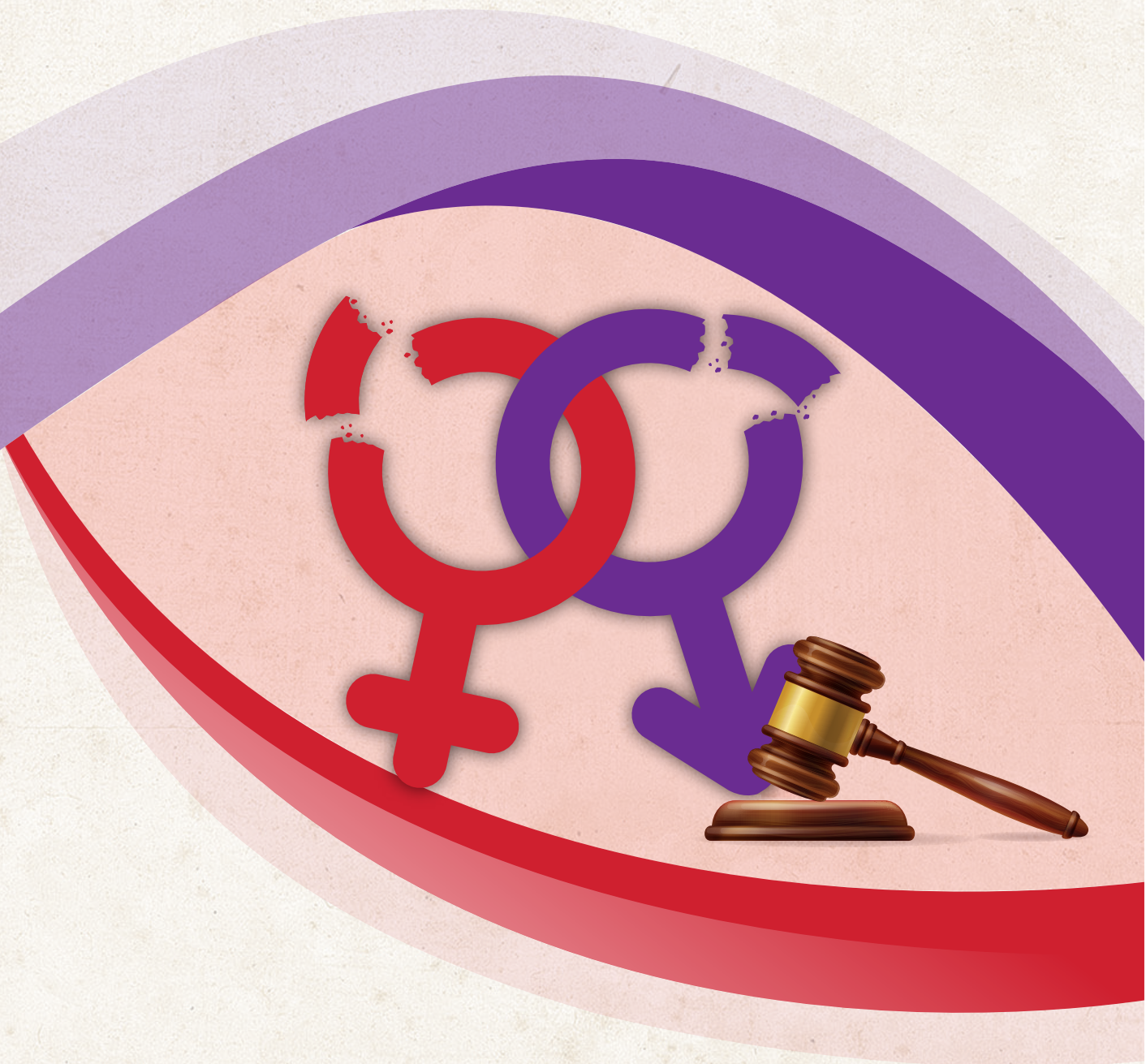


# **Paralegals Training Manual**

## **on Sexual & Gender-Based Violence**

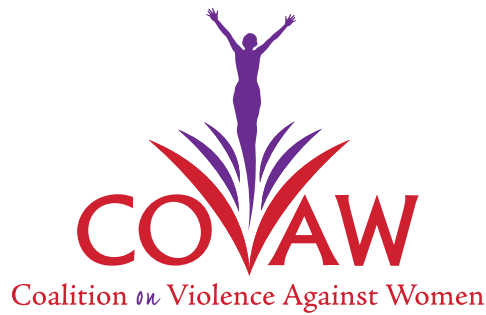


*Enhancing Access to Justice for Sexual and Gender-Based  
Violence Victims with Intellectual Disabilities.*

With support from African Women Development Fund







# Paralegals Training Manual

## on Sexual & Gender-Based Violence



*Enhancing Access to Justice for Sexual and Gender-Based  
Violence Victims with Intellectual Disabilities.*

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# Acknowledgments



locally and across the globe, Governmental Agencies, Development Agencies, and Local Civil Society Organizations are working to end sexual and gender-based violence. It is in the pursuit of that goal that hundreds of Professionals and Agencies have developed an extensive collection of resources on the issue. These persons have identified innovative and forward-thinking solutions to end sexual and gender-based violence on women and girls. The development of this Manual relied on the knowledge, experiences, and activities contained within these resources. COVAW appreciates the contribution of its paralegals in reviewing the content of this manual. Special thanks goes to Wairimu Munyinyi-Wahome, the Executive Director of COVAW and the Programme Team comprising of Eva Ruria (Programme Manager) Kwamboka Oseko (Legal Associate) Mercy Opiyo and Maurine Khabuchi (Programme Associates) for their leadership and contribution to the development of the manual, in collaboration with Prudence Mutiso, the Legal Consultant.

# Preface



he Coalition on Violence Against Women (COVAW) is a Kenyan not-for-profit national women's rights organization that exists to champion the rights of women and girls to be free from all forms of violations.

COVAW implements projects under five (5) strategic focus areas, namely: Access to Comprehensive Sexual and Gender-Based Violence ("SGBV"), Sexual and Reproductive Health Rights ("SRHR") Services; Women's Economic Empowerment; Women's Leadership Development; Access to Justice; and Institutional Development. Accessing justice in Kenya is costly, especially for excluded, vulnerable, and marginalized groups. To enhance understanding of the law and its application, COVAW works with Paralegals to engage communities, especially on women's rights, rights of persons living with disabilities, and SGBV.

Through the Paralegal network, COVAW provides critical legal support to SGBV cases affecting Intellectually Challenged Women and Girls ("ICWGs"). Because of the need to build the capacity of the Paralegals, the African Women's Development Fund ("AWDF") is supporting the development of the Paralegal's Training Manual under the Project, *Enhancing Access to Justice for Sexual and Gender-Based Violence Victims with Intellectual Disabilities*.

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# Acronyms

<b>ACHPR</b>	African Charter on Human and People's Rights
<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>AWDF</b>	African Women's Development Fund
<b>CA</b>	Children's Act
<b>CAK</b>	Court of Appeal Kenya
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>COVAW</b>	Coalition on Violence Against Women
<b>CSEC</b>	Commercial Sexual Exploitation of Children
<b>CTIP</b>	Counter-Trafficking in Persons Act
<b>GBV</b>	Gender-Based Violence
<b>GOK</b>	Government of Kenya
<b>IASC</b>	Inter-Agency Standing Committee
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social, Cultural Rights
<b>ICWG</b>	Intellectually Challenged Women and Girls
<b>IO</b>	Investigating Officer
<b>IQ</b>	Intelligent Quotient
<b>NPS</b>	National Police Service
<b>ODPP</b>	Office of The Director of Public Prosecution
<b>PADVA</b>	Protection Against Domestic Violence Act
<b>PAFGM</b>	Prohibition Against Female Genital Mutilation Act
<b>SCOK</b>	Supreme Court of Kenya
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SIDA</b>	Swedish International Development Agency
<b>SOA</b>	Sexual Offences Act
<b>SRHR</b>	Sexual and Reproductive Health Rights
<b>UDHR</b>	Universal Declaration on Human Rights
<b>UN</b>	United Nations
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNCRPD</b>	United Nations Convention on the Rights of Persons with Disabilities
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>VPA</b>	Victim Protection Act
<b>WHO</b>	World Health Organization
<b>WPA</b>	Witness Protection Act/Agency

# Introduction

## The Manual

This Manual is designed for COVAW Paralegals to provide them with the necessary skills and knowledge to address Sexual and Gender-Based Violence (“SGBV”), through the lens of intellectually challenged women and girls (“ICWGs”). The manual design focuses on strengthening the Paralegal capacity in the understanding of SGBV, providing an overview of the legal framework, and increasing awareness on prevention and response to SGBV. The Manual is designed as highly participatory to give participants time to think, reflect, and discuss the concepts, which promote a change in knowledge.



### Course Objectives

1. Build the capacity of Paralegals on SGBV related laws to advance justice for vulnerable groups such as ICWGs and the elderly
2. Increase Paralegal understanding of their role and responsibilities in supporting vulnerable SGBV survivors.
3. Enhance Paralegal knowledge on the approaches to prevent and respond to violence against women with disabilities



## What's Inside

### Module 1- Sexual and Gender-Based Violence Legal framework

The Module provides participants the opportunity to understand the meaning, causes, and types of SGBV affecting women with disabilities. The Module also provides participants with the knowledge to understand the role of a community paralegal and equips them with the tools to identify ICWGs within the community. Further, the Module provides an overview of the national legal framework on SGBV with a focus on Female Genital Mutilation (“FGM”), Child Trafficking, Commercial Sexual Exploitation of Children (CSEC), and Child Marriage.

### Module 2- Victim Centered Approach

The Module defines the victim-centered approach and describes the rights of vulnerable victims such as the ICWGs and the elderly. Additionally, the section discusses the role of Paralegals in supporting SGBV survivors to play a central role in the criminal trial process.

## Module 3- The Sexual and Gender-Based Violence Reporting Mechanism

Through this Module, participants gain awareness on how to respond to SGBV cases that affect ICWGs. The Module classifies the SGBV survivor support services and offers the participants a critical look into their role and responsibility throughout the referral pathway.

## Module 4- Effective Communication

The Module outlines the essential communication skills for a Paralegal and provides tips on ways the participants can communicate and connect with ICWGs while responding to SGBV cases.



### Notes on Facilitation

The facilitator should ensure that participants familiarize themselves with the training objectives and logistics and begin to build relationships with the participants and trainers.



### How Does it Work?

The Manual consists of four (4) training modules of two hours to four hours, each covering different thematic areas. The introductory session should take place within forty minutes, with two (2) to three (3) day period suggested for the entire training. As the facilitator, read the recommended training materials and then deliver the training. **Please, note that the indicated time for each activity is a short guide – you are advised to time each activity as appropriate.**

## The Contents of Each Module

Each Module contains the following components: a summary, learning objectives, key messages, and instructions for the facilitator. Each session highlights key messages with instructions to the facilitator.

**Handouts:** These accompany each Module. Unless otherwise stated, make copies for all participants before the training.

**Pre- and Post-Training Assessment:** The training assessment contains a pre and post-test sheet with multiple choice questions for participants, as well as an answer sheet. The facilitator should ensure the participants take this test before (pre-test) and after (post-test) the training to help determine the attainment of the objectives.

**Training Style:** The facilitator should adopt lectures, group working methods, stories, short films, and the Socratic method to facilitate the training.



## Making the Introduction

### Icebreaker: Five of Anything (15 Minutes)

#### A game of team bonding.

Divide the participants into smaller teams of five with a pen and paper for each group. Have topic ideas listed for the task? Give each team a topic, and their task is to list five of their favorite things on that topic. The topics include Five of persons admired, Five of life aspirations, Five of favorite foods, Five favorite movies, songs, radio, or television shows. Each participant can write their top five, and once everyone has finalized, have the participants take turns to share their favorite things.



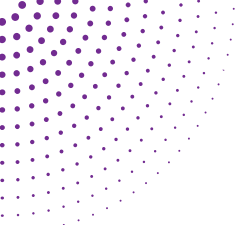
#### Facilitator Note

- Ask a participant to volunteer as a time-keeper
- Review the housekeeping rules as a group
- Ask participants whether they agree to disagree with the rules. Only accept suggestions if unanimous
- Record any changes on a flipchart



#### Housekeeping Rules (5 Minutes)

- **Ground rules:** At the beginning of the training, have the participants set the ground rules (turn off mobile phones, respect confidentiality, respect other participants' contributions, and avoid using identifying information about survivors. Communicate to participants that even in a safe learning environment, participants may recall stressful work or personal experiences. You should communicate that this is normal and reassure participants that at no time will anyone be expected to share anything private. Remind participants that the facilitators are there to help participants learn, so questions are always welcome.
- **Managing discussions:** The subject of SGBV stimulates many questions and debates. Useful learning can come out of such discussions, but sometimes it is necessary to move the session along and save questions until a time designated for questions and answers.
- **"Parking":** Explain to the participants that the session provides for later addressing of parked questions posted on a flipchart.
- **Group work:** During group work, circulate among the groups to make sure that they have understood the exercise and are working effectively.



Make sure participants take turns chairing and presenting the group work. The group working methods include brainstorming, decision-making techniques, capturing information on the flip chart, and small group activities.

- **Share Training Agenda and Logistics:** What materials are available (computer, projector, flip chart, marker pens)? Share the reason for room set up and duration of the training and the date or time that the training takes place? When will breaks and meals be provided? Anticipated Change because of this training and the difference in change of knowledge? How will this be measured?
- **Manage Expectations:** Have the Participants state their expectations for the training and post it on a flipchart. The facilitator should make a note to cluster the expectations and feedback of the participants, which should guide the training. At the end of the training, the facilitator should cross-check the training objectives to ensure compliance with the “meet expectation” rule.
- **Emphasize the link between personal beliefs and COVAW’s mission to end violence against women and girls:** Often, it is difficult to reconcile personal beliefs with professional obligations and to recognize one’s biases while carrying out these professional obligations. Explain and emphasize to participants that this training is to increase their knowledge and understanding of SGBV from a human rights perspective.

## Pre-Training Evaluation (15 Minutes)



### Facilitator Note

Distribute copies of the pre-test and allow participants time to take the test. Collect the tests for internal evaluation.

## Module I:

# The Sexual and Gender-Based Violence Legal framework



**Time: 4 Hours**

**Summary:** The Module provides participants the opportunity to understand the meaning of a community paralegal and the unique role of a Paralegal in the community. Additionally, participants gain knowledge about the identification of ICWGs and other vulnerable victims. The participants also gain an understanding of SGBV, its root causes, and causes of violence against women with disabilities. To conclude, the section provides an overview of the national legal framework on SGBV with a focus on the special protection accorded to persons with disabilities.



