

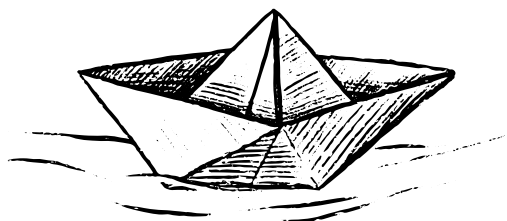
PART III Guidance

GBV & Other forms of violence



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Welcome back! In this guidance, we will focus on GBV and other forms of violence. A major issue addressed by the GBV and CP teams. In this factsheet, you will meet Mariama.



Due to the conflict in the region, **Mariama** had to flee. At the moment, she lives in a refugee camp with her 3 children. Mariama is a survivor of domestic violence and she is now worried for her daughter due to the high rate of sexual violence in the camp and outside. In this factsheet, we will explore the different options available for Mariama and her daughter.

It is important to understand the context!

Worldwide, 35 per cent of women have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime. In some countries, it is up to 70% of women who have experienced physical and/or sexual violence in their lifetime from an intimate partner. In order to address violence against women, a comprehensive strategy involving diverse stakeholders is essential. Physical and sexual violence, including domestic violence is a human right violation. Please refer to the list of Protection risks with the legal rights !

Based on data provided by UN Women.



Fadi is not sure to understand. He is concerned about how to navigate cases like Mariama's, where cultural practices limit legal recourse for victims of domestic violence. What legal frameworks and practical steps can he rely on to ensure appropriate protection and justice for individuals facing these complex vulnerabilities?

When we speak about violence, we need to understand that the perpetrator's goal is often to inflict physical pain, but also to restrict the victim's self-determination. This violence highlights social power imbalances and can be used to enforce demands through coercion. Physical and sexual violence frequently occur in private settings, such as domestic violence. Witnessing such abuse also causes significant psychological harm to children and young people. They may also be physically injured during spousal abuse incidents, either accidentally or while trying to intervene. Additionally, children can become targets of the abuser's as a mean to take revenge, attack or manipulate the mother. Many mothers remain in abusive relationships because the abuser threatens to harm or kill the children if they attempt to leave.

Based on the explanations provided by the Council of Europe.

VIOLENCE AGAINST WOMEN AND CHILDREN IS A HUMAN RIGHT VIOLATION

Violence against women and children constitutes a serious violation of human rights, as recognized by the CEDAW and the CRC. These treaties obligate signatory states to protect women and children from violence, ensure their rights to safety and dignity, and promote gender equality and child protection. During times of conflict and crisis, as structures and support systems that protect women and girls are broken down, women are at an even higher risk of experiencing gender-based violence. Recent research found that one in five refugee or displaced women experience sexual violence. This is likely an underestimation as experiences of violence tend to be underreported (See IRC's Note on Violence Prevention and Response).

DEFINITIONS

Note that those definitions, are general global definition. As part of your following analysis you will have to identify standards applying specifically in your region and country and compare and analyzed with international global standards.

Physical violence

An act attempting to cause, or resulting in, pain and/or physical injury. It includes beating, burning, kicking, punching, biting, maiming or killing, or the use of objects or weapons.
Based on the definition provided by the [Council of Europe](#).

Sexual violence

Any sort of harmful or unwanted sexual behaviour that is imposed on someone. It includes acts of abusive sexual contact, forced engagement in sexual acts, attempted or completed sexual acts with a woman without her consent, sexual harassment, verbal abuse, threats, exposure, unwanted touching, incest, and others.
Based on the definition provided by [UN Women](#).

Domestic violence

Violence that occurs within the private, domestic sphere, generally between individuals who are related through blood or intimacy. Domestic violence is not confined to women, for example it also includes child abuse and elderly abuse in the domestic sphere. Intimate partner violence is one of the manifestations of domestic violence. This is one of the most common forms of violence experienced by women globally.
Based on the definition provided by [UN Women](#).

