



Malawi Violence Against Women and Girls Prevention and Response Programme

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GENDER TRANSFORMATIVE CURRICULUM PART B:

### Malawi Police Service

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Prevention and Response Programme**



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**Malawi Police Service**



**Dr George Kainja**

Inspector General of Police

## FOREWORD FROM THE MALAWI POLICE SERVICE

The severity and high prevalence of Violence Against Women and Girls (VAWG), is one of the factors contributing to inequality between men, women, girls and boys, as well as slow progress towards the attainment of sustainable development for Malawi. The Government of Malawi's commitment to ending violence against women and girls (VAWG) is demonstrated through a strong legal and policy framework on VAWG, as well as implementation of several programmes on combatting this vice. The Malawi Police Service (MPS), works alongside a number of partners and stakeholders from the community to national level on the prevention of VAWG as well as putting up measures for an effective response mechanism to this vice. MPS believes that continuous dedicated training of its officers is one of the critical strategies for improving women's and girls' access to justice and attainment of gender equality.

Gender equality is a fundamental human rights principle enshrined in the Constitution of Malawi and in international human rights treaties ratified by Malawi. The MPS is established by the Sections 152 and 153 of the Constitution of the Republic of Malawi and the Malawi Police Act of 2010 and one of the key mandates is upholding human rights. Violence against women and girls remains a critical issue of concern for security and attainment of gender equality. In light of the legal mandate, the MPS is key in responding to cases of violence against women and girls. Experiences of crime and injustice are gendered, and this means the MPS plays a central role in the protection of women's and girls' rights, including prevention and response to violence against women and girls.

Recognising that an effective justice system for victims of violence against women and girls can be fully realized if the Malawi Police workforce is gender sensitive, and to make sure that a gender responsive police is sustained, MPS welcomes the design of this Gender Transformative Curriculum for a dedicated training of officers of MPS. It is expected that the training under this Curriculum will strengthen gender responsive policing on the part of MPS, leading to improvement in the accessibility and responsiveness of their services for survivors of violence against women and girls.

It is expected that the contents of the Curriculum will develop the key competencies and confidence required to challenge discriminatory social norms contributing to violence against women and girls in Malawi. It must be acknowledged that police officers are members of society and come to the service with an inbuilt set of values. It is therefore important that prejudices and harmful gender stereotypes do not influence the conduct of the work of police officers as they interact with survivors of VAWG. In addition, we need to develop critical consciousness of our attitudes, values and behaviours as individuals and development of positive changes at individual level, hence delivering transformative support to survivors of gender-based violence in our day-to-day work.

It is my expectation that the series of training under this Curriculum will contribute to the needed transformation with respect to behaviours, practices or procedures that create obstacles to equal access to justice for women and girls, as well as to promote those that ensure better access.

**DR GEORGE KAINJA**  
**INSPECTOR GENERAL OF POLICE**

# Module for Malawi Police Service

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| 9.00 – 9.30   | WELCOME, INTRODUCTIONS AND EXPECTATIONS (30 MINS)                                            | 5              |
| 9.30 – 10.30  | TYPES OF VIOLENCE AGAINST WOMEN AND GIRLS (60 MINS)                                          | 6              |
| 10.30 – 10.40 | THE ROLES OF THE POLICE IN VAWG (10 MINS)                                                    | 8              |
| 10.40 – 10.50 | THE LIMITS OF POLICE POWERS IN HANDLING VAWG (10 MINS)                                       | 9              |
| 10.50 - 11.00 | Short Reflective Break                                                                       |                |
| 11.00 - 12.00 | LAWS USED BY THE POLICE WHEN DEALING WITH VAWG (60 MINS)                                     | 9              |
| 12.00 - 14.00 | <i>Lunch</i>                                                                                 |                |
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| 15.00 – 16.00 | CULTURAL PRACTICES THAT PERPETUATE VAWG AND THE LAW THAT ABOLISHES THOSE PRACTICES (60 MINS) | 17             |