### Required:

Flip Charts, Marker Pens

**Session I:** Understanding the meaning and the role of a Community Paralegal

**Session II:** Defining sexual and gender-based violence, the root causes, and causes of violence against women with disabilities

**Session III:** An Overview of Kenya's sexual and gender-based legal framework



### Learning Objectives

At the end of this module participants should:

1. Explain the meaning of a community paralegal and their role within the community
2. Outline ways to identify vulnerable survivors and the role of paralegals in advancing access to justice
3. Describe the SGBV legal framework and the protection accorded to persons with disabilities especially ICWGs



### Facilitator's Note:

- *The facilitator should research current global and local SGBV statistics, including statistics on persons with intellectual disabilities such as ICWGs.*
- *For purposes of this Manual, vulnerable groups include ICWGs and the elderly.*





### Key Messages

- A Paralegal is a person trained in the essential legal skills to provide solutions to injustices at the community level
- A Paralegal work involves the championing for justice for vulnerable groups within the community
- Paralegals are not Lawyers but work closely with them on cases of abuse
- SGBV is a serious, life-threatening, global problem affecting women and girls
- Paralegals should sensitize the community on the use of government hotlines such as 116 to report cases of abuse
- Paralegals should use public education avenues such as “Chief Barazas,” Community Policing “Nyumba Kumi” initiatives, to promote awareness of the rights of ICWGs in the community
- Paralegals should facilitate the reporting of SGBV cases against ICWGs and the elderly through SGBV hotlines such as 1195 or Helpline 116

## Session 1: Defining a Community Paralegal and their Unique Role in the Community



**Time: 1 Hour**



### Key Messages

- A Paralegal is qualified to give legal advice but not represent a person in a court of law
- Paralegals differ from Lawyers, as Lawyers are persons with advanced legal skills such as a Law Degree and qualify to represent people in a court of law
- Paralegals work closely with Lawyers and Counsellors to provide support to victims of sexual and gender-based violence
- Paralegals act as a bridge between the community and formal justice institutions
- A Paralegal should AT NO TIME assist victims of sexual violence to settle cases out of Court

## Who is a Community Paralegal?

“Community paralegals,” also known as “grassroots justice champions,” provide a bridge between the law and real life. Paralegals train in fundamental law and skills like mediation, organizing, education, and advocacy. Paralegals form dynamic, creative frontline workers that can engage formal and traditional institutions alike. For example, a Paralegal can assist a community member to follow up a case at Narok, Kiambu, or Makadara Law Courts. It is important to note that Community Paralegals are not Lawyers; however, a Paralegal can choose to attend Law School and pursue a four-year course to become a Lawyer.<sup>1</sup>

## What is the Role of a Community Paralegal?

In assisting vulnerable groups, community paralegals should focus on legal empowerment to enable clients to tackle problems in the future. To address SGBV, a Paralegal should:

1. Promote empowerment by developing SGBV awareness and available legal protections to the communities.
2. Provide tailored solutions to legal problems through creative strategies and utilizing a range of skills and tools, such as in-depth knowledge of local context.
3. Offer their services and ensure that clients have access to them.
4. Find solutions not only for individuals but also for entire communities.
5. Engage a wide range of institutions, including administrative agencies and customary authorities, to develop awareness on the rights of ICWGs.
6. Promote community reporting of SGBV cases and discourage settling cases informally.

## Identifying Vulnerable Survivors: An Intellectually Challenged Woman or Girl

The Convention on the Rights of Persons with Disabilities explains that: “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and active participation in society on an equal basis with others. The group includes persons with a mild or severe form of intellectual disability.

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<sup>1</sup> NAMATI, *What is a Community Paralegal* (2012), <https://namati.org/wp-content/uploads/2015/02/What-is-a-Community-Paralegal.pdf>; NAMATI, *Kampala Declaration on Community Paralegals* (2012), [https://namati.org/wp-content/uploads/2015/02/Kampala\\_Declaration\\_on\\_Community\\_Paralegals.pdf](https://namati.org/wp-content/uploads/2015/02/Kampala_Declaration_on_Community_Paralegals.pdf) (last accessed 30th March 2020).

**Intellectual disability** refers to disability characterized by significant limitations both in **intellectual functioning** (reasoning, learning, problem-solving) and in **adaptive behavior**, which covers a range of everyday social and practical skills. This disability originates before the age of eighteen (18).<sup>2</sup>

- Intellectual functioning, also known as an intelligent quotient (“IQ”), refers to a person’s ability to learn, reason, make decisions and solve problems
- Adaptive behaviors refer to skills necessary for day-to-day life, such as being able to communicate effectively, interact with others, and take care of oneself

According to the American Association of Intellectual and Developmental Disabilities, an individual has an intellectual disability if:

1. IQ is below 70.
2. There are significant limitations in two or more adaptive areas (skills that are needed to live, work, and play in the community, such as communication or self-care).



**Facilitator’s Note:** *Refer to the Diagnostic & Statistical Manual on Mental Disorders (DSM-5), 5<sup>th</sup> Edition for more information on intellectual disabilities.*

**Elderly:** According to the World Health Organization (“WHO”), the proposed working definition of an older person is anyone above sixty-five years of age.<sup>3</sup>

**ICWGs** and the **elderly** are a vulnerable population because of their intellectual development and progress in age. Below-average intelligence and a lack of skills necessary for daily living characterize intellectually challenged persons. It is worthy to note that **people** with **intellectual** disabilities can and do learn new skills, but they learn them more slowly.



### Wrap-up (10 Minutes)

- Ask participants to share key lessons and takeaways
- Paralegals are not Lawyers but may qualify upon attending law school
- Paralegals act as a link between communities and formal justice institutions
- Intellectual disabilities develop before the age of eighteen (18)
- Depending on the severity of the disability, a person may learn new skills

<sup>2</sup> American Association of Intellectual & Developmental Disabilities, Intellectual Disabilities, <https://www.aaidd.org/intellectual-disability/definition> (last accessed 30th March 2020).

<sup>3</sup> WHO, *Elder Abuse Fact Sheet* (2015), <https://www.who.int/news-room/fact-sheets/detail/elder-abuse> (last accessed 30th March 2020).



## Session 2: Understanding Sexual and Gender-Based Violence



**Time: 2 Hours**



### Key Messages

- SGBV can affect anyone, a woman, or a girl at any cycle of life
- SGBV against ICWGs and the elderly includes physical, psychological, economic, and sexual violence
- Violent partners or family members may trap ICWGs and the elderly because of financial and social dependence
- ICWGs have a substantially higher risk of being victims of violence than their peers without disabilities
- A Paralegal has the responsibility to limit the exposure of ICWGs or older persons to abuse
- Paralegals should identify abused ICWGs or elderly persons within their communities and notify relevant authorities immediately

**Gender-Based Violence** (“GBV”): the Swedish Agency for International Development (“SIDA”) defines GBV as any harm or suffering committed against a woman or girl, man, or boy, and that harms the physical, sexual, or psychological health, development, or identity of the person.<sup>4</sup>

**Sexual and Gender-Based Violence:** refers to any act perpetrated against a person’s will and is based on gender norms and unequal power relationships. It encompasses threats of violence and coercion. It can be physical, emotional, psychological, or sexual, and can take the form of a denial of resources or access to services. SGBV inflicts harm on women, girls, men, and boys.

**Sexual Violence:** According to WHO, sexual violence refers to a sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.<sup>5</sup> Experts describe gender-based power inequalities and harmful gender norms as the leading causes of SGBV against all persons, including ICWGs and the elderly.

<sup>4</sup> SIDA, *Preventing & Responding to Gender Based Violence* (2015), <https://www.sida.se/English/publications/159477/preventing-and-responding-to-gender-based-violence-expressions-and-strategies/> last accessed 30th March 2020.

<sup>5</sup> WHO, *Understanding Sexual Violence Against Women* (2012), [https://apps.who.int/iris/bitstream/handle/10665/77434/WHO\\_RHR\\_12.37\\_eng.pdf;jsessionid=D68D5512F6A7AD3DE548985EC7A616D3?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/77434/WHO_RHR_12.37_eng.pdf;jsessionid=D68D5512F6A7AD3DE548985EC7A616D3?sequence=1) (last accessed 30th March 2020).

SGBV is primarily rooted in individual attitudes that condone violence within the family, the community, and the State.

- SGBV occurs against a person's will, and it is a violation of human rights
- Gender norms and unequal power relationships form the basis for all acts of SGBV
- Discrimination towards people with disabilities, coupled with attitudes towards women in patriarchal societies, put ICWGs at increased risk of violence
- SGBV is under-reported in all contexts primarily when it affects ICWG and the elderly
- ICWGs and the elderly have the same rights to protection from SGBV as other persons



### Facilitator's Note:

*For the Difference between Gender Norms and Power Relations (Refer to Handout Module 1).*



*Illustration 1: Gender Roles within the Community*



## Group Activity (15 Minutes)

- Divide participants into two groups
- Display *Illustration 1*
- Ask the groups to discuss the following:
  1. What it means to grow up as a boy and a girl in their community, starting from birth to twenty-five years old.
  2. Ways in which society demonstrates the difference between boys and girls in everyday life, including the importance and value placed on both gender.
  3. Identify the similarities in gender roles within rural and urban communities.
  4. The treatment of ICWGs and the elderly in everyday living in rural or urban Kenya.
  5. Why the ICWG or an elderly could be missing from the Illustration?
- Ask the groups to post their answers on a flip chart for a five-minute presentation.
- Each group to nominate a Presenter to share a summary of the discussion and other groups can ask questions or make additional points
- Facilitate the discussion towards realizing an “Equal Generation” using the notes below and the instructions listed in Activity 1 in the Activity Sheet



## Facilitators Note:

In the rural areas, for example, during pre-teens and teenagehood, a girl may be made to take care of her younger siblings, do household chores, or maintain silence. Additionally, the boys may look after the cattle, farm, and not go into the kitchen. In the towns and cities, the girls may cook and clean, and the boys may choose to go and play or watch television.

The exercise above helps participants understand gender and how these roles take shape as children become adults. For example, in most Kenyan households, the girls do the family chores like washing and cooking and that it is the woman's role to serve the man, and the man's role is the head of the household. At the same time, because of cultural beliefs and social stigma, some communities hide the elderly and persons with disabilities, such as ICWGs.

**Emphasize** that everyone has their own beliefs about the rights and roles of women and men. These beliefs come from our cultural, family, and social backgrounds. While it is important to respect an individual's beliefs, we must also challenge those that might justify, support, or condone violence. As we engage in SGBV related work, it is equally important to challenge our values and beliefs.

Indeed, thinking about different forms of SGBV in a professional context can be new and challenging. It can also be difficult to reconcile personal beliefs with professional obligations and to recognize our biases while we carry out our professional obligations.<sup>6</sup>



**Key Points:** Gender norms determine girls' and boys' roles, responsibilities, opportunities, privileges, and limitations. These factors affect the power relationships between women and men later in life. Messages about gender are taught, displayed, and reinforced by society and by both men and women from a very young age. Gender norms change over time and across cultures. Due to the evolving nature of gender norms in societies, communities and individuals can identify the norms and change them and achieve a "Generation of Equality."

## The Root Causes of Sexual and Gender-Based Violence

Around the world, women with disabilities experience much higher levels of physical, sexual, and psychological violence for more extended periods and with worse physical and mental outcomes than women without disabilities.<sup>7</sup> The violence can include physical or sexual violence, often perpetrated by family members or neighbors who know they are home alone.

Gender norms and unequal power relationships are the root causes of SGBV. The norms are socially constructed and can change. Correspondingly, power has a direct link to choosing, so persons with limited power such as **ICWGs** and the **elderly** have fewer choices and are more vulnerable to abuse.

## Causes of Violence against Women and Girls with Disabilities

Perpetrators target ICWGs because of **social exclusion, limited mobility, lack of support structures, communication barriers, negative social perceptions, including myths, and perpetual stigma.**

- 1. Patriarchal Attitudes:** Attitudes towards women in patriarchal societies combined with vulnerabilities related to the impairment itself lead to increased cases of violence.
- 2. Access to Services:** Women and girls with disabilities have limited access to legal protection and redress because of low awareness regarding their vulnerability.

<sup>6</sup> UNHCR, *Training Package on SGBV Prevention & Response* (2016), <https://www.unhcr.org/publications/manuals/583577ed4/sgbv-prevention-response-training-package.html> (last accessed 30th March 2020).

<sup>7</sup> UNFPA, *GBV Guidelines on Disability* (2018), [https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA-WEI\\_Guidelines\\_Disability\\_GBV\\_SRHR\\_FINAL\\_19-11-18\\_0.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA-WEI_Guidelines_Disability_GBV_SRHR_FINAL_19-11-18_0.pdf) (last accessed 30th March 2020).



3. **Limited power:** The perceived powerlessness of women and girls with disabilities as they are less able to defend themselves or seek support because of their isolation. For example, caregivers hide them away, the nature of impairment leaves them isolated, or they may not recognize the discrimination they face.
4. **Limited Financial Independence:** The perpetrators, either a caregiver, at home, or in institutional settings, and females with disabilities often find themselves trapped by violent partners or family members because they are financially and socially dependent on them for survival.<sup>8</sup> The dependence can leave them more vulnerable to financial abuse and trap them in abusive situations for longer, with fewer options for seeking help.
5. **Risk of Human Trafficking:** Disability also increases young people's risk of being trafficked for sexual exploitation or female genital mutilation—something often attributed to a lack of social inclusion and stigma. In many places, young people with disabilities are regarded as 'undesirable' and may even be subjected to trafficking by their own families.
6. **Myths and Stigma:** Attitudes and beliefs about disability differ within communities and families, and are affected by socio-cultural norms, including myths that lead to increased violence. One of the most significant myths for young people with disabilities is the belief that people who have sexually transmitted diseases, can cure the infection by having sexual intercourse with a virgin.



### Brainstorming Session: (5 Minutes)

- Ask participants to think about the frequency in reporting SGBV cases affecting ICWGs and the elderly
- Ask the participants to discuss with their neighbor the reasons for the reporting dynamics
- Facilitate the discussion around underreporting using the facilitator's note below



### Facilitator Note: Reasons for under-reporting

- Personal safety or security of the survivors and their families, who risk retribution by the perpetrator or community members
- Discrimination against ICWGs
- Stigmatization of survivors

<sup>8</sup> PLAN-INTERNATIONAL, Fact Sheet on Violence Against Women and Girls with Disabilities (2013), [https://www.un.org/womenwatch/daw/csw/csw57/side\\_events/Fact%20sheet%20%20VAWG%20with%20disabilities%20FINAL%20.pdf](https://www.un.org/womenwatch/daw/csw/csw57/side_events/Fact%20sheet%20%20VAWG%20with%20disabilities%20FINAL%20.pdf) (last accessed 30th March 2020).

- Lack of support services to ICWGs
- Lack of knowledge on the reporting mechanism
- Cultural norms that condone some types of violence
- Taboos around specific forms of violence because of low reporting of SGBV cases against men, ICWGs, and the elderly.