Harmful practices

Discriminatory practices committed regularly over such long periods of time that societies begin to consider them acceptable. Harmful practices include Female genital mutilation, Forced marriage, Honor crimes, Widowhood practices, Virginity testing, Neglect of girls, Polygamy, Binding, Infanticide, and Body modifications.
See the definition provided by [UNICEF](#) and the CRC and CEDAW Committees [Joint General Recommendation](#), 2014.

Child, Early & forced marriage*

Any formal marriage or informal union between a child under the age of 18 and an adult or another child.
Definition provided by [UNICEF](#).

Female genital mutilation (FGM)*

Comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.
Definition provided by [UNICEF](#) and [WHO](#).

**For everything related to early marriage and FGM, please refer to the specific guidance on this topic.*

BEFORE YOU START !

Specialization in child protection and gender



It is important to have a child protection and gender background or ask some colleagues to support you in this process and understand how the formal and informal justice system works in this context.

Time



Allocate sufficient time for completing this factsheet. Depending on the available information, the process may take between 2 to 3 days.



As always in this toolkit, the first step is to complete the desk review. Refer to the desk review template to find all the questions to help you in this process, and conduct primary data collection assessment (i.e: FGD, KII, HH or Individual interview) as needed. Don't forget to open your report template and fill it step by step.

Step 0. Identify the main legal topics of focus

Please select the key issue in your context:

	Main categories of violence	Select
Direct Gender based violence	Physical violence (ex. corporal punishment)	<input type="checkbox"/>
	Sexual violence (Rape, sexual harassment, exploitation)	<input type="checkbox"/>
	Psychological/emotional violence (ex. intimidation, verbal abuse, coercion)	<input type="checkbox"/>
Domestic violence	Removal/protection measure (ex. Restraining orders)	<input type="checkbox"/>
	Denial of economic opportunity (ex. financial control, lack of access to resources)	<input type="checkbox"/>
Marriage and divorce	Forced & early marriage (ex.coercion into unions)	<input type="checkbox"/>
	Divorce inequality (ex. discrimination in divorce settlements)	<input type="checkbox"/>
	Denial of legal recourse (ex. lack of access to legal systems for disputes, child custody)	<input type="checkbox"/>

GET READY !

Open other relevant key documents to guide you through your analysis:

- **Tool 3.1.** Desk Review Template & Q° Bank
- **Tool 3.2.** Report Template

Refer to the Desk Review Template & Question Bank and answer each question to better understand the threats, vulnerabilities and capacities of populations law in your context, relative to GBV & other forms of violence. In this process, it is essential to triangulate and involve, as much as possible, the communities and other stakeholders to have different perspectives.

We recommend you to follow those 3 steps further detailed in the guidance:

Step 1. CONTEXT

Start your desk review using the desk review template & question bank and answer all the questions related to the context. Highlight the gaps or contradictory information when you don't. You will be able to explore more in the next step.

Note that if you have chosen multiple legal topic of focus (see Step 0) you will have to repeat this Desk review for each topic as relevant (if different laws and norms or different justice stakeholders and procedures apply.)

Step 2. THREATS, VULNERABILITIES & CAPACITIES

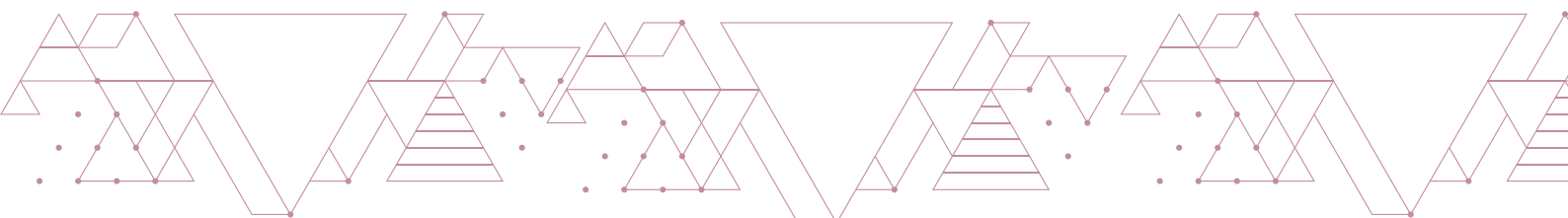
Conduct KII & FGD (or other appropriate methodologies) to better understand what is going on in practice, the risks and needs resulting from the GBV & other forms of violence and take into account people voices. At this stage, you might find additional information on the context too. Select the specific questions that need to be further explored depending on the key issues at stake and your context. Based on that, you will be able to create an assessment tool to be used for the KII and FGD with key stakeholders, including the targeted population.

