aware her older daughter had returned home from the neighbor's house. I told her that I would have a brief talk to her daughter. I could hear that my partner officer was still listening to DS in the back of the house so I knocked on the door of the daughter's room and asked her if I could speak with her. She looked up from a tablet she was scrolling on and said yes.

She asked me if we were going to arrest her step father and I said we had not decided yet. She rolled her eyes and returned to her screen. I asked her if he had hit her tonight and she said without looking up "He wouldn't dare I'd report him to child protection". I said "It must be a scary time for you living with arguments and violence" she looked at me and it looked then if she might cry. I said "You know it's not fair for children to live with violence and abuse - we're trying to help stop that with families."

She didn't say anything, so after a pause I asked "Did he hit you this evening?" She shook her head. I asked "Did he threaten to hit you?" She shook her head again. I asked her "Are you worried about anyone's safety?" She said "My Mom." I asked her "Did you see your stepfather hit your mother this evening?" She said "Yes they were in the kitchen she was holding his baby." I asked her if her stepfather or mother said anything around that time when he hit her. She said "I'm not sure. I was scared and I was talking to the emergency dispatch."

I told her that I was sorry she had to go through this and that I hoped we would be able to arrange some help to make things get better for their family. She said "Thank you, no one has ever offered that before."

I told her I was going back to talk to my partner now, and I hoped she could get a good night's sleep. She said "Thank you."

When I returned to living room, FC was there alone, I assumed the baby was asleep in the bedroom next door. I asked her if she had ever had a conversation with the community domestic violence advocates. I told FC that there were several matters that were concerning about her situation and that I believe it could be very useful for her to be in touch with them. She said she doesn't want to go to a shelter and I told her that most of their work is with people in the community who may not use the shelter. People

who want to think through their options, make plans and get clearer on what resources are in the community to help them. I told her an advocate would be in touch with her and that I think they have a lot of valuable resources, and everything they offer is confidential. She nodded. I also told her that I would very much like to follow up with her.

I told FC I would go and speak with my partner. I went outside to where he was, and he asked DS, the alleged offender to go inside so we could speak together confidentially.

Officer ML had interviewed DS, a 45 year old white male who works as a gas fitter. State and national databases showed no weapons history with either party and none were involved in the incident and no record of weapons at the address.

DS has a local history of driving while disqualified (twice within last 3 years) and driving under the influence of alcohol (twice within the last 10 years), both times losing his license for three months and a fine.

There have been two previous responses to the address for arguments: one three months ago and one five months ago by the same parties but no arrests were made. DS was required to sleep elsewhere after local police attendance at the incident three months ago.

The following is contributed by Officer ML:

DS was apologetic and admitted he had been yelling at FC because he was frustrated with her oldest child over her continued bad and disrespectful behavior but denied assaulting her. I asked DS: Did you hit FC this evening? Initially he said "No, I did not hit her," but then later he said "I might have hit her lightly on the back when she would not correct (her daughter) for not tidying her room, but I was upset at the time and can't remember well."

I asked him "Did you hit your step daughter?" He said "No I never hit her. I think she will call child protection on me". He then talked to me at length about how children nowadays can do what they want because they can call child protection on their parents for any little thing and its part of why families are breaking down. I listened for some time.

I believe he is afraid of child protection. I asked him "Has child protection been to this house before?" He said "No, not that I know of." DS then talked at length to me about how both this step daughter and his wife seem to gang together against him and undermine his authority. I listened because I knew that my partner needed time to interview the alleged victim inside the house. I took the opportunity to remind DS that at no stage was it acceptable for him to threaten or use violence against any family members and to do so would be to break the law. He made no response to that.

I believe that DS likely has a problem with violence based on the beliefs he was expressing, his admittance of his use of physical violence, the testimony of his step daughter and FC. Based on all these things I determined there is probable cause to arrest DS for misdemeanor domestic assault and to make referrals to community domestic violence advocates and child protection for the safety and well-being of the children.

Officer HD and I were both in agreement so we notified DS of his Miranda rights and handcuffed him and placed him in the squad car, and notified FC that the community advocates will be either visiting or calling her with resources. We explained to FC that DS will be held in the county jail overnight and will appear in court tomorrow morning, and will likely then be released on terms

decided by the judge and another hearing will be set for the case of misdemeanor domestic assault to be heard. The advocates can give her information to help her decide whether she feels it is in their family's interest to have him back at the home, or whether he should be prevented from returning to the home until the case has been heard and other safety measures are in place. I also gave FC a card with my phone information and the case number on it.

We cleared the residence at 22:06 PM after briefly checking on the 10 year old who was in her room playing on an iPad and was reluctant to talk. We then transported DS to the county jail and notified the community advocates to contact FC and completed a referral call to the intake worker at child protection.

Officer M.L., Officer H.D.

ADDENDUM:

The next morning (date redacted) at 09:16am, I received a phone call from community advocate MS [name redacted]. She said that FC had asked her if she would work out a time that both she and FC could meet with me to give me a few more details. She asked that I come to the community program's offices where FC would be as well. I agreed to meet with them there at 10:30am.

When I arrived, I was brought into the coffee room where MS and YS were meeting. I re-introduced myself to FC and said I was glad to hear from her again. It was clear that FC had been crying—her eyes were red and swollen. I picked a chair across from FC and asked if she felt this was a safe place to talk. YS said "yes." I asked if she wanted MS to stay in the room, and again FC said "yes."

I then said I understood FC had more details she wanted to share with me—and explained that I would like to record the conversation so that I was sure to accurately get her words. I asked if that would be okay with her. She nodded affirmatively.

I then started the recording and noted the date, time, and who was in the room. I then invited FC to start wherever she wanted to. FC said that she had decided she did want to talk about a time when DS "forced himself on her." The following is a brief summary of her account:

She said it had happened about 3 weeks ago after he had come home drunk one night. She met him at the door and asked him to be quiet as she had put their infant son to bed. She said DS pushed his way into the room and said he could do what he wanted. She said he was talking very loudly. Her daughter came out from her bedroom to tell him to be quiet. FC said she could see that this made DS angry. He started stomping the floor and marched toward her daughter, yelling at her "get out of here, and mind your own goddamn business." FC said she jumped between them and spoke softly to DS to try to calm him down. She used a firm and steady voice to tell her daughter to go to bed, and that everything would be fine. She said she took his hand and redirected him over to the couch, hoping he would lay down and fall asleep. She described feeling "anxious" and "nervous" about how loud and aggressive he was being—she didn't want it to scare her daughter or wake up her baby. She knew that would make him even more angry.

She encouraged DS to lay down on the couch and said she would bring him a pillow, blanket and some water. He followed her, but she said he stumbled a bit. She could smell the beer on his breath as she worked to hold him up to get to the couch. He did sit down on the couch, but when she turned to go away, she said he grabbed her left wrist, twisted her arm as he pulled her down onto the couch alongside him. She said that "it hurt," and "when I tried to get away, he grabbed my other arm and pushed me onto my back." He then put his body on top of her with one knee on the inside of the couch and the other leg on the floor. He grabbed both her wrists with one hand and squeezed tightly, while he took the other hand and covered her mouth and nose. She said "I couldn't breathe," and described being terrified when this happened, thinking "he's going to kill me." She tried to squirm and pull her hands up, he grabbed them tighter. He then put his mouth to her ear and said "be quiet now, as you don't want the kids to wake up" and then took his hand off her mouth. She described gasping for air when DS took his hand off her face. I asked her what was going through her mind when this was happening. She said "I was sure he was going to kill me." "I wondered what would happen to my kids. I was terrified. I knew he would hurt my kids if I didn't let him do what he wanted." I asked her what her body felt like when this was happening. She said "my body went numb. I could hardly feel anything. I couldn't move." I asked what she felt, heard, or saw next. She said she felt his hot breath on her face—could smell the awful beer smell as he breathed heavily on her. Still pinning her down, DS tore off her underwear and forced his penis into her vagina. She said it felt like "I was being torn up inside." She said she closed her eyes and clenched her teeth to keep from making any sound. She couldn't move her body, describing it as "frozen." She said eventually he finished and got off her and went to the kitchen. She said she laid there for a moment, and then got up when she realized he wasn't coming back. She heard him going into the refrigerator for some food. She felt some semen on her vagina and legs so she got up and went to the bathroom to clean up. She said she was shaking, and was being very careful not to make any sounds. She said she felt scared and degraded. She knew she had to be quiet and stay nearby to protect her children. She put her clothes back on and went into bed curled up against the edge of the bed, hoping he wouldn't come in. She said as far as she knows he didn't. She listened closely for about an hour or so and heard DS out in the main room. He got food and then it sounded like he went back to the couch. She assumes he slept on the couch. The next morning, she said, he acted like nothing happened.

The full interview is being transcribed.

I explained to FC and MS that I would take the report to the prosecutor who would be reviewing the charges from last night's arrest. I asked FC what she's most concerned about in terms of the safety of she and her children. She said she wants him to stop drinking and not to hurt them anymore.

I asked MS if she could work on a safety plan with FC, and she said they were already working on a no contact order and a plan for her and her kids to stay with her mother for a few days.

I said that I would follow up with FC and MS after speaking with the prosecutor.

End of Police Report



Facilitator notes: Facilitate a large group discussion about the two police reports and the three discussion questions:

- 4) What are the significant differences between the two police reports?
- 5) What did you learn in the longer report one that you did not learn in the shorter version?
- 6) Are the police reports produced in your jurisdiction more similar to the shorter report or the longer report?
 - » Are the police organizing and gathering information that is useful to you as prosecutors?
 - » What can you do as a prosecutor to get the police to change how they address these cases?

3. Approach to Prosecution – (Slides 6-9)

3.1 Exercise: Decision Making in Prosecution

3.2 Approach to Prosecution: Victim-Centered, Victim-Dependent, and Case-Centered

3.1 EXERCISE: DECISION MAKING IN PROSECUTION

Length	60 minutes
Overview	Facilitators will lead participants through an exercise to examine how they approach prosecution of non-VAWG crimes. Prosecutors will read the case scenario, and the facilitator will then lead them through a series of questions, adding more facts to the scenario as the discussion proceeds.
Objectives	<ul style="list-style-type: none"> • Facilitators will learn about prosecutors' approach to VAWG crimes • In later exercises, facilitators can compare this approach to prosecutors' approach to VAWG crimes: How does it differ? Why? In what ways do differences in approaches reveal gender biases? In what (if any) ways should the approach to VAWG differ in order to protect victim safety?
Preparation	<ul style="list-style-type: none"> • Learn about the charging standards in the countries represented by training participants. • Prepare to divide participants into small groups.
Materials	Handout #9: Decision Making in Prosecution
Session type	Exercise



Facilitator notes: The purpose of the following exercise is to examine prosecutors' approach to non-VAWG crimes, and how that might compare and contrast to their approach to VAWG cases. Pay attention to the biases that this comparison reveals - both the biases held by individual prosecutors and engrained in the law, policy and protocol.

Handout #9: "Exercise: Decision Making in Prosecution."



Sample script: In this exercise, you will read and discuss a case example of a crime that does NOT involve violence against women. We will use this example to examine how prosecution moves forward in your particular system. Then, we will compare this case to a case of violence against women. The purpose of this exercise is to reflect on the unique challenges that arise in violence against women cases, as well as potential biases or misconceptions that may impact the prosecution of violence against women cases.



Facilitator notes: Give participants 3-5 minutes to read the scenario.

Devi went to an ATM near her home to withdraw some cash from her bank account. A man came up behind her, pulled out a knife, and demanded the cash that she had just withdrawn. She handed him the cash and ran. Devi was very afraid afterwards, but she had not gotten a very good look at the man because she was so scared and acted so quickly. She decided not to report the robbery to the police. By the next week, Devi really needed cash. She went to the ATM again. As her cash came out, a man again approached her, took out a knife, and demanded the cash. This time she looked at his face before tossing the cash at him and running. When she got home, she told her sister what happened. They went to the police together to report both robberies.

The police interviewed Devi and she gave a precise description of the man who robbed her. Police were able to arrest him the same day near the ATM, and Devi identified him. The police then forwarded the file to you for charging.



Facilitator notes: Divide the participants into small groups. Give the participants 5 minutes to discuss in small groups their answers to the following questions. Have one person from each group report to the larger group. Facilitators should spend time finding out about their charging standards.



Sample script: Based on what you know so far, would you charge the case? Would you charge both robberies, or just the second one?

- Is it relevant to you that the victim went back to the same ATM where she was robbed? If yes, why? If no, why not?



Sample script: Suppose that you file charges. In the course of your follow-up investigation, you find out the perpetrator has had a rough life and is taking care of a younger sister. But you also learn that he has a record of committing thefts.

- Would you consider reducing the charges or offering a plea bargain based on this information about the perpetrator?
- Or, would you enhance the charges because of his previous thefts?
- Or, is this information irrelevant to you?



Facilitator notes: Give the participants 5 minutes to discuss in small groups their answers to these questions. Have one person from each group report to the larger group.

As the trial is approaching, the victim calls to say she does not want to testify. The perpetrator has been released from jail on bail. She saw him as she was walking home the other day and he shouted at her, threatening that “she’ll pay for it” if he goes to jail.

- Would you drop the charges?
- Would you consider taking measures to protect the victim?
- If the victim is insistent that she won’t testify, will you press charges against her for not cooperating?



Facilitator notes: Give the participants 5 minutes to discuss in small groups their answers to these questions. Have one person from each group report to the larger group.



Facilitator Notes: Now that participants have had a chance to discuss their general approach to prosecution, you will shift their focus to violence against women cases. First you will cover three types of prosecution (described in 3.2); then you will introduce case scenarios that will be used throughout Module 2 to practice applying a victim-centered approach to prosecution.



3.2 APPROACHES TO PROSECUTION

Length	30 minutes
Overview	Facilitators will provide a mini-lecture on three different approaches to prosecution: Victim-Centered, Victim-Dependent and Case-Dependent. Facilitators will then ask prosecutors to review two case scenarios from the previous session and to read a new case scenario. These three scenarios will be used throughout Module 2 to practice applying a victim-centered approach to various stages of prosecution.
Objectives	Prosecutors will understand the differences between the three different approaches to prosecution, and will begin to reflect on each type's impact on victims. Prosecutors will understand that for the purposes of this training, they will be learning to apply a victim-centered approach, which may require changes in their thinking and in their day-to-day practice. Prosecutors will review the case scenarios that will be used throughout Module 2.
Preparation	N/A
Materials	Handouts: <ul style="list-style-type: none">• #5: Case Scenario: Bashira's Case• #6: Case Scenario: Devna's Case• #10: Case Scenario: Nur's Case
Session type	Lecture



Sample script: Throughout the rest of this session, we will use the case examples to reflect on the decisions prosecutors make at each stage of prosecution. We will practice applying victim-centered principles to each stage, focusing on particularly challenging issues. We know that prosecution of violence against women cases can be complex and challenging. Our goal is to directly address those challenges so that you can reflect on how some of your practice could shift to better serve victims and promote justice.



Facilitator notes: Begin with a lecture on victim-centered prosecution versus case-centered prosecution/victim-dependent prosecution. Refer to the chart on (Slide 8).

Case-Centered Prosecution	Victim-Dependent Prosecution	Victim-Centered Prosecution
Prioritizes efficiency in case-handling	Prioritizes efficiency in case-handling	Prioritizes victim well-being
Prioritizes uniformity/consistency	Most effective when victim's experience reflects common assumptions	Recognizes that victims' experiences and needs are diverse
Goal: convictions	Goal: convictions	Goal: Justice that accounts for victim safety and autonomy and offender accountability

slide #8



Sample script: As we discussed yesterday, victims' experiences are diverse and complex, and victims sometimes act in ways that are unexpected or difficult to understand. Victims are also impacted in many different ways by violence, and have diverse needs and goals. Victim-centered prosecution takes into account the complexity and diversity of victims' experiences and needs. However, a victim-centered approach may be at odds with a typical prosecutorial approach. In this chart, we compare three different approaches: case-centered prosecution, victim-dependent prosecution, and victim-centered prosecution.

Case-centered prosecution prioritizes what works best for the criminal justice system. In most systems, resources are scarce, and this approach prioritizes using those resources as efficiently as possible. The system may be very inflexible in how it approaches cases and the outcomes it can provide. This approach does not account well for the complexity of victim needs and experiences.

Victim-dependent prosecution relies heavily on victim participation in prosecution. Victims may be required to go to a courthouse to file a complaint, and cases may not move forward unless the victim is available to testify. Victims may also be subpoenaed to testify or even detained in order to compel them to testify. More emphasis is put on obtaining convictions than on ensuring victim safety and well-being.

Victim-centered prosecution focuses on organizing tools, resources, and skills around supporting victim safety and well-being and pursuing justice. It recognizes that victims have vastly different experiences and needs. Prosecutors approach cases with the understanding that victims may face significant barriers to testify and may recant. Thus investigations focus on gathering all other available sources of evidence. Prosecutors are aware that victims may be intimidated or coerced by the perpetrator or others in their communities, and that participating in prosecution may threaten victims' safety. Prosecutors focus on protecting the victim's safety, understanding her goals and trying to meet the goals that align with prosecution, and holding the perpetrator accountable.

VICTIM-CENTERED V. VICTIM-DEPENDENT PROSECUTION



Sample script: Victim-centered prosecution requires prosecutors to:

- Approach preparation of the case with the understanding that the victim may not be available to testify
- Utilize all available evidence – in addition to the victim’s testimony
- Be aware of coercion or intimidation of the victim and respond with appropriate additional charges
- Emphasize that it is the prosecutor’s role/decision to pursue charges - not the victim’s.

Prosecutors often handle cases in which victims may not want to participate in the prosecution or may not agree with decisions made by the prosecutor. In the United States for example, many cases of domestic violence are prosecuted without the participation of the victim. It is important for the prosecutor to listen and learn from the victim about her safety concerns and her goals. However, it’s also essential that prosecutors - not victims - be tasked with holding an offender accountable. Taking the onus off of victims can be an essential component of victim safety.



Facilitator notes: Ask participants if they have any questions about the distinctions between victim-centered prosecution, victim-dependent prosecution.



4. Specialized Prosecution and Multi-Disciplinary Teams

Length	30 minutes
Overview	Facilitators will provide a mini-lecture on specialized prosecution units and multi-disciplinary teams as best practices for implementing a victim-centered approach.
Objectives	Increase participants' knowledge of the benefits of specialized prosecution units. Increase participants' understanding of the importance of coordination across the criminal justice system and community to implementing a victim-centered approach.
Preparation	N/A
Materials	N/A
Session type	Lecture

4.1 SPECIALIZED PROSECUTION UNITS FOR CASES OF VIOLENCE AGAINST WOMEN

slide #10



Sample script:

Specialized prosecution units include prosecutors who exclusively work on violence against women cases. If adequately funded, specialized domestic violence prosecution units, especially if associated with specialized domestic violence law enforcement units and courts, can increase prosecutions and convictions as well as victim cooperation and satisfaction. If dispositions are geared to defendant risk of re-abuse, specialized prosecution can also result in increased victim safety.

Specialized prosecution units allow for

- innovations such as vertical prosecution for misdemeanors,
- improved case preparation,
- refined expertise of prosecutors and court personnel
- greater contact with victims,
- reduced caseloads, and
- more malleable court scheduling.

Benefits of specialized units:

- practices can be developed to reduce re-victimization/trauma,
- prosecutors gain specialized skill and experience in dealing with common issues that arise in VAWG cases, and
- better coordination with victim advocates is likely.

Important considerations of specialized units:

- should be made up of experienced trial prosecutors, and
- should recruit prosecutors who are passionate about these issues, and provide support to avoid burn-out.

Specialized prosecution units are characterized by their:

1. responsiveness and prioritization of victims needs
2. treatment of suspects,
3. expectations for victim participation in prosecution,
4. specialization, and
5. information utilization.

They are more likely to track:

1. cases for specialized prosecution,
2. data to inform the pressing of charges for recidivists,
3. data to inform sentencing recommendations, and
4. routinely received police incident reports as well as police arrest reports.

In addition, studies have shown that specialized domestic violence units were more likely to participate in task forces or coalitions involving other criminal justice and community agencies involved in responding to domestic violence.

Klein, A., Practical Implications of Domestic Violence Research: For Law Enforcement, Prosecutors and Judges, National Institute for Justice, U.S. Department of Justice, 2009, <https://www.ojp.gov/pdffiles1/nij/225722.pdf>

4.2 MULTI-DISCIPLINARY RESPONSE TEAMS (10 MIN)

slide #11



Sample script:

- Domestic Violence Response Teams (DVRT): a coordinated, multi-agency team made up of law enforcement, prosecution, domestic violence victim advocates, and probation, which reviews domestic violence incidents, recommends charges, and follows up on cases that do not result in charges.
- Sexual Assault Response Teams (SART): a community-based team that coordinates the response to victims of sexual assault. May include Sexual Assault Nurse Examiners (forensic nurses), hospital personnel, sexual assault victim advocates, law enforcement, prosecutors, judges, and any other professionals with a specific interest in assisting victims of sexual assault.
- With each of these teams, probation agents and victim advocates are central. Probation agents can enforce offender accountability. Victim advocates have a confidential relationship with victims.
- Multi-disciplinary response is considered to be a best practice since victims often need a range of services, which such a team of services can provide effectively. When women have support and information, counseling, and an advocate, they may feel more supported to pursue justice.

5. Applying a Victim-Centered Approach to the Stages of Prosecution

5.1 CASE SCENARIOS

Length	10 Minutes
Overview	Participants will read three case scenarios that will be used throughout Part 5 of Module 2.
Objectives	Participants will be familiar with the facts of the case scenarios used throughout Part 5.
Preparation	Read case scenario handouts in advance, prepare to guide discussions on each
Materials	Handouts: <ul style="list-style-type: none">• #5 Case Scenario: Bashira's Case• #6 Case Scenario: Devna's Case• #10 Case Scenario: Nur's Case
Session type	Reading case scenarios



Sample script: Throughout this Module, we will use the same scenarios you read in our previous session, about Bashira and Devna, to practice applying a victim-centered approach to prosecution. We will also add one additional case scenario about a woman named Nur.



Facilitator notes: Give participants 5-10 minutes to read Nur's case and to review Bashira and Devna's cases.