## Types of Sexual and Gender-Based Violence

1. **Physical Violence** involves the unlawful use of force through bodily contact.
2. **Emotional/Psychological Violence** refers to any act or treatment, which may diminish the sense of identity, dignity, and self-worth of a person. It also means a pattern of degrading or humiliating conduct towards a person.
3. **Sexual Violence** includes any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, including acts to traffic. The acts are directed against a person's sexuality using coercion, by any person, regardless of their relationship to the victim, in any setting, not limited to home or work.
4. **Economic Violence** occurs when a person or a relative has control over the other person's access to **economic** resources, which diminishes the victim's capacity to support themselves and forces them to depend on the perpetrator financially.

**What is Domestic Violence/Intimate Partner Violence:** refers to violence, abuse, and intimidation between people intimately involved or previously involved. Through violence, the perpetrator gains dominance over the victim, causing fear, physical or psychological harm. This type of violence extends to persons in a domestic relationship, such as family members.



### Group Discussion (10 Minutes):

- Divide the participants into four groups and assign each group one form of violence to discuss
- The groups should write down on flip charts as many types or examples of violence as they can think
- During the discussion, ask a volunteer to post each type of identified violence in the four categories identified
- Summarize the discussion and share any final thoughts



### Facilitator's Note:

**See Handout Module 1:** Explain the meaning of Female Genital Mutilation/Cutting ("FGM/C"), Commercial Sexual Exploitation of Children ("CSEC"), Child Trafficking, and Child Marriage. Emphasize that the forms of violence overlap and that many acts of SGBV are a combination of different forms of violence. For example, FGM/C fits as both physical and sexual violence.<sup>9</sup>

## Life Cycle and SGBV

Sexual and gender-based violence can occur throughout an individual's life: pre-birth, infancy, childhood, adolescence, reproductive age, older age.

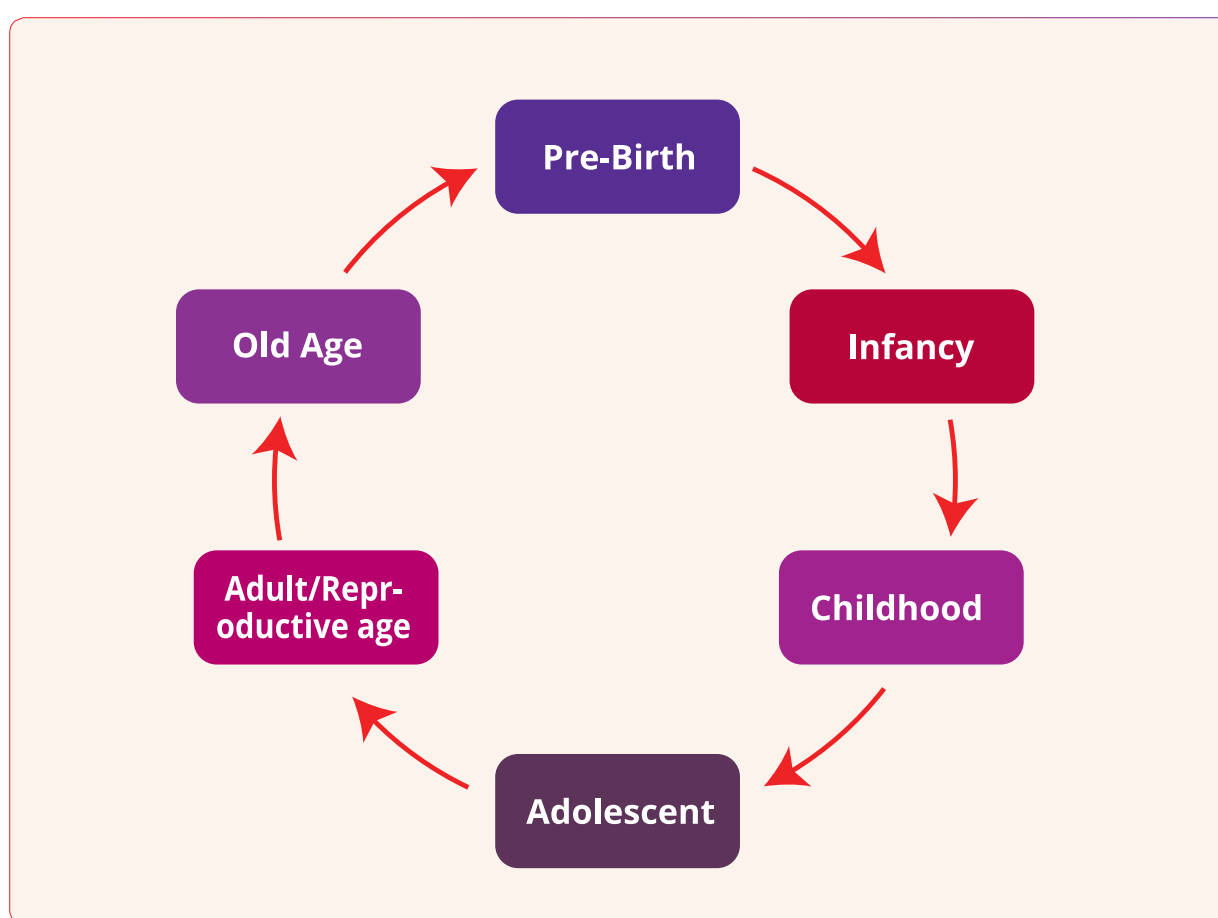


Figure 1: Life Cycle of SGBV

<sup>9</sup> The Sexual Offences Act (2006); The Counter-Trafficking in Persons Act (2010); The Prohibition against Female Genital Mutilation (2011); The Protection from Domestic Violence Act (2014) available at [www.kenyalaw.org](http://www.kenyalaw.org) (last accessed 7th May 2020).



## Group Activity (20 Minutes)

- Divide participants into three groups and distribute Case Study 1 in the Activity Sheet
- Ask the participants to read the story carefully and answer the following questions:
  1. Which forms of violence did Rehema suffer, and at what stage of her life?
  2. What factors make Rehema vulnerable to abuse?
  3. In what ways can the community mitigate the abuse of persons like Rehema?
  4. What is the role and responsibility of a COVAW Paralegal in such a case?
- Review the questions one by one and ask each group to provide a summary of their discussion and other groups can contribute additional points
- At the end of the discussion, respond to any questions



## Facilitator's Note:

- Pre-Birth violence includes rape of expectant women. Infancy violence includes sex preference and female infanticide.
- Childhood violence includes FGM/C, trafficking, child abuse, sexual exploitation
- Adolescent violence includes trafficking, child marriage, child prostitution, CSEC, FGM/C, child abuse.
- Adult/Reproductive age violence includes sex trafficking, forced marriage, domestic and economic violence, rape, widow cleansing, and inheritance.
- Older person violence includes elder/widow abuse, economic abuse, rape. SGBV can affect ICWGs at any stage.



## Wrap up (10 Minutes)

- Ask participants to share key takeaways
- A Paralegal should understand the root causes and potential risks of SGBV and sensitize the community to prevent any potential violence against ICWGs and the elderly.
- A Paralegal should understand the vulnerabilities of ICWGs and the elderly and contribute to the development of mitigation measures aimed at protecting the vulnerable group from abuse.
- A paralegal can undertake awareness through Chief Barazas or Community Policing "Nyumba Kumi."

## Session 3: An Overview of the Legal & Policy Framework on Sexual and Gender-Based Violence



**Time: 1 Hour**



### Key Messages

- Human Rights are universal and belong to everyone, including the ICWGs and the elderly.
- SGBV is an offense against the laws of Kenya
- SGBV is a violation of human rights
- Avoid referring to ICWGs in a demeaning manner through the use of derogatory terms or localized names.
- A Paralegal should understand the laws that protect ICWGs and the elderly from SGBV
- A Paralegal has the responsibility of informing the community of essential legal remedies on SGBV
- A Paralegal should notify the Children's Officer of any suspected case of child abuse.
- A Paralegal is not a Lawyer and should consult with COVAW/Lawyer for clarity on legal issues

### Understanding the Law

Persons with mental and intellectual disabilities are among the most marginalized, vulnerable, and excluded groups in society. They often face various forms of social and cultural stigma and discrimination, as well as barriers to exercising their civil, political, economic, social, and cultural rights. Discrimination against persons with mental and intellectual disabilities persists through institutional structures and practices, resulting in systematic violations of human rights and exclusion.<sup>10</sup>

The government of Kenya has taken several legislative and policy steps that indicate a commitment to advancing the rights of persons with disabilities.

<sup>10</sup> SIDA, *Disability Rights in Kenya* (2014), <https://www.sida.se/globalassets/sida/eng/partners/human-rights-based-approach/disability/rights-of-persons-with-disabilities-kenya.pdf> (last accessed 30<sup>th</sup> March 2020).

Kenya has signed and ratified international and regional treaties that provide unique protection to persons with disabilities. Such laws include the Convention on the rights of persons with disabilities (“CRPD”), Convention on the Elimination of Discrimination Against Women (“CEDAW”), Convention on the Rights of Children (“CRC”), African Charter on Human and People’s Rights (“ACHPR”) and the Protocol to the African Charter on Women Rights (“Maputo Protocol”).<sup>11</sup> Further, the government has enacted a national legal framework that accords special protection to persons with disabilities.

## The Definition of Human Rights

**Human rights** are the fundamental rights and freedoms that belong to every person in the world. Human rights apply regardless of origin, belief, ability, or stature in life. Human rights remain within a person, but sometimes restrictions apply– for example, if a person breaks the law, or the State declares a state of emergency in the interests of national security.<sup>12</sup>

## Characteristics of Human Rights

Absolute	Cannot be taken away by anyone
Universal	Are enjoyed by all people, all the time, all rights, everywhere
Indivisible	Cannot be separated into parts, and are equally important
Inter-dependent	Are connected: the realization of one right contributes to the realization of another



### Brainstorming session (5 Minutes)

Ask the participants to state how SGBV violates human rights.



### Facilitator’s Note:

- Note that ICWGs and the elderly have the right to Life, Equality and freedom from non-discrimination, Freedom from Torture or cruel, inhumane and degrading treatment, Right to Liberty, right to human dignity, among others.<sup>13</sup>
- Refer to the UDHR, CRPD, Maputo Protocol for the enumeration of human rights.

<sup>11</sup> OHCHR, List of International Treaties Ratified by Kenya, [https://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KE/KSC\\_UPR\\_KEN\\_S08\\_2010\\_KenyaStakeholdersCoalitionforUPR\\_Annex3.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KE/KSC_UPR_KEN_S08_2010_KenyaStakeholdersCoalitionforUPR_Annex3.pdf) (last accessed 17th May 2020).

<sup>12</sup> Universal Declaration of Human Rights, <https://www.un.org/en/universal-declaration-human-rights/> (last accessed on 27th March 2020).

<sup>13</sup> Universal Declaration of Human Rights, <https://www.un.org/en/universal-declaration-human-rights/> (last accessed on 27th March 2020).



## The National Legal Framework

**The Constitution** protects persons with disabilities and the elderly from discrimination on the grounds of disability or account of age. On access to justice, the law guarantees the right to access to justice for all persons. The Constitution also protects children under Article 53 and requires every person to consider the best interests of the child.

**On ICWGs and Older Persons**, the Constitution confers certain rights to persons with disabilities and the elderly. The rights include the right to dignity, non-discrimination based on their disability and protection from being referred to in a derogatory manner. As for older persons, they have a right to participate in the affairs of a society fully and live in dignity and respect and be free from abuse.<sup>14</sup>

**The Persons with Disabilities Act (“PWDA”)**: Provides for the rights of persons with disabilities and prohibits discrimination against ICWGs. The law defines **discrimination** as “to give different treatment to persons solely or mainly as a result of their disabilities and includes using words, gestures, or caricatures that demean, scandalize or embarrass a person with a disability.”

**The Protection against Domestic Violence Act (“PADVA”)**: Provides for the protection and relief to domestic violence victims, including a spouse and any children or other dependent persons. Under this law, **domestic violence** includes **child marriage, female genital mutilation**, forced marriage, forced wife inheritance, interference from in-laws, sexual violence within marriage, virginity testing, and widow cleansing. **Domestic violence** refers to the violence within the limits of people involved in a domestic relationship, including family members and relatives.

For all domestic cases reported under the law, a **Police Officer should** advise the complainant of all relief measures available, including access to shelter, medical assistance, advise the complainant of the complainant’s right to apply for relief under this law, and how the complainant may lodge a criminal complaint. If the complainant so desires, the person to whom the **complainant** makes a statement may be a **person of the same sex** as the complainant.

**Protection Order**: Under the PADVA, a domestic violence victim may apply to Court for a Protection Order. The orders protect a complainant by requiring the perpetrator to do, or not do, certain things. If an SGBV survivor such as a **child, ICWG**, or an **older person** cannot file for a protection order, a **police officer, a guardian, or a court-appointed representative can apply on their behalf**.

**The Sexual Offences Act (“SOA”)**: The law accords special protection to persons with disabilities. The law also provides for sexual offenses and penalties.

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<sup>14</sup> The Sexual Offences Act (2006); The Counter-Trafficking in Persons Act (2010); The Prohibition against Female Genital Mutilation (2011); The Protection from Domestic Violence Act (2014) available at [www.kenyalaw.org](http://www.kenyalaw.org) (last accessed 7th May 2020).

Such offenses include defilement, rape, indecent act, child prostitution, child pornography, and benefiting from the proceeds of child prostitution. It is important to note that the SOA does not recognize sexual violence in marriage; however, the PADVA does. The law offers support to SGBV **vulnerable survivors** such as **children, ICWG**, and the **older persons**, to testify through the assistance of a court-appointed intermediary.

**The Prohibition of Female Genital Mutilation Act** (“PFGM”): Prohibits the practice of FGM and safeguards against the violation of a person’s mental or physical integrity through the practice of female genital mutilation. The sentence, if found guilty of committing FGM, is life imprisonment, and it is an offense to assist a person commit FGM, take a person to perform FGM in another country, use premises to perform FGM, and possession of tools and equipment to perform FGM. **For example**, Children and women are often trafficked to neighboring countries for purposes of FGM.

**The Victim Protection Act** (“VPA”): Accords special protection to vulnerable victims and provides for the rights of vulnerable victims such as ICWG and the elderly. Under this law, a victim can address the Court on any issue of concern regarding their case. Once a perpetrator is found guilty, the victim can file a victim impact statement describing the psychological, emotional, physical, economic, or the social impact of the offense on them. The law defines a vulnerable victim as a victim who, due to age, gender, disability, or other unique characteristics, may require the provision of individual and specialized support. **The law classifies ICWGs & children and older persons as vulnerable victims** who require special protection.