Note that this analysis can be done for all the legal topic of focus at the same time if relevant or separately if very different threats or vulnerabilities have to be analyzed. The most important is to avoid repetition in your analysis.

Step 3. ANALYSIS

At this stage, you need to focus on key questions: Is the formal and customary and informal justice system effective and accessible? What are the main strengths and gaps in formal and customary and informal justice system in terms of threats, vulnerabilities, and capacities? What does the affected population know about the law and the system in place, how people use it and how they could or would like to shape it to be more adapted to their specific needs? You always need to keep in mind that the most important aspect is to highlight the reality faced by the population, and understand how the system can be reinforced. This analysis will help you to develop your strategy during the next phase.

LET'S START !



LEGAL FRAMEWORK

Step 1. Please refer to the “Desk review template & Q° Bank”, and look at the specific questions related to the legal framework on GBV & other forms of violence in your specific context (including Constitution, laws, decrees...). If relevant, add customary and norms (written or oral).



Example: In Mariama’s context, there are several articles that can be mentioned.

Constitution	Laws and decrees	Informal and customary law	Case law if relevant	International Conventions (signed or ratified)
Art. x related to child protection and women’s rights and well-being	Children’s Code, Article X on the prohibition of FGM and early marriage. Law protecting victims of domestic violence	National Action Plan: Empowering village chiefs to report cases with specific training Example: Domestic violence is considered as “family affair” and often falls under responsibility of religious law which applies shariah. The way shariah applies and is interpreted will differ depending of Imam. Ex of Coranic verse applicable	Example: A man prosecuted for a case of domestic violence (date, place, context)	Ex. Human Rights treaties, including the CEDAW and the CRC

As you look at the legislation and other relevant norms, remember to link with the key questions in the Desk review template & Q° Bank and look at key elements, such as specific laws that applies in case of GBV the most vulnerable individuals, including survivors of GBV. or Customary, traditional, or religious norms and policies that may influence how GBV cases are handled in certain contexts or communities.

Lessons learned from Mali

In Mali, colleagues observed that addressing gender-based violence required delicate navigation of informal legal frameworks. Engaging in dialogue with local authorities and religious leaders became essential to gain their support and cooperation. By working proactively in this manner, they could effectively address the underlying legal complexities and cultural sensitivities. Understanding these nuances of the justice system was pivotal in customizing their interventions to meet specific needs and ensure program success. This approach could be useful in your context by fostering local partnerships and ensuring interventions are culturally appropriate and legally sound.

Note to writer : you can use other tables and approach to describe key elements of the law applicable.

Example :

Law/decrees applicable	GBV categories and qualifications	Years of imprisonment provided for in the penal code
Art.X of Criminal code	Rape - Crime	10 years for adults ; X years of children victims...
Decrees	Sexual assault - intentional crime	3 years
	Female genital mutilation - crime	10 years
	Denial of resources - offence	3 years
	Physical violence	N/A
	Psychological violence - offence	3 years
	Forced marriage - offence	3 years

JUSTICE SYSTEMS & ACTORS

Refer to the “Desk review template & Q° Bank” and identify the main courts and mechanisms in place in the formal and customary/informal justice systems. Define the main actors involved, their roles and responsibilities. In this paragraph you will respond to the questions of the Desk review template & Q° Bank under the category “Justice systems” and sub-category “Context” – try to reply to all the questions if possible.