| Day 2         | Module                                                                         | Page Reference |
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| 9.00 – 9.30   | WELCOME, REFLECTIONS AND EXPECTATIONS (30 MINS)                                | 18             |
| 9.30 – 11.30  | SERVICES PROVIDED BY DIFFERENT BRANCHES OF POLICE TO VICTIMS OF VAWG (2 HOURS) | 19             |
| 11.30 – 12.00 | STEREOTYPES HELD BY SOME POLICE OFFICERS THAT EXACERBATE VAWG (30 MINS)        | 19             |
| 12.00 - 14.00 | <i>Lunch</i>                                                                   |                |
| 14.00 – 15.00 | KEY STAKEHOLDERS IN DEALING WITH VAWG (60 MINS)                                | 20             |

| Day 3         | Module                                                            | Page Reference |
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| 9.00 – 9.30   | WELCOME, REFLECTIONS AND EXPECTATIONS (30 MINS)                   | 21             |
| 9.30 – 10.30  | POLICE MECHANISMS IN MITIGATING VAWG MATTERS (60 MINS)            | 21             |
| 10.30 – 11.30 | ROLE PLAY (60 MINS)                                               | 22             |
| 13.30 - 14.30 | <i>Lunch</i>                                                      |                |
| 14.30 – 15.30 | THE ROLE OF SOCIETY IN PREVENTING AND PERPETUATING VAWG (60 MINS) | 22             |
| 15.30 – 16.30 | POLICE AS PERPETRATORS AND VICTIMS OF VAWG (60 MINS)              | 22             |
| 16.30 – 17.30 | REFLECTION SESSION (60 MINS)                                      | 23             |

# Day 1: Introduction to VAWG; Concepts and Legal Framework

## Learning Outcomes

By the end of this day participants must be able to identify the types of violence against women and girls, the roles of the police in violence against women and girls and the limits of police powers in ending violence against women and girls. Participants are also required to ably identify the laws that deal with VAWG, know how the police work in ending VAWG and identify the role of society and community policing in preventing and responding to VAWG in a survivor centred approach.

## 1. WELCOME, INTRODUCTIONS AND EXPECTATIONS (30 MINS)

### Objective

To promote trust and respect in the group by establishing workshop commitments

### Facilitator notes

It is important that you build positive and supportive group dynamics so that participants feel free to share their feelings, knowledge and experience. If this is established at the beginning then the group will become self-regulating and supportive.

### Step by Step

#### Welcome and introductions (approx. 10 mins)

1. Pair participants and ask them to find out their partner's name, occupation and something they have in common with each other...the more surprising the better! Allow the participants three minutes for the chat. The facilitator should also have a participant as their partner. Return to a plenary and allow each participant to introduce his or her partner.
2. Provide an overview of the training and of the day's objectives.

#### Hopes and Fears (approx. 20 mins)

### Objective

To explore individuals' hopes and fears and clarify expectations of the training

### Materials

Post-it notes, flip chart paper, tape

3. Ask participants to take a moment and reflect on the hopes we have for this workshop. What insights, learnings and skills it may bring. Also, as is common in any new situation, we may also have some fears
4. Ask participants to brainstorm their hopes on one colour post-it note and their fears on a different colour (these should be pre-prepared by the facilitator). Encourage one hope or fear per post-it note. Reinforce that there is no right or wrong answer and all answers are anonymous
5. Once participants have written their hopes and fears down they can hand the post-it notes to the facilitator or post them on the flip chart paper assigned separately for 'hopes and 'fears'. Write the expectations down on flip chart paper
6. The facilitator will quickly group the different viewpoints and respond to them. Ideally, we should be able to allay individuals' fears, but it is important not to dismiss fears casually. For example, if a participant raises a fear around confidentiality, then you can reassure them that this is going to be talked about as one of the first steps in the process. Where possible, show where the participants' expectations align with the objectives, but also for those that do not fit, be open to sharing that they are outside the scope of the training.



## 2. TYPES OF VIOLENCE AGAINST WOMEN AND GIRLS (60 MINS)

### Objective

To identify civil and criminal types of VAWG

### Facilitator Notes

This objective will be achieved by a general discussion driven by the facilitator aimed at identifying the types of VAWG. The intention is to have the participants be a part of the discussion rather than cram them with new information on the types of VAWG which may come off as being too technical. Take a semi-casual approach to the discussion of the material. There is no need to emphasise technicalities such as terminology. The point is to have the general ideas outlined.