Handout #10: Nur's Case

Nur and her husband Kadek have been married for 4 years. Kadek often hits, slaps and pushes Nur. He is very controlling about where she goes and to whom she talks. One day, Kadek tells Nur that he wants to marry a second wife. Nur refuses to agree to this, and a week later, Kadek finds out that Nur has filed for divorce. Kadek comes home in a rage and stabs Nur several times with a large kitchen knife. Nur manages to escape, and a neighbor takes her to the hospital. Nur survives and files a domestic violence complaint. Nur is afraid of her husband and wants a divorce. However, she is nervous about the criminal case because she's afraid that Kadek will harm her in retaliation, just like he did when she filed for divorce. (This scenario is based on a real case from Indonesia: ["Man in Lampung allegedly stabs wife for refusing polygamy"](#))

Bashira's case

Bashira is 15 years old. One day she was walking home when Sajit, a 17-year old boy, approached her. He pushed her into a secluded area, forced her to the ground, and raped her. Sajit is the son of a prominent local businessman. Bashira suffered bruises on her wrists and scrapes on her back and genital injuries, which healed after a few days. She was terrified and ashamed. About a week later, Bashira's mother asked her why she had been so upset lately. Bashira told her mother, Durga, what had happened. Durga went to confront Sajit's father at his business. The father vehemently denied that his son raped her Bashira, and shouted at Durga, threatening to destroy Bashira and Durga's lives if they continue with their claims. Word got out in the community that Bashira has been saying that Sajit raped her. Two weeks after the rape, Durga attempted to take her daughter to the police station to make a report. Community members physically tried to stop them from entering the police station to make the report, but they managed to push past several people and enter the building to make the report. The police investigated, and forwarded the complaint and investigation to the prosecutor's office. The file included Bashira and Durga's statements and statements by Sajit and his father. No physical evidence was collected by police. Bashira and Durga are now being ostracized by the community. People who used to be friendly to them now ignore them. Shops have even refused to sell things to them. The threat by Sajit's father is also hanging over their heads. (This scenario is based on a real case from Nepal. Community members managed to block the actual victim from reporting the rape; she later committed suicide: <https://english.himalayapost.com/2020/09/16/raped-adolescent-girl-commits-suicide-after-justice-denied/>)

Devna’s case:

Devna and her husband Tej had been married for two years when Devna gave birth to their first child, a baby girl. Tej had wanted a boy, and he began beating Devna after their daughter was born. Devna and Tej lived with Tej’s parents. Soon, Devna’s parents-in-law began participating in the beatings. Tej also obligated Devna to have sex every day, even when she told him she did not want to, and often after beating her. Eventually, when Devna did not become pregnant again quickly, Tej and his parents told Devna she must leave their home. Devna was able to stay with her sister, but there is not much room for her at her sister’s house. With her sister’s encouragement, Devna filed a criminal complaint. By that time, several weeks had passed since she was last beaten, and her physical injuries had healed. Emotionally she felt depressed, betrayed, hopeless, and fearful. Devna says she either wants to go home and have the violence stop, or she needs monetary support so that she can afford to live somewhere else. (This case is based on a real case in Nepal, “Woman expelled from home for giving birth to daughter,” <https://english.himalayapost.com/2018/07/19/woman-expelled-from-home-for-giving-birth-to-daughter/>)



5.2 INTERVIEWING (90 MIN)

5.2.1 Understanding Victim Reactions: Trauma and the Brain

Length	75 minutes
Overview	Facilitators will provide a mini-lecture on understanding how trauma impacts a victim’s ability to react during a violent experience, to remember the experience, and to relate it to others. The information is delivered in a combination of lecture, video and discussion.
Objectives	<ul style="list-style-type: none"> • Participants will develop basic knowledge about the impact of trauma on the victim’s reactions during a violent incident, and on her ability to remember and relate the experience. • Participants will reflect on how trauma may impact certain aspects of a victim’s behavior, such as her description of the experience or the emotions she displays when she talks about what happened to her.
Preparation	<ul style="list-style-type: none"> • Review the Trauma and Brain materials included in the bibliography. Review pages 63-64 of Trial of Rape. • Set up the video ahead of time, pay special attention to the note about this in Facilitator notes. • Review the cautions about presenting this material • Practice the timing with the slide animation on the snake and cat • Practice the role-play
Materials	Selective Attention Test Video: https://youtu.be/vJG698U2Mvo
Session type	Lecture, video, discussion, role-play



Sample script: In this section we will discuss the best practices in interviewing victims. We will start by discussing research on how people experience traumatic events, particularly sexual violence, and the implications this research has on interviewing victims.



Facilitator notes: As noted earlier, a common assumption is that victims' accounts of sexual violence are false when they act in ways that seem counterintuitive. In reality, many of the reactions prosecutors might see as problematic are actually very consistent with what we know as reactions to trauma: submitting or not actively resisting whether or not there is a weapon, remaining quiet during a sexual assault attack, and experiencing difficulty relating some details of the attack or of the offender. To be sure, gender bias and stereotypes lead justice professionals and others to attribute motives to women and girls for why they might falsely report. This problem is compounded when victim's reactions are misunderstood and assumed to provide support for these biased notions, creating an unfortunate confirmation bias for many professionals. No report should be considered false without being fully investigated. A better understanding of the neurobiology of trauma should promote greater interest in adopting trauma-informed interview strategies that will likely yield better investigative data.

Specifically, this information can be used to help prosecutors understand:

- traditional methods for interviewing victims are problematic as they too often conflict with how memories of events are stored in the memory,
- many assumptions about false reporting are tied to outdated interviewing techniques,
- poor techniques can sometimes produce the actual inconsistencies that responders and family members then use to question the victim's credibility (e.g. asking victims to relate what happened in chronological order; asking primarily 'who, what, when, where, and why' questions; asking questions repeatedly, or conducting stress interviews),
- why and how they may need to educate other justice professionals about how common these counterintuitive responses actually are (e.g. juries during voir dire, judges through their motions, police through their questions and training)

Review the cautions (see below) in advance, as it's important to note that the trauma reactions are complex and unpredictable. Each victim will react in a unique way based on many factors. The point of this information is not to diagnose or label reactions, but to provide prosecutors with a greater understanding of these reactions and how they may impact their case.

- Set up the video in advance (<https://youtu.be/vJG698U2Mvo>), being careful not to show any URL or title that shares the invisible element (the gorilla or any such words) before the video is shown.
- Note that the slide with the images of the snake and cat on it is animated. The image of the snake comes in first, and the image of the cat comes in second.



Sample script: It is very common for people to assume that they know how they would react if someone was trying to sexually assault them. They judge a victims' actions by their presumptions about how they personally would react. Some do not believe victims when there is no sign of struggle, or a visible injury to show the harm. In sexual violence especially, it's a common misconception that victims will have the ability to cry out or fight back against an attacker, leading to a belief that when this does not happen, it is evidence of the victim giving consent. Expecting victims to act this way is unrealistic and can impede investigations and prosecutions. Scientists and doctors who study the brain can now tell us more about what can and often does happen to brains when they face a trauma event. We hope you use this information to set realistic expectations for how victims react to and remember what they experience. It is not meant to predict or explain how any specific victim reacted. Instead, we hope you use this knowledge to create better ways to interview and investigate cases.

Let's start with understanding a bit more about the common ways our brains collect information for our memory even when we aren't in trauma. This next activity is very simple—it's a counting exercise. There will be nothing traumatic about it. We just want to understand how well we remember something we see that's not frightening.

Activity (Full Group):

slide #13



Sample script: I will show you a video with 2 teams passing around a basketball. 3 people are in black shirts and 3 people are in white shirts. Your job is to count the number of times the basketball is passed by the team in the white shirts. You will keep count silently to yourself and when it's over we will see how many you've gotten. If you've seen this video before, just keep the answer to yourself for now.



Facilitator notes: Show video clip of the 2 groups passing basketballs:

Selective Attention Test Video: <https://youtu.be/vJG698U2Mvo>

If possible, pause the video playback right at the first question, before it gives the answer.



Sample script: Then ask:

- How many times did you see people in the white shirts pass the basketball?

Take a range of people's guesses, demonstrating that you and they took the task seriously. This alone will show the challenge of perception.

Then ask:

- Before we share the correct answer, how many people saw the gorilla?

Typically half of the people or more will miss the gorilla—it will have been invisible to them (but only if they didn't know it was there). Restart the video so people can see the correct answer on the number of passes (15) and also see the video again with the gorilla in it.

Then say:

As you can see from this activity, our brains do not record events in front of us like a video camera would. In our activity you noticed that even when we are not experiencing trauma, our brains take in information selectively. Brains are also selective about the information they take in when they perceive someone or something will significantly hurt them or even kill them. And the selection starts the first moment the brain starts to notice something wrong...which is well before we may be consciously aware of a threat.

slide #14



Sample script:

For the next few minutes we'll talk about how the brain's processing during a trauma reaction can affect a victim's:

1. REACTION—how the brain instructs our bodies during an attack,
2. MEMORY—how the brain selects information and stores it, and
3. ABILITY TO RELATE—what the brain's processes mean for the victim's ability to retrieve a memory and tell someone—like an investigator or prosecutor—about what happened to them.

Think of trauma as an event or series of events that is shocking and emotionally overwhelming that may involve actual or threatened death, serious injury, or threat to one's body. It does not matter if the offender intends to kill the victim or not, what matters for the trauma reaction is that the victim's brain perceives that level of harm could or will happen.

slide #15



Sample script - Let's start with understanding what the brain may do to shape our REACTIONS in response to the kind of trauma event we're talking about. When you see this picture on the left, what happens?



Facilitator Instruction: Show only the photo of the snake in a recoiled position ready to attack.



Sample script: Did you notice your body stiffen a bit? Did you hold your breath a bit? How did you feel when that picture showed up on the screen?

Some people like snakes, but many of us don't. If you like snakes, or have a lot of experience around them, you may not have been startled or felt uneasy. However, for the rest of us, we likely felt uneasy and maybe our heart even started beating a bit faster. This is because our brain perceives the snake as a threat.



Facilitator instruction: click in to add the right side image of the cat with the mouse in its mouth.

Here's another predator/prey relationship. The cat and the mouse. Look at the mouse here—his whole body is limp and he seems dead. Why might the mouse do this?



Facilitator instruction: take responses—the idea is that if the animal like this mouse pretends to be dead, the predator may relax its mouth, hold, and concentration, and that may allow the mouse to escape.

When faced with a life-threatening event, our brain tells our body what to do.

When the brain turns on its “defense circuitry,” it tends to turn on **reflexive and automatic** reactions or trigger **habit behaviors** via the “habit circuitry”.

Let's start by talking about the reflexive and automatic behaviors. The “defense circuitry” (including the amygdala) bypasses the part of the brain that usually takes in information to judge, plan, reflect, and decide on reactions (the prefrontal cortex). It's the part of the brain you are using right now to listen and learn. In the time it takes us to actually see, notice, and understand the threat, we may have been eaten. So, our brains have evolved this way to keep us alive.

As I said earlier, the way the mouse is reacting here is one way we might react—there is a loss of oxygen to the brain and the person gets dizzy or passes out, and the muscles go limp (collapsed immobility). It's important to know there are some other common reactions. One is when the body goes on automatic—meaning the brain disconnects from emotions and body sensations (dissociation), even while the body may keep moving. You may hear this from a victim when they say it feels like they left their body during the abuse or attack. This is a very common experience for sexual assault victims, and can occur with other reactions as well. Another automatic reaction is when the person's muscles get very rigid, and they cannot move or speak as the body is paralyzed (tonic immobility). The body may even freeze for a moment before it does any of these things.

Just remember, these are all automatic and reflexive—meaning we do not choose them (at least not in any real way we understand choosing).

As we said earlier, our reactions can also be affected by our brain's “**habit circuitry**”—and prompt us to use behaviors that our brain has learned from facing other stress and trauma situations. These are the habits we learned during prior experiences of abuse, assault, exploitation, or domination. Especially for women and girls, the aggression can trigger polite and passive habits they have learned to use to avoid causing a scene or bruising an ego. These are actually more

common than the reflex behaviors we've just described. This is also what makes changing messages in society—as we discussed in Module 1—so very important.

For many reasons, science cannot explain the exact cause of any particular thought, emotion, or behavior in a specific situation. So, we'll never be able to say a specific reaction proves or disproves an offender's account or a victim's account. However, the science that explains what can, and often does, happen when our brains face trauma is very solid. That means when you see a case where a victim does not struggle or fight back; scream, yell, or run away; or become injured, you should keep investigating, understanding that these are common and realistic responses.

slide #16

Recall/Memory:



Sample script: As you remember from our activity a bit ago, our brains don't record our memories like a video camera that we can find and replay to remember what happened. Instead, our brains take in information mostly on what we're focused on, and then a complicated set of brain processes determine what information gets stored as memories.

First, the brain makes a distinction between CENTRAL details and those that are PERIPHERAL (not central). The word in the middle on this slide says FOCUS and is in red. If our eyesight (with or without glasses) is good, we should be able to read it. The words around it are blurry and difficult to read. Also, when you were focused on counting the basketball passes, you may have missed the gorilla even though it walked into the middle of the group. That's an example of this difference.

This is similar to how the brain collects information during an attack. It drives our reaction based on what is essential for keeping us alive and avoiding significant injury. This also drives our focus and ultimately what the brain identifies as CENTRAL details. The brain will also register emotionally significant information as CENTRAL.

Things outside that focus, the PERIPHERAL details, may get into our brain for a short bit of time, but if they don't have emotional significance or are related to keeping us alive or coping with what's happening, our brains do not likely store them.

When it comes to later remembering what happened—the CENTRAL details are generally accurate, and consistent. While poor interviewing can distort these details, distortion is much less likely than it is with peripheral details. For a knowledgeable and trained interviewer and prosecutor, these details can be very useful as they can typically be corroborated (e.g. a victim may offer a detailed description of an image on the wall or ceiling they stared at during the attack).

On the other hand, PERIPHERAL details are likely to be remembered poorly, if at all. Unfortunately, these are the details that are typically focused on during the investigation and sometimes when a victim testifies. Specific questions about the time of day, how long something took, and even what the suspect looked like can be peripheral details no matter how important they seem to us.

There are actually several brain processes that impact what information gets stored in memory, so keep in mind that what victims can remember will vary widely. The main point is that a victim's inability to remember certain details that some think they should, doesn't mean a victim is not being truthful.

RETELLING--Implications for Disclosure and Interviewing

slide
#17-18



Sample script: Traditional methods of questioning victims often undermine cases and leave victims feeling re-victimized. This knowledge we've just shared about what happens to the brain during trauma, is changing how early responders - medical professionals, police, and advocates - interact with and interview victims. A victim who feels unsupported and blamed is less likely to recall difficult memories in order to be able to relate them to an investigator.

In the first 24 hours following an assault (or the move to safety), it's important to understand the victim's brain may be very scattered. This is mostly the time to address the victim's needs for safety (emotional and physical) and medical treatment, and start building her sense of trust and comfort with the people who can help. Stress interferes with retrieving memories, so adding compassionate support, addressing her immediate needs and concerns, and giving her a chance to rest (if she needs it) can improve her efforts to retrieve details her brain may have stored during the attack. Sleep is mostly helpful to the extent that it reduces the victim's experience of stress. Research has shown that sleep may help with retaining emotionally significant central details, but that peripheral details are lost just as fast as when one is awake.

Victims who are exhausted, confused, hungry, concerned about their children, pets, or other responsibilities, wanting to get support from a loved one, or who are feeling interrogated by an investigator are not likely to be able to retrieve memories as well as they would otherwise. In most cases it makes sense to give the victim time to reduce stress, get support, and begin processing the event before a detailed interview is conducted.

It is far too common that sexual assault victims are asked to recount what happened multiple times. This can be problematic, especially when the victim is stressed, unsupported, and asked to work with poorly trained interviewers. **In general, the fewer times the victim is asked to give an account the better** (see note in Trauma of Rape, p.63; and Module 3, ESP, p. 18). However, in some cases--especially in those when reports come in within hours of the assault--it may be useful to consider two interviews.

In an initial interview, victims should be asked very basic information. With proper support, they may be able to provide useful information about the crime scene and other peripheral details that might soon fade from their memories. Of course, this will only be successful if interviewers are skilled in effective trauma-interviewing techniques and attentive to adding support and reducing stress. A second and more detailed interview can be done after the investigator has been able to prepare for the interview by doing a background check on the suspect, reviewing the preliminary report, reviewing any relevant reports on collected evidence (medical, crime scene, etc.), making arrangements for any special accommodations needed by the victim (e.g. interpreter, special location), and preparing questions.

When the victim is interviewed, asking open ended questions like “What are you able to tell me about your experience?” can give a chance for those CENTRAL details that her brain captured to emerge in her account of what happened.

Other useful questions may include:

- What was your thought process during this experience?
- What were your reactions (physically, emotionally)?
- What are you able to remember about what you (heard, saw, felt, tasted, smelled)?
- What was the most difficult part of this experience for you?



Facilitator notes: These questions are based on Russell Strand’s Forensic Experiential Trauma Interview approach. For more information see: <https://www.bwjp.org/resource-center/resource-results/shifting-the-paradigm-for-investigating-trauma-victimization.html>

It’s important that investigators write down the specific words and phrases the victim uses as much as possible.

Avoid asking questions about how much time something took or require a victim to develop a timeline of the event. This awareness would likely be linked to PERIPHERAL details her brain did not store. Wanting to be cooperative, she may answer in a way that produces inconsistencies. Also, do not ask a victim “why” she did or did not do something. Instead, express non-judgmental interest to know more about their experience, reactions, and reflexive decisions (e.g. “What were you thinking/feeling/experiencing when you went into the suspect’s room?,” rather than “Why did you go into his room?”).



Facilitator notes: Key sources for this section:

Lonsway, K.A., Hopper, J., Archambault, J. (2019). *Becoming Trauma-Informed: Understanding and Appropriately Applying the Neurobiology of Trauma*. End Violence Against Women International.

Hopper, J. (2020). *Important Things to Get Right About the “Neurobiology of Trauma.” Part 1: Benefits of Understanding the Science*. End Violence Against Women International

Handout #11: Effective Interviewing

An investigator should always start by believing the victim. Victims are genuine/truthful in their reporting over 90% of the time. Research has shown that the false reporting rate for sexual assault is between 2 and 10%. When investigators start by believing, ensure victims have support, they get the best interviews. The full investigation follows.

A leading researcher on trauma and the brain has said that “Ignorance of how memory works is a major reason why sexual assault is the easiest violent crime to get away with, across our country and around the world.”—[Jim Hopper, Ph.D.](#)



Sample Script - Trauma symptoms alone do not prove or disprove an account of violence. We do hope this information helps you realize that fragmented memories and gaps do not show someone is lying. This is additional information to inform an investigation and provide context for the victim reactions you see.

What people experience as traumatic can vary from person to person due to many factors, including whether the event was repeated or ongoing, the severity of the event, the age of the victim, personal history of the victim, prior coping skills, presence or absence of any mental illness, level of support the victim has, and the prior beliefs or understandings of violence the victim holds. The brain response after a person experiences the event as traumatically stressful are well-documented.

Be aware that this is a very simple and basic understanding of a very complex process in the brain. It's important not to misuse it. Keep in mind that every victim's reaction is unique. None of this information is predictive. Thus, it is inappropriate to label or diagnose a victim's response. Instead, responders should simply document what the victim says and use their words as much as possible.

5.2.2 Interview exercise (Slides 20-22)

Length	45 minutes
Overview	The second segment centers around a role-play exercise. Facilitators will role-play an interviewer and victim, using the Bashira case scenario. Participants will reflect on the victim-centered aspects of the interviewer's technique, and the aspects that could be improved. Finally, participants will practice interviewing one another, using the Emergency Call case.
Objectives	<ul style="list-style-type: none"> • Participants will use the information presented in the previous segment to reflect on effective and sensitive strategies for interviewing victims. • Participants will practice a victim-centered interview.
Preparation	<ul style="list-style-type: none"> • Research local rules and practices regarding prosecutor interviews with victims. • Review and practice role play for interviewing • Review Emergency Call case and reports to prepare for role play and debriefing
Materials	<p>Handouts</p> <ul style="list-style-type: none"> • #5: Bashira's Case • #8: Police Report: Long Version <p>Paper and pens/pencils for note taking</p>



Sample script: In all cases of violence against women and girls, prosecutors should treat victims with courtesy, dignity, respect and with particular sensitivity to the trauma they have experienced. They should also prioritize meeting the victim as early as possible in a place that feels safe to the victim. The rights and role of the victim should be explained and the victim should be referred to a victim rights advocate. The prosecutor should establish the risk or immediate threat of further violence and obtain the victim's input as to any conditions of pretrial release. This is especially important in intimate partner sexual violence. Understanding victim reactions and how trauma affects the brain is critical to prosecutors understanding victims.

Interviewing Role Play Exercise:



Sample script: Referring back to the Emergency Call exercise and the police reports that you received, I want you to think about the questions you might ask in a follow-up interview with the victim. To prepare, review the second version of the police report. Decide what follow-up questions you will ask when you practice interviewing. Take a moment now to write down some questions you might ask.



Facilitator notes: Give participants some time to review the 2nd police report and write down some questions they might ask. Then introduce the role play that the facilitators will do to demonstrate how such an interview might go.

The faculty will role play conducting an interview based on Bashira's case. One facilitator will play the victim and another facilitator will play the interviewer. Please note that in this script, the interviewer is the prosecutor. In many jurisdictions, the prosecutor will not perform this type of detailed interview, in order to avoid the possibility of becoming witness to the case. In such jurisdictions, the interviewer can be a police officer, and you can focus on the importance of coordination with police to ensure quality, victim-centered interviews. You may want to explain this to participants at the end of the role play.

Before beginning, tell the audience that the interview will be based on Bashira's case. Ask them to write down two kinds of examples they see or hear: 1) examples of victim-centered interviewing, and 2) examples where they thought the interviewer could have done better.



Sample script: Before you practice, the faculty members will act out an example of this kind of interview using a different case example: Bashira's Case. Watch our role play and pay attention to the techniques that the interviewer used that were helpful and what the interviewer did not do well. You may want to write down what you see.

ROLE PLAY SCRIPT



Interviewer: Good morning. Thank you for taking the time to meet with me. Can I get you something to drink, or anything that would help you feel comfortable?

Victim: No...Well, maybe some water, please.

Interviewer (after pretending to get water): Before we begin talking, I want to explain who I am. I am a prosecutor. My responsibility is to bring charges against people who commit crimes in our city. I receive information from the police about cases, and then I have to review all of the information and decide whether or not it's a case that we can bring to court. Sometimes I need to gather more information about a case before I can make that decision - that's why I asked you to talk with me today. It's also my responsibility to make sure that people who have been harmed get the help they need to stay safe. Do you have any questions about my role?

Victim: No, I don't think so.

Interviewer: Ok. I already have some information about your case, so I'm not going to ask you to tell me everything again. I just have some follow up questions. I may be asking you to tell me some personal things, which may be uncomfortable. I will not judge you for what happened, and I do not think it's your fault. Please let me know if you need a break at any point.

Victim: Ok.

Interviewer: Good. Before we get started I would like to record our conversation so I am sure to get your exact words. Would that be okay with you?

Victim: Yes.

Interviewer: I understand that a man named Sajit attacked you and raped you a couple of weeks ago. You did a good job telling the

police what happened. I'd like to understand a little more about what you experienced. Let's start by talking about when you were walking along and first noticed a man approach you. What went through your mind?

Victim: I was...surprised at first. I had seen him around town, he's not that much older than me. My sister was friends with his sister. But I didn't know him very well. Then all of a sudden he just grabbed my arm and started sort of pushing me toward the trees by the path.

Interviewer: How did you feel when he did that? How did your body feel?

Victim: I was scared. It was a very strange thing to do. I remember my knees felt really weak...like I knew he was going to do something to me.

Interviewer: You started to feel weak. Did you continue feeling that way?

Victim: Yes, it's like...looking back, I wish I had tried to pull away or something but I just couldn't. It's like I froze and kept letting him pull me along. I remember he said something like, "Don't make trouble for me."

Interviewer: I understand. What were you thinking when he said that?

Victim: I felt like he was threatening me...I felt like I had to listen to him or he would hurt me.

Interviewer: Once he had pulled you into the woods, do you remember anything about your surroundings?

Victim: Well, it was very quiet. It was muddy because it had rained the night before. My sandals stuck into the mud, and when he pushed me down on the ground I could feel the mud on my legs. It got all over my dress too.

Interviewer: The mud got all over your dress. I want to ask you about that in a minute, but do you remember noticing anything else about the place?

Victim: No, just that there were trees all around and I thought, no one will find me if he kills me. At that point my heart was pounding really hard - I didn't know what he wanted from me and I just really felt like he was going to kill me.

Interviewer: Ok. I am going to ask you a couple of questions that might be uncomfortable or hard to think about. Do you need a break first?

Victim: No, I'm ok.

Interviewer: Ok. In your interview with police you said that this man pulled up your dress and pulled down your underwear and "forced himself on you." Can you tell me a little about what that felt like?

Victim: (Eyes fill with tears) I felt frozen. It was like I was there, but not really there. Like I was watching it happen to someone else. I did feel pain though. It hurt really badly, like I was being torn apart. He felt heavy on top of me and his breath smelled really bad, it was right in my face.

Interviewer: What do you remember thinking or feeling after that?

Victim: Well, I don't know how long it went on. I really don't remember. But eventually I guess he stopped and just laid down on top of me for a few seconds. He felt really heavy, it was hard to breath. Then he sort of laughed, like a mean laugh and got up. I just squeezed my eyes shut; I didn't want to look at him. Then I heard him moving around, and some rustling - putting on his pants I guess. And then he left and it was really quiet.

Interviewer: What were you feeling then?

Victim: I just felt like I needed to get out of there. Right away I thought, I need to go home and make sure no one ever knows this happened.