### Facilitator’s Note:

*Elaborate on the rights of vulnerable witnesses/victims under section 31 SOA, section 17 and section 18 of the VPA*

## What is Consent?

In the case of a sexual offense, consent does not merely mean yes or no. **Informed consent**, therefore, entails having the right information and ability to understand the consequences of giving such consent.<sup>15</sup> **The law recognizes a child and ICWGs as incapable of giving consent to sexual acts.** A person consents if he or she agrees by choice and has the freedom and capacity to make that choice. For example, if the victim says she was intoxicated, check to see if there is a toxicology report available.

- There exists a wrong perception of consent, attributed to women or girls with a cognitive or communication disability such as ICWGs

<sup>15</sup> Gillian Eastgate, *Sex, Consent & Intellectual Disability* (2005), [https://www.researchgate.net/publication/7935700\\_Sex\\_consent\\_and\\_intellectual\\_disability](https://www.researchgate.net/publication/7935700_Sex_consent_and_intellectual_disability); University of Hertfordshire, Consent and People with Intellectual Disabilities, <http://www.intellectualdisability.info/historic-articles/articles/consent-and-people-with-intellectual-disabilities-the-basics> (last accessed 30th March 2020).

<sup>16</sup> Thames Valley Police Station, **Consent is Everything**, <https://www.thamesvalley.police.uk/police-forces/thames-valley-police/areas/c/2017/consent-is-everything/> (last accessed 11th May 2020).

- The perception occurs due to ICWGs lack of understanding of the situation during a sexual assault or their inability to say no
- Under section 43, the SOA recognizes a **child** and **ICWG** as incapable of giving consent to sexual acts



### Short Film (10 minutes)

*If you are still struggling with consent just imagine instead of initiating sex, you are making them a cup of tea.<sup>16</sup>*

<https://www.youtube.com/watch?v=fGoWLWS4-kU>



### Facilitator's Note:

- Play the short film "Cup of Tea."
- Ask participants to share their reactions
- Consent is like a cup of tea
- It is common courtesy to offer a visitor or friend, a cup of Kenyan tea, but you cannot force someone to take the cup of tea



### Facilitator's Note:

Consent is **FRIES**. Refer to **Section 43** of the **Sexual Offences Act**

- **Freely given:** To give consent is to choose without undue pressure, manipulation, or under the influence of drugs or alcohol. Freely given by a person who legally can give such consent.
- **Reversible:** A person can change their mind about what they feel like doing, anytime.
- **Informed:** A person can only consent to something if you have the full story. For example, if a person agrees to use a condom and then they do not, it means there is no full consent.
- **Enthusiastic:** When it comes to sexual activities, a person should do only the things they WANT to do, not things expected of them.
- **Specific:** Consent means saying yes to one thing (like going to the bedroom to kiss). It does not mean a person has said yes to other things (like having sex).



### Group Activity (20 Minutes)

- Divide the participants into two groups and distribute Case Study 2 in the Activity Sheet
- Ask participants to read the case study carefully and discuss the following questions:
  1. Did Malkia and her child suffer any form of violence or abuse
  2. If so, what types of violence did Malkia and the child experience?
  3. In what ways can a Paralegal address Malkia issue(s) through the legal framework
- Each group to nominate a Presenter for a five-minute presentation summarizing the discussions
- Other groups can ask questions and make additional points
- Discuss each question with the participants. Regarding consent, review section 42 to 45 of the SOA and consent based on the analogy in the *cup of tea film*

**Legal remedies for Malkia:** As a Paralegal, you can advise as follows:

- Malkia did not give informed consent to the sexual act
- Malkia should seek appropriate medical assistance
- Considering Malkia's safety concerns, refer her to a lawyer to assess the case and assist in seeking a protection order from the courts under the PADVA
- Advise Malkia to report the matter to the Police and get the necessary documentation such as the Occurrence Book ("OB Number) and a P3 form
- If the case goes to Court, Malkia may qualify for protection under the Witness Protection Act
- Through the children's Office or a Lawyer, Malkia can seek child maintenance under the Children's Act



### Wrap-up (10 Minutes)

- Ask participants to share key takeaways
- Human rights apply to all persons including persons with disabilities
- A Paralegal should make use of laws such as SOA, PADVA, VPA, CA to educate the community on SGBV

## Module II:

# Victim Centered Approach



**Time: 2 Hours**

### Summary

The Module provides the participants with an understanding of the victim-centered approach. The Module also provides an outline of the support accorded to vulnerable victims during the criminal trial process. Through the Module, participants learn ways to empower survivors to actively and safely engage in their cases.



### Learning Objectives

1. Increase knowledge on the understanding of a victim-centered approach
2. Increase knowledge on the rights of vulnerable victims such as the ICWGs and the elderly in the criminal trial process
3. Build the capacity of the Paralegals to support victims during the trial process



### Required:

Flip Charts and Marker Pens



### Key Messages

- A Paralegal should advise victims or caregivers to follow the case status with the Prosecutor or Investigating Officer, and if necessary, accompany them to a court or the Police Station
- Under the law, Police should conduct investigations of SGBV cases against ICWGs and the elderly
- Most actors lack awareness on the rights of victims and Paralegals can raise awareness during inter-agency committees such as Chief “Barazas,” “Nyumba Kumi” meetings, Court Users Committees or Area Advisory Council (“AAC”) meetings
- A Paralegal should advise victims or their caregivers to attend counseling sessions at the local hospital

## Session 1: Victim-Centered Approach in Addressing Sexual and Gender-Based Violence



**Time: 1 Hour**



### Key Messages

- A victim is any person who suffers harm because of a crime. Anyone can be a victim — no matter their gender or age. But certain groups of people are at higher risk, such as women, girls, persons with disabilities, and elderly persons.
- Courts, Police Officers, Prosecutors, and every person interacting with the victims such as a Paralegal, should seek to minimize the shock associated with the criminal justice process
- A victim can include the victim's family if the victim is deceased
- ICWGs and Older persons are vulnerable victims according to the VPA
- In a victim-centered approach, the victim's wishes, safety, and wellbeing take priority.



### Facilitators Note:

The term “**victim**” has legal implications. According to the VPA, an individual who suffered harm because of criminal conduct has exclusive rights in the criminal trial process. The laws that give individuals rights and legal standing within the criminal justice system use the term “victim.” On the other hand, **Survivor**” is a term used widely in-service, by organizations to recognize the strength and courage it takes to overcome victimization.

**Victim Centered Approach:** This approach provides for an organized focus on the unique needs of a victim through the compassionate and sensitive delivery of services in a non-judgmental manner. A non-judgmental approach ensures that personal standards or opinions of a service provider do not interfere with the delivery of services. Every service provider, including medical, Police, Courts, Prosecution, must promote a victim's best interest.<sup>17</sup>

- Medical personnel should not keep victims waiting
- Police officers should prioritize the needs of the victims and investigate their cases
- Prosecutors and Courts should give priority to the victim's testimony.

<sup>17</sup> Ohio Office of Criminal Justice, *Excellence in Advocacy: Victim Centered Guide*, (2010), <https://www.ocjs.ohio.gov/VictimServicesPublication.pdf> (last accessed 30th March 2020).



## During the Court Trial:

A Paralegal should take note of the following pointers and advise the victims or caregivers accordingly.

1. Advise the caregivers that a Police Officer may reach out to them for purposes of asking them to appear in Court or serve them with witness bond.
2. Advise the parents or caregivers of the victim that they may have to wait for a long time in Court and should carry some money for lunch.
3. Advise the caregivers to carry copies of the medical forms such as P3 form, PRC form, birth certificate, and any other supporting documentation.
4. Trial Courts conduct the hearings of cases affecting children and other sexual violence cases in closed courts or chambers.
5. In the case of a child victim, the Court may block the view of the accused from the child. In other cases, the courts assess each case based on the circumstances.
6. A Prosecutor can request priority in hearing of cases affecting children, the elderly, or a person with disabilities.
7. The Court can appoint an intermediary to assist the victim to testify in cases of vulnerable witnesses such as ICWGs.
8. The Court can appoint an interpreter in cases where a victim only speaks the local language. Ask victims to address the Court in the language they are most comfortable speaking.
9. Inform the caregivers and victims that accused persons have a constitutional right to bail, and courts may release accused persons on bail, but that does not mean the case has ended.
10. Ask the caregivers to inform the Police, the Court, or Prosecutors in case of threats from the accused person.
11. Advise the caregivers that court cases may take one (1) to three (3) years or more before completion.
12. Inform the victims or caregivers to follow up with the Court registry or the Investigating Officer ("I.O") on the progress of the case. Inform the victims to always have a copy of the court file number—for example, *criminal case number 80 of 2020, Republic v. Muziki Shillingi*.

## Session 2: Understanding Victim Rights in the Criminal Trial Process



**Time: 1 Hour**



### Key Messages

- The victim has an active role in the criminal trial process
- The victim or their legal representative can address the Court
- A victim has a right to file a victim impact statement
- A victim has a right to object the grant of bail or bond to an accused person



### Facilitator's Note:

*Refer to Handout Module 3 and Section 4 of the Victim Protection Act.*

In a victim-centered approach, the victim's wishes, safety, and wellbeing take priority in all matters and procedures.<sup>18</sup> The rights of vulnerable victims, such as ICWGs and the elderly, include:

1. Right to privacy and confidentiality. The Police should ensure that the initial interviews of such victims take place in a comfortable, safe environment and in the presence of a caregiver.
2. The right to special consideration. The Court and the Prosecution should give special consideration to the ICWGs and the elderly. The consideration entails:
  - Courts should conduct SGBV cases in a closed courtroom
  - Ensure that cases affecting ICWGs and the elderly are heard on a priority basis to avoid prolonged delays
  - In cases affecting children, ensure the perpetrator is not visible to the child during the trial
  - If the victim such as ICWG is unable to testify, an intermediary should be appointed to facilitate the testimony
  - Ensuring the victims have access to support services such as counseling before proceeding with testimony.

<sup>18</sup> *id.*

3. Victims should liaise with the prosecution for assistance in filing a victim impact statement.
4. Every person should consider the best interests of the child in the case. For example, a Children Officer or the Court can place a child in a rescue shelter.



### **Brainstorming Session (15 Minutes)**

- Display illustration 2 and 3 below
- Ask whether illustration 2 support the needs of vulnerable victims such as ICWGs
- Ask participants to share their reasons
- Ask whether illustration 3 support the needs of child victims and other vulnerable witnesses
- Ask participants to share their reasons
- Discuss both illustrations
- Illustration 2 depicts an open courtroom that creates a hostile environment and makes it difficult for vulnerable witnesses to give their testimony. The number of people and the setup intimidate vulnerable witnesses. The court officials are seated at different levels with the child standing in the witness box.
- Illustration 3 depicts a closed courtroom or a court in camera. A court in-camera means that the Court hears cases in the private chambers of a Judge or Magistrate with the public and the press excluded. The closed courtroom creates a comfortable environment for vulnerable witnesses to testify. There are fewer people in the room, and all the court officials are on the same level as the witness. A caregiver is also present to support the victim. It is the ideal courtroom set up for vulnerable witnesses or cases of sexual violence.



*Illustration 2: Incorrect courtroom set up. The Illustration shows an open courtroom. An open courtroom creates an intimidating environment for vulnerable witnesses*





*Illustration 3: Correct courtroom set up. The Illustration shows a closed courtroom (Court in-camera). A closed courtroom creates a comfortable environment for vulnerable witnesses*



## Group Activity (20 Minutes)

- Divide the participants into three groups and redistribute Case Study 1 in the Activity Sheet
- Ask participants to discuss the case in the following context:
  1. What is the role of a Paralegal in promoting a victim-centered approach for the victim in the case?
  2. What is the role of the Prosecutor, the Police, and the Court in promoting a victim-centered approach?
- Ask each group to share a summary of their discussion and other groups can make additional points
- At the end of the discussion ask if anyone has questions and respond to the questions



## Facilitator's Note:

Where victims cannot verbalize what has happened to them (**ICWGs**), courts should provide anatomically correct dolls or images. Where victims are too traumatized to give evidence in person, courts should allow evidence through a trusted intermediary such as a counselor. Emphasize that the government should provide training for those taking evidence from vulnerable witnesses. Safe houses are necessary to provide alternative accommodation where the perpetrator resides in the same house as the victim. **Emphasize** the victim's **right to address the Court** regarding any concerns on their case. The victim can make the address in person or through their **representatives**, such as a Lawyer or a Caregiver. Children officers or the Police should identify safe houses or shelters for vulnerable victims such as ICWGs or children.



## Wrap up (10 Minutes)

- Ask participants to share key takeaways
- Remember the victim has an active role in the trial process
- A Paralegal should sensitize the victims on their role in the trial process, as discussed to ensure their full participation.
- A Paralegal should connect the victim with COVAW and key justice actors, including the ODPP, to facilitate the victim's right of participation during the trial process.



## Module III:

# The Reporting Mechanism and Referral Pathway



**Time: 2 Hours**

**Summary:** Through this session, participants gain knowledge on the SGBV response, including the services available at different **referral** points. Using the recommended SGBV referral mechanism, the participants should identify the local referral network within their communities.



### Required:

Flip Charts and Marker Pens



### Learning Objectives

1. Increase Paralegal awareness on the **SGBV reporting mechanism** to support cases affecting ICWGs and the elderly.
2. Enhance Paralegal capacity on formulating strategies to reduce SGBV incidents.



### Key Messages

- Paralegals act as a link between communities and the formal justice institutions
- The process for reporting violence is often inaccessible to ICWGs because of inadequate policies and standards, negative attitudes, physical access, information availability, communication, lack of service provision, and inadequate funding.
- Paralegals should take steps to empower communities to pursue justice actively for SGBV cases
- Many community members cannot afford the services of Lawyers and thus rely on Paralegals for support

## Session 1: Reporting Mechanism



**Time: 1 hour**

**Summary:** Through this session, participants learn the SGBV response mechanism, including different approaches to respond to cases affecting ICWGs and the elderly. The session also provides participants the opportunity to understand the national SGBV referral mechanism.



### Key Messages

- SGBV survivors must seek medical assistance within **seventy-two (72) hours**. This rule ensures immediate medical response to prevent sexually transmitted diseases.
- The early medical intervention also ensures the collection of crucial evidence to help the survivor access justice.
- Because of the stigma associated with reporting SGBV and the fact that the perpetrators are sometimes members of the family, the presence of an accompanying family member may discourage ICWGs from coming forward.

**Reporting Mechanisms:** the reporting mechanism includes coordinating measures to prevent, mitigate, and respond to SGBV. It also refers to the pathways through which SGBV survivors can access appropriate care and support. These support services include legal, medical, psychosocial, and law enforcement.<sup>19</sup>

**A multisectoral approach** to SGBV prevention and response is a rounded and coordinated approach aimed at harmonizing and correlating programs and actions developed and implemented by a variety of institutions in the areas of health and psychosocial welfare as well as law enforcement agencies.<sup>20</sup>

According to the Inter-Agency Standard Committee ("IASC"), the SGBV Guiding Principles underpin all standards of response.<sup>21</sup>

- *Refer to Handout Module 3 for the SGBV Guiding Principles*

<sup>19</sup> Ministry of Health, *Kenya National Guidelines on Management of Sexual Violence* (2014), <https://www.un.org/sexualviolenceinconflict/report/national-guidelines-on-management-of-sexual-violence-in-kenya/> (last accessed on 11th May 2020).