In Mariama’s context, there are different options available. Let’s imagine that Mariama’s daughter becomes a victim of sexual abuse by a man from the village near the camp. The case could either be handled by the prosecutor or referred to the chief of the village, who has received training to report such cases.

When access to services is limited, it is essential to raise awareness about existing legislation and advocate for the incorporation of these laws into domestic legal frameworks. Coordination with external service providers, such as the Bar Association, can facilitate pro bono legal services. Trainings on international standards might also be necessary for justice professionals, police officers and other key actors in this context such as medical staff or teachers. Additionally, partnering with UN agencies and engaging in advocacy efforts may be necessary to ensure the adoption and effective implementation of relevant legislation.

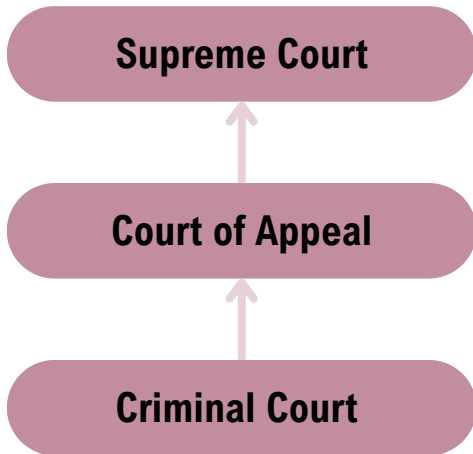
	Formal justice system	Informal and customary justice system
Key services, courts and other structures	Ex. Criminal Courts	Council
Location	In 6 cities	In 50% of villages
Main actors involved	Police officers, prosecutors, judges, and clerks	Chief of village
Key elements (nb; representation; training)	3 Judges specialized in GBV with a specific training, 2 prosecutors and 2 clerks (no specific training)	1 representative per village, with a training and certification
Main roles and responsibilities	To held perpetrators accountable	To prevent cases and refer to the prosecutor in case of abuses
Types of cases they can handle	All cases related to GBV and other forms of violence	Any types of abuse

In Mariama’s context, victims often don’t want to go to court. They might not have enough resources or may be discouraged. Informal or customary courts are not functioning well and accessing formal courts might be even more difficult, with important delays. In those cases, What services are we able to provide? Mediation is often an option, but the first question to ask is: is it safe?

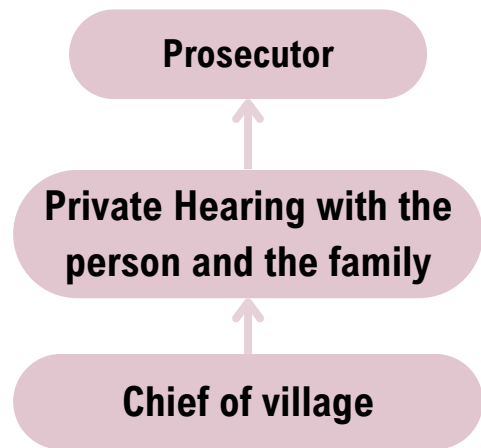
Examples

Add a figure of the justice system (distinguish formal, informal/customary by having 2 figures if necessary), and provide a short explanation.

Formal justice system



Informal justice system



KEY STEPS OF THE PROCEDURES

Refer to the “Desk review template & Q° Bank” and identify main entry points in the justice system (step 1) and how the proceedings works from the people perspective (step 2) as well as describing the actors involved (step3). In this paragraph you will respond to the questions of the desk review template under the category “Procedures” and sub-category “Context” – try to reply to all the question if possible

Step 1. Identify the main entry points in the justice system.

Most of the people often don't know where to start. Mariama decided to share her concerns to the local authorities after hearing a message at the radio. The chief of village just received a training on this issue and decides to open a case. Most issues are handled in a traditional way, outside of legal/formal court. It is important for the IRC team to know how this system works, and with whom to work on this issue.