Interviewer: You said that there was mud on your dress.

Victim: Yes, actually, my dress and underwear were all muddy. I tried to clean them off a little so no one would notice and then put them back on. Then when I got home I changed right away and put them in the back of a closet. I was really afraid my mother would see them.

Interviewer: Where are your clothes now?

Victim: Still in the closet, I think.

Interviewer: Ok, thank you for talking to me about all of this. I have a couple of other questions about things that have happened over the past few weeks. I know you have had some trouble with the man's father and with some people in town.

Victim: (Eyes fill with tears again) Yes. I feel like no one believes me.

Interviewer: I believe you. But I know that must be very difficult. Have you felt worried about your safety?

Victim: Well, at first I just felt ashamed, like people thought this was my fault or that I asked for it. But now I am scared because I got a message from Sajit on Facebook.

Interviewer: What did the message say? Can you show me?

Victim: (Shows text message and reads aloud: It says, "Shut your mouth, you slut. If you tell anyone else I will kill you and your mother.")

Interviewer: I see. Has Sajit tried to talk to you or contacted you any other way.

Victim: No, but I know if he wants to kill us he can. His father is very well-respected. He could do whatever he wants and get away with it. People in town are already ignoring us and treating us badly. My mother tried to buy vegetables the other day and she was just ignored until she left.

Interviewer: Thank you for telling me about this. I realize this has been difficult for you. No one deserves to be hurt in the way you describe or further harassed. There are some ways that we can try to help you stay safe. Have you heard of the local women's advocacy group? (The interviewer could then provide more information about safety planning.)

##End Role Play



Facilitator notes: Ask participants what they noticed about this interview. What steps did the interviewer take to be victim-centered? What was skillful? What was not as skillful?

Participants' Practice & Role Play

Facilitator notes: Now ask the participants to review 5-6 of the questions they would ask the victim in the Emergency Call case. Ask for two volunteers to role-play an interview related to the Emergency Call exercise. One participant will be the interviewer and the other will be the victim. Alternatively, break the group into pairs and have everyone practice a bit.

After they role play, debrief their experience—sensitive to the risk people take when they role play in front of others. You may want to ask for feedback first from the person

who played the role of the interviewer (What was their experience like? What would they do the same/different if they were to do it again?). Second ask for feedback from the person who played the role of the victim (How did it feel to be asked these questions? What did the interviewer do that helped you want to share more or not share more?). Finally, ask for input from observers—what did they see that they thought was particularly victim-centered? What questions do they have?

Mini-lecture on basic principles of victim-centered interviewing

slide #22



Sample script:

- Take steps to avoid requiring the victim to tell her story over and over again
- Prioritize victims' safety and recognize that they may face risks when collaborating with prosecutors
- Assess support available to victim and make meaningful referrals or engage additional helping resources (with her permission)
- Avoid replicating dynamics of power and control by listening to and validating victims; sending messages of help and accountability
- UNODC Manual: "A full and comprehensive investigation can mean that the prosecutors will reduce their reliance on the victim's testimony and thereby reduce the risk of retaliation by the perpetrator and increase the likelihood of a successful prosecution."

5.3 FURTHER EVIDENCE COLLECTION (80 MIN) - (SLIDES 23-24)



Facilitator notes: This section is divided into 3 segments:

- Introductory Exercise
- Lecture on evidence-based prosecution in domestic violence cases
- Lecture on sexual violence forensic evidence

Detailed instructions are included for each segment.

5.3.1 Evidence Collection Exercise (no slides)

Length	45 minutes
Overview	In this segment, participants will use the three case scenarios and the Emergency Call scenario to discuss evidence collection. Discussion questions are provided for each case scenario.
Objectives	Participants will be challenged to think creatively about additional evidence that might be available in each case. Facilitators will engage participants in a discussion about the challenges presented with gathering and presenting various types of evidence.
Preparation	<ul style="list-style-type: none">• Facilitators must research the local law to gain a basic understanding of evidentiary rules and their application to domestic and sexual violence cases.• Prepare to divide participants into 4 groups to discuss scenarios.
Materials	Handouts: <ul style="list-style-type: none">• #5 Case Scenario: Bashira's Case• #6 Case Scenario: Devna's Case• #8 Police Report: Long Version• #10 Case Scenario: Nur's Case• #12 Additional Evidence Regarding Bashira's Case
Session type	Exercise, discussion



Sample script: Considering the case examples we have used, please now think about further evidence that might be available in each case.

Ensure all available evidence that can lend credibility to the allegation is collected, and that it is collected in a respectful manner that maintains the dignity of the victim/survivors. This includes:

- prioritize gathering evidence that focuses on the credibility of the allegation rather than the credibility of the victim survivor
- consider whether forensic examinations are required and if so, they are done in a timely manner.



Facilitator notes: Divide the group into 4 small groups. Assign each group to one of the scenarios. Ask them to discuss the scenario they have been assigned for 5-10 minutes, identifying what additional sources of evidence might be available. Then, have one person from each group report back their responses.

Exercise Questions:

Bashira's Case: What other evidence might be available to you?

- Statement of mother and Bashira's disclosure to her (if there is a hearsay exception)
- Sajit's alibi witnesses--and/or people he saw before and after
- Social media evidence
- Information about Sajit, his background, etc. does he have a history of committing sexual violence, other reports from any place he's lived?
- Witnesses who saw Bashira soon after the attack and can speak to her change, especially any changes in what she wore in order to hide bruises, scrapes, etc. (or what they saw of those if they weren't hidden). Any behavior changes at school or with others?
- A medical visit they may not have asked about--even if it wasn't right away. Did she get tested for pregnancy or any STD/STI's?
- Expert witness to explain victim reactions (effects of trauma etc.)
- Police photos of alleged crime scene, corroborating Bashira's description of the place
- Any follow-up messages/contact Sajit may have had with Bashira or others in the week following the rape (e.g. text messages, etc.) What did he say to her, to his friends?
- Forensic--does she still have her clothes from the attack, are they torn, stained, etc.? Were they taken into evidence? Can they be photographed? Can they be tested? Did someone see the clothing? Or did someone see that she threw it away?
- Information that corroborates any detail from Bashira's account?
- Information that anticipates the defense?
- Changes in Sajit's behavior learned through interviews with people around him
- Other survivors of previous sexual violence by Sajit?--investigators may learn about this through talking with some of his friends or through records of criminal cases involving him.

Nur's case: What other evidence might be available to you?

- Medical evidence
- Weapon
- Evidence of history of abuse
- Divorce filing (motive)
- Any threats or violence to victim since she filed the criminal complaint

Devna's case: What other evidence might be available to you?

- Medical evidence
- Witnesses
- Interview of the sister
- Text messages regarding demand of money
- Text messages, social media, etc. evidence of threats

Emergency call: What other evidence might be available to you?

- Interview with daughter
- Interview about prior sexual violence
- Interview with neighbors who help care for daughter

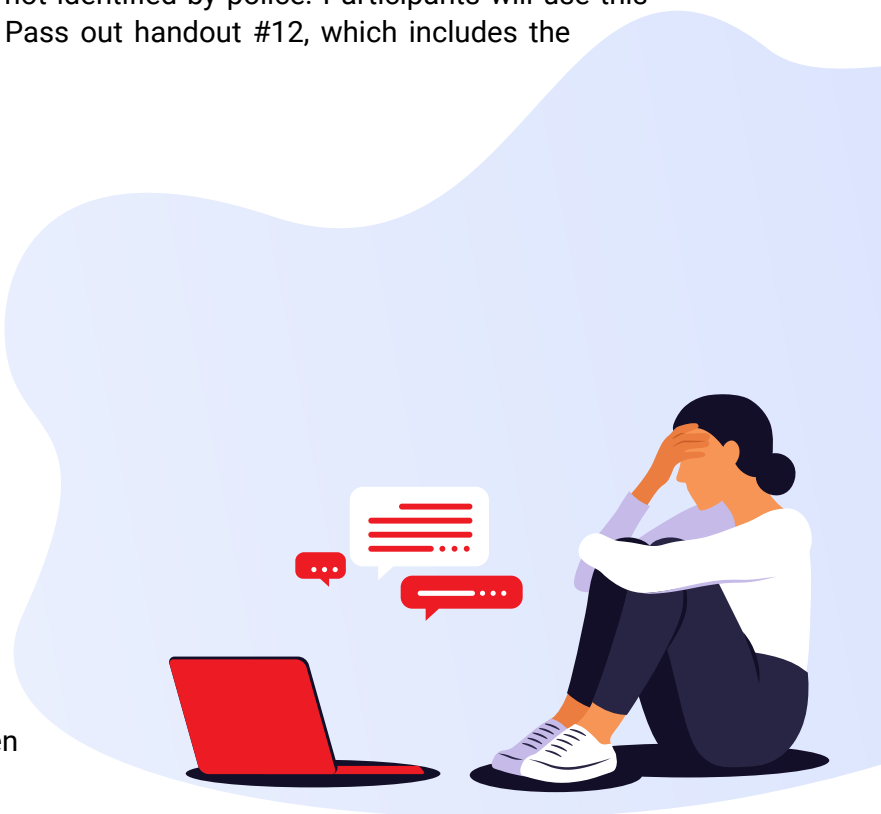


Facilitator notes: Following the discussion of the four case scenarios, tell participants that through an interview with Bashira, they have discovered the following evidence about Bashira's case that was not identified by police. Participants will use this information in the following exercises. Pass out handout #12, which includes the following information.



Additional evidence regarding Bashira's case (Handout #12):

Bashira was wearing a dress, bra, underwear and sandals on the day of the rape. When she got home, she took off her clothing and stuffed it into the back of her closet, rather than putting it in the laundry where her mother would discover it. When you ask about her clothing, she tells you it still has not been washed, and you ask her to bring it to the police station. Her dress has mud on the back and her underwear is torn. When the clothing is tested, semen is found on the hem of the dress.



In addition, Bashira tells you that she received a message on Facebook from Sajit the evening that her mother confronted Sajit’s father at his shop. The message reads “Shut your mouth, you slut. If you tell anyone else I will kill you and your mother.” You ask Bashira to take a screen shot of the message and to forward the message to the police, which she does.

5.3.2 Domestic Violence Evidence Based Prosecution

slide #23

Length	20 minutes
Overview	Describe Evidence Based Prosecution
Objectives	Provide analysis for not focusing on the victim’s participation in prosecution
Preparation	Review Handout #13
Materials	Handout #13 Domestic Violence Evidence Collection
Session type	Lecture



Sample script: Evidence-based prosecution is an effective method for responding to domestic violence cases. This method involves collecting all relevant evidence including, but not limited to: photographs of injuries of victim and children, photographs or sketches of the scene, bloody clothing, damaged furniture or other household items, instruments used to cause harm, and written or audio statements including quotes, excited utterance, and spontaneous statements; and a description of the person’s demeanor. Evidence-based collection reduces the dependency of the case on the victim’s statements and increases the likelihood of a successful prosecution. Evidence can include:

- Statements documented from all parties
- Excited utterances and spontaneous statements documented as quotes
- Conditions under which statement was made documented
- Appearance and demeanor of parties documented
- Appearance of scene documented (written and photographed or sketched)
- Injuries of all parties documented (written and photographed/sketched)
- Victim asked of any pains or other non-visible injuries
- Weapons used in incident, in plain view
- or if consensual search is conducted
- Torn or bloodied clothing
- Medical records
- Prior police or incident reports
- Booking records
- Restraining orders
- Phone records
- Emergency call tape
- Follow-up photos of injuries
- Employment records
- Criminal history
- Telephone records

- Letters / e-mail / texts from perpetrator or his friends/family
- House rules - Perpetrators often have a list (either verbal or written) of rules for the victim to follow.
- Victim diary/journal

slide #24

5.3.3 Sexual Assault Forensic Evidence

Length	30 minutes
Overview	In this section, you will provide a lecture on forensic evidence collection in sexual assault cases.
Objectives	<p>Participants will:</p> <ul style="list-style-type: none"> • Understand the types of evidence that may reasonably be collected from a forensic medical exam, and how the evidence can be used in response to a consent or identity defense • Understand the reasons that some physical evidence may not be available • Understand that sensitivity and respect for the victim are critical components of forensic evidence collection • Learn about Sexual Assault Nurse Examiners, a type of forensic nursing specialist, and a best practice in victim advocacy, care and evidence collection
Preparation	<ul style="list-style-type: none"> • Review UNODC guidance on pages 102-111 • Review Trial of Rape, pages 68-71 • Review Module 3, ESP, pages 17-18 • Review optional information provided below and determine which items to share in this training • Review Strengthening The Medico-Legal Response To Sexual Violence (UNODC, WHO, STOP RAPE NOW), WHO/RHR/15.24 especially pages 29-34
Materials	
Session type	Lecture



Sample script (10 minutes):

Sensitivity and awareness of trauma is essential to effective evidence collection in sexual violence cases. In this section, we will be covering some basics of sexual assault forensic evidence collection. Perhaps more importantly, we'll be talking about the importance of coordination across the criminal justice system to ensure that evidence is collected by police and medical professionals in a way that respects the dignity and privacy of the victim. We will also be discussing Sexual Assault Nurse Examiners, a best practice in providing coordinated and holistic support to sexual violence survivors.

When we think of sexual assault evidence collection, we often think first of physical evidence. It is important first to recognize that physical evidence (or lack of it) does not prove or disprove rape or sexual assault. The evidence can only be assessed in context. A prosecutor should consider what evidence may be realistically present, while recognizing there are many valid reasons why physical evidence may not be found or collected. In the time we have today, we will cover some key considerations for evaluating the evidence you receive through a medico-legal exam and some of the victim-centered standards for this stage of the investigation. As we think about becoming more offender focused, you may also want to consider why or why not forensic medical exams are done on suspects.

What might forensic evidence show you?

- details that corroborate the victim's account (e.g. where she was grabbed, where he placed his mouth on her (if swabs are taken there), especially those elements that a suspect may not explain or share in a statement)
- identity of the perpetrator,
- place the perpetrator at the scene,
- establish the use of force or resistance, or
- indicate an inability to consent due to the influence of alcohol and drugs or an otherwise diminished mental capacity.

To effectively evaluate evidence you receive from any forensic medical exam, prosecutors need to consider each stage of the process involved: collection, preservation, storage, testing, analysis and interpretation of results (by the lab, by police, by the prosecutor), and potential testimony by an expert witness.

Keep in mind that:

- Each of these steps can be impeded by poorly trained or untrained examiners or lab technicians
- Each of these can be impeded by a system delay in conducting the exam (distinguishing this from the victim's choice to wait)
- Each of these can be impeded by the lack of proper equipment and supplies,
- Collection, interpretation of results, and testifying by an expert can be impeded without a victim-centered approach and an understanding of where experts commonly misunderstand the nature of sexual violence and victims' reactions



Facilitator notes: share 2 or 3 that seem most relevant for these participants; more if time allows.

For example:

- If victims are highly stressed and treated insensitively by medical personnel, it may impact their affect and their ability to remember details that may guide the examiner in the provision of medical care, the physical evidence collection, as well as in documenting her account.

- If victims are taken for a gynecological exam, untrained medical personnel may actually destroy evidence as they wash the victim's private parts or shave the victim's pubic hair (examples in the Trial of Rape, p. 70).
- Likewise, if examiners do not know what evidence to look or test for, how to properly collect and secure it to preserve both the evidence and the chain of custody, these exams will be of limited value, or worse, be challenged by the defense. This can also feel revictimizing to a victim as she will have risked her own well-being to undergo an invasive exam and a highly difficult moment. Example of this: as victim's remove their clothing, is a clean sheet placed on underneath her to collect any materials that may fall from her or her clothes? are her clothes collected and stored in a paper bag (avoiding moisture build up which can degrade biological samples)? when swabs are used are they dried appropriately (no heat) before storing, etc.?
- Time can also degrade physical samples on a person's body. The more time that has passed since the assault occurred and when the exam is conducted, the more likely evidence is to be degraded or missing (for many reasons). If the victim is wanting and willing to have an exam conducted it should be done as soon after the attack as possible, within 72 to 96 hours, possibly longer depending upon the circumstances of the assault.
- If the victim was grabbed and you expect bruising, it's important to know when those are likely to show up (not the day of the attack) as well as the proper procedures for documenting and photographing those injuries.
- Likewise, if victims took drugs or alcohol voluntarily, solid test results may help you prove she was not in a position to give consent (e.g. physically incapacitated or physically helpless). You cannot accurately assess the results of these tests for your case without understanding what's reasonable to expect based on the science.
- Forensic examiners should not rely solely on the status of the hymen¹³ in sexual assault examination as it is not generally an accurate or reliable indicator of non-consensual or consensual sex. Therefore, forensic examiners and other justice professionals should avoid descriptions such as "intact hymen" or "broken hymen" in all cases and instead use specific medical terminology to describe clinical findings (Mishori, R., Ferdowsian, H., Naimer, K., Volpellier, M., & McHale, T. (2019). The little tissue that couldn't - dispelling myths about the Hymen's role in determining sexual history and assault. *Reproductive health*, 16(1), 74. <https://doi.org/10.1186/s12978-019-0731-8>).

In light of the common defenses in sexual assault cases, what kind of evidence might you look for? Here again it's important to evaluate what you can realistically expect and how the procedures were done.

13 WHO, UNODC, Stop the Rape Now. [Strengthening the Medico-Legal Response to Sexual Violence](#), WHO/RHR/15.2, pp. 20, 30, 31, 35.

CONSENT DEFENSE:

Since many offenders may pursue a consent defense (claiming it was not an attack, but it was consensual), it's important to understand why you may or may not have evidence of injury or signs of struggle. As we discussed earlier with regard to how the brain guides reaction during traumatic events, it is not only possible, but common, that the physical evidence may not show signs of struggle or injury. In these cases, a well-done interview with the victim, and other potential evidence from the crime scene, her clothing, witnesses to her disposition before and after the assault, toxicology reports, history of intimidation, and even inconsistencies in the suspect's statement can be other forms of relevant evidence and corroborate the victim's account that it was non-consensual.

IDENTITY DEFENSE:

In a defense where a suspect claims that an attack never happened, or that it wasn't the defendant, prosecutors often look for evidence of ejaculation and semen. This can be helpful, but the lack of semen does not mean this defense cannot be challenged. It's important to understand there are many reasons semen may not be detected (see ODC, p. 106), and educate the fact finders (judge or jury) in this regard.

The forensic medical exam can be very significant—both for the victim and the case. Without support and the proper approach, the victim can be revictimized, disengage, and be unable to retrieve from memory important details that should guide the exam and be documented. Even with support, if examiners lack proper knowledge, skill, and resources for each stage of the process, the victim's participation may be for naught. This will have a profound effect on the victim and be a damaging message to the community.

Some of the signs of a victim-centered approach to the medico-forensic exam include:

- Exams should not be conditioned on reports to the police
- Victims should have private waiting areas to the degree possible; every effort should be made to keep their status as a victim private
- Exams should be conducted as soon as possible—in general within 72-96 hours of the assault for the highest likelihood of preserving evidence
- Victims should have access to trained advocates to accompany them throughout the exam if they so choose (advocates should have privilege so as not to become witnesses)
- Examiners should explain each step of the exam before they do it, giving victims' the ability to stop, slow down, or ask questions at any stage of the exam
- Victims should never have to pay for a medical exam or care
- Medical and psycho-social needs should be assessed and addressed (or make a plan for follow-up care)
- Contraception, STD prophylaxis, and other necessary medication should be provided
- Victims should be provided with a follow-up exam to determine how they are doing
- Victims should have privacy with their medical provider

- Consent from the victim to share the results of the medico-legal exam with police should be required before records are released
- Records, photographs or other evidence storage should protect the victim's privacy as much as possible (e.g. digital records should be free from hacking or retrieval by unauthorized personnel)
- Medical personnel should be trained in the forensic collection
- There should be standardized procedures for evidence collection, preservation, storage, and testing in sexual assault cases, with adequate training for examiners to know when and why to depart from those standards
- Victims should be treated carefully and sensitively so they are able to retrieve details from their memory to the best of their ability

Sexual Assault Forensic Examiner – 5 min.

slide #24



Sample script: A common way to build expertise and increase access to care is to have a sexual assault forensic examiner. One example of this type is to have a Sexual Assault Nurse Examiner (SANE). SANEs are nurses that receive specialized training in conducting the medico-legal exam: providing patient-centered care and follow-up, effectively documenting their findings, preserving evidence and the chain of custody, and testifying in court. In some programs, SANEs also conduct forensic exams on suspects when indicated (typically upon request of an investigating officer with a search warrant). This role may also be done by a physician or a physician's assistant, rather than a nurse. The key is that the health care professional has specialized training, on-going education and practice, and supervision or review.

In this discussion, we'll use the term SANE to generally cover all providers of this sort. We will also discuss some of the specific features of a SANE program that connects itself to a multi-disciplinary team response.

SANE programs are unique in that;

- Provide “culturally sensitive, developmentally appropriate, trauma-informed, and patient-specific evaluation and treatment.”
- Are attentive to both short and long-term consequences of sexual violence
- Apply both medical and legal knowledge in their treatment of the patient
- Some SANEs can testify in court
- They lay the foundation for care by gathering a history of the assault and medical history of the patient. Care may then include:
 - forensic evidence collection
 - testing and treatment for sexually transmitted infections
 - pregnancy testing and/or prevention
 - referrals and coordination with community-based advocacy services, law enforcement, and other medical care

- SANES can testify in court
- “The SANE ultimately provides culturally sensitive, developmentally appropriate, trauma-informed, and patient-specific evaluation and treatment.

Source: <https://www.ovcttac.gov/saneguide/introduction/what-is-a-sane/>

Part of a Coordinated Response:

When SANES are part of a coordinated response like a Sexual Assault Response Team (SART) or other multidisciplinary team that focuses on a victim-centered response and offender accountability, they bring an invaluable perspective to the team. They rarely talk about the details of a specific case in this context (unless they have specific permission from the victim to do so). Instead, they educate other justice professionals on how to understand and interpret the medical evidence. They can also learn from other justice professionals how to best handle the forensic/legal elements of their work (e.g. evidence preservation, preparing to testify, etc.).

Facilitator notes: If participants are interested in learning how to establish a SANE program, a guide is available here: <https://www.ovcttac.gov/saneguide/introduction/>

5.4 CHARGING (90 MIN)



Facilitator notes: This section of the training has two segments:

- Assessing the Strength of VAWG cases
- Charges Against Victims

Detailed instructions are included with each segment.



5.4.1 Assessing the Strength of VAWG Cases – (45 min)

Length	45 minutes
Overview	Facilitators will provide a lecture on assessing and prioritizing cases from a victim-centered perspective. Then, participants will practice applying a victim-centered perspective to charging, using the case scenarios.
Objectives	Too often, prosecutors assess the strength of VAWG cases based solely on whether or not the victim will be a “good witness.” Participants will learn that victim-centered prosecution requires them to prioritize cases based on the strength of the evidence, the seriousness of the offense, the ongoing risk to the victim, and culpability of the suspect.

Preparation	<ul style="list-style-type: none"> • Facilitators will need to determine (through legal research and conversations with partners) what level of authority local prosecutors have for determining whether to charge cases and for selecting the charges. In some jurisdictions, prosecutors have broad authority, while in others, these issues may be determined by statute, or the authority to determine charges may rest with police. • Prepare to divide the participants into small groups for discussion.
Materials	<p>Handouts:</p> <ul style="list-style-type: none"> • #5 Case Scenario: Bashira’s Case • #6 Case Scenario: Devna’s Case • #8 Police Report: Long Version • #10 Case Scenario: Nur’s Case • #12 Additional Evidence Regarding Bashira’s Case
Session type	Lecture and exercise

Mini-Lecture (15 minutes)

slide #25



Sample script: Victim-centered prosecution means fairly assessing cases to determine their strength based on objective factors such as the seriousness of the offense, the ongoing risk to the victim, the strength of evidence (including evidence other than the victim’s testimony) and the culpability of the suspect. Studies show that, unlike in other cases, prosecutors often apply stereotypes or their own subjective assessment of the victim’s character, and consider these equally important or more important than objective elements in determining whether to charge cases. This sends a message that victims are to blame for violence, and the perpetrator avoids accountability.