<sup>20</sup> UNHCR, *Training Package on SGBV Prevention & Response* (2016), <https://www.unhcr.org/publications/manuals/583577ed4/sgbv-prevention-response-training-package.html>. Last accessed on the 28th March 2020.

<sup>21</sup> IASC, *Guidelines for Integrating GBV Interventions in Humanitarian Response*, (2015), [https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines\\_lo-res.pdf](https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf) (last accessed 30th March 2020).

## The Role of a Paralegal in the Reporting Pathway

1. Undertake community sensitizations through Chief Barazas and Community Policing on the SGBV legal framework.
2. Be proactive and identify any SGBV violations that occur against ICWGs or the elderly within the community.
3. Advise survivors of sexual violence to avoid bathing after the commission of the offense and to visit the hospital immediately or within seventy-two (72) hours.
4. Advise survivors of sexual violence to store clothes worn during the offense in a brown paper bag and hand them over to the medical officer or IO. Advise that wrapping the clothes in a polythene bag or newspaper contaminates the clothes and interferes with the collection of evidence.
5. Provide support to the victims through referral to organizations that offer counseling and legal services such as COVAW.
6. Provide support to the victims or caregivers when reporting the matter to the Police Station.
7. As a Paralegal, you can report a case on behalf of an ICWG or older person where you suspect abuse.
8. A Paralegal should voice concerns through forums such as the Court User Committees, Area Advisory Councils, and other local forums such as Paralegal networks.
9. Paralegals should take steps to establish ICWG Protection Committees within their communities. An ICWG centered network ensures the prioritizing of ICWGs issues within the communities and systems are put in place to ensure their protection from violence and facilitation of access to justice.
10. Make use of SGBV Helplines such as 116 or 1195. 116 is a ChildLine of Kenya hotline that is available twenty-four (24) hours to respond to cases of child abuse within the country. The 1195 hotline was set in up in 2013 to provide interactive information and counseling services to survivors of SGBV across Kenya. The toll-free hotlines are an effective and faster way of reporting and getting assistance from child abuse and SGBV offenses. A Paralegal can use the hotlines also to report abuse anonymously.

## The Referral Pathway

**Summary:** Referral systems are critical in addressing SGBV through a multi-sector approach. Developing referral systems promotes a rounded approach to supporting SGBV survivors through the provision of services such as physical safety and shelter, hotlines, legal, health and social services, and psychosocial counseling.

The Government of Kenya has established a coordinated multisectoral response to SGBV that considers the victim on the one hand and the critical justice players, including the ODP, Court, Police, Probation, Children Services, and the Health Sector.<sup>22</sup> It has in place relevant policies that establish the SGBV referral pathway for any person affected by the violence, including ICWGs and the elderly.<sup>23</sup>

- For the Government of Kenya, approved SGBV reporting and referral pathway refer to the *National Framework toward Response and Prevention of Gender-Based Violence in Kenya* and *National Guidelines on Management of Sexual Offences in Kenya* in the additional resources.



### Key Messages:

- Paralegals should use the referral systems to connect SGBV survivors to appropriate support services in a timely and safe manner
- As a Paralegal ensure that you coordinate with community policing members to provide a quick response to SGBV cases
- Paralegals should Identify local organizations that offer support to ICWGs and other SGBV victims

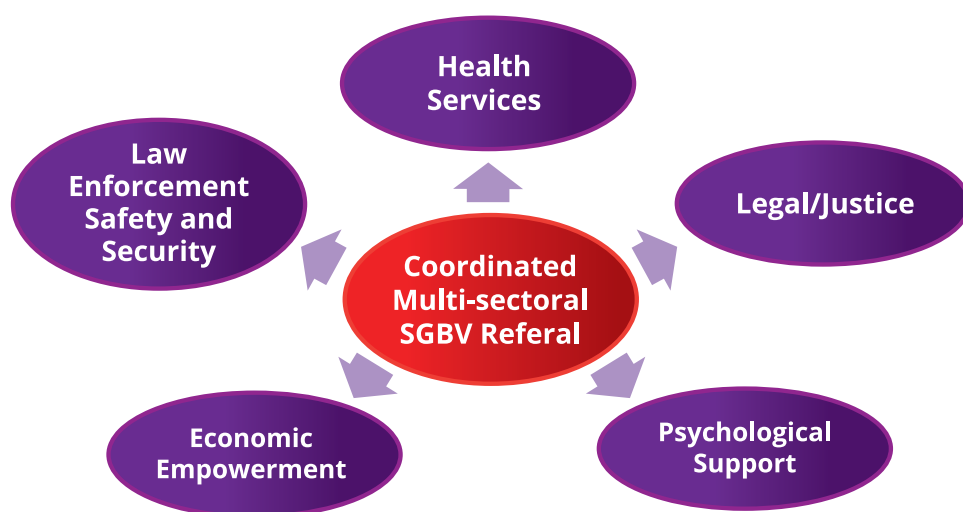


Figure 1: UNHCR Recommended SGBV Referral Pathway

<sup>22</sup> UN Agencies in Kenya, *Gender-Based Violence Training Resource Pack: A Standardized Training Tool for Duty Bearers, Stakeholders, and Rights Holders* (2019) <https://www.genderinkenya.org/wp-content/uploads/2019/11/GBV-Resource-Pack-13-Sept-w-3mm-bleed.pdf> (last accessed on 11th May 2020).

<sup>23</sup> NGEK, *National Framework toward Response and Prevention of Gender Based Violence in Kenya* (<https://www.ngeckenya.org/Downloads/National-ME-Framework-towards-the-Prevention-Response-to-SGBV-in-Kenya.pdf>) and *National Guidelines on Management of Sexual Offences in Kenya* ([www.endvawnow.org/uploads/browser/files/national\\_guidelines.pdf](http://www.endvawnow.org/uploads/browser/files/national_guidelines.pdf)) (last accessed 30th March 2020).



### Facilitator Note:

*Refer to Handout Module 3 for the role of each actor in the response of SGBV.*



### Group Exercise (30 Minutes):

- Divide the participants into three groups and redistribute case study 1
- Ask the participants to read the case study carefully and answer the following questions:
  1. What are the barriers that the survivor may face in reporting this case?
  2. What kind of response should a COVAW Paralegal, establish to assist the survivor?
  3. What kind of documentation does the survivor need at the referral stages?
  4. What challenges may arise as the survivor seeks access to the services?
  5. How can a survivor overcome challenges in accessing services at different referral points?
  6. Which referral partners exist in the communities?
- Review the questions one by one and ask one of the groups to give a summary of their discussion
- Ask other groups for additional points if any
- At the end of the discussion, respond to any questions



### Facilitator's Note:

*The responses of the above exercise should include the services of each actor as provided for in Handout 3.*

### Documentation

- Health: PRC Form, Treatment notes
- Legal/ ODPP: charge sheet, victim impact statement
- Safety/Police: witness statements, P3 form

### Challenges for ICWGs in Reporting Cases

1. Appropriate services are not available to all ICWG victims in all communities.
2. Referral processes for victims are not clearly defined or known in the community, and there is a weakness in the coordination between service providers.
3. Available services are not always easily accessible to everyone due to the cost and distance to reach them, and outreach is limited.
4. Some service providers lack specialized knowledge and skills to deal with vulnerable victims, including child victims, as well as ICWGs.

## Session 2: Prevention Strategies



**Time: 1 Hour**

**Summary:** According to **UN Women**, effective prevention interventions require multiple methods (for example, campaigns, sensitization), at different levels (society, community, family/relationship, and individual), in a complementing manner. Community Paralegals should complement awareness-raising with other approaches.<sup>24</sup>



### Key Messages:

- SGBV cases against ICWGs and the elderly are preventable
- Awareness-raising is NOT enough, complementing the approach helps
- In addressing the root causes of the problem, Paralegals should use approaches that require changing the attitudes, norms, and behaviors that result in discrimination against ICWGs, gender inequalities, and violence
- The Paralegal should ensure that a survivor seeks medical attention, including counseling, reports the case to the Police, assist the victim in following up the case and refer the case to a Lawyer
- The Paralegal should adhere to the SGBV guiding principles when responding to a case
- If the abuse involves a child, notify a Children Officer to facilitate the rescue of the child, if needed
- As a Paralegal, you should not take the custody of an abused child without the written authority of a Children Officer or a Police Officer


### Paralegal Essentials in Preventing SGBV in Communities

1. Working with various leaders such as religious and community leaders, and other actors to foster community discussions on the issue. The engagement should include local awareness-raising campaigns to stop discrimination against ICWGs (e.g., radio broadcasts and drama).
2. Paralegals should make use of media partnerships to reach large parts of the population to address gender stereotypes.
3. Paralegals should identify suspect cases of ICWG or elder abuse and notify the relevant authorities promptly.

<sup>25</sup> UN Women, *Addressing Violence against Women*, (2016) <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/essentials-for-addressing-vaw-en.pdf?la=en&vs=1822>;

OHCHR, *Annual Report from the Office of Human Rights* (2012), <https://www2.ohchr.org/english/issues/women/docs/A.HRC.20.5.pdf> (last accessed 30th March 2020).



- 
4. Paralegals should promote the dignity of ICWGs through local community campaigns on the rights of ICWGs.
  5. Paralegals should undertake the promotion of safety of women and girls in public spaces, including through the improvement of urban centers (e.g., lightning, safe transportation), as well as identification of unsafe areas.
  6. Paralegals should take the lead in developing coordinated and customized community referral pathways for SGBV cases affecting victims with intellectual challenges, for example, establishing the ICWG Protection Committees.
  7. Lead in advocacy around the establishment of county laws and policies that safeguard ICWGs and the elderly from SGBV.



### **Wrap up-10 Minutes**

- Ask participants to share key takeaways
- A COVAW Paralegal should ensure that the victim gains reasonable access to support services to advance justice
- A COVAW Paralegal should make time to answer any questions that victims may have in their quest for justice.

## Module IV:

# Communication with SGBV Survivors inclusive of ICWGs



**Time: 3 Hours**

**Summary:** Along with knowledge of the law, Paralegals must have strong communication skills. To effectively communicate, a Paralegal should ensure clarity and conciseness, to meet the needs of all persons involved.



### Learning Objectives

1. To enhance the Paralegal skills on effective communication with ICWGs
2. To equip Paralegals with the skills to inform, persuade, and shape the attitudes of their communities on SGBV concerns and discrimination against ICWGs.



### Required:

Notebooks and Pens



### Key Message

- **Effective communication** involves the exchange of ideas, thoughts, knowledge, and information such that the audience understands the purpose or intention in the best way. In simple words, it is nothing but the presentation of views by the messenger in a way best understood by the recipient.

## Session 1: Effective Communication for Paralegals



**Time: 1 Hour**



### Key Messages

- **Effective communication with ICWGs or elderly** involves engaging a person who understands the needs of the survivor
- A Paralegal **should involve a caregiver or parent** whenever interacting with a child or ICWG

Paralegals should adopt the following essential communication skills while conducting interviews with ICWGs:<sup>25</sup>

- 1. Ensure the client is comfortable** – ensure the client's comfort and start in a warm and welcoming manner. Explain the purpose of the interview and what you seek to do with the information. Ensure that victims, especially ICWGs, are accompanied by guardians whom they trust and feel comfortable with to make the process easier for them. Where possible, ensure consistency with the person interviewing them.
- 2. Preparation** – preparation is essential to a good interview. A Paralegal should prepare a list of questions to rely on during the interview. Ensure that you are aware of the extent of their disability and invite a caregiver or a certified counselor. Remember to use simple and easy to understand language.
- 3. Flexibility** – if the client gets uncomfortable or the prepared questions do not work, continue with the dialogue in a way that elicits more information. You can also choose to reschedule the interview. Pay attention to nonverbal cues, especially when dealing with ICWGs.
- 4. Use Open-ended questions** – open questions do not receive yes or no responses, but the final question does. The use of open questions draws information from the interviewee and builds up a dialogue.
- 5. Practice active listening** – and active listener participates in the conversation, summarizing and paraphrasing the interviewee's responses and double-checking any unclear answers to avoid miscommunication. With ICWGs, especially, maintain eye level, sit on the same level with them, and if their communication is through nonverbal cues like diagrams, pay close attention to it.
- 6. Inform the client of the next steps** – ensure you inform the client of what the next steps are and the period within which to give feedback on the issue.
- 7. Consent** – always obtain informed consent from guardians of ICWGs with regards to any action you intend to take regarding their case.
- 8. Location** – choose a quiet location free from disturbances to ensure concentration. With ICWGs, you can consider interviewing at their home or any other comfortable place.

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<sup>25</sup> Interagency-GBV-Case-Management-Guidelines, *Providing Care & Case Management Services to GBV Survivors in Humanitarian Settings* (2017) [http://www.gbvims.com/wp/wp-content/uploads/Interagency-GBV-Case-Management-Guidelines\\_Final\\_2017.pdf](http://www.gbvims.com/wp/wp-content/uploads/Interagency-GBV-Case-Management-Guidelines_Final_2017.pdf) (last accessed on 30th March 2020).



### Facilitator's Note:

Refer to Handout Module 3.

- **Documentation:** As a Paralegal, make sure to rely on the **5W's** and **1H** for effective interviewing and reporting. The 5W's and 1H is the recommended approach for interviewing SGBV survivors, including ICWGs or the elderly.<sup>26</sup>
- Emphasize that Paralegal should ask, Interviewer(s)' names, victim's preferred name, explain the purpose of the interview – expectations, explanation of documentation, and provide an opportunity for a question. Emphasize that the Paralegals should use the 5W's and 1H during the interview.

## Session 2: Communication with ICWGs



**Time: 2 Hours**



### Key Message

- Communication styles vary among persons with intellectual challenges. Some may have verbal language, some sign language, and others use non-verbal communication styles such as gestures, vocalizations, or even eye movements. However, overall communication can pose challenges for you and the person with an intellectual disability.<sup>27</sup>

### What Defines Excellent Communication With ICWGs?

Intellectually challenged persons typically have learning and understanding limitations that often make it challenging to communicate effectively. Effective communication entails speaking to them in a relaxed manner and using a language that they can easily understand. In this context, as a Paralegal, you must employ the following tactics proven to enhance communication with ICWGs.

<sup>26</sup> Human Rights Centre University of California, Investigation & Prosecution of Sexual Violence (2011), <https://www.law.berkeley.edu/wp-content/uploads/2015/04/The-Investigation-and-Prosecution-of-Sexual-Violence-SV-Working-Paper.pdf>; Criminal Detection & Investigation (2017), <https://futurererc.blogspot.com/2017/01/criminal-detection-investigation.html> (last accessed 11th May 2020).