### Step by Step

1. Facilitator should introduce the exercise and explain its aim.
2. Ask participants to break into groups of six made up of participants from various police departments. Groups should be asked to identify types of VAWG and gender-based discrimination.
3. After some time for group discussion, the facilitator should ask a representative of each group to present the types of VAWG and gender-based discrimination identified.
4. Hold a 10-minute discussion with the participants in plenary to get their views and comments on the types of VAWG and gender-based discrimination that they have identified.
5. Following this discussion, run participants through the table below on the types of civil and criminal VAWG.

## Types of civil and criminal VAWG

### Sexual Violence

This occurs in different forms such as:

- **Attempted Rape** | Where men struggle with women in order to have sex by using force but fail due to other circumstances. For example, in the case of R v Chiledzelere 7 MLR 30, the accused met the complainant and asked if he could have sex with her. The complainant refused, telling the accused that she was a married woman and that she could not indulge in such activity with him. He started to struggle with the complainant in order to have sex with her by force. He managed to pull her down and struggled to undress her. In the process the complainant's petticoat was torn and he fondled her private parts. The struggle ended when a passer-by Samaritan who heard the complainant's calls for help arrived. The Court concluded that the moment the accused struggled with the complainant he had committed the offence of attempted rape.
- **Rape** | Where men have sex with women without their consent by using different unlawful means such as force and false representation.
- **Defilement of girls under the age of sixteen** | This involves men having sex with girls below the age of sixteen by using unlawful means such as force and enticement.
- **Defilement of girls under sixteen and raping of women with psycho-social disabilities** | Where men without psycho-social disabilities have sex with girls and women with such disabilities by using force or enticing them with things of value.
- **Abduction of girls under the age of sixteen** | This involves taking a girl unlawfully from her lawful parents or guardians for unlawful purposes.
- **Procuration** | Where women and girls are forced into unlawful sexual intercourse, common prostitution, becoming an inmate of or frequent a brothel within and outside Malawi.
- **Abduction of a woman** | Where a woman is taken and forced into marriage, sexual activities and unlawful detention.

### Physical Violence

This is the intentional use of physical force with the potential for causing death, disability, injury, or harm. Physical violence includes, but is not limited to, scratching; pushing; shoving; throwing; grabbing; biting; choking; shaking; slapping; punching; burning; use of a weapon; and use of restraints or one's body, size, or strength against another person.

### Psychological or Emotional Violence

Involves trauma to the victim caused by acts, threats of acts, or coercive tactics. Psychological/emotional abuse can include, but is not limited to, humiliating the victim, controlling what the victim can and cannot do, withholding information from the victim, deliberately doing something to make the victim feel diminished or embarrassed, isolating the victim from friends and family, and denying the victim access to money or other basic resources. Stalking is a type of psychological/emotional violence and generally refers to "harassing or threatening behaviour that an individual engages in repeatedly, such as following a person, appearing at a person's home or place of business, making harassing phone calls, leaving written messages or objects, or vandalising a person's property".

### Economic Violence

This involves making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment.

Some forms of economic violence against women include:

- Controlling the resources they have
- Giving the women an inadequate 'allowance' to run the house
- Holding the cheque books and credit cards
- Keeping all titles of property in the name of the man only
- Forcing the women to illegally claim government benefits
- Not allowing the women to obtain an education



### 3. THE ROLES OF THE POLICE IN VAWG (10 MINS)

#### Objective

To identify the roles of the Police in civil and criminal VAWG

#### Step by Step

1. The facilitator may pose a question to the participants to gauge if they recall the types of VAWG covered under the foundational module.
2. Divide participants into groups of six to identify the roles of the Police in civil and criminal VAWG.
3. Following some time for discussion, ask representatives from each group to present their findings.
4. Facilitate a five-minute discussion with the participants to get their views and comments on the roles of the Police in civil and criminal VAWG.
5. The facilitator may make reference to the table below on some of the roles of the Police in civil and criminal VAWG.