Remember that victims are more than just witnesses to the case. They are the people who have been harmed, and they may be at risk of additional harm by the perpetrator. As we identified in Module 1, the role of the prosecutor is to seek justice and hold perpetrators accountable for the harm they have caused.



Facilitator notes: Review/refer to the following sections of the UNODC Handbook. “Prosecutors usually decide to prosecute in cases where they assess the odds of conviction are good and decide not to prosecute in cases in which they assess that conviction is unlikely. Prosecutors’ assessments of whether a case can be adjudicated is based primarily on legal factors such as the seriousness of the offence, the strength of evidence in the case and the culpability of the suspect. However, studies indicate that in cases involving violence against women and girls, prosecutors often include in their assessment irrelevant characteristics of the suspect and the victim (p. 65). The prosecutor’s subjective evaluation of the character and credibility of the victim is often one the key factors in determining whether to prosecute or not, one at least as important as “objective” evidence about the crime or characteristic of the suspect.

“The prosecutor’s assessment of the convictability and their decision to prosecute or not rests on the prosecution’s assessment of the way the victim’s background, character and behaviour may be interpreted and evaluated by the judge and or jury. Prosecutors need to be aware of how they assess the victim’s character, behaviour and credibility and ensure that their assessment is not based on stereotypes of “real rapes”, “genuine victims” and “appropriate behaviour”. p. 77, UNODC Handbook.

Relevant:

- Seriousness of the offense
- Ongoing risk to victim
- Strength of evidence
- Culpability of suspect

Irrelevant - but often applied in VAWG cases:

- Prosecutor’s assessment of victim’s and suspect’s character
- Victim’s actions, appearance and behavior that have no legal significance
 - » How she was dressed
 - » Prior sexual history
 - » Whether she physically resisted

Victim-Centered Charging

slide #26



Sample script: These are some of the considerations that are particularly important and unique to violence against women cases.

- Use the widest possible range of information sources. Consider that a victim may not be available to testify - but a thorough investigation can provide you with the evidence you need to be successful in a case without her.
- Consider the history and context of the violence, seriousness of injuries or level of fear, and potential consequences of not charging. Remember that a major goal of prosecution is to hold the offender accountable for violence - which can prevent further violence to this victim or to other women and girls in the future.
- Prioritize the cases presenting the greatest risk, based on evidence and victim’s statement.
- Inform the victim about whether or not charges will be filed. One aspect of respecting the victim’s dignity and protecting her safety is keeping her informed about what the criminal justice system can and cannot do in her case. Research shows that this communication has a strong impact on whether victims feel they have received justice - no matter the outcome of the case

Keep these considerations in mind during the next exercise, as you discuss how you would assess potential charges in our case scenarios.

Charging Exercise (30 minutes)

slide
#27-30



Facilitator notes: Divide the group into small groups of 5-6 people. Assign each group to one of the scenarios. Ask them to discuss the scenario they have been assigned for 5-10 minutes. Then, have one person from each group report back their responses.

In the discussion that follows, ask each group to address the following points:

Bashira's case (Slide 27):

- Which facts are important in determining to file charges?
 - » For sexual assault cases, do you ever charge offenses that are not clearly associated with sexual offenses (e.g. charging an assault instead of the rape)? Why or why not?
- Would you listen to the victim at this stage of the process?
- What evidence do you see that Bashira did NOT freely give her consent?
- What additional evidence might be available? Do you ask investigators to do more?
- What coordination are you doing with other justice professionals?
- From a victim-centered approach, what other issues would you be assessing or addressing?
- What interaction will you have with Bashira and her mother as a prosecutor?
- What interaction do you have with Sajit, his father, or anyone else in the community that wants to discuss the case with you?
- Would you file charges? If yes, what charges and against whom? Just Sajit? Also community members (obstruction of justice)?



Facilitator Notes: Other questions that could be discussed in Bashira's case (if time and focus allow):

- What coordination are you doing with other justice professionals?
- From a victim-centered approach, what other issues would you be assessing or addressing?
- What interaction will you have with Bashira and her mother as a prosecutor?
- What defense do you anticipate?
- What interaction do you have with Sajit, his father, or anyone else in the community that wants to discuss the case with you?
- What priority would you give this case?
- If you decline to charge the case, what happens next?
- If you do issue charges, do you have Sajit arrested? Why or why not?

Nur's case (Slide 28):

- Which facts are important in determining to file charges?
- Would you get input from the victim at the charging stage of the process?
- What charges are appropriate to address the abuser's violence?
- What is the cause of the violence?
- What will end the violence?
- Describe what justice would look like for Nur?

Devna's case (Slide 29):

- Which facts are important in determining whether to file charges?
- Would you listen to the victim at this stage of the process?
- What charges should be filed and against whom? Just her husband or also parents-in-law?
- What about the victim's other needs?
- What is the cause of the violence?
- What does justice look like for Devna?

Emergency Call (Slide 30)

- Which facts are important in determining to file charges?
- Would you listen to the victim at this stage of the process?
- What charges should be filed and against whom?
- What about the victim's other needs?
- What is the cause of the violence?
- What would be justice?



Facilitator notes: Pay attention to participants' responses. Are they applying a victim-centered approach? Are they more concerned about efficiency? About getting a conviction? Are the charges that they recommend commensurate to the level of violence? Do they identify the victims' needs and refer at all to the impact on the victims? How do their responses in these scenarios differ from their responses to the scenario involving a robbery? Pose follow up questions to challenge participants to think about the impact on victims of their decisions and what would be justice.



5.4.2 Charges against victims in domestic violence cases ('victim defendants') (60 min)

Length	60 minutes
Overview	Facilitators will use a new case scenario, Abhir and Feba, to lead a discussion about cases in which victims of coercive controlling violence use violence against their abuser in resistance or self-defense. Facilitators will then provide a lecture on predominant aggressor determinations and policies as a means to achieve justice and promote victim safety in these cases.
Objectives	<ul style="list-style-type: none">• Participants will reflect on the effects of criminally prosecuting victim defendants• Participants will learn about predominant aggressor determinations and policies as strategies to achieve justice and promote victim safety
Preparation	<ul style="list-style-type: none">• Review the handouts.• Prepare to divide the participants into small groups.
Materials	Handouts: <ul style="list-style-type: none">• # 15: Case Scenario: Abhir and Feba• # 16: Determinations of predominant aggressors and self-defense in domestic violence cases• # 21: When Battered Women Fight Back: A Template for Prosecutors
Session type	Exercise and lecture

slide #31



Sample script: Many victims who are facing abuse fight back. Some of that violence by victims is legal and some is illegal depending on what the law of self-defense is in the locality. It is the role of a prosecutor to determine whether the defendant is a victim of domestic violence. Prosecutors should ensure that there is not a “one size fits all” approach to domestic violence cases. Prosecutors generally have the authority to exercise discretion in making legitimate distinctions about the cases that are prosecuted. How much discretion do you have as prosecutors? To determine whether a defendant is a victim, look beyond the current case and obtain information about the complainant’s and defendant’s entire relationship. Examine the defendant’s motive and intent in using violence. Was the violence committed out of fear, anger, or was it controlled and calculated? To obtain contextual information, ask other professionals, such as members of a coordinated community response team, if one exists in your community. Check the criminal history of both parties, including the

charged and the uncharged. Evaluate evidence of self-defense and dismiss the case against a victim where self-defense can legitimately be established. Create a prosecutor policy for criminal resistive domestic violence.



Facilitator notes: Pass out copies of Handout #13, Abhir and Feba

Exercise:

slide #32



Sample script: To explore the issue of victim defendants, we will look at the case of Abhir and Feba. Take a few minutes to read the case study.



Handout #15: Abhir and Feba

At 7:45 PM police officers responded to the home of Abhir (husband) and Feba (wife). Dispatch advised officers that Abhir had called the emergency number, reporting that Feba had assaulted him. Upon arrival, officers located Abhir in the living room. He was pacing and appeared agitated. Feba was in a bedroom.

Abhir told officers that he had been sitting in his favorite easy chair watching TV. Feba was in the kitchen washing dishes from dinner. He said Feba yelled from the kitchen to turn down the TV. “She’s always nagging at me about the TV when I’m watching my favorite show. She hates my favorite show,” he said. Abhir said he yelled back, “Wait for the commercial.” He said Feba yelled again to “turn the damn TV down.” He leaned forward but before he could grab the remote he suddenly felt a sharp blow against the back of his head. He was knocked face forward to the floor. As he tried to look up he saw a coffee mug land on the floor by his head. Abhir was rubbing the back of his head as he spoke to the officers. Officers observed a small cut on the back of Abhir’s head with fresh blood coming from it. They were also able to feel a welt about the size of a quarter and saw that the area was continuing to swell. Abhir declined medical treatment. Abhir said that his wife was crazy and demanded action from the police.

Officers spoke to Feba in the couple’s bedroom. She was sobbing, her face was red, and she was shaking. There was no evidence of physical injury to Feba. Feba told the officers that she and Abhir had argued during dinner. She had made Abhir’s favorite meal, but she had been running some errands that afternoon and was late getting the dinner ready. Abhir likes having dinner on time and gets mad if it isn’t ready when he wants it, she said. When dinner was over, Abhir went to watch TV while Feba cleaned up. Abhir yelled that he wanted some coffee. Feba said she yelled right back that he could get it himself and to turn the TV down — he always has it too loud and it seemed to her that it was deliberate, just to make her mad. As usual, Feba said, Abhir ignored her. Then he yelled again that she was worthless and no good and that he wanted something to drink.

Feba said she had a mug in her hands that she was drying with a dish towel and that she just snapped. She was mad and she threw it at him in the living room where he was sitting and she wasn’t sure whether it hit him or the back of the chair. She admitted to officers that she threw

the mug in anger. Feba said she was fed up. She and Abhir have been married for 36 years. During that time, she says that he has intimidated and threatened her on a regular basis. She said he has physically injured her at least a half a dozen times. In the worst incident, Feba said that Abhir punched her in the face, held her down, and then threatened to kill her. She received a black eye in that incident but didn't seek medical treatment. She says she is afraid that Abhir will seriously harm or kill her. She has never gone to the women's shelter, called police, or sought a protection order. She said she is ashamed about her marriage and has only told her sister about Abhir's behavior. Feba and Abhir have three grown children who currently live out of state. After completing the interviews of Abhir and Feba, officers placed Feba under arrest for assaulting Abhir and transported her to the county jail.



Sample script (Slide 32): Now that you've had a chance to read this case, discuss the following questions in your small group:

- Who will you arrest and why?
- What charges will you bring against the defendant?
- What are some of the possible effects on the defendant for being arrested?
- What will stop the violence?
- What is justice in this case?



Facilitator notes: After groups have some time to discuss, you can inquire as to some of their answers, or you can wait until after you present the remaining content in this section and then ask if they would answer differently based on what they've heard.

The effect of arrest and conviction on victim defendants

slide #33

- Victim defendants' safety is undermined and coercive control increases when victim defendants are arrested and convicted.
- Convictions of victim defendants create financial dependence on the abuser and makes it more difficult for the victim to get housing.
- It does not end his violence against her.



Facilitator notes: Refer to Handout #16 regarding determining predominant aggressors vs self-defense.



Handout #16: Determinations of predominant aggressors and self-defense in domestic violence cases



Sample script: Individuals who defend themselves against violence/abuse and are not the predominate aggressor should not be arrested. When both individuals are arrested at a domestic violence scene, this dual arrest further victimizes the victim, decreases the chances of the victim seeking future assistance, increases the possibility of a more serious offense, including homicide, and lessens your ability to prosecute the predominant aggressor.

Some important considerations in determining the predominant aggressor include:

- Prior complaints of domestic violence
- The relative severity of the injuries inflicted on each person
- The likelihood of future injury to each person
- Whether one of the persons acted in self-defense
- Who appears to be most afraid?

Other recommended considerations:

- Body language – who displays an aggressive stance and consider size of parties
- History of abuse – examine the paper trail
- Neighbor and witness statements
- Excited utterances and spontaneous statements
- Crime scene – does the scene match the statements of the parties, does the story fit the evidence
- Evidence and statements of others
- Whose things are broken
- General violence

Defensive injury tips:

- Be aware of injuries that seem minor compared to the other party's injuries
- Persons using self-defense will often admit to their use of violence but may not know what to call it
- A person who is being assaulted or is about to be assaulted may realize that they are no match for the violence that is about to be used against them and will often use a weapon or object as an equalizer

Self-defense wounds that may appear on an attacker:

- scratches to the back of hands, wrist, or arms
- scratches to face and neck
- bite marks on inside of arms (indicates possible strangulation of victim from behind)
- indications of hair being pulled
- groin or "kicking" injuries
- bite marks to chest or neck

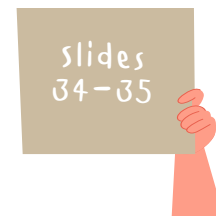
- injuries caused by any hard object or weapon
- injuries located predominately on back, buttocks, and back of legs (indicating defensive fetal position posture)
- injury to top of or back of head
- scratches to back
- eye injuries (gouging)



Facilitator Note: Refer to Handout # 21: When Battered Women Fight Back: A Template for Prosecutors



Sample Script: This template is an example of a tool that can be used to evaluate women’s use of violence and determine an appropriate response by the criminal justice system. Take some time to look over this handout. How could you use a tool like this in a case like Abhir and Feba’s?



5.5 PRE-TRIAL RELEASE

Instructions for all three segments are included in the box below.

Length	45 Minutes
Overview	Facilitators will provide a lecture on important safety considerations related to pre-trial release in DV and SV cases. Facilitators will discuss no contact orders as a method of keeping victims safe. In addition, facilitators will discuss requests for modifications of no contact orders by the defendant or the victim. Then, facilitators will lead participants through an exercise using the case scenarios.
Objectives	Prosecutors will gain an understanding of the potential safety concerns arising from pre-trial release in DV and SV cases. Prosecutors will reflect on their role in keeping victims safe through requests for no contact orders and other measures. Prosecutors will be encouraged to engage victims in identifying their safety and needs, and will be challenged to think creatively about how the criminal justice system can contribute to victim safety.
Preparation	<ul style="list-style-type: none"> • Review in-country processes for the protection measures available to victims through a criminal no contact order or civil order. Adjust the list you provide accordingly. • Prepare to divide participants into their case related groups for discussion in 5.5.3.

Materials	Handouts: <ul style="list-style-type: none"> • # 17 Conditions for Pretrial Release • # 18 Guidelines for the Modification of No-Contact Orders • # 5: Case Scenario: Bashira’s Case • # 8: Police Report - Long Version • # 10: Case Scenario: Nur’s Case
Session type	Lecture and exercise

5.5.1: Pretrial Release Lecture

slide #34



Sample script: The safety of victims must always be a prosecutor’s primary concern in all decisions. This is particularly true regarding decisions relating to arrest, pretrial detention and bail. The prosecutor’s role is crucial in ensuring the protection of victims. Involvement in the criminal justice system may be extremely dangerous for some victims. They may be at great risk of intimidation, further harm and retaliation. Prosecutors should be knowledgeable about the various risks certain victims might face, whether from abusive partners, the community, or from organized criminal groups. Protective measures should take into account the physical and emotional needs of the victim. While such measures are usually applied before the trial in order to ensure that the victim will be available for the criminal trial, these measures should continue as long as they remain necessary throughout and beyond the trial.



Facilitator notes: You can also refer to this guidance from the ESP Module 3:

- Pre-trial release/bail hearings must take into account the risk to the victim/survivor and consider her safety:
- where there is sufficient risk of violence or concerns that the suspect will not obey imposed release conditions, detention pending trial should be considered
- the victim/survivor should be informed of any pre-trial release or bail conditions and whom to contact if any conditions are breached. (p. 21)

These slides include some key indicators of the safety risks that domestic and sexual violence victims may face.

Key information in domestic violence cases

- Whether there is a history of violence
- Whether the victim fears further violence and the basis for that fear
- The victim’s opinion on the likelihood that the accused will obey a term of release, particularly a no-contact order

- Whether the accused has a history of alcohol or drug problems, or mental illness
- Whether the accused has a history of breaches of judicial orders
- The details of all previous domestic violence charges and convictions
- Evidence that the accused possesses firearms or other weapons (such as license, registration)

slide #35

Key information in sexual violence cases

- The victim's assessment of risk of danger, threats or pressure
- Whether the accused has a criminal record
- Whether the accused has a history of breaches of judicial orders
- The degree of violence implicit in the charge
- A threat of violence the accused may have made to any person. (This is key information in trafficking in persons cases)
- The victim's need for anonymity in view of the danger (in jurisdictions where this is permitted)
- Notification to victim when the suspect is released
- Whether the accused has an organized criminal group affiliation
- Notification to victim of protection measures already in place, i.e. if victim is being considered or being processed for witness protection programs

Klein, A., Practical Implications of Domestic Violence Research: For Law Enforcement, Prosecutors and Judges, National Institute for Justice, U.S. Department of Justice, 2009, <https://www.ojp.gov/pdffiles1/nij/225722.pdf>



Sample script: Prosecutors can request a range of conditions for pretrial release, including those listed on Handout #15. Is it part of your practice to ask the court to impose any of these conditions? Which conditions would be a possibility in your community?

Refer to Handout #17 Conditions for Pretrial Release

- No contact provisions (no contact with the victim and any other designated witnesses or persons, such as the victim's children). This can include restriction of movement of the defendant, for example victim's home, work or school
- Prohibition of third parties contacting the victim on behalf of the defendant
- Refraining from committing any criminal offences
- Travel restrictions (i.e. not allowed to leave the jurisdiction of the court without prior court order or required to relinquish passport to court)
- Prohibiting possession of firearms, ammunition, explosives or weapons.

- For sexual assault charges, request DNA and/or HIV/STD testing of the defendant
- House arrest
- Reporting condition (i.e. regularly reporting to probation or a pretrial service)
- Maintaining full employment.
- Refraining from the use of alcohol or illegal substances, attending alcohol treatment program
- Wearing of a Global Positioning System (GPS) monitoring ankle bracelet
- Compliance with any outstanding civil protection orders
- Prohibition from driving a car (if one has been used in committing the offence of criminal harassment)
- If harassment involved the use of a computer or other electronic device, prohibition of further use

5.5.2 No Contact Orders (45 min) – (No slide)



Sample script: No contact orders can provide protection for the victim while the criminal case is pending or even after it is completed. Module 3 of the ESP instructs justice systems to provide for immediate, urgent protection measures that are tailored to the needs of victims and their families. In addition the ESP emphasizes the importance of enforcing the protection order by imposing criminal sanctions for violations. [UN Women, Essential Services Package for Women and Girls Subject to Violence, Module 3: Justice and Policing](#), p. 28. These orders can be long term civil orders, emergency order or no-contact orders that are in place throughout the criminal process.

Depending on the law of the jurisdiction, protection measures can include:

- Barring the perpetrator from assaulting or threatening the victim
- Barring the perpetrator from being within a specified distance of the home, school, and work of the victim and from other places where the victim spends time
- Barring the perpetrator from contacting the victim in person, by phone, and by social media
- Setting conditions for visitation with children
- Giving temporary possession of the family home to the victim
- Prohibiting the perpetrator from using drugs or alcohol
- Prohibiting the perpetrator from possessing firearms
- Other measures, at the discretion of the judge, to ensure victim safety



Facilitator notes: Prior to the training, research which (if any) protection measures are available to victims through a criminal no contact order or civil order for protection in the country where you are training, and modify the list above. Ask the large group which of the available measures are regularly approved by judges. Which measures are more challenging to have included in the order? What are some creative/effective ways to advocate for the safety measures a victim needs in order to remain separated from the defendant?

Refer to Handout #18: Guidelines for the Modification of No-Contact Orders



Sample script: Sometimes the defendant will request modifications to a no contact order. Or, the victim may ask for modifications because the no contact order is causing challenges for her. It is essential that prosecutors keep the victim's safety in mind when considering how they will respond when a victim or defendant asks for the court to modify a no contact order.

Possible modifications that could account for victim safety and address challenges for victims may include:

Consider shortening the duration of order to provide for victim safety while reducing other burdens on the victim. This may allow victim to:

- File for a civil protection order if she wishes
- Locate alternative housing
- Consider and discuss the charges with the prosecutor without influence from the defendant

If a victim requests contact, keep in mind that in some cases a prolonged no-contact order may result in hardship for the victim.

Prosecutor needs to:

- Obtain specific information about the victim and implications of the order on victim and family.
- Evaluate the case in context while considering the totality of circumstances, including victim opposition, economic impact, offender intimidation, victim fear and danger posed by the defendant.
- Be sensitive to the victim's reliance on the defendant for child care, transport or income and collaborate closely with advocates/agencies to fill gaps created by restrictions on contact with the defendant in order to provide the victim with the necessary resources and assistance.

Consider options that allow limited contact where risk factors are minimal, the victim has requested contact and there is no evidence of coercion or intimidation. Consider the following options:

- Offer limited contact (i.e. public places or only e-mails, letters or phone calls) and monitoring it.
- Limit communication topics (i.e. discussions about children).
- Prohibit assaultive, harassing, threatening and stalking behaviors and communication.
- Prohibit firearms possession.
- Request random drug testing when abuse is indicated.
- Request compliance with treatment programs (i.e. alcohol treatment).
- Allow contact but exclude the defendant from the victim's residence. Any modification should only be considered when a victim is present in court and requests modification.

5.5.3 Pretrial Safety Concerns Exercise



Facilitator notes: Divide prosecutors into three small groups to discuss the following case scenarios, and the questions listed below. Give the groups 4-5 minutes to discuss, and then ask a member of each small group to report back.

Questions:

- Nur's case:
- What measures could you ask the judge to order to keep the victim safe?
- Bashira's case
- What would keep the girl and her mother safe from harassment by the accused, his father, and the community?
- What could you do to protect the victim's privacy?
- Emergency Call
- There was a no-contact order in place. The victim wants contact with the husband/abuser and to be able to return home. Will you support that?



5.6 VICTIM RECANTATION OR VICTIMS WHO DO NOT WANT TO TESTIFY (60 MIN)

Length	60 minutes
Overview	Facilitators will begin this section by dividing participants into 4 small groups to discuss the discussion questions on slides 37-38. After discussing their answers as a large group, facilitators will provide a mini-lecture on victim recantation and reluctance to testify, and on the negative consequences of victims being charged with “false reporting.” Facilitators will lead participants in a discussion about false reporting charges.
Objectives	<ul style="list-style-type: none"> • Participants will reflect on the barriers to victims’ participation in a criminal court case • Participants will consider that recantation does not always indicate a lack of credibility • Participants will reflect on the impacts of “False Reporting” charges • Participants will develop an understanding of the importance of support and protection to increasing victim participation
Preparation	<ul style="list-style-type: none"> • Prepare to divide participants into their case related groups for discussion. • Review key teaching points on false reporting charges against victims in advance and determine what you may cover. You may also want to review the resources and references listed below.
Materials	<p>Handouts:</p> <ul style="list-style-type: none"> • #5: Case Scenario: Bashira’s Case • #6: Case Scenario: Devna’s Case • #8: Police Report -Long Version • #10: Case Scenario: Nur’s Case
Session type	Exercise, lecture, and discussion



Sample script: Victims often do not want to testify in the criminal court process. This is very common throughout the world. Victims are often concerned that participating in the criminal justice process will affect their safety and well-being and will have little benefit for them. Unfortunately - these concerns are legitimate in view of the persistent failure of justice systems to believe victims, keep them safe and hold offenders accountable. Think back to the Sandbag Exercise we did during Module 1. Would you have wanted to participate in the criminal justice process if that would have resulted in your abuser getting arrested? Why or why not? Would you be concerned for your safety if you participated in the prosecution? (Allow 4-5 minutes for large group discussion.)

Exercise:



Facilitator notes: Divide the participants into 4 small groups to discuss the following cases. Give the groups 10 minutes to discuss, and then ask them to share their thoughts with the larger group.