<sup>27</sup> CDDH Victoria, Working with People with Intellectual Disabilities in the Healthcare Setting, (2014), <https://www.ideas.org.au/uploads/resources/404/working-with-people-with-intellectual-disabilities-in-health-care.pdf>; White Swan Foundation <https://www.whiteswanfoundation.org/article/how-to-communicate-effectively-with-a-person-with-mental-illness/> (last accessed 11th May 2020).

1. **Build rapport:** Ask simple introductory questions (e.g., name, the reason for the visit). The Paralegal should explain the process and purpose of the visit in simple terms.<sup>28</sup>
2. **Choose an appropriate language:** Avoid complicated words and use short, simple, and clear sentences. Use examples from familiar daily routines such as breakfast, lunch, or supper time.
3. **Listening:** allow time to have a conversation with the survivor. Not being rushed and not rushing the person are crucial to ensuring an appropriate pace. The Paralegal should take note of the tone of the voice to reflect friendliness.
4. **Explain clearly:** Speak slowly and do not shout. Rephrase and repeat questions if necessary.
5. **Communicate without words:** Use simple diagrams, gestures, and pictures or points of familiar objects to elicit more information. Be sensitive to non-verbal language, feelings, and display empathy, as it builds the relationship of trust with the person. The style can show the survivor of a keen interest in their story.
6. **Use an intermediary:** This is a person who understands the survivor, and you can ask questions through the intermediary. An intermediary can be the caregiver, social worker, or counselor. *Always ensure a caregiver is present when interviewing an ICWG.*
7. **Documentation of the client details and facts:** This is especially essential to avoid the situation of clients having to retell their stories frequently, thus re-traumatizing them.



### Facilitator's Note:

*Refer to Handout Module 4 for Paralegal Community Advocacy Essentials.*



### Role Play (30 Minutes):

- Divide the participants into two groups and redistribute case study 1
- Ask the groups to improvise and prepare for a roleplay addressing the following issues:
  1. Each group to nominate a person to play Rehema, COVAW Paralegal, and a Caregiver
  2. Each group to perform the assigned role play with the COVAW Paralegal leading the interview

<sup>28</sup> Healthcare for Adults with intellectual and Developmental Disabilities, *Toolkit for Primary Health Care Providers* (2020), <https://iddtoolkit.vkcsites.org/general-issues/communicating-effectively/> (last accessed on 11th May 2020).

- Ask each group to perform the role play for five to ten minutes
- As each group performs, observe the interview essentials for communicating with ICWGs
- After the presentations, review each question and ask the participants to make additional points on what each group could have done better
- After the discussions, respond to any questions.



### **Facilitator's Note:**

Emphasize that the participants should remain truthful to the client. Do not raise false hopes. Further, never advise if you are not sure of the facts. In that case, it is wise to inform the client that you may need to get back to him or her with advice after you have had an opportunity to investigate further. Always agree on how you are going to report back to the client. You can decide to write a letter to the client or set a date for feedback. Keep track of all communications with the client.

## **The Importance of Self-Care for Paralegals**



### **Facilitator's Note:**

Working with and listening to SGBV survivors can be very difficult. Listening and supporting survivors can trigger our own emotions. Caring for ourselves helps take care of the survivors better.



### **Brainstorming Session (5 Minutes)**

- Ask participants to think about the impact of listening or hearing survivors' stories, especially if they are not responsible for supporting them through the process
- Ask participants to share the effects of SGBV on their health
- Ask participants how working with ICWGs or the elderly affects them
- Offer practical solutions for individual or group self-care tips, including the formation of support groups for Paralegals, engaging in outdoor activities such as sports.



### **Tips for Self-Care**

- Self-care is the practice of taking an active role in protecting one's wellbeing and happiness during periods of stress. It is partly about knowing when your resources are running low and stepping back to replenish them rather than letting them all drain away.





### Facilitator's Note:

*Refer to Handout Module 4 for essential tips on Paralegal self-care.*

**Emphasize** that participants should undertake activities that promote physical, mental, emotional, and spiritual relaxation.

1. Physical relaxation- Playing sports, working out, walking, running;
2. Emotional relaxation-Forming of paralegal support groups;
3. Spiritual relaxation-Praying or adapting activities that work for you;
4. Mental relaxation- Chatting with a trusted friend or relaxing in your local hotel.



### Wrap Up: (15 Minutes)

- Ask participants to share key takeaways
- As a Paralegal, ensure correct documentation of client details and facts to avoid the traumatization of the victim, especially ICWGs.
- Handle client communication with confidentiality, establish safe lockable areas for storing client fact sheets/files and disclosing the information only to relevant justice actors with prior informed consent from the client or their guardian in case of ICWGs
- Explain in detail the steps to follow in accessing justice and any possible barriers and address any concerns emanating from the client
- As a Paralegal, you must ensure you are in good mental and physical health

### Post-Training Assessment (15 Minutes):

Distribute Post-Test and collect the answer sheets for internal evaluation.

**-END-**



# Appendix I

## Module Handouts

### Handout Module 1: Sexual and Gender-Based Legal Framework

#### Difference between Gender Norms and Power Relations

##### Gender Norms

- Gender norms are ideas about how women and men should be and act, resulting in a life cycle of gender socialization and stereotyping. Gender norms also determine the roles, responsibilities, opportunities, and privileges that shape power relationships.

##### Power Relations

- **Power relations** refer to **relationships** where a person holds social-formative **power** over another and can influence the decisions of the other person through force, coercion, or manipulation. **Relationships** are the generated objects that result from social functioning.
- Power means to have control over resources and decision-making and impose these on somebody or a situation. Often power is used negatively, and it draws association from other factors such as corruption, discrimination, and abuse. Persons in power can dominate others by taking the victim's power to make choices or decisions. For example, you, as a COVAW volunteer, have power over those you interact with. You can decide to support people in your community and have the power to effect change and harness the power with the community.

A **perpetrator** is an individual, a group, or an institution that directly inflicts, supports, or condones acts of SGBV.

- Persons known to the survivors perpetrate most acts of SGBV. For example, spouses, caregivers, friends, and relatives.
- State authorities, such as the army or Police, sometimes condone or perpetuate violence. State laws – or the lack of them – can sometimes facilitate the actions of perpetrators. For example, the reports of sexual violence during the Post-election violence 2007/8
- In conflict, state security forces, as well as non-state actors such as rebel groups or paramilitaries, may use forms of sexual violence as a weapon of war.
- Women can also be perpetrators.

## Focus Terms

1. Commercial sexual exploitation of children (“CSEC”) means a sexual abuse by an adult with remuneration in cash or in-kind to the child or a third person or persons.
2. Child trafficking is defined as the “recruitment, transportation, transfer, harboring or receipt” of a child for exploitation. Only two elements need proof in child trafficking, the Act and the purpose. It is the “recruitment, transportation, transfer, harboring or reception of persons, including the exchange or transfer of control over those persons for exploitation.” You need not prove the third ingredient of “Means” as with adults, as children cannot consent.
3. Child Marriage is any formal marriage or informal union where one or both of the parties are under the age of eighteen (18).
4. Female Genital Mutilation (“FGM”) comprises all procedures involving partial or total removal of the female genitalia or another injury to the female genital organs or any painful procedure to the female genitalia for non-medical reasons.

## Disability Rights Framework Kenya

Kenya has a very progressive Constitution that, *among other things*, safeguards the rights of persons with disabilities and calls for affirmative action in safeguarding these rights as well as Acts of Laws and Policies that call for the protection of persons with disabilities. Under Article 2(5) and (6) of the Constitution, all international and Regional Instruments ratified are automatically part of Kenya’s laws and need not be domesticated. To this end, Kenya has ratified various regional and international instruments that call for safeguarding of the rights of persons with disabilities, including the United Nations Convention on the Rights of Persons with Disabilities (“CRPD”) and the African Charter on Human and People’s Rights (“ACHPR”).

The Sexual Offences Act (“SOA”) in section 42 provides, among other things, that persons with mental disabilities are incapable of providing sexual consent. An ICWG victim of SGBV qualifies as a vulnerable victim. Section 31 of the SOA and Section 17 of the Victim Protection Act (“VPA”) provide for the rights of vulnerable witnesses, including ICWGs victims of SGBV. The rights include the right to testify through an intermediary, and the right to participate in a criminal process actively. The law also provides for special measures to ensure their active participation during the trial. The measures include the provision of a witness protection box, testifying through a video link, and fast-tracking cases. The prosecution or the victim’s lawyer should make the application for the court to take notice of the victim’s vulnerability.

The criminal procedure process for an ICWG victim of SGBV is the same as would be for any other victim of abuse.



## The Legal Framework

**The Counter-Trafficking in Persons Act** prohibits trafficking in persons. The law **defines trafficking** in persons as the recruitment, transportation, transfer, harboring, or receipt of the victim for exploitation. The trafficking occurs through the use of threats, force, coercion, abduction, fraud, deception, abuse of power or the position of vulnerability or giving payments or benefits to obtain the consent of the victim and giving or receiving payments or benefits to obtain the consent of a person having control over the victim. The victim's consent in trafficking in persons shall not be relevant. The purpose of trafficking at times includes FGM, CSEC, or Child Marriage.

**The Marriage Act** governs all marriages contracted in Kenya. The law defines marriage as the voluntary union of a man and a woman. The legislation recognizes the equal rights of spouses throughout the marriage to its end. The law prohibits child marriage and states that a person shall not marry unless that person has attained the age of eighteen.

**The Matrimonial Property Act** provides for the rights and responsibilities of husbands and wives concerning property acquired when they were lawfully married. It provides relief from **economic violence**. The law defines the contribution to marriage as a monetary and non-monetary contribution. It includes—**domestic work** and management of the matrimonial home, **childcare**, companionship, management of the family business or property, and farm work. It recognizes the work that spouses undertake within the family set up. The law gives equal rights to married women and men to administer the matrimonial property. For example, if the **matrimonial property** is the **name of the husband**, the **wife must** give **consent** before the sale of the property.

**The Children's Act** sets out the rights of children and the procedure of safeguarding children. The best interest of the child is paramount in all matters concerning a child. The law protects children against all forms of abuse, such as child marriage or CSEC. If a child is abused and rescued from abuse, the court can declare the child as in need of care and protection. Children's Officer or the Police Officers or authorized personnel conduct the formal rescue of abused children.

**The Witness Protection Act:** This law provides for the protection of witnesses in criminal cases and other proceedings. An SGBV survivor or witness may need protection from threats or risk that exists because of giving evidence on behalf of the State in—court cases. Such a person can apply for protection through the ODPP and the NPS. The Protection Agency can offer **protection to ICWG or older people** if threatened on account of a criminal case.

## Handout Module 2: Victim Centered Approach to Sexual and Gender-Based Violence

How Does the Criminal Trial Process Support the Rights of Vulnerable Victims?

The Victim Protection Act (“VPA”) provides for the rights of victims, including **ICWG** and the **elderly**. Under the law, the rights are as follows:

1. Victims have the right of audience before any decision affecting them is taken.
2. The victim’s dignity is preserved at every stage from the pretrial phase to the post-trial phase.
3. Managing a victim requires speaking to them proportionately to their age, intellectual development, and speaking to them in a language of choice, or through an interpreter, if necessary.
4. Every victim engagement considers his or her cultural values and beliefs.
5. Every victim interaction protects them from secondary victimization in all informal, administrative, and judicial proceedings relating to the victim.
6. Every victim enjoys legal and social services of their choice, and if the victim is a vulnerable victim within the meaning of the VPA, then the State should provide legal and social services.
7. A **vulnerable victim** such as **ICWG** or an **older person** is entitled to contact his or her family or any primary caregiver, and the victim’s dignity upheld.
8. The victim’s cultural values and beliefs are respected.
9. The victim does not face discrimination or victimization of any sort.
10. Where a person believes that a victim may suffer intimidation or retaliation from the accused, or the offender, the victim protection board shall immediately refer the victim to the Witness and Victim Protection Agency established under the Witness Protection Act, 2006.

## Handout Module 3: The Reporting and Referral Mechanism




Diagram 1: Sexual and Gender-Based Violence Guiding Principles & Approaches

The following guiding approaches and principles underpin all SGBV standards: -

- 1. Survivor-centered approach:** A survivor-centered approach creates a supportive environment that respects the survivor's rights and wishes, ensures their safety and dignified treatment. The following guiding principles guide the survivor-centered approach:
  - **Safety:** The safety and security of the survivor is the primary consideration.
  - **Confidentiality:** Survivors have the right to choose the person whom they share their story with, and such information-sharing requires their **informed consent**.
  - **Respect:** The respect for survivor's choices should guide all actions taken. The helpers should facilitate recovery and aid provision.
  - **Non-discrimination:** Responders should ensure survivors receive equal and fair treatment regardless of their age, gender, race, religion, nationality, ethnicity, sexual orientation, or any other characteristic.
- 2. Rights-based approach:** The approach analyzes and addresses the root causes of discrimination and inequality. The approaches ensure that everyone, regardless of their gender, age, ethnicity, or religion, lives with freedom and dignity, safe from violence, exploitation, and abuse, following principles of human rights law.



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- 3. Community-based approach:** the approach ensures that affected populations actively engage as partners in developing strategies related to their protection and the provision of assistance. This approach involves direct consultation with women, girls, and other at-risk groups at all stages, to identify protection risks and solutions and build on existing community-based protection mechanisms.

### **The Role of Key Justice Actors in Preventing and Responding to SGBV including against ICWGs in Kenya**

1. Health services include examination, provision of medical emergency care, treatment, and collection of evidence (includes Government and private hospitals)
2. Legal and justice services assist the survivors with legal advice and provide information on the benefits and barriers to access justice. The providers also support victim participation in the process (includes COVAW Pro bono Lawyers, Office of the Director of Public Prosecutions (“ODPP”) and legal aid organizations)
3. Psychosocial support services include the provision of counseling services for emotional support and social reintegration (includes Government and private hospitals).
4. Economic Empowerment increases the self-sufficiency of victims to reduce their vulnerability through income-generating activities (includes women support programs).
5. Safety and security services support the safety and security of the survivor and witnesses in the case. The service providers conduct the investigations and arrests the perpetrator (Includes Police Officers, Children Officers, Witness Protection Agency, Victim Protection Board).