#### ***Roles of the Police in civil and criminal VAWG***

- To receive reports of VAWG
- To investigate the reports of VAWG
- To arrest the perpetrators of VAWG
- To bring perpetrators of VAWG to the Court of Justice
- To provide reports that allow victims of VAWG to access medical services
- To represent the state in the Court of law in civil and criminal matters of VAWG
- To keep information given by the victims of VAWG confidential
- To provide counselling services to some victims of VAWG



## 4. THE LIMITS OF POLICE POWERS IN HANDLING VAWG (10 MINS)

### Objective

To identify the limits of the police powers when dealing with civil and criminal VAWG

### Step by Step

1. Divide the participants into groups of six and ask them to identify the limits they have in their respective departments and within the Police service as the whole when dealing with civil and criminal VAWG.
2. Following group discussion, ask groups to choose representatives to present their findings to all participants.
3. Facilitate a five-minute discussion with the full group to get participants' views and comments on the limits of police powers when dealing with civil and criminal VAWG.

## 5. LAWS USED BY THE POLICE WHEN DEALING WITH VAWG (60 MINS)

### Objective

To identify laws that deal with VAWG

### Facilitator notes

This objective will be achieved by a general discussion driven by the facilitator aimed at identifying the types of VAWG. The intention is to have the participants be a part of the discussion rather than cram them with new information on the types of VAWG which may come off as being too technical. Take a semi-casual approach to the discussion of the material. There is no need to emphasise technicalities such as terminology. The point is to have the general ideas outlined.

### Step by Step

1. Remind the participants about the different types of VAWG noted earlier.
2. Divide participants into groups of six to identify pieces of legislation enacted to deal with different types of VAWG.
3. Following group discussion, ask representatives of the groups to present their findings to all participants.
4. As laws are identified, the facilitator should explain each statute and what it provides on the type of VAWG. Then hold a five-minute discussion with the participants on their views and comments on the law. A good way would be asking if the participants knew about the law and ask them to compare and contrast with what they knew before this. The facilitator may make reference to the table below on some of the laws that deal with VAWG.

## Laws that deal with VAWG

### The Constitution of the Republic of Malawi

As the supreme law of the land, the police use this law to deal with physical, psychological and economic violence against women and girls.

- Section 13 (a) (II) and (III) of the Constitution obliges the State of Malawi to implement non-discriminatory principles and policies to address social issues such as domestic violence, security of the person, lack of maternity benefits, economic exploitation and rights to property.
- Section 19 (3) of the Constitution provides that no person shall be subject to torture of any kind or to cruel, inhuman or degrading treatment or punishment. Therefore, use of any physical force, psychological and economic means to torture women and girls is inconsistent with the supreme law of the land.
- Section 20 of the Constitution prohibits discrimination based on sex. Therefore, treating women and girls as second-class citizens because of their sex is invalid before the Supreme law of the land.
- Section 22 (2) of the Constitution stipulates that each member of the family shall enjoy full and equal respect and shall be protected by law against all forms of neglect, cruelty or exploitation, while subsection (4) of the same section provides that no person shall be forced into marriage.
- Section 23 (2) of the Constitution provides that any law that discriminates against women on the basis of gender or marital status shall be invalid and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly practices such as sexual abuse, harassment and violence, discrimination in work, business and public affairs and deprivation of property, including property obtained by inheritance.
- Section 25 (1) of the Constitution stipulates that all persons are entitled to an education. Therefore, not allowing women and girls to access education is a violation of the Supreme law of the land.
- Section 28 (1) and (2) of the Constitution provides that every person shall be able to acquire property alone or in association with others and that no person shall be arbitrarily deprived of property.
- Section 30 (1) of the Constitution provide that all persons and peoples have a right to development and therefore to the enjoyment of economic, social, cultural and political development, and women, children and the disabled in particular shall be given special consideration in the application of this right. Subsection (2) of the same section obliges the State to take all necessary measures for the realisation of the right to development such as equality of opportunity for all in their access to basic resources, education, health services, food, shelter, employment and infrastructure.

### The Penal Code

This is the law at the centre of the criminal justice system in Malawi and it also helps the police to deal with mostly sexual violence against women and girls.

- Section 132 of the Penal Code provides that having sexual intercourse with a woman without her consent is an offence against the State.
- Section 134 of the Penal Code stipulates that any person who attempts to commit rape shall be guilty of a felony and liable to imprisonment for life.
- Section 138 (1) of the Penal Code provides that having sexual intercourse with a girl under the age of sixteen is punishable by life imprisonment.
- Section 139 of the Penal Code stipulates that it is an offence against the State for a man to have sexual intercourse with a girl or woman with psycho-social disabilities.
- Section 136 of the Penal Code prohibits abduction of girls under the age of sixteen while Section 135 prohibits abduction of a woman.
- Section 140 of the Penal Code prohibits procurement which intends to protect women and girls from unlawful sexual intercourse, common prostitution and becoming an inmate of or frequenting a brothel both in Malawi and elsewhere.