Devna's Case: (Slide 37)

Devna's sister no longer wants her to live there and going back to her husband would mean further beatings. However, she does not want to be homeless. Devna decides to return home. Her husband tells her that the only way she can come back home is if she goes to the police station to tell them that she wants to drop any potential charges against her husband.

- What will you do if the victim tells you she wants you to drop the case because her husband says she can come home if she drops the charges?
 - » Would you proceed?
 - » How would you balance the victim's current interests with the goals of public safety and the risks of re-abuse?

Emergency call (Slide 37)

- The victim does not want to testify. She said she would if she is compelled but is scared. Will you compel her to testify?

Nur's case: (Slide 38)

- Why does the victim hesitate to participate in the criminal case?
- What measures could help her to feel safer and more supported?
- What are her other goals, and how can you help her meet them?

Bashira's case: (Slide 38)

- What will you do if the victim decides she does not want to participate in the criminal process?
- What will you do if she says she made it up or says it was consensual, in order to make the criminal process "go away"?
- What will you do if you also have physical evidence and a witness who says they witnessed the rape?
- Would you proceed with the case?
- Would you drop the charges?
- Would you prosecute the victim?

5.6.1 Should prosecutors allow victim opposition to a case stop them from prosecuting it?

slide #39



Sample script:

Prosecutors should not allow victim opposition to automatically stop them from prosecuting cases.

Although prosecutors should listen to victims, they should explain to victims (and, just as importantly, to defendants) that the decision to prosecute cannot be based solely on victims' preferences. They should also consider the victim's fears of the abuser retaliation for her testimony and the fear of testifying itself.

Prosecutors and justice system personnel should understand that a case-centered approach with limited support to victims and opportunity for her engagement will significantly increase the likelihood that victims seek to withdraw from the process. Using a victim-centered approach is more likely to keep the victim engaged because she will feel safe, supported, and heard.

Especially in sexual assault cases, prosecutors may need to weigh the harm the victim feels she will experience due participating in a case versus removing herself from it. A victim-centered approach ensures that the victim has enough support to truly make a meaningful decision about her involvement in the case. As we will discuss next, victims who have support, protection from unnecessary privacy intrusions and harassment, and believe their case is being taken seriously are more likely to stay engaged with a prosecution.

5.6.2 Can prosecutors increase victim cooperation?

slide #40



Sample script:

As noted above, victims' most commonly reported fear is that of retaliation from the abuser for her participation in prosecution. Nonetheless, lack of trust in the system, and experiencing re-victimization by participating in the system are other significant reasons victims choose to withdraw. This is why a victim-centered approach is so essential to achieving justice.

Fears of victims and increased participation by victims can be addressed by:

- specialized prosecution programs,
- increased victim advocacy contact,
- quality police contact with victim,

"The most significant step that prosecutors can take to improve victim safety is to ensure that victims have access to confidential advocates with whom they can work to identify the risks of their current situation and to develop safety plans to complement any court orders."

UNODC Handbook, 96

- increased victim contact with prosecutors,
- fast-track scheduling of cases,
- reducing victim vulnerability pending trial,
- minimize actions required of victim,
- address victim needs,
- pre-trial condition or detention and/or speedy trial dates,
- and specialized domestic violence courts.

Prosecutors must gauge defendant risk pending trial and take appropriate measures to address it in order to protect victims and to successfully prosecute the case.

Prosecutors should document and inform the court if defendants re-abuse, threaten or intimidate victims while cases are pending so that possible additional charges can be filed and subsequent absences of victims who are too fearful to testify in court can be justified, allowing for substitute hearsay testimony.

“Studies confirm that support and assistance to victims throughout the criminal justice system impacts on the continued participation of victims, increases the likelihood of successful prosecution and conviction, increases victim satisfaction irrespective of the criminal justice outcome, and reduces the effects of secondary victimization.”

Trial of Rape, p. 76

“Victims surveyed showed that in those cases that resulted in acquittals—but where victims were supported throughout by a lawyer, a support worker, or civil society organization—while they were disappointed in the outcome, they did not regret pursuing the case.”

Trial of Rape, p. 76

5.6.3 False reporting charges against victims

slide #41



Facilitator notes: Key Teaching Points

1. Over 92 to 98% of victims who report or disclose sexual violence are telling the truth—the rational and research-informed response is to believe women and girls—and then investigate (e.g. start by believing). Treat EVERY report as valid.
2. A report to law enforcement about false testimony should only be considered false when a thorough investigation factually proves (evidence shows) that an assault never occurred or was never attempted.
3. Short of that, the victim’s statements should NOT be considered false (periodically review the categories police use to close cases and what they mean).
4. A case that is difficult to investigate doesn’t mean it’s a false report. Other common examples of misclassification are listed in the discussion below.
5. Recognize that perpetrators target vulnerable people who may be viewed by the community as less than credible. This helps them rape with impunity.

6. Believing that many reports are false keeps us from becoming victim-centered and offender focused.
7. We now know much more about how the brain reacts to traumatic situations and it shows we have significantly misunderstood and mischaracterized victims' behavior. Scientific research explains what we can expect in victims' reactions (during the assault and after), their memories and what they can recall, and what we can do to help them retrieve and tell about the assault. It has SIGNIFICANT implications for improving our work.
8. What prosecutors can do:
 - 1) Treat every case as valid ("[Start by believing](#)")
 - 2) Educate and counter myths about women lying (misinformation about victims, the crime, etc.) that appear in the media and generally in the community.
 - 3) Review systems responses to ensure they are victim-centered—centralizing safety, support, and self-agency for victims and trauma-informed (using the best practices we now have).
 - 4) Set high standards for all those involved in responding—advocacy, investigation, medical response, prosecution, judges, etc., recognizing the need for on-going training and coordination

Resources and References to review ahead of the training:

- United Nations Office on Drugs and Crime (2014), [Handbook on Effective Prosecution Responses to Violence Against Women and Girls](#).
- Lonsway, K., Archambault, J. and Lisak, D. False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault. Retrieved on 10-22-20 from: <https://www.nsvrc.org/sites/default/files/publications/2018-10/Lisak-False-Reports-Moving-beyond.pdf>
- Lonsway, K., Archambault, J. (2012). The "Justice Gap" for Sexual Assault Cases: Future Directions for Research and Reform. Sage Publications: Violence Against Women 18(2),



Sample script: In some jurisdictions, it is common for false reporting charges to be filed against a woman when she recants, or when police or prosecutors cannot find other evidence to corroborate her report of violence. Some laws even require such charges. This has profound deterrent effects for victims in considering whether they should report violence.

Media, community, and family members may attribute many motives to women and girls for why they might falsely report. It's important to listen for these and reframe them. Common beliefs are:

- Victim needs to preserve reputation - creates an alibi to cover up "bad" or illegal behavior like infidelity, drinking, pregnancy
- Victim wants to destroy perpetrator's reputation – revenge

- Victim regrets consensual intercourse
- Victim wants money - blackmail
- Victim wants attention or sympathy
- Victim is mentally ill, has dementia or is developmentally delayed

It's important for prosecutors to watch how the media also covers cases. Studies have shown that when this misinformation about victims is shared—fewer victims come forward, it makes it harder for victims to heal, it can put them in more danger, and it can make it difficult for judges and juries to take domestic and sexual violence seriously. It also contributes to a community message that belies the reality that violence against women and girls persists at pandemic levels across the world.

EXAMPLES of assumptions police and prosecutors make about what is false without investigating:

- Reports that do not meet the formal elements of your laws are not necessarily false.
- Reports that cannot be proven are not false.
- The lack of a thorough, skilled investigation does not mean that a report is false.
- A victim's account that may contain some inconsistencies does not mean a report is false. (Remember our discussion about how trauma affects the brain and memory, and the implications for proper interviewing.)
- When a victim disengages from investigation or prosecution, withdraws her statement, or fails to appear in court— it does not mean the report is false or that she was lying.
- Reports from a victim with mental illness should not be presumed as false.
- Reports where there is no physical injury to the victim are not false.
- Reports where there was no force or weapon are not false.
- Reports that do not come immediately to the police after the assault are not false (sometimes referred to as 'delayed' reports—but are actually the most common kind of report).
- Reports where victims were involved in criminal behavior prior to the assault are not inherently false.
- Reports from victims who know their assailant prior to a sexual assault are not false - in fact, most sexual assaults are committed by someone the victim knows.
- Reports where police cannot locate the victim or assailant are not necessarily false

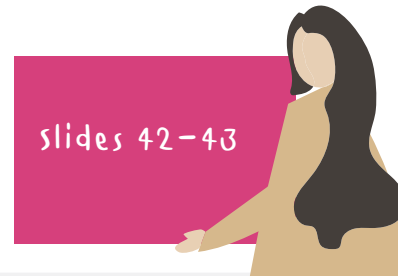
As a leader in the community response to sexual violence, it's important for prosecutors to combat myths and misinformation about sexual assault victims—this will help victims and make it easier to prosecute cases.



Facilitator notes: Facilitate a large group discussion on false reporting charges. Are these charges common in your community?

What is the effect of filing false reporting charges:

- On the victim when she reports to the police she wants to change her statement?
- On other victims of violence?
- On perpetrators? How will it impact their future behavior?
- On the community?



5.7 PLEA BARGAINING (45 MIN)

Length	45 minutes
Overview	Participants will reflect on the impact of plea bargains in VAWG cases on the victim, the perpetrator (accountability), and the community (non-tolerance of VAWG).
Objectives	Prosecutors will be discouraged engaging in plea bargaining that does not reflect appropriate offender accountability, achieve justice, or protect victim safety.
Preparation	<ul style="list-style-type: none"> • Research the use of plea bargains in the local jurisdiction. What is the frequency? What are common plea bargains for various VAWG charges? • Prepare to divide participants in groups per the case scenarios.
Materials	<p>Handouts:</p> <ul style="list-style-type: none"> • #5: Case Scenario: Bashira’s Case • #6: Case Scenario: Devna’s Case • #8: Police Report -Long Version • #10: Case Scenario: Nur’s Case
Session type	Lecture and exercise



Facilitator notes: Begin the session by asking participants: Is it common to resolve DV and SV cases with plea bargains in your community? What is a typical plea bargain for domestic violence? For rape? For other sexual violence crimes? Ask 3-4 participants to share.



Sample script: Plea bargaining is common in criminal cases. However, prosecution protocols and guidelines should discourage the routine downgrading of charges in order to receive a plea of guilty from the accused. Dispositions such as deferred prosecution, dismissals, and downgrades to ordinance violations or underlying offenses in violence cases is harmful. These types of dispositions do not promote perpetrator accountability and generally do not include monitoring of the perpetrator for compliance with court orders. Furthermore, they fail to allow identification of repeat offenders resulting in a lost opportunity for deterrence through application of increasingly severe sanctions (UNODC Handbook).

slide #42



Facilitator notes: Divide participants into four groups, one for each scenario (Bashira's case, Devna's case, Nur's case, and the Emergency Call case).



Sample script: Imagine that in all but one of our exercise scenarios, the prosecutor has proposed a plea bargain. In the emergency call case, a plea bargain was rejected and the case will be going to trial. Discuss the following questions:

- What are your obligations as a prosecutor to inform the victim and get input about a proposed plea?
- What if the victim disagrees with the plea bargain?
- Does the victim have the right to speak to the judge if they disagree with the plea?
- Would the prosecutor inform them of that right? Would the prosecutor notify them of the hearing on the plea bargain? What is the decision-making process you use for proposing a plea?
- In Bashira's case, would you consider accepting a plea agreement that allows Sajit to plead guilty to lesser charges? Would that be a charge that doesn't include an explicit sexual assault element?
- Will you include any requests for restitution in the plea bargain?
- Will you push for the defendant to offer a complete disclosure and admission in a plea?
- How does your assessment of any ongoing risks to the victim affect the conditions of the proposed plea?

slide #43



Sample script: "Victim input into any plea agreement can both empower the victim and result in a more just outcome, since the prosecutor is less likely to accept a guilty plea based on a misleading or untrue set of facts." (UNDOC Handbook p. 87).

Prosecutors should keep in mind that even though a plea bargain may meet the prosecutor's goals, it may not feel like justice to the victim.

“Researchers examining the difficulties of rape victims throughout the criminal justice process emphasize that a “win” for a prosecutor (i.e. a guilty plea to any charge) may not be the justice sought by a victim who needs, for example, the truth of her experiences to be publicly acknowledged or wants to prevent the offender from sexual assaulting others.” 88 United Kingdom Centre for Research on Violence Against Women “Question 7. What percentage of rape gets prosecuted? What are the rates of conviction?”, Research to Practice Brief (December 2011).



5.8: EXPERT WITNESSES ON DOMESTIC VIOLENCE

Length	10 minutes
Overview	In this segment, facilitators will provide a mini-lecture on the use of expert witnesses in criminal trials by prosecutors. Then, facilitators will facilitate a large group discussion about the current use of expert witnesses or the opportunities to utilize them
Objectives	Prosecutors will understand how expert witnesses can help explain victim behavior.
Preparation	N/A
Materials	Handout #14 Domestic Violence Expert Testimony
Session type	Lecture and discussion



Sample script:

Expert testimony on domestic violence and its effects is an important tool in criminal legal cases for prosecutors, when issues involving domestic violence are involved. Expert testimony on domestic violence and its effects not only educates fact-finders on the dynamics of domestic violence but also helps them have a more nuanced understanding about behaviors of victims that might otherwise seem puzzling. This critical information can help judges and juries make more accurate assessments of facts that aren't tainted by common misconceptions and assumptions about domestic violence and its effects.

Though expert testimony on domestic violence and its effects has long been admitted in some form by many countries around the world, jurisdictions differ widely in both law and practice about the ways expert testimony is used in criminal courts.

In criminal cases, the prosecution or the defense sometimes introduce expert testimony on domestic violence and its effects to support their trial theories. Despite the enormous – and impactful – efforts by anti-domestic violence advocates and others to educate the public about intimate partner domestic violence, courts continued to recognize the difficulties of lay people to really understand the complex experiences of victims of domestic violence. Expert witnesses often testify for the following reasons:

- A victim did not report the crime to the police right away. The expert will describe why delayed-reporting occurs.
- A victim changes their story to the police and reports that it did not happen even though the victim already gave a previous statement that it did.
- The victim tells the prosecutor that they will minimize what happened when they testify in court.

Large Group Discussion questions:

slide #44

- In the Emergency Call Case, what if the victim tells you that if she has to testify that she is going to minimize what happened?



Facilitator notes: if participants don't identify these points, offer them:

- Discuss why charging her with a crime will make her less safe if a participant states that is what they would do.
- Discuss the opportunities for an expert witness to be used
- Are you currently using expert witnesses in court for any type of cases? If so, what types? What are the barriers for you to use them in these cases?



Facilitator notes: While this section specifically addressed the use of expert testimony in domestic violence cases, expert testimony in sexual assault cases can also be very useful for many of the same reasons. Many juries and judges still hold myths and preconceptions that cloud their ability to fairly assess the facts in a case. Defense lawyers routinely play into these misunderstandings to prompt fact-finders to see one or more of the victim's reactions to trauma as indicators of falsehood, including amplifying even slight variations in the victim's account of the assault. Prosecutors can use experts to provide fact-finders with a better understanding of the impact of sexual violence and the diverse reactions victims have so that the facts of the case can be assessed more fairly.

One source for more information for prosecutors on the use of expert testimony in sexual violence cases is a webinar available here: <https://vimeo.com/210614534>

References:

Ellison, Louise (December 1,2005) Closing the credibility gap: The prosecutorial use of expert witness testimony in sexual assault cases. *International Journal of Evidence & Proof*, Vol 9, pp. 239-268.

Kristiansson, Viktoria. (March 3, 2016) Introducing Expert Testimony in Sexual Violence Cases. *AEQuitas: The Prosecutor's Resource on Violence Against Women Webinar* available at: <https://vimeo.com/210614534>

5.9 TRIAL CONSIDERATIONS (SLIDE 45-46)

5.9.1 Timeliness in trials (Slide 45)

Length	10 minutes
Overview	In this segment, facilitators will provide a mini-lecture on the importance of timely trials. Then, facilitators will facilitate a large group discussion about the impacts of potential delays in the Emergency Call case scenario.
Objectives	Prosecutors will understand the importance of timeliness to a victim safety and her participation in the trial.
Preparation	Prepare to facilitate the large group discussion.
Materials	Handout #8 Police Report: Long Version
Session type	Lecture and discussion



Sample script: It is particularly important that cases involving violence against women and girls should proceed on a timely basis. Prosecutors should be aware of how delays and protracted criminal proceedings impact victims. For instance, delays may increase the risk to the victim of retaliation, especially if the defendant is not held in pretrial detention. Delays can contribute to long-term mental suffering as well as make the victim feel disconnected with the criminal justice system and thus might contribute to their reluctance to continue with the criminal case. Delays can make it less likely that the victim or other key witnesses will testify. Delays in the criminal case could also impact other parallel court cases, for example, divorce child protection proceedings in domestic violence cases.

Large Group Discussion questions:

slide #46

- In the Emergency Call Case, what would be some potential impacts of delaying trial?



Facilitator notes: if participants don't identify these points, offer them:

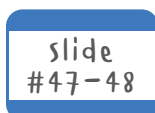
- Could cause delays in the child protection case that was opened regarding the victim's children
- More time for the perpetrator to violate the no contact order or pressure the victim to reunite
- Victim may become frustrated with the criminal justice system
- Prosecutor may lose touch with the victim
- What are the typical causes of trial delays in your community? What are some possible strategies for preventing delays?



5.9.2 Safeguarding victim privacy

Length	30 minutes
Overview	In this segment, facilitators will provide a mini-lecture about the relationship between victim privacy and safety. Facilitators will touch on laws and policies in some communities that prohibit introduction of evidence of the victim's prior sexual history. In addition, facilitators will provide examples of other ways that prosecutors can protect victims' privacy. Then, using the Bashira Case Scenario, facilitators will facilitate a large group discussion about how prosecutors could safeguard Bashira's privacy within local law and rules.
Objectives	Prosecutors will understand the importance of timeliness to a victim safety and her participation in the trial.
Preparation	<ul style="list-style-type: none">• Research local law regarding introduction of evidence of a victim's sexual history.• Research other options provided in the law for safeguarding victims' private information.
Materials	Handout #8 Police Report: Long Version
Session type	Lecture and discussion

Safeguarding victim privacy as safety during a trial



Sample script: As we discussed previously, fear of the perpetrator is one of the most significant barriers to victim participation in a trial. In sexual violence cases in particular, one crucial component of victim safety is protection of her privacy.

“Many jurisdictions prohibit the introduction of evidence of the victim's sexual behaviour that is unrelated to the incident being prosecuted to prevent the defence from abusing the criminal justice system to harass the victim. This is also to rebut the traditionally held notion that a woman who has consented to sex previously is more likely to have consented to the incident in question...For those jurisdictions without such laws, the prosecutor should strenuously object to this evidence as being irrelevant and prejudicial. This type of evidence is used by the defence to challenge the respectability and credibility of the victims and rely on damaging stereotypes of victims as being promiscuous and—by extension—immoral and not worthy of protection.” UNODC Manual, 100.

Whether or not local law prohibits or allows introduction of evidence about a victim's prior sexual history, prosecutors should consider strategies to protect the victim's privacy.

Some important considerations include:

- If there is crime victim rights' legislation—what does it offer in terms of privacy protection?
- Can you use pseudonyms or redact identifying information in reports?
- Are there other laws that can protect victims' records with: advocates, medical providers, mental health providers, employers, schools? It may be prudent to ask those entities to alert you immediately if the defense has requested records.
- Can the court seal documents, or redact portions of documents, if they needed to be provided?
- Can you bring a motion to exclude the public from one or more court hearings (may only work in specific cases)?
- Can sensitive documents (e.g. photos/results of the medical exam, tape of her interview) be kept by the court—and made available for the defense to review on the premises (not have a copy of their own to distribute)?
- Can you block attempts to admit information about victims' prior sexual history?
- Be especially aware of access to documents on-line and move to limit where possible.
- Make sure the victim understands with whom they can speak confidentially and where their conversations are privileged. Make sure she understands that is not the case with justice system personnel.
- Safeguard the victim's privacy in Interagency Coordination groups—get a signed release of information from a victim prior to discussing any of her confidential information. The release should be narrow, time-limited, and written.

(Resource: Victim Rights Law Center (2007), *Beyond the Criminal Justice System: Using the Law to Help Restore the Lives of Sexual Assault Victims—A Practical Guide for Attorneys and Advocates*).

Large Group Discussion Questions:

slide #49


Imagine that Bashira's case went to trial instead of being resolved by a plea bargain. In Bashira's case:

- Why is protecting Bashira's privacy important to her safety
- Under local law and rules, what are some steps you could take to protect her privacy?



5.9.3 Supporting Victims During Trial

Length	30 minutes
Overview	Facilitators will provide a lecture on supporting victims during trial, and facilitate a discussion using the Emergency Call case scenario. Then, facilitators will provide a mini lecture on providing support to a victim when the trial results in acquittal.
Objectives	Prosecutors will reflect on the importance of providing adequate support to a victim who is participating in a trial. In addition, prosecutors will consider what support they can provide to a victim when a trial results in acquittal.
Preparation	<ul style="list-style-type: none">• Research the availability of victim advocates and their relationship with prosecutors in the local community.• Research the availability of the other supports for victims mentioned in this lecture.
Materials	Handout #8 Police Report: Long Version
Session type	Lecture and discussion

 **Sample script:** Victims should be given the opportunity to participate in the criminal case as allowed by law. As we discussed earlier, ensuring that victims feel safe is paramount. Taking the time to prepare victims to give testimony is also critical to successfully prosecuting a case of violence against women and girls. Giving testimony in court can be intimidating for any witness, but particularly for a victim of domestic or sexual violence. Think back on all of our discussions about the emotional and cognitive impacts of violence, and about the effects of trauma on the brain and memory. If the victim must testify in the presence of the perpetrator, she may be extremely fearful or may feel as if she's reliving her trauma. These are some of the measures that prosecutors can advocate for in order to assist victims in fully participating in a trial:

Advocacy

slide #50

One of the most important steps a prosecutor can take is to ensure victims have access to support from trained advocates who will keep her conversations with them confidential and help support her in each step of the trial process.

Prosecutors can also support victims by:

slide #51-52

- Objecting to any unnecessary delays or continuances.
- Communicating the nature and outcomes of specific motions made prior to trial if not prejudicial (e.g. what evidence is being allowed, whether witnesses will be sequestered, etc.)

- If possible, seeking to block or limit admission of a victim's prior sexual history at trial; likewise with any other private information meant to intimidate the victim or would unnecessarily disclose her identity or address if that would put her in danger.
- If trial is the stage where victims can seek compensation (See Trial of Rape, p. 78), ensure the victim has the time and guidance needed to prepare such a request.
- Ensuring the victim has someone that can prepare the victim for what it will be like to be a witness in her case.
- Ask court for measures that permit the victim to testify in a manner that allows her to avoid seeing the accused for example screens, behind closed doors, closed circuit television (CCTV).
- Undertake approaches and ways to reduce the victim/survivor's stress (if allowed):
- Limit her testimony to relevant evidence
- Request a short recess when she is too distressed to proceed
- Identify options to avoid or minimize direct examination of the victim/survivor by the defendant
- Have the examination conducted through an intermediary
- Use video-recorded interview as evidence-in-chief



Facilitator notes:

If you have time, ask participants what other steps they do take or think they could take that would support participation by the victim. Some possible responses to listen for or offer are:

- Ensuring that the victim is aware of her rights to legal aid in those jurisdictions that allow victims to have their own lawyers in the criminal process.
- Making referrals to services that can actively support her attendance at court hearings, like assistance with transportation, child care, permission for time off work, etc.
- Obtaining and interviewing expert witnesses, if possible.
- Determining any special accommodations to be offered which will help the victim participate, testify, or cope with the trial. Examples are the use of an interpreter, the presence of additional support person for a child victim, etc.
- Identifying safe waiting areas, away from defendants and their families, for court hearings and the trial.

In the case of the girl victim, use child-sensitive procedures including interview rooms and modified court environments, and take measures to ensure hearings and interviews are limited and are scheduled at times of the day appropriate to the age of the girl and separate from the accused.