In Mariama's context, justice is often not available, accessible or adapted. For IRC's staff, there might also be some confusion. It might often take more time, depending on services available and locations. Coordinating with GBV Cluster to know what services providers are available might be necessary. The process may also include informal discussion with specific actors such as the family, who plays an important role in this context where cultural norms are prevalent.

Step 2. Before, during and after: What are the key steps of the proceedings?

Add a figure to explain how the person generally enters in contact with the law and what are the following steps.



Finally, provide an overview of the process duration using this table below:

Process duration (specify official law/decrees and what they say if any..)		
	Formal justice system	Informal and customary justice system <i>Specify</i>
# of cases/demand received		
# of cases heard		
Within one week of filing the lawsuit		
Between 1 and 2 weeks after the filing of the lawsuit		
More than two weeks after filing a lawsuit		
# of cases with decision made		

LEGAL SUPPORT & PROTECTION

Refer to the “Desk review template & Q° Bank” and identify main laws and actors providing legal support in your context. In this paragraph you will respond to the questions of the desk review template under the category “Legal support and protection” and sub-category “Context” – try to reply to all the question if possible

Define how the affected population is supported through the process and the kind of support he/she receives. By whom?

Refer back to the legislation mentioned in the first section on legal aid and explain what it specifies about the conditions and processes for accessing legal aid.

Example: In Mariama’s context, there are several services available and actors involved.

	Governmental institutions	Local communities	NGOs and associations	Other
Legal support (incl. legal aid, ...)	Information campaigns on the radio; development of a Gender equality programme to train women judges.	Women-paralegal services that provide specific support for victims of domestic violence.	Free legal aid support for women and girls, translating “legal matters” into an accessible language.	Champions and–community awareness and local advocacy.
Other type of protection	Gender Based Violence Office to provide free legal support, Ombudsman office (Human rights monitoring).	Women (peer groups) in the communities, Provision of dignity kits.	Support to provide medical aid, and psychosocial support.	Medical and emotional support by a local clinic for women and girls, Parents associations.

Examples of initiatives promoted by IRC

Through the IRC’s Safe Healing and Learning Spaces (SHLS), children receive psychosocial support that improves their ability to cope with and heal from trauma, exposure to violence and conflict. Comprehensive SHLS programming provides children with recreational activities, social and emotional learning support, literacy and numeracy skills and works with parents to ensure a standard, comprehensive and holistic package of support for children in emergencies. The IRC also provides case management programs to children and women who have experienced violence through an harmonized case management and data collection methods that safely link key information across programs without breaking confidentiality. IRC also recognizes that affected populations and local communities have the knowledge and skills to help drive their own safety and security. In this context, Community-Based Protection (CBP) forms a set of dedicated interventions that empowers communities to identify, analyze, and address protection risks they face.

See IRC’s Note on Violence Prevention and Response.



TRIANGULATE & FIND ADDITIONAL INFORMATION

Take the time to identify gaps of information and then select the key questions to find additional information and triangulate.

- ▶ **Develop assessment tools** (i.e: FGD, KII, HH...)– to do so, you can refer to dedicated resources, including (i) Question bank where you can select chosen methodology and select question based on your gaps of information; (ii) Mandatory FGD tool, that you can adapt/add questions depending of your legal matter of focus.
- ▶ **Conduct a series of interviews and FGD with the affected population.** This should be inclusive and representative of all gender, age, disabilities, status including socio-professional status, religion... to better understand what is going on in practice. How is the law implemented in terms of threats, vulnerabilities, and capacities?

Key elements of focus in your assessment:

- Important elements to take into account at this stage: the difference between the law mentions and its implementation, the gap between the law and the reality faced by people in practice.
- Highlight the potential reforms, evolution and existing risks: ex. The chief of villages may apply some norms in contradiction with women's rights. The population is waiting for a new reform for the past 5 years on this subject...

The Desk review template & Q° Bank particularly the questions related to “Threat, Vulnerabilities, Capacities” is here to guide you through this process.



Lesson learned from IRC's experience. Get inspired !