### Prevention of Domestic Violence Act

- Section 2: *“domestic violence’ means any criminal offence arising out of physical, sexual, emotional or psychological, social, economic or financial abuse committed by a person against another person within a domestic relationship”*
  - Makes provisions for the prevention of domestic violence, for the protection of persons affected by domestic violence.
  - It establishes structures for protection of victims by defining who can apply for a protection order, occupancy order, or tenancy order under the Act, and outlining what the different orders mandate and entail, as well as detailing the enforcement of the orders.
- Section 2: *“emotional or psychological abuse’ means a pattern of behaviour of any kind the purpose of which is to undermine the emotional and mental well-being of a person...”*
  - This implies that the measures provided under the act apply to all the types of VAWG dealt with here.

- Section 2: defines economic abuse as “*the denying of a person the ability to undertake any lawful income generating activity or access economic resources, and includes refusal to provide basic household necessities, withholding that person’s income or salary and denying that person the opportunity to seek employment*”

#### **Deceased Estate (Wills, Inheritance and Protection) Act**

- This law protects spousal property rights by prohibiting application of customary laws to inheritance of deceased property (Section 4)
- The Act also does away with customary heirs and ensures that property remains with the immediate family of a person who dies without a will.
- In so doing, the Act protects women from property grabbing, which is a common custom.

#### **Gender Equality Act**

- VAWG is addressed in the context of prohibiting harmful practices, along with sexual harassment.
- Section 3: Harmful practices are social, cultural, or religious practices that, “*on account of sex, gender or marital status*” are likely to, or do “*undermine the dignity, health or liberty of any person,*” or “*result in physical, sexual, emotional or psychological harm*”
- The Act also mandates that the government ensure that employers create and implement policies to comply with the law regarding sexual harassment (Section 7(1))

#### **Child Care, Protection and Justice Act**

- Provides for “*Protection of Children from Undesirable Practices*”
- These include sexual abuse, child trafficking, abduction, harmful cultural practices, and forced marriage (Part II Division 6)
- Most such undesirable practices disproportionately affect girls. The act thus protects girls against violence.



## 6. THE ROLE OF POLICE IN ADDRESSING VAWG (60 MINS)

### Objective

The main objective is to outline services provided at each stage by different branches in the Police service to end VAWG

### Facilitator notes

This objective will be achieved by allowing participants to share their true experiences when discharging their services to victims of VAWG in their respective departments, including the Reception, VSU, CID, Operations and Prosecution.

**Documentation:** notes, photographs, report and court brief

Presentation of evidence at trial

Victim services and witness protection

Responding to offenders

### Step by Step

#### Part One – First Responders

1. In their groups of six, participants should identify the VAWG response services provided by this department and some challenges faced by the department. They should consider to what extent these services are survivor-centred in the case of children, women and people with disabilities.
2. Ask groups to suggest solutions to the challenges faced by this department when discharging its services to survivors of VAWG.
3. Following discussions, ask representatives of the groups to present their findings to all participants and hold a short group discussion to canvass views and comments

#### ***Roles of the First Responders***

- To quickly separate the parties
- To take steps to ensure the safety of the survivor, including any children who may be present.
- To assist any party in obtaining medical assistance, if necessary.
- To gather and preserve evidence in accordance with the police service's investigative procedures, which should include making detailed notes of the actions and utterances of the parties and a detailed occurrence report regardless of whether any charges are brought, or an offence is alleged.
- To ensure that any children at the scene are provided with appropriate support/assistance as required, including referrals to appropriate agencies.
- To make detailed notes, including the actions and utterances of all the parties involved.
- To conduct detailed interviews with all survivors and witnesses

#### Part Two – The Reception

4. In their groups of six, participants should identify the VAWG response services provided by this department and some challenges faced by the department. They should consider to what extent these services are survivor-centred in the case of children, women and people with disabilities.
5. Ask groups to suggest solutions to the challenges faced by this department when discharging its services to survivors of VAWG.