Facilitator notes: Not all of these measures will be permissible by law (or possible given available resources) in every jurisdiction. Research the law of the jurisdiction prior to the training. You can also engage the participants in a large group discussion here, asking, "What measures are available in your community to facilitate victims' safety and protection during a trial?"

Large Group Discussion Questions:

slide #53

In the Emergency Call case, what supports are already in place that could be continued through the trial? Share ideas for how you could work within your local law and rules to provide support for the victim during trial.

What can a prosecutor do when a perpetrator is acquitted? (15 min)

slide #54



Sample script: As you all know, you will not win every trial. Your treatment of the victim after a trial where the defendant is found not-guilty can impact her sense of safety and well-being for the rest of her life, as well as the likelihood that she will trust the criminal justice system in the future. Let's think about Bashira's case. If Sajit is acquitted, what are some things you would want to communicate to Bashira? Can you think of ways to promote her safety and maintain her trust in the criminal justice system?

slide #55



Facilitator notes: After hearing suggestions from the participants, offer the following suggestions:

- Meet with the victim (and her family or identified support people) to talk through the verdict and address any questions they had about the trial.
- Convey appreciation for her support and participation
- Again assess their safety and review the plan. Does a no-contact or restraining order still hold? Discuss what she should do if Sajit contacts her.
- Return any property still in evidence
- Make referrals to additional services as appropriate
- Consider asking if it would be okay to contact her in a few months to see how she is doing (especially if there are no other advocacy services available or involved). Only do this if you have capacity to follow up.
- Tell the victim that you believe she was abused, and you hope she will report any future abuse.



5.10 SENTENCING AFTER CONVICTION (30 MIN)

Length	30 minutes
Overview	Facilitators will provide a lecture on victim-centered sentencing practices, and facilitate a discussion about sentencing in the Emergency Call case scenario.
Objectives	<ul style="list-style-type: none">• Participants will discuss strategies for advocating with the court to achieve sentences that are commensurate with the crimes committed.• Participants will learn the importance of providing victims the opportunity to give input into the sentence and any other outcomes (such as the perpetrator's participation in a nonviolence/behavior intervention program), in jurisdictions where this is allowed.• In addition, they will learn the importance of post-sentence communication and support for the victim.
Preparation	<ul style="list-style-type: none">• Research typical local sentencing practices.• Research whether the law and court rules provide for prosecutor recommendations on sentencing and for victim input on sentencing.
Materials	<ul style="list-style-type: none">• Handout #19: Victim-Centered Sentencing• Handout # 20: Post-Sentencing Support for Victims
Session type	Lecture and Discussion



Sample script: In jurisdictions where prosecutors can make recommendations regarding the appropriate sentence, they should ensure that sentences are commensurate with the gravity of the crimes committed. They also should keep in mind that their recommendation contributes to consistencies in sentencing. As part of the recommendation, they can alert the court to relevant factors such as aggravating disclosures made by the prosecution case and the impact of the crime on the victim and society. They should also ensure that all appropriate information is before the court in order for the court to make an informed sentencing decision.

Large Group Discussion Questions

slide #56

- In the Emergency Call Case, what would be justice?
- What sentence would you recommend, and why? If the perpetrator does not serve jail time, what type of monitoring and programming would you recommend?



Facilitator notes: Refer to Handout # 19- Victim-centered Sentencing and see (Slide 57) to lead a discussion on what Victim-Centered Sentencing can include.

- Advocate for sentencing that is commensurate with the gravity of the crime committed
- Advocate for the victim's opportunity to give input on the sentence and any rehabilitation programming
- Oppose reductions in sentences based on "honour," "crime of passion," the victim's character or similar justifications that reflect bias against women

Other possible examples:

- Requesting a sentencing hearing and ensuring that the court has all the information it needs to sentence appropriately;
- Ensuring the court considers a risk-assessment of offender dangerousness at the time of sentencing;
- Assist and support the victim to prepare a statement and then give them support at the time they give it.
- Ensuring the court hears from the victim about the impact of the assault at the time of sentencing;
- Recommending a sentence that reflects the nature and gravity of the offence, the history of sexual and physical abuse, previous efforts at rehabilitation, the defendant's character and current rehabilitative needs and the interests of the community in protection and punishment;
- Explain disposition options to victim and her support system and what they mean. Invite her to share what she would like to see happen--while not letting it be the primary determination for what you do and making her aware that her preferences are not determinative. Let her know what the prosecutor will be recommending.
- Being alert to arguments in mitigation that detract from the character of a witness and be ready to challenge anything which is misleading, untrue or unfair;
- Arguing against reducing sentencing for "honour-related" crimes, or where the victims are viewed as particular "types", such as sex workers or non-virgins. Victim participation at the sentencing stage can vary from jurisdiction to jurisdiction. At the time of sentencing, there might be a variety of ways available to the victim to discuss the impact of the violence on her life including:
 - Orally addressing the court
 - Writing a letter to the judge
 - Submitting a victim impact statement
 - Having family, friends and members of the community address the court (orally or in writing)
 - Cooperating with the probation officer or court appointed officer who is conducting a pre-sentence report.

- If the victim is willing, request that the pre-sentence investigator interview the victim about the nature of the harm and any other relevant information and include a victim's statement in their report to the judge for sentencing. Ensure the investigator knows their focus is to understand the nature of the offense and the offender and that this is not a time to yet again question a victim's credibility or blame them to mitigate the offender's accountability.



Sample script: Before sentencing, meet with the victim to explain the possible outcomes and to get her input on the following issues:

- disposition options (jail, prison, probation, etc.) and what they mean
- options to include restrictions or prohibitions of the offender contacting the victim if the victim desires
- explain the scope and nature of any risk assessments, treatment evaluations, and offender registration requirements (if applicable)
- any rights she has to provide input into reports, sentencing requests, or to speak directly to the judge,
- notify the victim of who may contact them to give input into reports
- notify the victim of her right to request restitution and how to go about it (if not yet addressed)
- explain what your sentencing recommendations are likely to be, ask what she would like to see happen and if she wants you to include that in your recommendations to the court
- If sentencing has occurred as a result of a plea agreement, let the victim know if she has a right to object to it and address the court
- date and time of sentencing hearing and any support available to help her get there.



Handout #20 - Post-Sentencing Support for Victims (15 min) (No slide)



Sample script: After the perpetrator is sentenced, it's important for the victim to understand what this means for her. Meet with the victim and explain:

- the outcome of sentencing so she understands what happened, especially if she was unable to attend in person
- if the offender will be on probation: ensure she understands the conditions of his probation and how to reach his supervising agent should she be aware he is violating them
- If offender will be in custody: address how she can be kept informed of changes in the custody status of the perpetrator and when he might be released. If she must do something to ensure this happens (e.g. filing a request, keeping her address up to date with an agency), explain this as well.
- whether there will be any post-conviction appeals and, if so, what that process may look like
- how to retrieve her property that was in evidence should she want it (or provide it back to her at the meeting) and it's no longer pending appeal

- how you or another agency will inform her of any probation violation hearings (should she request being informed) and when the offender is off of probation and no longer subject to any conditions
- whether she has a right to request a probation review hearing if the offender has failed to pay restitution
- whether she may be contacted (and if she has the right to refuse) about providing information for or participating in any kind of treatment program for the offender, or the option to participate in any victim-offender dialogue sessions

6. Conclusions (10 min)

slide #58



Sample script: As we conclude our training, we will leave you with four questions to ask yourself in every violence against women case you handle:

- Is your action victim-centered, victim-dependent or case-centered?
- How have you accounted for the trauma that victims have experienced?
- What criteria did you use to assess the strength of your VAWA case?
- What actions have you taken to assure victim safety?

Being attentive to these four questions will shift your practice to better protect victim safety, hold perpetrators accountable, and ultimately, achieve justice.

Comments and Questions

slide #59



Facilitator notes: Ask participants to share any final thoughts or questions they have regarding the material presented during the training.



ANNEX



Module 1: Materials List

Training Package for Prosecutors Responding to Violence Against Women and Girls in Asia and the Pacific

Materials	Quantity	Reference
Large paper for wall poster	11 sheets	Section 3 Section 6
Post-it notes	At least 10 per person	Section 3
Pens	Enough for all people	Section 3
Whiteboard		Section 4 Section 5.4 Section 6
Markers		Section 5.4 Section 6
Flip chart paper	Enough for all people	Section 4
Paper for participants		Section 4 Section 7
Writing utensils	Enough for all people	Section 4 Section 7
Video of victim sharing experience (from local partner)		Section 4
Handouts 1-4	Enough for all people	Section 5
“Cup of Tea” video		Section 5.2
Cloth material for a sling		Section 5.4
Videos of women talking about the effects of violence (see links)		Section 6
Handouts 5-6	Enough for all people	Section 9

Module 2: Materials List

Training Package for Prosecutors Responding to Violence Against Women and Girls in Asia and the Pacific

Materials	Quantity	Reference
Emergency Call Video and Recording		Section 2
Selective Attention Test Video: counting basketball tosses		Section 5.2.1
Paper and writing utensils	Enough for all Participants	Section 5.2.2
Module 2 PowerPoint Slides Package		starting with Section 1 and throughout
Equipment for projecting slide package (e.g. laptop, cords, projector, screen or blank wall)		
Handouts 5_Case Scenario: Bashira's Case	All participants OR Enough for each person in the small group assigned to Bashira's Case	Sections 3.2, 5.1, 5.2.2, 5.3.1, 5.4.1, 5.5, 5.6, 5.7
Handout 6_Case Scenario: Devna's Case	All participants OR Enough for each person in the small group assigned to Devna's Case	Sections 3.2, 5.1, 5.3.1, 5.4.1, 5.6, 5.7
Handout 7_Police Report: Short Version	1/2 group gets this scenario, but may want enough for all participants for comparison purposes	Section 2
Handout 8_Police Report: Long Version	Initially 1/2 group in Section 2, then enough for all participants	Sections 2, 5.2.2, 5.3.1, 5.4.1, 5.5, 5.6, 5.7, 5.9.1, 5.9.2, 5.9.3
Handout 9_Exercise: Decision Making in Prosecution	Enough for all Participants	Section 3.1

Materials	Quantity	Reference
Handout 10_Case Scenario: Nur's Case	All participants OR Enough for each person in the small group assigned to Nur's Case	Sections 3.2, 5.1, 5.3.1, 5.4.1, 5.5, 5.6, 5.7
Handout 11_Effective Interviewing	Enough for all participants	Sections 5.2.1
Handout 12_Additional Evidence Regarding Bashira's Case	All participants OR Enough for each person in the small group assigned to Bashira's Case	Sections 5.3.1, 5.4.1, 5.2.2, 5.4.1
Handout 13_Domestic Violence Evidence Collection	Enough for all participants	Section 5.3.2
Handout 14_Domestic Violence Expert Witness	Enough for all participants	Section 5.8
Handouts 15_Case Scenario: Abhir and Feba	Enough for all participants	Section 5.4.2
Handout 16_Determinations of Predominant Aggressors and Self-Defense in Domestic Violence Cases	Enough for all participants	Section 5.4.2
Handout 17_Conditions for Pretrial Release	Enough for all participants	Section 5.5
Handout 18_Guidelines for the Modification of No-Contact Orders	Enough for all participants	Section 5.5
Handout 19_Victim-Centered Sentencing	Enough for all participants	Section 5.10
Handout 20_Post-Sentencing Support for Victims	Enough for all participants	Section 5.10
Handout 21_When Battered Women Fight Back: A Template for Prosecutors	Enough for all participants	Section 5.4.2

HANDOUT LIST

Module 1: Developing a Shared Understanding of Violence Against Women and Girls

Handout No.

1. Three Types of Domestic Violence
2. Power and Control Wheel
3. Equality Wheel
4. Coercive Controlling Violence and Abuse, Resistive Violence and Relationships Based in Equality
5. Case Scenario: Bashira's Case
6. Case Scenario: Devna's Case

Module 2: Victim-Centred Prosecution

Handout No.

7. Police Report Exercise: Short Version
8. Police Report Exercise: Long Version
9. Decision-Making in Prosecution
10. Case Scenario: Nur's Case
11. Effective Interviewing
12. Additional Evidence in Bashira's Case
13. Domestic Violence Evidence Collection
14. Domestic Violence Expert Testimony
15. Case Scenario: Abhir and Feba
16. Determinations of Predominant Aggressors and Self-defense in Domestic Violence Cases
17. Conditions for Pretrial Release
18. Guidelines for the Modification of No-Contact Orders

Three Types of Domestic Violence

Not all acts of domestic violence are the same. For promoting effective intervention by legal systems and other community agencies in cases of intimate partner violence, we define three types.

Coercive controlling violence and abuse is also known commonly as battering. This is the ongoing patterned use of intimidation, coercion and violence, as well as other tactics of control to establish and maintain a relationship of dominance over an intimate partner. Within the context of coercive controlling violence and abuse, a single incident is part of a larger and complex system of controlling, coercive and intimidating behaviours and actions. Perpetrators who use coercive controlling violence believe they are entitled to control the actions, thinking and behaviours of their partner and children.

Coercive controlling violence and abuse is distinguished by physical violence, sexual violence, and dominating and demeaning conduct. It creates fear in the victim and a significant power gap between the perpetrator and the victim. The victim has little or no autonomy in this type of relationship and often feels trapped. Perpetrators give victims the message, explicitly or implicitly, that “you can’t leave me without being punished”. Continued acts of violence create great vulnerability in victims, diminishing the ability to speak freely, leave the relationship or participate in system interventions.

The Power and Control Wheel best depicts this type of domestic violence. It was developed in partnership with women who had experienced coercive controlling violence and abuse.

Resistive domestic violence includes both legal and illegal use of force, which is used by victims to control their abusers’ use of coercive and controlling tactics or in reaction to other men’s violence against them as women. Most victims of coercive controlling violence and abuse use many other tactics to try to stay safe before using violence to resist the oppression and violence they live with. Victims will often try to negotiate with their abuser, appeal to family members and friends, appease their abuser, or separate from their abuser before resorting to this type of domestic violence.

Abuse unrelated to coercive control is used by one intimate partner against the other, and is neither an ongoing attempt to exert coercive control nor a response to coercive control. It encompasses all other acts of domestic violence, which can be subdivided into categories such as:

1. **Situational violence**, in which one or both parties use violence, but not as part of an ongoing pattern of coercion and intimidation; no element of entrapment or fear is present.
2. **Pathological violence**, in which ending or controlling the pathology would end the violence (mental illness, drug and alcohol addiction with no pattern of coercion and entrapment of the partner, brain damage).

3. **Anomie** is violence associated with a breakdown in social order. Examples include the increase in rape and abuse of women by their partners in desperate social conditions, such as those experienced during war, natural disasters and in refugee camps. In such violence, women are often targets because of underlying gender asymmetry in the society, but the elements of attempting to control and assert entitlement in a personal relationship are not necessarily present.

Sources

Pence E., L. Connelly and M. Scaia. (2011). [*Turning Points: A Nonviolence Curriculum for Women*](#).

Asmus M. (2017). [*Got Justice? Options for Prosecutors When Battered Women Fight Back*](#). National Clearing House for the Defense of Battered Women.

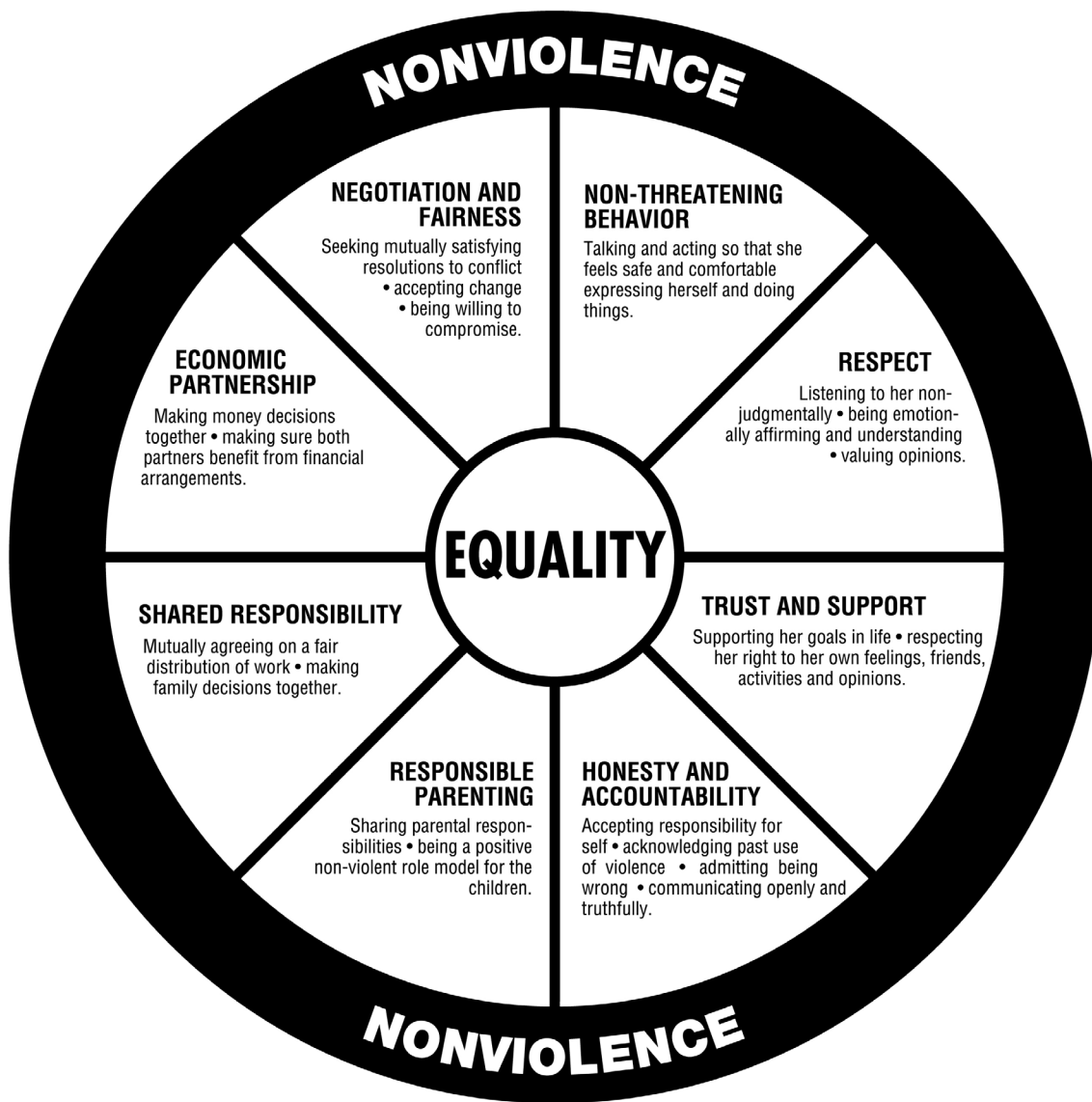
Stark E. (2009). *Coercive Control: How Men Entrap Women in Personal Life*.





DOMESTIC ABUSE INTERVENTION PROJECT

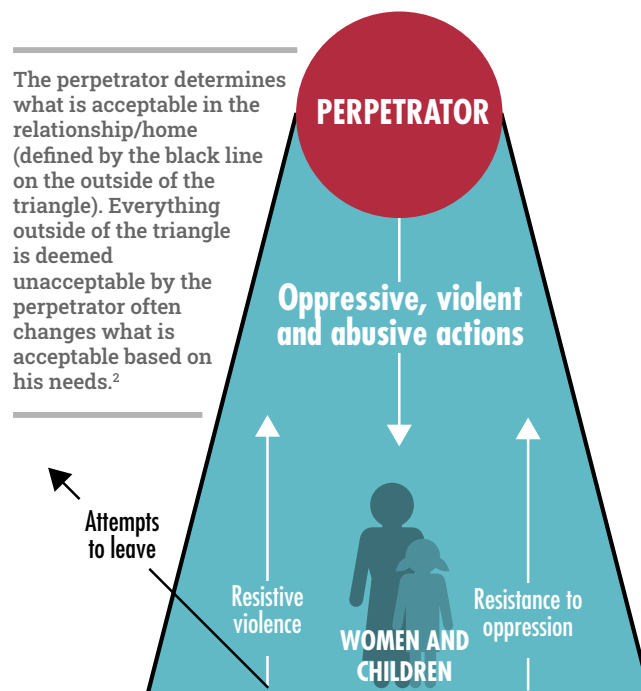
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DOMESTIC ABUSE INTERVENTION PROJECT

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Living with a Perpetrator of Coercive Controlling Violence and Abuse¹



With the threat and past use of violence, the perpetrator has the power to:

- Reward and punish.
 - Create rules and shape values.
 - Control systems and institutions.
 - Control the time and mobility of others.
 - Control resources and economy
-with the threat of violence and because of past use of violence.

Sources

Scaia , M., Connelly, L. and Pence, E. (2012): Turning Points: A nonviolence Curriculum for Women.

- Perpetrators entrap victims: “You can’t leave me without being punished.”
- The power differential created by violence shapes all interactions with outsiders and family members.
- Vulnerability to continued acts of violence influences a victim’s inability to speak freely, leave the relationship or participate in interventions by police, prosecutor, judges, child protection agents, etc.
- Perpetrator believes that his gender as male makes him superior to her – smarter, more reasonable, more logical, etc.

1 A number of the tactics listed here are represented on the Power and Control Wheel copyrighted by Domestic Abuse Intervention Programs in Duluth, MN.

2 Intimate partner and family relationships have a foundation of fear (hierarchical) or in equality (two circles graphic). While the same two structures of relationships are possible in LGBTQ+ relationships, this document specifically is describing the tactics and elements of heterosexual intimate partner relationships.

Woman (wife, mother to children)

- May have to enforce rules established by the perpetrator to stay safe.
- May end up believing in the myth that hard work and compliance with the perpetrator will make for a better life.
- May have fear of losing what they have and believe the perpetrator when he says “your life would be worse without me”.
- Economically dependent on the perpetrator and little to no say over resources.
- Objectified by the perpetrator and takes on his thinking, believing she is “not as smart”, “needs to get her life together”, “is crazy”.
- If she resists him, she will be harshly punished.
- Her time and mobility are controlled by him.

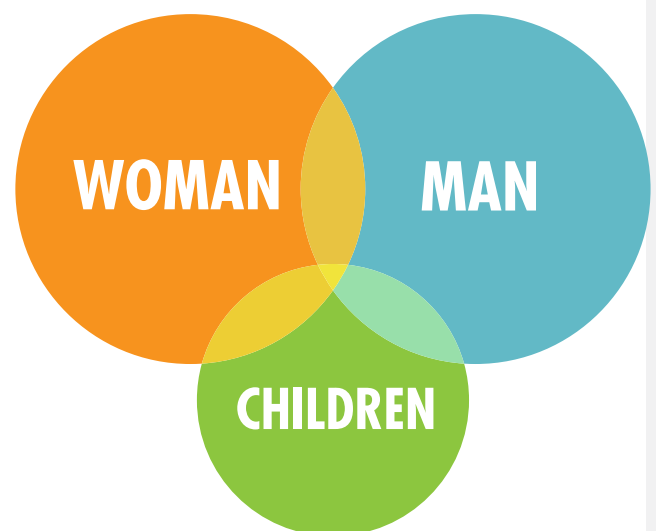
Children

- If there is more than one child, the perpetrator will often align himself with one of the children; he will reward this child for helping to enforce his rules.
- Children are expected to comply and not question his authority.
- If children disrespect the mother when it is an enforcement of his rules, it is a problem. If the children join him in disrespecting the mother, this is supported.

Partnership based on equality³

Men who seek a partner in a relationship based on equality:

- Listens to her non-judgmentally and values her options.
- Supports her goals in life and respects her right to her own feelings, friends, activities and opinions.
- Accepts responsibility when he makes a mistake and admits when he is wrong; communicates openly and truthfully.
- Shares parental responsibility and is a role model for the children.
- Makes money decisions with his partner, and makes sure that both partners benefit from financial arrangements.
- Is willing to compromise and not always get his way.