Ensuring access to justice for women and children requires building the capacities of police, judicial, and healthcare systems with a focus on gender and child protection (CP) laws and effective communication. In that context, IRC teams trained frontline workers to communicate rights and handle cases without re-traumatizing women and children. Conducting scoping exercises helps identify prevalent issues like abuse and medical needs. Timely reporting within 72 hours and building community trust through awareness campaigns enhance support systems. Addressing social stigmas and service gaps, like forensic evidence and healthcare access, is also essential. Continuous advocacy and practical support ensure gender and CP principles are integrated across all justice and support systems.

MAIN THREATS & VULNERABILITIES

Refer to the “Desk review template & Q° Bank” and take into account all the answers related to “Threats” and “Vulnerabilities” – try to reply to all the questions if possible

Step 1. Identify the key strengths and gaps between the legal framework and what the affected population survivors of GBV actually face.



In Mariama’s context, perpetrators are often protected by the community. Even where they are reported to police, the communities will still protect and hide the perpetrators. IRC staff are viewed as ‘persons who want to change the culture of the refugees’. It is important to work with elders in the community to conduct trainings and awareness raising activities. Ex. Invite paralegal and medical staff to provide information.

We don’t want things to change !

In some context, there is a lot of resistance and small improvement to change culture. In Kenya, IRC has been working with local admins, police attached to the gender desk to help them through policing and ensure that girls access justice. IRC does the sensitisation, but its the government that intervenes. GBV protection champions, community leaders, and social protection department have been trained and support girls going through these violations. They act as whistleblowers, and anonymously report for a rescue to be done. IRC does case management, case conferencing with partners working on prevention and response, CP and GBV actors to prevent. Incorporated within ProL and GBV, IRC works with the Department of children’s services, and the Department of gender and social services. If there are clinical needs, they link to Ministry of Health who links with governmental children’s services. Most cases are referred by the Governmental children’s services to child rescue centers, in a county set up.

Step 2. Identify the key strengths and issues faced by the institutions and actors in charge

Highlight here:

- The main threats and vulnerabilities, faced by the actors
- Important questions to ask at this stage in terms of availability and adaptability: Are courts and legal support available in all the countries?



In some context, additional issues may arise such as the situation of transgender. For instance, in Uganda, strong cultural and religious intolerance and the 2023 anti-homosexuality law prevent transgender persons from accessing services. The IRC risked blacklisting and losing its operational license if perceived as promoting homosexuality, hindering the WPE team’s ability to support transgender women.

Step 3. Identify the key strengths, issues and obstacles face by the affected population to access justice

Highlight here:

- The main threats and vulnerabilities, faced by the affected population and actors
- The main strengths and barriers in the system (ex. cost of a lawyer, extra fees...)



See some examples below, based on Mariama's experience.

***Link with the Protection Analytical Framework**

Step 1: before the proceeding - first contact with the justice system

Step 2: during the proceeding

Step 3: after the proceeding

Current threats, main actors responsible for the threat and origins of the threat

GBV is normalized by social norms and silence, with families and community leaders discouraging survivors from seeking justice.

Male-dominated legal systems and lack of resources hinder fair hearings, with survivors retraumatized by insensitive procedures.

Weak enforcement of protective measures and lack of follow-up care perpetuate survivors' vulnerability and marginalization.

Threat's effect, most affected population, main vulnerabilities and negative coping strategies

Women and girls are stigmatized, fear retaliation, and often avoid reporting, leading to isolation or early marriage.

Survivors face retraumatization, lack legal representation, and often withdraw cases due to societal pressure.

Survivors struggle with reintegration, lack of economic opportunities, and dependency on abusers or harmful coping strategies.

Example on analysis of barriers & risks faced by victims

in West african some communities, if a man rapes a child or young woman, the norms and traditions recommend that the perpetrator marry off the survivor. The consequences of such norms are severe for survivors, as they are often silenced and trapped in a cycle of ongoing violence (e.g.: marital rape, physical violence...), with serious consequences for her health (it is recognized that carrying a child as a minor aggravates the risks for both mother and child), including her mental health and personal development, as marriage most often means the end of access to education.