**Table 1: See the Table below for the Roles as outlined in the National Monitoring and Evaluation Framework towards the Prevention of and Response to Sexual and Gender-Based Violence in Kenya**

Actor	SGBV Preventive Role	SGBV Response Role and responsibilities
<b>Police</b>	<ul style="list-style-type: none"> <li>• Conducting in-service training for serving police officers and recruits on SGBV.</li> <li>• Educating the community on various aspects of SGBV through community policing initiatives such as the Nyumba Kumi initiative.</li> <li>• Conduct Patrol and other security measures that deter and prevent sexual offenses from occurring.</li> </ul>	<ul style="list-style-type: none"> <li>• Establishment of functional gender desks at the police stations/posts.</li> <li>• Investigating cases of ICWGs victims of SGBV.</li> <li>• Arresting the suspect or perpetrator of SGBV.</li> <li>• Providing a P3 form to the survivor.</li> <li>• Collecting and preserving exhibits from the survivor.</li> <li>• Ensuring security for the survivor and his/her family.</li> <li>• Submitting to and collecting the exhibits from the government chemist.</li> <li>• Availing exhibits and witnesses for the prosecution when required. •</li> <li>• Giving evidence in court as required.</li> </ul>
<b>Health</b>	<ul style="list-style-type: none"> <li>• Developing national policies, guidelines, standards, protocols and training curricula for SGBV service delivery</li> <li>• Capacity building of health service personnel through training and mentorship on clinical management of SGBV</li> </ul>	<ul style="list-style-type: none"> <li>• Providing treatment and psychological care to SGBV survivors including Post Exposure Prophylaxis ("PEP")</li> <li>• Collecting and giving evidence in court (expert witnesses)</li> <li>• Referral and linkage of survivors to police and community interventions</li> </ul>
<b>Prosecution</b>	<ul style="list-style-type: none"> <li>• Educating the community on the provisions of the Sexual Offences Act.</li> <li>• Support in development and review of existing policies and pieces of legislation relevant to addressing SGBV.</li> </ul>	<ul style="list-style-type: none"> <li>• Supervising the Police in the investigation of sexual offenses.</li> <li>• Ensuring the drafting of correct charges</li> <li>• Pretrial preparation for survivors and witnesses of SGBV cases</li> <li>• Presenting evidence in court-- both exonerating and incriminating evidence.</li> <li>• Examining and cross-examining witnesses in court.</li> <li>• Making relevant applications in court – for example, protection of vulnerable witnesses, counseling of survivors, treatment of offenders, assessing the survivors or witnesses, and sentencing of the convict.</li> </ul>

Actor	SGBV Preventive Role	SGBV Response Role and responsibilities
<b>Judiciary</b>	<ul style="list-style-type: none"> <li>• Sensitizing the community on legal provisions.</li> <li>• Sentencing convicted sex offenders.</li> <li>• Granting protection orders that safeguard those who are vulnerable to being sexually violated.</li> <li>• Support in development and review of existing policies and pieces of legislation relevant to addressing SGBV.</li> </ul>	<ul style="list-style-type: none"> <li>• Adjudicate cases involving SGBV and implement the various provisions of the SOA in a specific case.</li> <li>• Prioritize cases of SGBV, especially those of vulnerable victims such as ICWGs.</li> <li>• Create new procedures/practices by providing an interpretation of the various legal provisions in appropriate cases.</li> <li>• Adjudicating cases as provided by law.</li> </ul>
<b>Government Chemist</b>	<ul style="list-style-type: none"> <li>• Building the capacity of actors, including health practitioners and the Police, in the collection, dissemination, and analysis of samples and exhibits</li> <li>• Storage of perpetrator DNA database</li> <li>• Capacity building of police officers on the collection and preservation of samples</li> </ul>	<ul style="list-style-type: none"> <li>• Receiving samples on SGBV cases from Police and storing and securing exhibits safely.</li> <li>• Conducting, analyzing, examining samples and developing unbiased findings</li> <li>• Submission of the report to the Police</li> <li>• Attending court as expert witnesses</li> </ul>
<b>Probation</b>	<ul style="list-style-type: none"> <li>• Proper supervision of ex-convicts</li> <li>• Psychosocial support to perpetrators, including counseling</li> <li>• Proper reintegration of the ex-convicts into society</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct offender assessment and submit an unbiased report to court as ordered</li> <li>• Supervision and aftercare of ex-convicts</li> <li>• Psychosocial support</li> </ul>
<b>Department of Children Services</b>	<ul style="list-style-type: none"> <li>• Educating the community on the provisions of the Children's Act</li> </ul>	<ul style="list-style-type: none"> <li>• Provide appropriate services to children in need of care and protection</li> <li>• Respond to cases of child abuse, neglect, exploitation and intervene on behalf of any child who requires care and protection and is in danger of imminent injury or harm, where possible by securing the removal of such child to a place of safety</li> </ul>

## Handout Module 4: Effective Communication

### Community Advocacy Skills for Paralegals

**Communicate effectively:** Using the communication skills identified share success stories with the community at local gatherings such as Chief Barazas. Take the opportunity also to raise awareness on the impact of SGBV on communities. Raise awareness on the rights of ICWGs, the vulnerabilities that predispose them to abuse, the need to protect them from abuse, and their rights as per the law.

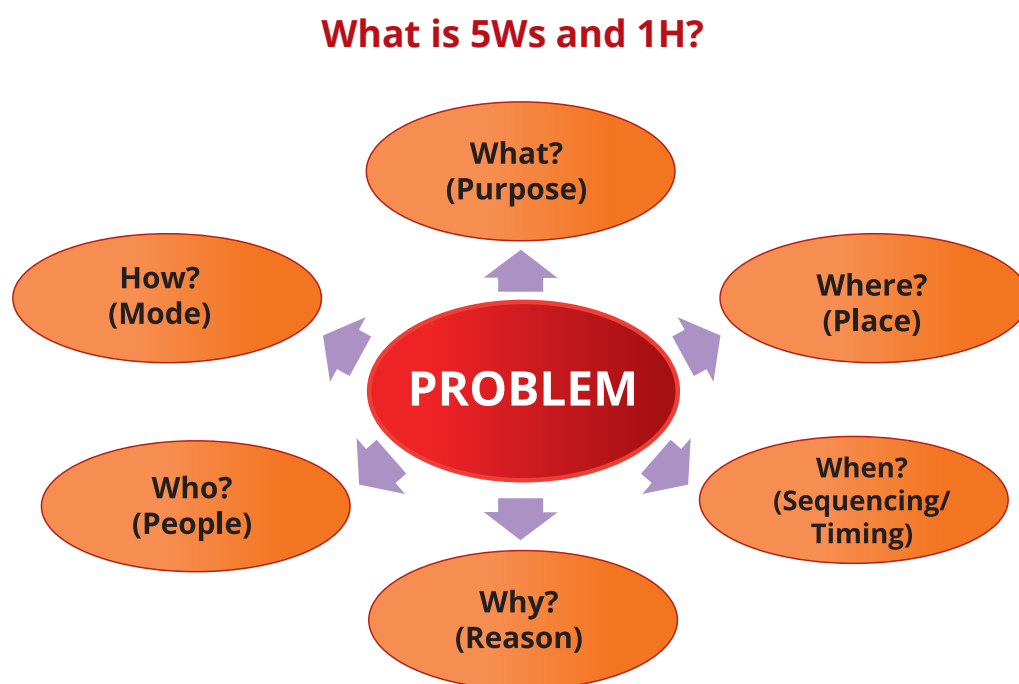
**Promote your message,** including working with the local media stations: seek out opportunities to air messages on the protection of ICWGs from violence and the legal provisions that apply to perpetrators in a bid to deter them from abusing the ICWGs on local radio stations or local tv stations.

**Influence people** such as community administrators, including politicians: engage local leaders to identify and prioritize SGBV concerns for ICWGs

**Develop strategic networks:** leverage existing relations to gain access to top-level leadership. For example, form a coalition using your local paralegal group to pay a courtesy call to the Governor's office to discuss urgent SGBV issues and solutions affecting ICWGs. The Paralegals can also use already established networks such as SGBV Response networks, Court user Committee, and Area Advisory Council networks as well as county committee forums targeting the larger justice actors, including the county leadership.

### Diagram 2: Documentation:

As a Paralegal, make sure to rely on the **5W's** and **1H** for effective interviewing and reporting. The 5W's and 1H is the recommended approach for interviewing SGBV survivors, including ICWGs or the elderly.



**Table 2: Important Self-Care Tools**

Individual Self-Care	Group Self-Care
<ol style="list-style-type: none"> <li>1. Have a plan for social support. The support includes chatting with family members or trusted close friends about non-work-related issues.</li> <li>2. Take a day off SGBV related work. For example, depending on your schedule, you can commit the last Friday of every month as a day to rest.</li> <li>3. Eat a well-balanced diet to ensure that your body has the energy to spend.</li> <li>4. Exercise. The exercise can focus on what you like. For example, swimming, dancing, hiking, farming, playing football, cleaning</li> <li>5. Individual Psychological debriefing is essential. Ensure that you sit down with a Certified Counsellor every three months to six months. COVAW can provide a list of recommended Counsellors</li> <li>6. Enough Sleep. Getting enough sleep equals getting rest for your body repair. Enough rest ensures high energy levels and alertness</li> <li>7. If overwhelmed, take days off SGBV related work and focus on other activities and refer cases to another person. It enables the person to come back to work with a fresh perspective on issues.</li> <li>8. Spiritual connections. Paralegals are encouraged to undertake spiritually fulfilling exercises that work for them. For example, Praying.</li> </ol>	<ol style="list-style-type: none"> <li>1. Schedule a group of psychological debriefing. Through a Certified Counsellor, Paralegals can debrief with the Counsellor. COVAW can organize such forums at least twice a year</li> <li>2. Group Social Support. Through committees such as the Paralegal networks, ICWGs protection committees, paralegals can meet and share the challenges of the work and find solutions together. Sharing enables people to take the load off. The groups can meet at least every three months</li> <li>3. Group Retreat. Paralegals can organize a yearly retreat out of their workstations to rest, relax, eat a good meal, and enjoy each other's company. For example, organize a day retreat to go to Naivasha for "nyama choma" roast meat and swimming.</li> </ol>



# Appendix II

## Activity Sheet

### Activity 1: Gender Roles

In the Group, Discuss the following:

1. What messages were relayed to you as a child about what it means to be a boy or girl?
2. Ask participants to think about expectations and limitations on their gender when growing up
3. How were these messages relayed to you, and by whom? Are the same messages instilled in children today?
4. Did you ever feel restricted because of your gender roles as a child?
5. Can you think of situations in which boys and girls no longer assume their traditional gender roles?
6. Who brought about this changed Role: the society in general, a community, a family, an individual, yourself?

### Case Study 1:

Rehema, a thirteen-year-old girl, lives with her grandmother, who sells vegetables at the local market. To make ends meet, she sometimes sells local brew from her house. Rehema's mother works in the city, and her father abandoned the family upon discovering that Rehema did not behave like other children as she was unable to speak until she was five years old. Upon taking her to the hospital, the doctor informed Rehema's grandmother that Rehema has slow speech, and her intellectual capabilities are that of a six-year-old. As such, Rehema can only communicate with her grandmother, who understands her. Through the support of a charitable organization, her grandmother enrolled Rehema in a nearby school. Their neighbors do not like Rehema playing with other children as they accuse her of being a bad omen and violent to them. The children also call her names.

Rehema's grandmother often leaves early and comes back late, leaving Rehema alone. Kitoto, one of Rehema's Uncles, knows that Rehema is usually alone most of the time. One day, while Rehema is out playing in the shamba, her uncle approaches her and offers her five sweets to go back to his house. At his house, Kitoto covers Rehema's mouth and sexually assaults her. When Rehema tells her grandmother that Kitoto did bad manners to her, she decides not to report the case for fear of mockery and stigma.





## Case study 2:

Malkia visited her Boyfriend in his house. At the house, Malkia's Boyfriend, a Police Administrator, offered her Whiskey and mixed it with Fanta. Malkia declined, but the Boyfriend insisted and stated that he would not offer Malkia money for their baby if she didn't take the alcohol. Feeling pressured, Malkia agreed to the drink. At the end of the evening, they both drank two bottles of Whiskey. Seeing that Malkia was drunk, the Boyfriend asked Malkia to engage in sex. She said yes, but only if he used a condom. Despite her protests, the Boyfriend proceeded to have sex with Malkia without a condom. The Boyfriend declined to give Malkia money for the baby's upkeep. He also threatened to teach Malkia a lesson if she reported the matter to Police. Malkia comes to you for assistance.

## Pre-and Post-Test Training Assessment

### PARALEGAL PRE- AND POST-TEST TRAINING ASSESSEMENT

DATE...../.... /.....

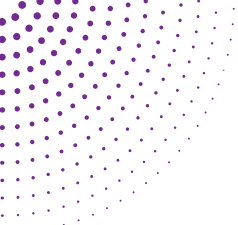
#### Section A: Introduction

<b>Gender</b> (tick one)	a) Female	
	b) Male	

#### Section B: Sexual and Gender Based-Violence Protection

Questions	Response
<b>Topic: Module 1: Sexual and Gender-Based Legal Protection Framework</b>	
<b>B.1</b> The following statements show the differences between a Community Paralegal and a Lawyer.  Select all true statements	a) Lawyers are persons with advanced legal skills and qualify to represent people in a court of law b) A Paralegal can assist victims of sexual violence to settle cases out of court c) Paralegals work closely with Lawyers and Counsellors to provide support to victims of sexual and gender-based violence d) Paralegals should not act as a bridge between the community and formal justice institutions e) A Paralegal is qualified to give legal advice but not represent a person in a court of law
<b>B.2</b> Which of the following is the role of Community Paralegal in addressing sexual and gender-based violence?  (Circle)	a) Public education to increase awareness on the law on sexual violence and protection of women and girls b) Advising community members on the legal process, and options for pursuing remedies on violence c) Assisting communities to navigate authorities and institutions such as the Police or the Hospital d) Referral of cases to Lawyers to pursue litigation in serious or complicated cases e) All the above
<b>B.3</b> Which of the following is a type of sexual and gender-based violence affecting women and girls?  (Circle)	a) Physical abuse. b) Emotional Abuse c) Economic Abuse. d) Sexual Abuse e) All the above
<b>B.4</b> The following laws provide for sexual and gender-based violence protection of women and girls, which one does NOT? (Circle)	a) The Child Protection Act, 2014 b) The Persons with Disabilities Act, 2003 c) The Prohibition against Female Genital Mutilation Act, 2011 d) The Counter-Trafficking in Persons Act, 2010 e) The Sexual Offences Act, 2006