Sources

Scaia, M., Connelly, L. and Pence, E. (2012): Turning Points: A nonviolence Curriculum for Women.

³ A number of actions listed here are represented on the Equality Wheel copyrighted by Domestic Abuse Intervention Programs in Duluth, MN.

Sexual Violence Case Scenario: Bashira's Case

Bashira is 15 years old. One day, she was walking home when Sajit, a 17-year-old boy, approached her. He pushed her into a secluded area, forced her to the ground, and raped her. Sajit is the son of a prominent local businessman. Bashira suffered bruises on her wrists and scrapes on her back and genital injuries, which healed after a few days. She was terrified and ashamed. About a week later, Bashira's mother asked her why she had been so upset lately. Bashira told her mother, Durga, what had happened. Durga went to confront Sajit's father at his business. He vehemently denied that his son raped her daughter, and shouted at Durga, threatening to destroy Bashira and Durga's lives if they continued with their claims. Word got out in the community that Bashira had been saying that Sajit raped her. Two weeks after the rape, Durga attempted to take her daughter to the police station to make a report. Community members physically tried to stop them from entering the police station to make the report, but they managed to push past several people and get into the building. The police investigated, and forwarded the complaint and investigation to the prosecutor's office. The file included Bashira and Durga's statements and statements by Sajit and his father. No physical evidence was collected. Bashira and Durga are now ostracized by the community. People who used to be friendly now ignore them. Shops have even refused to sell items to them. The threat by Sajit's father is also hanging over their heads.

Domestic Violence Case Scenario: Devna's Case

Devna and her husband, Tej, had been married for two years when Devna gave birth to their first child, a baby girl. Tej had wanted a boy, and he began beating Devna after their daughter was born. Devna and Tej lived with Tej's parents. Soon, Devna's parents-in-law began participating in the beatings. Tej also obligated Devna to have sex every day, even when she told him she did not want to, and often after beating her. Eventually, when Devna did not become pregnant again quickly, Tej and his parents told Devna she must leave their home. Devna was able to stay with her sister, but there was not much room for her there. With her sister's encouragement, Devna filed a criminal complaint. By that time, several weeks had passed since she was last beaten, and her physical injuries had healed. Emotionally, she felt depressed, betrayed, hopeless and fearful. Devna said she either wanted to go home and have the violence stop, or needed monetary support to afford to live somewhere else.

Police Report Exercise – Report 1

Emergency Call - FC & DS & their family Incomplete report

Officer TE and myself attended (address redacted) for a domestic incident at 21:03 p.m. on (date redacted)

Alleged victim is a 43-year-old white female (FC) who works part time from home. They have two children, a 10-year-old daughter (name redacted) who is a step daughter to DS, and a one-year-old son (name redacted). All parties reside at this address.

Alleged offender (DS) is a 45-year-old white male who works as a gas fitter.

No weapons involved and no record of weapons at the address.

DS has minor history of driving while disqualified and driving under the influence of alcohol (twice within the last 10 years).

FC claims she has been assaulted by DS. There have been two previous responses to the address for arguments, one three months ago and one five months ago, by the parties.

Upon arrival at the residence Officer TE and I separated the parties and interviewed them.

The alleged offender (DS) was apologetic and admitted he had been yelling at FC because he was frustrated with her oldest child over her continued poor behaviour but denied assaulting her.

FC appeared somewhat upset and apologized for calling the emergency number and did appear worried but did not want DS arrested. Officer TE asked to see her back where she claimed DS had hit her but it was difficult to determine any redness or swelling from an assault.

FC was apologetic and hopeful that just by our attendance DS would calm down and not be so hard on her daughter because it was a constant arguing point between them.

Officer TE suggested counselling or perhaps a parenting course and FC seemed interested.

We cleared the residence at 21:33 p.m. after Officer TE briefly checked on the 10-year-old who was in her room playing on an iPad and seemed reluctant to talk after returning from the neighbour's house.

Officer SM

Emergency call: FC and DS and their family, best practices with strong narrative risk assessment questions

Synopsis:


Officer HD spoke with the alleged victims, the 43-year-old female and her 10-year-old daughter, and Officer ML spoke with the alleged offender, a 45-year-old male and father to the 1-year old son, and stepfather to the 10-year-old girl. The alleged offender was found to be of significant risk to his partner and his children, having assaulted FC in the incident, and so was charged with misdemeanor domestic assault and remanded in jail to appear in court the following morning. The alleged victim was referred to the local community domestic violence programme, which offers confidential advocacy. A referral will be made to child protection for the 10-year-old daughter and 1-year-old son because of assaults on their mother.

Narrative:

Officer ML and myself attended (address redacted) for a suspected domestic incident at 21:03 p.m. on (date redacted). Alleged victim is a 43-year-old white female (FC) (cell ### ##) who works part time from home. They have two children, a 10-year-old daughter (name redacted) who is a stepdaughter to DS (cell ### ##), and a 1-year-old son (name redacted). All parties reside at (address redacted).

On entering the residence I noted there was tension between FC and DS. The infant son was crying fitfully and appeared to be having trouble settling for bed. He was arching his back and refusing his bottle and had a very red face that gave the impression he had been crying for some time. FC was apologizing and also seemed upset and had red eyes as if she also had been crying. DS was blaming FC for not managing the child effectively. FC told me the 10-year-old daughter was at the house next door at (address redacted) and assured me that she was fine and they are very kind to her, and that she will come back home when FC makes a call to the neighbours.

My partner, Officer ML, asked the alleged offender (DS) if he could speak with him separately to get his account of what has happened this evening. DS agreed and they went out the rear door of the kitchen to a covered outdoor area adjoining the garage/workshop.



I asked the alleged victim FC if we could discuss what was happening for her but she seemed reluctant to speak to me. FC appeared somewhat upset and apologized for calling the emergency number and stated that she did not want DS arrested. Once FC was out of the room she did calm down somewhat. She was holding the 1-year-old child and he was now accepting a bottle and was calming down also.

I told FC that I was recording the conversation because we would be creating a police report from our interviews and the evidence we collect, and she once again said she did not want FC arrested. I told her that decision would be made by my partner and me.

I asked her to tell me what had happened this evening, and she started to cry and told me that it was something that happens a lot. She and her partner had arguments over her daughter who was not her partner's child, and he thinks she is very badly behaved and gets agitated when she doesn't do all the things he thinks she should do to help around the house. She said sometimes it's true, but he has a bad way of talking to her. FC gets caught in between them and their arguing because she feels she has to stand up for her daughter and she thinks he's too hard on her. I asked, "When there's an argument what happens? Is there violence? Does he hit your daughter? Are you frightened for her safety? Is your daughter frightened?"

She looked at me and paused and said, "No not really, but he gets very loud and calls her names and I hate it and everyone gets upset." I asked, "Has he ever made you afraid for your daughter's safety?" She quickly stood and walked to the other side of the room and turned away from me and said, "I love this man, he works hard for our family and he tries hard to be a good dad. It's stressful with a young family you know, he's doing the best he can." She seemed scared to answer my question and it left me unsure whether their daughter was safe or not.

I asked her how well she knows her neighbours and whether she has supportive family nearby. She seemed to relax a bit and said yes her neighbours are wonderful they love her daughter, and also her mother lives just down the road and is very helpful even though she doesn't get on very well with DS. She still helps them out several times a week so she can work at home when there's a rush on or the baby is unwell. I asked her if her partner tries to stop her mother coming over and she says no because he's not usually at home when her mother is helping.

I told her that we always ask a series of risk questions when we respond to domestic violence cases because domestic violence is so common and we want to make sure everyone gets the help and support they need.

1. Do you think he/she will seriously injure or kill you, your children or someone else close to you?

She said no she didn't think so, but he does need help with his anger and sometimes she is scared when he yells and cusses, and she knows it's very hard on the kids.

What makes you think so? What makes you think not? She knows he wants to be a good father and partner, but sometimes he falls back on behaviour he learned from his dad. Does he/she have access to guns? No, he's not someone who is even interested in guns.

2. How frequently does he/she assault you?

She responded, "Not very often. He did hit me tonight on my back but not really hard. But I don't think he meant to hit me. I just think when he gets really angry he doesn't know what else to do. He's just like his dad and when he thinks about it later he feels bad."

Describe the time you were the most frightened or injured by him/her. She said, "I'm frightened each time but I do get over it I guess. I don't want him to get into trouble or lose his job." I asked to see her back where she told me DS had hit her and there was a very slight redness but no swelling from an assault. I took a photo of her lower left back and submitted that photo as evidence. I asked her how many times DS has hit her previously and she told me about three times previously in the last two years.

3. Does he/she initiate unwanted contact either electronically or in person? Describe the unwanted contact. How often?

Her reply, "No, I don't think he does that."

4. How frequently does he/she intimidate or threaten you?

She told me that it's only bad when he gets upset about (their daughter) or when he thinks she's taking her side against him.

Has he/she intimidated or threatened you regarding talking to police or seeking help from the court? She responded, “No, I don’t think so but he thinks the courts and police are all against men.”

5. Has he/she ever forced you to do things sexually you didn’t want to?


She answered, “No, but he tends to want to have sex more than I want to, especially if he’s been drinking and I don’t like it when he won’t listen to me.”

I told FC that was concerning and that she has the right to say no to any form of sexual contact that wasn’t fully consensual. Drinking is not permission to pressure someone into sex. She said, “I understand that, but he’s got old-fashioned ideas about when you’re married it’s a woman’s responsibility to have sex if her husband wants it.” I asked her if he had pressured her into sex or some other sexual contact within the last few days. She said “no”. I told her that many women I talk to find it confusing and difficult to talk about something so private and yet it’s not uncommon. I told her that it was okay to tell me if DS was forcing her to have any form of non-consensual sexual contact – that I would listen closely.

I explained that even though he is her husband, it is still a crime for him to pressure or force her into sex or sexual contact. I explained that often people do want to talk about it, because they want it to stop, but they don’t always talk with me about it the first time we meet. I offered that if she ever wanted to talk with me about this, we could set up a separate time in a safe place to talk about it more. If she has questions about what will happen with any information she gives me, we can talk about that too before she tells me what happened.

I also explained that I often work with community advocates who are great at supporting people who are being hurt by their husbands. What women tell them is held in confidence. They won’t even tell me about something unless a woman gives them permission to do so. I told her I would give her the information for the community advocate and for how to reach me again before I left. She stayed silent, but her eyes welled up with tears. She nodded her head up and down indicating she understood and then wiped her eyes, shifted her weight, and then said, “Excuse me, I need to put my son to bed.”

At this point FC wanted to put her young child to bed and I was aware her older daughter had returned home from the neighbour’s house. I told her that I would have a brief talk with her daughter. I could hear that my partner officer was still



listening to DS in the back of the house so I knocked on the door of the daughter's room and asked her if I could speak with her. She looked up from a tablet she was scrolling on and said yes.

She asked me if we were going to arrest her stepfather, and I said we had not decided yet. She rolled her eyes and returned to her screen. I asked her if he had hit her tonight and she said without looking up, "He wouldn't dare. I'd report him to child protection." I said, "It must be a scary time for you living with arguments and violence." She looked at me and it looked then as if she might cry. I said, "You know it's not fair for children to live with violence and abuse – we're trying to help stop that with families."

She didn't say anything, so after a pause I asked, "Did he hit you this evening?" She shook her head. I asked, "Did he threaten to hit you?" She shook her head again. I asked her, "Are you worried about anyone's safety?" She said, "My Mom." I asked her, "Did you see your stepfather hit your mother this evening?" She said, "Yes they were in the kitchen she was holding his baby." I asked her if her stepfather or mother said anything around that time when he hit her. She said, "I'm not sure. I was scared and I was talking to the emergency dispatch."

I told her that I was sorry she had to go through this and that I hoped we would be able to arrange some help to make things get better for their family. She said, "Thank you, no one has ever offered that before."

I told her I was going back to talk to my partner now, and I hoped she could get a good night's sleep. She said, "Thank you."

When I returned to the living room, FC was there alone, I assumed the baby was asleep in the bedroom next door. I asked her if she had ever had a conversation with the community domestic violence advocates. I told FC that there were several matters that were concerning about her situation and that I believed it could be very useful for her to be in touch with the advocates. She said she doesn't want to go to a shelter, and I told her that most of their work is with people in the community who may not use the shelter. People who want to think through their options, make plans and get clearer on what resources are in the community to help them. I told her an advocate would be in touch with her and that I think they have a lot of valuable resources, and everything they offer is confidential. She nodded. I also told her that I would very much like to follow up with her.

I told FC I would go and speak with my partner. I went outside to where he was, and he asked DS, the alleged offender to go inside so we could speak together confidentially.

Officer ML had interviewed DS, a 45-year-old white male who works as a gas fitter. State and national databases showed no weapons history with either party, none were involved in the incident and there was no record of weapons at the address.

DS has a local history of driving while disqualified (twice within the last three years) and driving under the influence of alcohol (twice within the last 10 years), both times losing his license for three months and paying a fine.


There have been two previous responses to the address for arguments: one three months ago and one five months ago by the same parties but no arrests were made. DS was required to sleep elsewhere after local police attendance at the incident three months ago.

The following is contributed by Officer ML:

DS was apologetic and admitted he had been yelling at FC because he was frustrated with her oldest child over her continued bad and disrespectful behaviour but denied assaulting her. I asked DS, "Did you hit FC this evening?" Initially he said, "No, I did not hit her," but then later he said, "I might have hit her lightly on the back when she would not correct (her daughter) for not tidying her room, but I was upset at the time and can't remember well."

I asked him, "Did you hit your stepdaughter?" He said, "No I never hit her. I think she will call child protection on me." He then talked to me at length about how children nowadays can do what they want because they can call child protection on their parents for any little thing, and it is part of why families are breaking down. I listened for some time.

I believe he is afraid of child protection. I asked him, "Has child protection been to this house before?" He said, "No, not that I know of." DS then talked at length to me about how both his stepdaughter and his wife seem to gang up together against him and undermine his authority. I listened because I knew that my partner needed time to interview the alleged victim inside the house. I took the



opportunity to remind DS that at no stage was it acceptable for him to threaten or use violence against any family member, and to do so would be to break the law. He made no response to that.

I believe that DS likely has a problem with violence based on the beliefs he was expressing, his admittance of his use of physical violence, the testimony of his stepdaughter and FC. Based on all these things, I determined there is probable cause to arrest DS for misdemeanor domestic assault and to make referrals to community domestic violence advocates and child protection for the safety and well-being of the children.

Officer HD and I were both in agreement so we notified DS of his Miranda rights and handcuffed him and placed him in the squad car, and notified FC that the community advocates will be either visiting or calling her with resources. We explained to FC that DS will be held in the county jail overnight and will appear in court tomorrow morning, and will likely then be released on terms decided by the judge, and another hearing will be set for the case of misdemeanor domestic assault to be heard. The advocates can give her information to help her decide whether she feels it is in their family's interest to have him back at the home, or whether he should be prevented from returning to the home until the case has been heard and other safety measures are in place. I also gave FC a card with my phone information and the case number on it.

We cleared the residence at 22:06 p.m. after briefly checking on the 10 year old who was in her room playing on an iPad and was reluctant to talk. We then transported DS to the county jail, and notified the community advocates to contact FC and completed a referral call to the intake worker at child protection.

Officer ML, Officer HD

ADDENDUM:

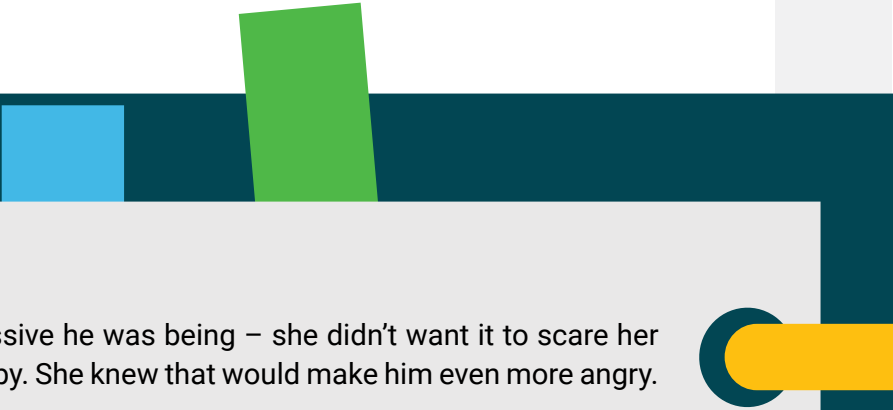
The next morning (date redacted) at 09:16 a.m., I received a phone call from community advocate MS [name redacted]. She said that FC had asked her if she would work out a time that both she and FC could meet with me to give me a few more details. She asked that I come to the community programme's offices where FC would be as well. I agreed to meet with them there at 10:30 a.m..

When I arrived, I was brought into the coffee room where MS and FC were meeting. I reintroduced myself to FC and said I was glad to hear from her again. It was clear that FC had been crying – her eyes were red and swollen. I picked a chair across from FC and asked if she felt this was a safe place to talk. FC said, "Yes." I asked if she wanted MS to stay in the room, and again FC said "yes."

I then said I understood FC had more details she wanted to share with me – and explained that I would like to record the conversation so that I was sure to accurately get her words. I asked if that would be okay with her. She nodded affirmatively.


I then started the recording, and noted the date, time and who was in the room. I then invited FC to start wherever she wanted to. FC said that she had decided she did want to talk about a time when DS "forced himself on her". The following is a brief summary of her account:

She said it had happened about three weeks ago after he had come home drunk one night. She met him at the door and asked him to be quiet as she had put their infant son to bed. She said DS pushed his way into the room and said he could do what he wanted. She said he was talking very loudly. Her daughter came out from her bedroom to tell him to be quiet. FC said she could see that this made DS angry. He started stomping the floor and marched towards her daughter, yelling at her to "get out of here, and mind your own goddamn business". FC said she jumped between them and spoke softly to DS to try to calm him down. She used a firm and steady voice to tell her daughter to go to bed, and that everything would be fine. She said she took his hand and redirected him over to the couch, hoping he would lay down and fall asleep. She described feeling "anxious" and "nervous"



about how loud and aggressive he was being – she didn't want it to scare her daughter or wake up her baby. She knew that would make him even more angry.

She encouraged DS to lay down on the couch and said she would bring him a pillow, blanket and some water. He followed her, but she said he stumbled a bit. She could smell the beer on his breath as she worked to hold him up to get to the couch. He did sit down on the couch, but when she turned to go away, she said he grabbed her left wrist, twisted her arm as he pulled her down onto the couch alongside him. She said that “it hurt”, and “when I tried to get away, he grabbed my other arm and pushed me onto my back”. He then put his body on top of her with one knee on the inside of the couch and the other leg on the floor. He grabbed both her wrists with one hand and squeezed tightly, while he took the other hand and covered her mouth and nose. She said, “I couldn't breathe,” and described being terrified when this happened, thinking, “he's going to kill me”. She tried to squirm and pull her hands up, he grabbed them tighter. He then put his mouth to her ear and said, “Be quiet now, as you don't want the kids to wake up” and then took his hand off her mouth. She described gasping for air when DS took his hand off her face. I asked her what was going through her mind when this was happening. She said, “I was sure he was going to kill me. I wondered what would happen to my kids. I was terrified. I knew he would hurt my kids if I didn't let him do what he wanted.” I asked her what her body felt like when this was happening. She said, “My body went numb. I could hardly feel anything. I couldn't move.” I asked what she felt, heard or saw next. She said she felt his hot breath on her face – could smell the awful beer smell as he breathed heavily on her. Still pinning her down, DS tore off her underwear and forced his penis into her vagina. She said it felt like, “I was being torn up inside.” She said she closed her eyes and clenched her teeth to keep from making any sound. She couldn't move her body, describing it as “frozen”. She said eventually he finished and got off her and went to the kitchen. She said she laid there for a moment, and then got up when she realized he wasn't coming back. She heard him going into the refrigerator for some food. She felt some semen on her vagina and legs so she got up and went to the bathroom to clean up. She said she was shaking, and was being very careful not to make any sounds. She said she felt scared and degraded. She knew she had to be quiet and stay nearby to protect her children. She put her clothes back on and went



into bed curled up against the edge of the bed, hoping he wouldn't come in. She said as far as she knows he didn't. She listened closely for about an hour or so and heard DS out in the main room. He got food and then it sounded like he went back to the couch. She assumes he slept on the couch. The next morning, she said, he acted like nothing happened.

The full interview is being transcribed.

I explained to FC and MS that I would take the report to the prosecutor who would be reviewing the charges from last night's arrest. I asked FC what she's most concerned about in terms of the safety of her and her children. She said she wants him to stop drinking and not to hurt them anymore.

I asked MS if she could work on a safety plan with FC, and she said they were already working on a no-contact order and a plan for her and her kids to stay with her mother for a few days.

I said that I would follow up with FC and MS after speaking with the prosecutor.

End of police report

Exercise: Decision-Making in Prosecution

Devi went to an ATM near her home to withdraw some cash from her bank account. A man came up behind her, pulled out a knife and demanded the cash that she had just withdrawn. She handed him the cash and ran. Devi was very afraid afterwards, but she had not gotten a very good look at the man because she was so scared and acted so quickly. She decided not to report the robbery to the police. By the next week, Devi really needed cash. She went to the ATM again. As her cash came out, a man again approached her, took out a knife, and demanded the cash. This time she looked at his face before tossing the cash at him and running. When she got home, she told her sister what happened. They went to the police together to report both robberies.

The police interviewed Devi and she gave a precise description of the man who robbed her. Police were able to arrest him the same day near the ATM, and Devi identified him. The police then forwarded the file to you for charging.

Case Scenario: Nur's Case

Nur and her husband Kadek have been married for four years. Kadek often hits, slaps and pushes Nur. He is very controlling about where she goes and to whom she talks. One day, Kadek tells Nur that he wants to marry a second wife. Nur refuses to agree to this, and a week later, Kadek finds out that Nur has filed for divorce. Kadek comes home in a rage and stabs Nur several times with a large kitchen knife. Nur manages to escape, and a neighbour takes her to the hospital. Nur survives and files a domestic violence complaint. Nur is afraid of her husband and wants a divorce. But she is nervous about the criminal case because she's afraid that Kadek will harm her in retaliation just like he did when she filed for divorce.

Effective Interviewing

Victim interviews and the prosecutors' role

A victim-centred prosecution means the victim is thought of as more than a witness or a piece of evidence. Many victim-centred techniques actually improve case outcomes. Given the efforts by abusers to hide, isolate, discredit and intimidate victims of domestic and sexual violence, justice professionals need to effectively counteract these tendencies to facilitate the victim's effective recall of their experiences and secure her engagement throughout the criminal justice process. One way that prosecutors can help move local responses towards more victim-centred practices is by reviewing how their own and others' interviews with victims are conducted, specifically investigative interviews.

Prosecutor meetings

The UNODC Handbook suggests that: "prosecutors should treat victims with courtesy, dignity, respect and particular sensitivity to the trauma they have experienced" (p. 50). It also indicates that, where possible, prosecutors should meet with victims or their lawyers as early as possible in the process to establish rapport. This is useful for improving the case and promoting offender accountability in at least three key ways. First, a victim who feels understood and has sufficient support is more likely to stay engaged in the criminal justice process. Second, a prosecutor who knows and has met the victim can better humanize them to a judge or jury. Third, regardless of the outcome of a case, a victim who interacts with competent, caring and supportive justice professionals tends to recover better and is more likely to report again in the future or tell others to do so.

When you meet with the victim, include the victim's trained advocate. If one is not available, you may consider involving another support person of the victim's choosing if it will not harm the case. A support person can help the victim before, during and after the meeting to remember and understand the process better.

In most cases, your meetings with the victim will be about:

- Building rapport and connecting her with additional resources (as indicated)
- Hearing about the victim's concerns and wishes relative to what will happen next in the case, as well as the overall process
- Assessing risks, threats and the safety of the victim
- Explaining roles (yours, hers, the defence), and what to expect in the next stage of the process, or the outcome of a hearing or case proceeding
- Preparing her for participation as a witness (as needed)

If previous investigative interviews have been done well, these meetings will not focus primarily on her account of her victimization, although it is not uncommon for prosecutors to sometimes clarify information they have found in reports with victims directly. In any meeting where a victim will be interviewed about her account of the violence, the victim's advocate should be present.