CAPACITIES

Refer to the “Desk review template & Q° Bank” and take into account all the answers related to “Capacities” – try to reply to all the questions if possible

For each aspect, analyze the main capacities, key strengths and opportunities for the different actors involved, and gaps and weaknesses in terms of capacities:

- Institutions and Ministries in charge, professionals bodies and actors (justice actors, social workers, police, ...), customary and informal justice system
- Paralegal services, NGOs, associations
- The affected population

▶ **Ex 1.** Girls and women are supported by paralegal women in the community, who work in collaboration with a local clinic and a shelter for women and girls victims of sexual and domestic violence.

▶ **Ex 2.** A local NGO is supporting, training and equipping champions in the community to know the law, and be the actor of change and influence on this issue.



In Mariama’s context, IRC has supported women to have the good connection, trust and legitimacy with the local authorities and local traditional chief. IRC was by the side of the women paralegal in front of the authorities, leading on ‘info session’ on the criminalization of domestic violence and rape. Eventually, in some villages, the shift has started.

Lesson learned from IRC’s experience in Cameroon. Get inspired !

When a legal issue is dominated and decided by the informal justice stakeholders, IRC has to engage with the decision maker to influence and contribute to a more equitable justice system. However, IRC staff is not always the best placed to dive, understand and influence informal policies and rules. Therefore, following the legal analysis on the formal and informal legal framework and actual practices, IRC has worked with women paralegal have been trained and empowered in their community. They shared that: “We have contributed to a big change in the community. Today women have access to land, heads of families send girls to school instead of marrying them early, women register children's births. We, women paralegals, manage to stand in front of men to carry out activities, speak up and be listen and have a dialogue with traditional and administrative authorities.”

CONCLUSION

You can provide a short conclusion highlighting the key strengths and barriers identified.

At the end, analyze the level of power and influence of the key actors involved:

What is the current situation in your context in terms of influence, knowledge, interest and proximity with the stakeholders?

Refer to Part 1. Section 6: it is the same exercise but you need to take into consideration the specific risk and situation of the population affected. The results might be different. This will help you to define more precisely the main actors with whom you want to work in your program.

Based on Madhi's example, we can evaluate the level of influence, knowledge, interest and proximity of the various actors as below.

	Governmental institutions and Ministries in charge	Justice professionals	NGOs, association, Paralegal services	Local communities, other (ex. parents)
Influence	Medium	Low	Low	High
Knowledge	Low	Low	Medium	Low
Interest	Low	Medium	Medium	Low
Proximity to rightsholders	Low	Low	Low	Medium

Based on the results, identify key elements to take into account in your strategy.

Based on Mariama's experience, we can conclude that the program should focus on:

- **Training:** develop technical legal training content with an analysis on FGM and early marriage analysis
- **Awareness-raising activities:** explain the effects of FGM and early marriage on girls, and legal consequences (criminalization of the perpetrators).

Main threats identified	<ul style="list-style-type: none"> • Social norms • Lack of information (legal and other incl. sexual and reproductive health) • Costs to prove any act of sexual violence 	<i>3 main threats to take into account</i>
Main threat's effects/ vulnerabilities identified	<ul style="list-style-type: none"> • Lack of empowerment • Discrimination against women • Risk of retaliation 	<i>3 main threat's effects/vulnerabilities to take into account</i>
Main capacities and strengths identified	<ul style="list-style-type: none"> • Women and girls' empowerment • Interest and influence from some leaders • Engagement of women and paralegal 	<i>3 main capacities and strengths to take into account</i>
Main actors to be involved in the program	<ul style="list-style-type: none"> • Local leaders • Women paralegals, Staff in the local clinic and shelter • Community champions 	<i>Key actors in this process, who may have the most important impact and influence</i>

This will help you at the next stage to identify what are the strengths and gaps in the system that you need to explore and develop your strategy. See you in part 4 !