Questions	Response
<b>Module 2- Victim Centered Approach</b>	
<p><b>B.5</b> In assisting a survivor of sexual and gender-based violence, a Community Paralegal should do the following</p> <p>Select all true statements</p>	<ul style="list-style-type: none"> <li>a) Support women and girls with intellectual disabilities to pursue legal remedies as they make credible witnesses</li> <li>b) Empower victims to know their rights when dealing with the Police and the Courts</li> <li>c) Share the details of the survivor with the community at the chief baraza</li> <li>d) Ensure the safety and protection of the survivor</li> <li>e) Refer the survivors to appropriate support services</li> </ul>
<p><b>B.6</b> Which of the following are rights of victims with intellectual disabilities in a criminal trial process?</p> <p>(Circle One)</p>	<ul style="list-style-type: none"> <li>a) Right to appoint a lawyer to represent them in court</li> <li>b) Right to give their evidence through the assistance of an intermediary</li> <li>c) Right to raise their hand in court and raise concerns on the progress of the case</li> <li>d) Right to object to the release of the perpetrator on bail or bond</li> <li>e) All the above</li> </ul>
<b>Module 3: Reporting and Referral Mechanism</b>	
<p><b>B. 7.</b> Which of the following is the CORRECT order of responding to a sexual and gender-based violence case in the community?</p> <p>(Circle one)</p>	<ul style="list-style-type: none"> <li>a) Reporting, recording of statements, seek medical attention, charge a victim, investigate</li> <li>b) Rescue survivor, seek medical attention including counseling, report the case to the Police, record statements, arrest suspect, refer to a Lawyer</li> <li>c) Reporting seek medical attention, record statements, rescue a child/victim, identify, arrest, and charge the suspect.</li> <li>d) Rescue victim, seek medical attention, counseling, record statements, refer to a Lawyer</li> <li>e) None of the above</li> </ul>
<p><b>B.8</b> The following statements describe the Paralegal role during the reporting of a case affecting a vulnerable victim</p> <p>Select all true statements</p>	<ul style="list-style-type: none"> <li>a) A Paralegal should know that survivors of sexual violence should seek medical assistance within seventy-two (72) hours</li> <li>b) A Paralegal should know that early medical intervention does not help the survivor access justice</li> <li>c) Paralegals should know that perpetrators are sometimes members of the family, the presence of an accompanying family member may discourage reporting</li> <li>d) Paralegals should wait for some time before referring cases to the Police</li> <li>e) A Paralegal should coordinate with community policing members to provide a quick response to cases</li> </ul>



Questions	Response
<b>Module 4: Effective Communication</b>	
<p><b>B.9.</b> Which of the following statements is TRUE regarding communication with intellectually challenged women and girls?</p> <p>Select all true statements</p>	<ul style="list-style-type: none"><li>a) Effective communication with a vulnerable survivor involves engaging a person who understands the needs of the survivor such as a caregiver</li><li>b) Building rapport and keeping the individual central to decisions and actively listening by using all your senses and giving the person your full attention</li><li>c) An Intellectually Challenged girl or woman cannot be an effective witness in court as she's unable to express herself.</li><li>d) A Paralegal should make use of the "where, when, what, why, which and how method" during an interview</li><li>e) A Paralegal should interview a survivor alone to protect their privacy and maintain confidence</li></ul>
<p><b>B.10.</b> The following demonstrates professional self-care when handling sexual and gender-based violence cases, which one does Not?</p> <p>(Circle)</p>	<ul style="list-style-type: none"><li>a) Sharing your work experience with a COVAW recommended Counsellor</li><li>b) Discussing client details with your family and friends as part of "social counseling and sharing."</li><li>c) Engaging in physical exercise such as walking, playing football, traditional dances</li><li>d) Referring cases to competent and qualified persons if overwhelmed</li><li>e) Engaging in spiritually fulfilling exercises such as going to the Shrine, going to the Mosque or Church, Praying</li></ul>

## PARALEGAL PRE- AND POST-TEST TRAINING ASSESSEMENT ANSWER SHEET

### Section B: Sexual and Gender Based-Violence Protection

Questions	Responses (Correct Answers are in Bold Font)
<b>Topic: Module 1: Sexual and Gender-Based Legal Protection Framework</b>	
<p><b>B.1</b> The following statements show the differences between a Community Paralegal and a Lawyer.</p> <p>Select all true statements</p>	<p>a) <b>Lawyers are persons with advanced legal skills and qualify to represent people in a court of law</b></p> <p>b) A Paralegal can assist victims of sexual violence to settle cases out of court</p> <p>c) <b>Paralegals work closely with Lawyers and Counsellors to provide support to victims of sexual and gender-based violence</b></p> <p>d) Paralegals should not act as a bridge between the community and formal justice institutions</p> <p>e) <b>A Paralegal is qualified to give legal advice but not represent a person in a court of law</b></p>
<p><b>B.2</b> Which of the following is the role of Community Paralegal in addressing sexual and gender-based violence?</p> <p>(Circle)</p>	<p>a) Public education to increase awareness on the law on sexual violence and protection of women and girls</p> <p>b) Advising community members on the legal process, and options for pursuing remedies on violence</p> <p>c) Assisting communities to navigate authorities and institutions such as the Police or the Hospital</p> <p>d) Referral of cases to Lawyers to pursue litigation in serious or complicated cases</p> <p>e) <b>All the above</b></p>
<p><b>B.3</b> Which of the following is a type of sexual and gender-based violence affecting women and girls?</p> <p>(Circle)</p>	<p>a) Physical abuse.</p> <p>b) Emotional Abuse</p> <p>c) Economic Abuse.</p> <p>d) Sexual Abuse</p> <p>e) <b>All the above</b></p>
<p><b>B.4</b> The following laws provide for sexual and gender-based violence protection of women and girls, which one does NOT?</p> <p>(Circle)</p>	<p>a) <b>The Child Protection Act, 2014</b></p> <p>b) The Persons with Disabilities Act, 2003</p> <p>c) The Prohibition against Female Genital Mutilation Act, 2011</p> <p>d) The Counter-Trafficking in Persons Act, 2010</p> <p>e) The Sexual Offences Act, 2006</p>

Questions	Responses (Correct Answers are in Bold Font)
<b>Module 2- Victim Centered Approach</b>	
<p><b>B.5</b> In assisting a survivor of sexual and gender-based violence, a Community Paralegal should do the following</p> <p>Select all true statements</p>	<p>a) <b>Support women and girls with intellectual disabilities to pursue legal remedies as they make credible witnesses</b></p> <p>b) <b>Empower victims to know their rights when dealing with the Police and the Courts</b></p> <p>c) Share the details of the survivor with the community at the chief <i>baraza</i></p> <p>d) <b>Ensure the safety and protection of the survivor</b></p> <p>e) <b>Refer the survivors to appropriate support services</b></p>
<p><b>B.6</b> Which of the following are rights of victims with intellectual disabilities in a criminal trial process?</p> <p>(Circle One)</p>	<p>a) Right to appoint a lawyer to represent them in court</p> <p>b) Right to give their evidence through the assistance of an intermediary</p> <p>c) Right to raise their hand in court and raise concerns on the progress of the case</p> <p>d) Right to object to the release of the perpetrator on bail or bond</p> <p>e) <b>All the above</b></p>
<b>Module 3: Reporting and Referral Mechanism</b>	
<p><b>B.7.</b> Which of the following is the CORRECT order of responding to a sexual and gender-based violence case in the community?</p> <p>(Circle one)</p>	<p>a) Reporting, recording of statements, seek medical attention, charge a victim, investigate</p> <p>b) <b>Rescue survivor, seek medical attention including counseling, report the case to the Police, record statements, arrest suspect, refer to a Lawyer</b></p> <p>c) Reporting seek medical attention, record statements, rescue a child/victim, identify, arrest, and charge the suspect.</p> <p>d) Rescue victim, seek medical attention, counseling, record statements, refer to a Lawyer</p> <p>e) None of the above</p>
<p><b>B.8</b> The following statements describe the Paralegal role during the reporting of a case affecting a vulnerable victim</p> <p>Select all true statements</p>	<p>a) <b>A Paralegal should know that survivors of sexual violence should seek medical assistance within seventy-two (72) hours</b></p> <p>b) A Paralegal should know that early medical intervention does not help the survivor access justice</p> <p>c) <b>Paralegals should know that perpetrators are sometimes members of the family, the presence of an accompanying family member may discourage reporting</b></p> <p>d) Paralegals should wait for some time before referring cases to the Police</p> <p>e) <b>A Paralegal should coordinate with community policing members to provide a quick response to cases</b></p>



Questions	Responses (Correct Answers are in Bold Font)
<b>Module 4: Effective Communication</b>	
<p><b>B.9.</b> Which of the following statements is TRUE regarding communication with intellectually challenged women and girls?</p> <p>Select all true statements</p>	<p>a) <b>Effective communication with a vulnerable survivor involves engaging a person who understands the needs of the survivor such as a caregiver</b></p> <p>b) <b>Building rapport and keeping the individual central to decisions and actively listening by using all your senses and giving the person your full attention</b></p> <p>c) An Intellectually Challenged girl or woman cannot be an effective witness in court as she's unable to express herself.</p> <p>d) <b>A Paralegal should make use of the "where, when, what, why, which and how method" during an interview</b></p> <p>e) A Paralegal should interview a survivor alone to protect their privacy and maintain confidence</p>
<p>B. 10 The following demonstrates professional self-care when handling sexual and gender-based violence cases, which one does Not?</p> <p>(Circle</p>	<p>a) Sharing your work experience with a COVAW recommended Counsellor</p> <p>b) <b>Discussing client details with your family and friends as part of "social counseling and sharing."</b></p> <p>c) Engaging in physical exercise such as walking, playing football, traditional dances</p> <p>d) Referring cases to competent and qualified persons if overwhelmed</p> <p>e) Engaging in spiritually fulfilling exercises such as going to the Shrine, going to the Mosque or Church, Praying</p>

## Additional Reading Materials

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1. American Psychiatry Association, *Diagnostic & Statistical Manual on Mental Disorders*, 5<sup>th</sup> Edition (2013).
2. Antares Foundation, *Managing Stress for Humanitarian Workers* (2012), [https://www.antaresfoundation.org/filestore/si/1164337/1/1167964/managing\\_stress\\_in\\_humanitarian\\_aid\\_workers\\_guidelines\\_for\\_good\\_practice.pdf?etag=4a88e3afb4f73629c068ee24d9bd30d9](https://www.antaresfoundation.org/filestore/si/1164337/1/1167964/managing_stress_in_humanitarian_aid_workers_guidelines_for_good_practice.pdf?etag=4a88e3afb4f73629c068ee24d9bd30d9) (last accessed 11<sup>th</sup> May 2020).
3. Inter-Agency Standing Committee, *Guidelines for Gender-based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies* (2005), <https://interagencystandingcommittee.org/gender-and-humanitarian-action-0/documents-public/iasc-guidelines-gender-based-violence-5> (last accessed on 29th March 2020).
4. Ministry of Gender & Social Services, *National Plan of Action on Commercial Sexual Exploitation of Children* (2018-2022), <http://www.anppcan.org/wp-content/uploads/2014/11/NPA-against-SEC-Kenya-2018-2022.pdf> (last accessed on 29th March 2020).
5. Ministry of Health, *National Guidelines on Management of Sexual Offences in Kenya*, [www.endvawnow.org/uploads/browser/files/national\\_guidelines.pdf](http://www.endvawnow.org/uploads/browser/files/national_guidelines.pdf) (last accessed on 29th March 2020).
6. Ministry of Health, *National Standard Operating Procedures for Management of Sexual Offences Against Children* (2018), [https://www.popcouncil.org/uploads/pdfs/2018RH\\_KenyaMOH-SOPsMgmtSVAC.pdf](https://www.popcouncil.org/uploads/pdfs/2018RH_KenyaMOH-SOPsMgmtSVAC.pdf) (last accessed on 29th March 2020).
7. NAMATI, *Kampala Declaration on Community Paralegals* (2012), [https://namati.org/wp-content/uploads/2015/02/Kampala\\_Declaration\\_on\\_Community\\_Paralegals.pdf](https://namati.org/wp-content/uploads/2015/02/Kampala_Declaration_on_Community_Paralegals.pdf) (last accessed 30<sup>th</sup> March 2020).
8. NAMATI, *What is a Community Paralegal* (2012), <https://namati.org/wp-content/uploads/2015/02/What-is-a-Community-Paralegal.pdf> (last accessed 30<sup>th</sup> March 2020).
9. NGEC, *Model Policy on GBV for County Governments*, <https://www.ngeckenya.org/Downloads/NGEC%20Model%20Policy%20on%20GBV%20for%20County%20Govts.pdf> (last accessed on 29th March 2020).
10. NGEC, *National Framework toward Response and Prevention of Gender-Based Violence in Kenya*, <https://www.ngeckenya.org/Downloads/National-ME-Framework-towards-the-Prevention-Response-to-SGBV-in-Kenya.pdf> (last accessed on 29th March 2020).
11. Open Society, *Community-Based Paralegals: A Practitioners Guide* (2010), <https://www.justiceinitiative.org/publications/community-based-paralegals-practitioners-guide> (last accessed 11th May 2020).
12. World Health Organization, *Clinical Management of Survivors of Rape* (2001), [https://apps.who.int/iris/bitstream/handle/10665/67632/WHO\\_RHR\\_02.08.pdf?sequence=1&isAllowed=y](https://apps.who.int/iris/bitstream/handle/10665/67632/WHO_RHR_02.08.pdf?sequence=1&isAllowed=y) (last accessed on 11<sup>th</sup> May 2020).

## List of Statutes

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(Access through [www.kenyalaw.org](http://www.kenyalaw.org))

1. Children's Act No.8 of 2001
2. Counter Trafficking in Persons Act No. 8 of 2010
3. Marriage Act, 2014
4. Persons with Disabilities Act, 2004
5. Prevention Against Domestic Violence Act, 2015
6. Prohibition of Female Genital Mutilation Act No. 32 of 2011
7. Sexual Offences Act No.3 of 2006
8. Victim Protection Act No. 7 of 2014
9. Witness Protection Act No.20 of 2006

## List of International & Regional Treaties

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1. African Charter on Human & People Rights, <https://www.achpr.org/legalinstruments/detail?id=49>.
2. Convention on Elimination of Discrimination Against Women, <https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>
3. Convention on the Rights of Persons with Disabilities, <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>
4. Protocol (To Prevent, Suppress & Punish Human Trafficking) to the United Nations Convention on Transnational & Organized Crime, <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>.
5. Protocol to the African Charter on Human and Peoples' Rights on Women's Rights (Maputo Protocol), [https://www.un.org/en/africa/osaa/pdf/au/protocol\\_rights\\_women\\_africa\\_2003.pdf](https://www.un.org/en/africa/osaa/pdf/au/protocol_rights_women_africa_2003.pdf)
6. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, [https://au.int/sites/default/files/treaties/36440-treaty-protocol\\_to\\_the\\_achpr\\_on\\_the\\_rights\\_of\\_persons\\_with\\_disabilities\\_in\\_africa\\_e.pdf](https://au.int/sites/default/files/treaties/36440-treaty-protocol_to_the_achpr_on_the_rights_of_persons_with_disabilities_in_africa_e.pdf)
7. Universal Declaration on Human and People's Rights, <https://www.un.org/en/universal-declaration-human-rights/>.

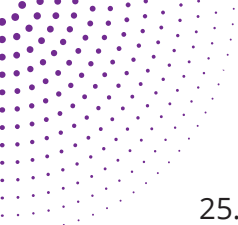


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**-THANK YOU-**







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