With a victim who wants to be engaged in the process, prosecutors often meet with the victim and their advocate (or support person) throughout the case. Common meeting times include:

- Prior to making a charging decision
- Relating a charging decision – especially a declination of charges
- Prior to early hearings addressing the defendant's pretrial release conditions to assess risk, safety and privacy concerns
- Prior to a trial or any hearing where the victim may be testifying
- After hearings when the victim attends in court – to help explain what is happening
- Prior to accepting a plea agreement to understand her wishes
- Prior to sentencing to understand her wishes
- At the conclusion of the case to explain the outcome, assess safety concerns, etc.

Evaluating investigative interviews

Victim interviews are key pieces of evidence in domestic and sexual violence cases. Prosecutors typically receive summaries or recordings of these interviews from investigators. When reviewing this evidence for possible charges, it's also important to think about the nature and quality of the reports you receive. You should consider:

- Is the documentation of the interview accurate?
- Is the documentation sufficient?
- Was the interview conducted under conducive conditions for a trauma survivor to best retrieve and retell their memory of the assault?
- Was the interview done skilfully (i.e., using trauma-informed techniques)?

Is documentation accurate?

If the interview was recorded by audio or video, compare what you see written with what you hear or see in the recording. It may also help to note whether a victim has reviewed and agreed with a written summary of her account. Keep in mind, however, that a victim may be able to catch factual inaccuracies but will not likely know the best practice standards we are discussing here. A meeting with the victim and her advocate can also provide an opportunity to test the accuracy of aspects of the report.

Is the documentation sufficient?¹

As you review documentation of an interview with a victim of sexual or domestic violence, the following questions can guide your review for sufficiency. Does the documentation:

- Describe what the victim was thinking and feeling at the time of the assault?
- Use descriptive wording or “word pictures” when appropriate and accurate?
- Document the entire context of force, threat or fear the victim experienced?
- Preserve the exact words used by the victim about what they were thinking and feeling; the entire context of force, threat or fear; and their descriptive words about any aspect of the assault encounter?
- Document the unique factors that may have affected the victim’s experience, perspective and response – including age, use of drugs or alcohol, etc.?
- Use the language of non-consensual sex (in sexual violence cases) to describe what happened (e.g., naming body parts used and actions taken, rather than saying “he forced her to have anal sex”)?

What were the interview conditions?²

Stress interferes with retrieving memories. A detailed interview with a victim who is exhausted, hungry, confused, concerned about her children or other responsibilities will not be as likely to recall the aspects of the assault that may be most useful to the investigation. Likewise, an interview conducted in a stark interrogation room behind a locked door can also trigger a stress reaction. The timing, environment, location and levels of support are all important factors in increasing or decreasing the stress the victim may feel.

When evaluating the conditions for the interview, consider:

Was the victim provided an opportunity for an advocate to be with her during the interview?

An untrained support person may be an alternative; however, some victims may not fully disclose details around a loved one, wanting to protect them from hearing about the worst harm.

How many interviews were conducted and under what conditions?

It is best to do as few interviews as possible – both for the victim’s benefit and for the sake of the case. When victims report shortly after an assault, however, it can be useful to conduct a preliminary interview then, and follow up with a more detailed interview after she has had time to rest and reduce stress. This is often within 24-48 hours, and can provide time for the interviewer to prepare for the interview and engage added support services if available. Both interviews should still be conducted in line with trauma-informed interviewing techniques.

1 This section draws on: Archambault, J. and K. A. Lonsway (2019). *Effective Report Writing: Using the Language of Non-Consensual Sex*. End Violence Against Women International.

2 Adapted from Lonsway, K.A., J. Hopper and J. Archambault (2019). *Becoming Trauma-Informed: Understanding and Appropriately Applying the Neurobiology of Trauma*. End Violence Against Women International.

Was the victim provided options – where possible – for any aspects of the interview (e.g., when and where the interview is conducted, where they'd like to sit or whether they want to take a break)?

In addition to being comfortable, does she feel safe in the environment? Will she be able to maintain her privacy in coming and going to the interview? Was she given choices about issues within her control?

Was the interview done skilfully, using trauma-informed techniques?

Investigators can remain neutral while communicating empathy, rapport and concern for the victim. In the course of the interview, it will be important for the interviewer to conduct a compassionate and curious inquiry – conveying no judgement on the victim's actions or reactions. This will provide the best chance for victims to relay their experience most accurately. A full investigation will indicate whether there is sufficient evidence to prosecute.

When evaluating the interview for the degree to which trauma-informed techniques were used, consider whether the interviewer:

- Made efforts to establish trust and rapport with the victim
- Acknowledged the victim's trauma and/or pain
- Explained to the victim that she should not guess at an answer and could say "I don't know" when she needed to
- Communicated in language that fit the victim's understanding and comfort levels
- Used open-ended prompts and non-leading questions
- Allowed and encouraged victims to ask questions
- Explained why a difficult question is being asked
- Refrained from interrupting the victim during her responses, allowed the victim to pause in her retelling
- Inquired about what the victim was thinking and feeling before, during and after the assault experience
- Focused on emotional and sensory experiences the victim had (five senses and internal body sensations)
- Allowed the victim to recount and retell memories in the order they came to her (did not require her to follow a sequential or chronological order to the account)
- Conveyed a non-judgmental interest in knowing about the victim's experiences, reactions and reflexive decisions instead of asking "why" the victim did or did not do something (e.g., what were you feeling when you got into the suspect's car?)
- Watched for when the victim noted she was in significant danger in order to understand how her brain might have guided her response (engaging the reflexive and habit responses) and which details were likely to get captured vividly and which not at all (see <https://vimeo.com/249563867> or <https://www.nsvrc.org/sarts/toolkit/5-2> for more information)

Exercise: Decision-Making in Prosecution

Bashira was wearing a dress, bra, underwear and sandals on the day of the rape. When she got home, she took off her clothing and stuffed it into the back of her closet, rather than putting it in the laundry where her mother would discover it. When you ask about her clothing, she tells you it still has not been washed, and you ask her to bring it to the police station. Her dress has mud on the back and her underwear is torn. When the clothing is tested, semen is found on the hem of the dress.

In addition, Bashira tells you that she received a message on Facebook from Sajit the evening that her mother confronted Sajit's father at his shop. The message reads, "Shut your mouth, you slut. If you tell anyone else I will kill you and your mother." You ask Bashira to take a screen shot of the message and to forward the message to the police, which she does.

Domestic Violence Evidence Collection

Evidence-based prosecution is an effective method for responding to domestic violence cases. This method involves collecting all relevant evidence including, but not limited to:

- Photographs of injuries of victims and children
- Photographs or sketches of the scene
- Bloody clothing
- Damaged furniture or other household items
- Instruments used to cause harm
- Written or audio statements including quotes, excited utterances and spontaneous statements
- A description of the person's demeanor

Evidence-based collection reduces the dependency of the case on the victim's statements and increases the likelihood of a successful prosecution. Evidence can include:

- Statements documented from all parties
- Excited utterances and spontaneous statements documented as quotes
- Documented conditions under which a statement was made
- Appearance and demeanor of parties documented

- Appearance of scene documented (written and photographed or sketched)
- Injuries of all parties documented (written and photographed/sketched)
- Victim asked about any pains or other non-visible injuries
- Weapons used in incident, in plain view or if consensual search is conducted
- Torn or bloodied clothing
- Medical records
- Prior police or incident reports
- Booking records
- Restraining orders
- Phone records
- Emergency call tape
- Follow-up photos of injuries
- Employment records
- Criminal history
- Telephone records
- Letters/emails/texts from perpetrator or his friends/family
- House rules set for the victim by the perpetrator (verbal or written)
- Victim diary/journal



Source: Scaia, M., S. Miller, T. Haynes and P. Goodman (2015). [Duluth Blueprint for Safety: Chapter 3 and Chapter 8](#). Supported by Grant No. 2011-WE-AS-K003 awarded but the Office on Violence Against Women, U.S. Department of Justice.

Domestic Violence Expert Testimony

Called by the prosecution	Called by the defense
<p>The complaining witness refuses to come to court and testify against her abusive partner. There is other evidence against the defendant and expert testimony may help the jury understand the many reasons why a victim of battering might not appear for court.</p>	<p>The defendant struck her abuser in self-defense. The defense wants the jury to understand how her experiences of abuse informed her reasonable fear of her abuser (the complainant in this case).</p>
<p>The complainant is going to testify that she lied to the police about her husband hitting her on the night he was arrested. The prosecutor wants the jury to understand why victims of battering sometimes change or recant their stories.</p>	<p>The defendant participated in a robbery under duress by her abusive partner. Expert testimony will help the jury understand how her partner's threats affected her state of mind and how it was reasonable for her to believe she would be seriously harmed or killed if she didn't comply.</p>
<p>The complainant couldn't immediately give investigators certain details about her experience of sexual assault and the defense will argue that she is lying. Expert testimony about marital rape, sexual violence, and the dynamics of battering could help the jury understand there may be other explanations for her failure to immediately give a clear picture of what happened to her.</p>	<p>The defendant appeared distant and unremorseful after she killed her abusive partner in self-defense and the prosecution is portraying her as cold and calculating to undermine her defense. Expert testimony may help explain how sometimes trauma can cause people to dissociate.</p>

Source: From Pezzell, C. (2016). *Domestic Violence Expert Testimony: Legal Settings and Issues*. National Clearinghouse for the Defense of Battered Women, www.ncdbw.org.

Case Scenario: Abhir and Feba

At 7:45 p.m., police officers responded to the home of Abhir (husband) and Feba (wife). Dispatch advised officers that Abhir had called the emergency number, reporting that Feba had assaulted him. Upon arrival, officers located Abhir in the living room. He was pacing and appeared agitated. Feba was in a bedroom.

Abhir told officers that he had been sitting in his favorite easy chair watching TV. Feba was in the kitchen washing dishes from dinner. He said Feba yelled from the kitchen to turn down the TV. "She's always nagging me about the TV when I'm watching my favorite show. She hates my favorite show," he said. Abhir said he yelled back, "Wait for the commercial." He said Feba yelled again to "turn the damn TV down". He leaned forward but before he could grab the remote he suddenly felt a sharp blow against the back of his head. He was knocked face forward to the floor. As he tried to look up he saw a coffee mug land on the floor by his head. Abhir was rubbing the back of his head as he spoke to the officers. Officers observed a small cut on the back of Abhir's head with fresh blood coming from it. They were also able to feel a welt about the size of a quarter and saw that the area was continuing to swell. Abhir declined medical treatment. Abhir said that his wife was crazy and demanded action from the police.

Officers spoke to Feba in the couple's bedroom. She was sobbing, her face was red, and she was shaking. There was no evidence of physical injury to her. Feba told the officers that she and Abhir had argued during dinner. She had made Abhir's favorite meal, but she had been running errands that afternoon and was late getting the dinner ready. Abhir likes having dinner on time and gets mad if it is not ready when he wants it, she said. When dinner was over, Abhir went to watch TV while Feba cleaned up. Abhir yelled that he wanted some coffee. Feba said she yelled right back that he could get it himself and to turn the TV down. He always has it too loud and it seemed to her that it was deliberate, just to make her mad. As usual, Feba said, Abhir ignored her. Then he yelled again that she was worthless and no good, and that he wanted something to drink.

Feba said she had a mug in her hands that she was drying with a dish towel and that she just snapped. She was mad and she threw it at him in the living room where he was sitting and she wasn't sure whether it hit him or the back of the chair. She admitted to officers that she threw the mug in anger. Feba said she was fed up. She and Abhir have been married for 36 years. During that time, she says that he has intimidated and threatened her on a regular basis. She said he has physically injured her at least a half a dozen times. In the worst incident, Feba said that Abhir punched her in the face, held her down, and then threatened to kill her. She received a black eye in that incident but didn't seek medical treatment. She says she is afraid that Abhir will seriously harm or kill her. She has never gone to the women's shelter, called police or sought a protection order. She said she is ashamed about her marriage and has only told her sister about Abhir's behaviour. Feba and Abhir have three grown children who currently live in different locations. After completing the interviews of Abhir and Feba, officers placed Feba under arrest for assaulting Abhir and transported her to the county jail.

Determinations of Predominant Aggressors and Self-defense in Domestic Violence Cases

Indicators to determine predominant aggressors:

- Prior complaints of domestic violence
- The relative severity of the injuries inflicted on each person
- The likelihood of future injury to each person
- Whether one of the persons acted in self-defence
- Who appears to be most afraid?
- Body language – who displays an aggressive stance, and considering the size of parties
- History of abuse – examine the paper trail
- Neighbour and witness statements
- Excited utterances and spontaneous statements
- Crime scene – does the scene match the statements of the parties? Does the story fit the evidence?
- Evidence and statements of others
- Whose things are broken
- General violence

Defensive injury tips:

- Be aware of injuries that seem minor compared to the other party's injuries.
- Persons using self-defence will often admit to their use of violence but may not know what to call it.

- A person who is being assaulted or is about to be assaulted may realize that they are no match for the violence about to be used against them, and will often use a weapon or object as an equalizer.

Self-defence wounds that may appear on an attacker:

- Scratches to the back of hands, wrist or arms
- Scratches to face and neck
- Bite marks on inside of arms (indicates possible strangulation of victim from behind)
- Indications of hair being pulled
- Groin or "kicking" injuries
- Bite marks to chest or neck
- Injuries caused by any hard object or weapon
- Injuries located predominately on the back, buttocks and back of legs (indicating defensive fetal position posture)
- Injury to top of or back of head
- Scratches to back
- Eye injuries (gouging)

Source: Scaia, M., S. Miller, T. Haynes and P. Goodman (2015). [Duluth Blueprint for Safety: Chapter 3 and Chapter 8](#). Supported by Grant No. 2011-WE-AS-K003 awarded but the Office on Violence Against Women, U.S. Department of Justice.

Conditions for Pretrial Release

- No-contact provisions stipulating no contact with the victim and any other designated witnesses or persons, such as the victim's children, which can include restriction of movement of the defendant, for example, at the victim's home, work or school
- Prohibition of third parties contacting the victim on behalf of the defendant
- Refraining from committing any criminal offences
- Travel restrictions (i.e., not allowed to leave the jurisdiction of the court without a prior court order or required to relinquish passport to court)
- Prohibiting possession of firearms, ammunition, explosives or weapons
- For sexual assault charges, DNA and/or HIV/STD testing required of the defendant
- House arrest
- Reporting condition (i.e., regularly reporting to probation or a pretrial service)
- Maintaining full employment.
- Refraining from the use of alcohol or illegal substances, attending alcohol treatment programme
- Wearing a global positioning system (GPS) monitoring ankle bracelet
- Compliance with any outstanding civil protection orders
- Prohibition from driving a car (if one has been used in committing criminal harassment)
- If harassment involved the use of a computer or other electronic device, prohibition of further use

Source: Scaia, M., S. Miller, T. Haynes and P. Goodman (2015). [Duluth Blueprint for Safety: Chapter 5 and Chapter 7](#). Supported by Grant No. 2011-WE-AS-K003 awarded but the Office on Violence Against Women, U.S. Department of Justice.

Guidelines for the Modification of No-Contact Orders

Indicators to determine predominant aggressors:

It is essential that prosecutors keep the victim's safety in mind when considering how they will respond if a victim or defendant asks the court to modify a no-contact order.

Possible modifications that could account for victim safety and address challenges for victims may include:

- Consider shortening the duration of the order to provide for victim safety while reducing other burdens on the victim. This may allow the victim to:
 - » File for a civil protection order if she wishes
 - » Locate alternative housing
 - » Consider and discuss the charges with the prosecutor without influence from the defendant

When a victim requests contact

If a victim requests contact, keep in mind that in some cases a prolonged no-contact order may result in hardship for the victim.

The prosecutor needs to:

- Obtain specific information about the victim and implications of the order for the victim and family.
- Evaluate the case in context while considering the totality of circumstances, including victim opposition, economic impact, offender intimidation, victim fear and danger posed by the defendant.

- Be sensitive to the victim's reliance on the defendant for childcare, transport or income, and collaborate closely with advocates/agencies to fill gaps created by restrictions on contact with the defendant in order to provide the victim with necessary resources and assistance.

When a victim requests contact and there is no evidence of coercion or intimidation

Consider the following options:

- Offer limited contact (such as public places or only emails, letters or phone calls) and monitor it.
- Limit communication topics (such as discussions about children).
- Prohibit assaultive, harassing, threatening and stalking behaviours and communication.
- Prohibit firearms possession.
- Request random drug testing when abuse is indicated.
- Request compliance with treatment programmes (such as alcohol treatment).
- Allow contact but exclude the defendant from the victim's residence. Any modification should only be considered when a victim is present in court and requests modification.

Source: Scaia, M., S. Miller, T. Haynes and P. Goodman (2015). *Duluth Blueprint for Safety: 8A Training Memo – Use of No-Contact Orders in Domestic Violence Criminal Cases*. Supported by Grant No. 2011-WE-AS-K003 awarded by the Office on Violence Against Women, U.S. Department of Justice.

Victim-Centred Sentencing

Getting victim inputs on sentencing

Before sentencing, meet with the victim to explain the possible outcomes and get her input on the following issues:

- Disposition options (jail, prison, probation, etc.) and what they mean
- Options to include restrictions or prohibitions of the offender contacting the victim if the victim desires
- The scope and nature of any risk assessments, treatment evaluations and offender registration requirements (if applicable)
- Any rights she has to provide inputs into reports, sentencing requests or to speak directly to the judge
- Notification of who may contact her to give inputs into reports
- Her right to request restitution and how to go about it (if not yet addressed)
- What your sentencing recommendations are likely to be, what she would like to see happen and if she wants you to include that in your recommendations to the court
- Her right to object to sentencing as a result of a plea agreement and to address the court
- Date and time of sentencing hearing and any support available to help her get there

Sentencing that accounts for victims

- Advocate for sentencing commensurate with the gravity of the crime.
- Advocate for the victim to have an opportunity to give inputs on the sentence and any rehabilitation programming.
- Oppose reductions in sentences based on “honour”, “crime of passion”, the victim’s character or similar justifications that reflect biases against women.
- Request a sentencing hearing and ensure that the court has all the information it needs to sentence appropriately.
- Ensure the court considers a risk-assessment of offender dangerousness at the time of sentencing.
- Assist and support the victim to prepare a statement and then support them when they give it.
- Ensure the court hears from the victim about the impact of the assault at the time of sentencing.
- Recommend a sentence that reflects the nature and gravity of the offence, the history of sexual and physical abuse, previous efforts at rehabilitation, the defendant’s character and current rehabilitative needs, and the interests of the community in protection and punishment.

- Explain disposition options to the victim and her support system. Invite her to share what she would like to see happen, while not letting it be the primary determination for what you do, and making her aware that her preferences are not determinative. Let her know what the prosecutor will be recommending.
- Be alert to arguments for mitigation that detract from the character of a witness and be ready to challenge anything misleading, untrue or unfair.
- Argue against reducing sentencing for “honour-related” crimes or where the victims are viewed as particular “types”, such as sex workers or non-virgins. Victim participation at the sentencing stage can vary by jurisdiction. At the time of sentencing, there might be a variety of ways for the victim to discuss the impact of the violence on her life including:
 - » Orally addressing the court
 - » Writing a letter to the judge
 - » Submitting a victim impact statement
 - » Having family, friends and members of the community address the court (orally or in writing)
- Cooperate with the probation officer or court-appointed officer conducting a pre-sentence report.
 - » If the victim is willing, request the pre-sentence investigator to interview the victim about the nature of the harm and any other relevant information, and include a victim's statement in their report to the judge for sentencing. Ensure the investigator knows their focus is to understand the nature of the offence and the offender, and that this is not a time to yet again question a victim's credibility or blame them to mitigate the offender's accountability.

Source: Klein, A.R. (2008). [Practical Implications of Current Domestic Violence Research: Part II: Prosecution](#). National Institute of Justice on Contract 2007M-07032.

Post-sentencing Support for Victims

After the perpetrator is sentenced, it is important for the victim to understand what this means for her. Meet with the victim and explain:

- The outcome of sentencing so she understands what happened, especially if she was unable to attend in person.
- If the offender will be on probation, ensure she understands the conditions of his probation and how to reach his supervising agent should she be aware he is violating them.
- If the offender will be in custody, address how she can be kept informed of changes in the custody status and when he might be released. If she must do something to ensure this happens (e.g., filing a request, keeping her address up to date with an agency), explain this as well.
- Whether there will be any post-conviction appeals and, if so, what that process may look like.
- How to retrieve her property in evidence should she want it (or provide it to her at the meeting) and the case is no longer pending appeal.
- How you or another agency will inform her of any probation violation hearings (should she request to be informed), and about when the offender is off probation and no longer subject to any conditions.
- Whether she has a right to request a probation review hearing if the offender has failed to pay restitution.
- Whether she may be contacted about (and if she has the right to refuse) providing information for or participating in any kind of treatment programme for the offender or the option to participate in any victim-offender dialogue sessions.

Source: Klein, A.R. (2008). [Practical Implications of Current Domestic Violence Research: Part II: Prosecution](#). National Institute of Justice on Contract 2007M-07032.

When Battered Women Fight Back: A Template for Prosecutors

Prosecutor's case file	This incident	Context
What do you want to know?	<ul style="list-style-type: none"> • Her actions <ul style="list-style-type: none"> » What did she say/do? • Her motives/reasons <ul style="list-style-type: none"> » Why did she say/do this? • His actions <ul style="list-style-type: none"> » What did he say/do? • His motives/reasons? <ul style="list-style-type: none"> » Why did he say/do this? • The severity of the incident? 	<ul style="list-style-type: none"> • Her criminal history • Her history of violent behaviour • Her history of victimization by him • The circumstances surrounding the use of violence
Why do you want to know this?	<ul style="list-style-type: none"> • To understand details of current incident • To know whether the elements of the offense can be proved • To determine whether actions were self-defense 	<ul style="list-style-type: none"> • To determine who is most afraid in the relationship • To determine who most needs to be protected/greatest safety needs • To help determine the overall most just result
Why can you look at this?	<ul style="list-style-type: none"> • <i>National Prosecution Standards</i> 1-1.1 	<ul style="list-style-type: none"> • <i>National Prosecution Standards</i> 1-1.1 and 5-3.1
How do you obtain this?	<ul style="list-style-type: none"> • Police reports • Later statements from defendant and witnesses 	<ul style="list-style-type: none"> • Court records • Office records (prosecutor's office) • Law enforcement records and reports (prior reports, calls for assistance) • Statements from her/him/family/friends/neighbours • Information from battered women's advocates • Information from defense attorney
What are your options?	<ul style="list-style-type: none"> • Plea to charged offense • Plea to lesser charge • Stay for dismissal with conditions • Dismiss • Trial 	<ul style="list-style-type: none"> • Impact on her safety in the relationship • Impact on his safety in the relationship • Specific deterrence • General deterrence • Office records (prosecutor's office) • Law enforcement records and reports (prior reports, calls for assistance)
What may be needed to develop system policy/procedure changes?	<ul style="list-style-type: none"> • Changes in arrest policy language: primary/dominant/predominant aggressor • Changes in police documentation of incident and risk factors • Changes in prosecution policy 	<ul style="list-style-type: none"> • In what context should policy/procedure changes be developed? • Prosecution collaboration with police, battered women's advocates, and probation
What may be needed to implement system policy/procedure changes?	Police training: <ul style="list-style-type: none"> • Determining self-defence • Determining primary/dominant/predominant aggressor • Interviewing skills • Risk factors • Recording history of violence, etc. 	<ul style="list-style-type: none"> • Training for battered women's advocates • Training for prosecutors • Training for probation officers • Training for defense attorneys

Source: Mary E. Asmus (2017). *Got Justice? Options for Prosecutors When Battered Women Fight Back*. Duluth, MN.

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