6. Following discussions, ask representatives of the groups to present their findings to all participants and hold a short group discussion to canvass views and comments

### Part Three – Victim Support Unit

7. In their groups of six, participants should identify the VAWG response services provided by this department and some challenges faced by the department. They should consider to what extent these services are survivor-centred in the case of children, women and people with disabilities.
8. Ask groups to suggest solutions to the challenges faced by this department when discharging its services to survivors of VAWG.
9. Following discussions, ask representatives of the groups to present their findings to all participants and hold a short group discussion to canvass views and comments

### Part Four – Criminal Investigation Department

10. In their groups of six, participants should identify the VAWG response services provided by this department and some challenges faced by the department. They should consider to what extent these services are survivor-centred in the case of children, women and people with disabilities.
11. Ask groups to suggest solutions to the challenges faced by this department when discharging its services to survivors of VAWG.
12. Following discussions, ask representatives of the groups to present their findings to all participants and hold a short group discussion to canvass views and comments

#### ***Investigations***

An investigation is a methodical exercise in problem-solving that involves identifying the offence by examining facts or circumstances of an incident and identifying the enforcement option appropriate to the facts or circumstances. While the complexities and dynamic nature of domestic violence are unique from other investigations, the purpose and guiding principles remain largely the same.

The purpose of an investigation is:

- To determine whether an offence was committed or to disprove an allegation
- To identify victims and witnesses
- To gather and preserve evidence of any kind that may be relevant
- To discover the cause, manner and location of an offence
- To prove the identity of the suspect or person(s) responsible
- Where appropriate, to formulate the grounds to bring a charge
- To document the investigation, and evidence, and to prepare to present evidence at trial
- To prevent further victimisation (includes both the survivor and others who may be affected, such as children)

An effective investigation, generally, is one where the investigator:

- Acted in a professional, impartial and objective manner
- Was diligent in the collection of physical evidence and statements
- At all times treated all parties involved with respect and dignity
- If there was an offence, identified the person(s) responsible and collected sufficient evidence to prove the case in court
- Took steps to address the safety needs of all involved

A good police investigator will:

- Have a sense of process and understand its importance in an investigation
- Thoroughly document all facets of the investigation
- Have respect for evidence (what it is, its value and how to collect, preserve and document it)
- Take an analytical and creative approach to problem-solving
- Effectively use all investigative tools and resources available

In cases of domestic violence, survivors are sometimes reluctant to give statements to the Police, have charges brought or testify at trial. Some States have taken the decision out of the survivor's hands as to whether or not charges are brought and have adopted a policy of mandatory charging where evidence supports a charge. In such cases, Police are required to conduct a thorough investigation of all alleged cases of domestic violence and to arrest the perpetrator. States that have adopted such policies believe this is in the best interests of the survivor and that it will help enhance her future safety.

In States where the law requires victim cooperation in bringing a charge, some victims may be reluctant to proceed for fear of reprisal from the offender or the family, or community alienation, or out of a fear of being left alone if the abuser is removed from the home. In such cases, police will need to pay special attention to addressing and relieving the fears of the survivor and to take specific steps to protect the her. This can include taking the survivor to a shelter, seeking a legal restraining order against the offender where the law permits, and working with the survivor to create a personal safety plan. All this is in addition to the need for a thorough police investigation, including detailed interviews of survivors and witnesses, offender interrogation and the collection of evidence.

In an investigation, police must:

- Seek and find material that constitutes evidence
- Recognise the potential of the evidence found
- Document the condition of physical evidence, where it was found and by whom
- Ensure continuity of possession of physical evidence
- Provide the care and attention needed to protect and preserve physical evidence against loss, destruction or deterioration
- Analyse the significance, meaning and relevance of evidence

In an investigation of domestic violence and other forms of violence against women, in addition to survivor statements, police need to be aware of a range of possible forms of evidence, including:

- Signs of injuries (e.g. cuts, scrapes, bruises, fractures, choking, pulled out hair) that can be photographed or attested to by an examining physician
- Torn clothing
- Broken fingernails
- Diaries, letters, notes—either from the suspect or written by the survivor and detailing past acts of abuse and violence
- Weapons
- Broken household items, indicating a violent incident
- Observations of neighbours, friends and family
- Statements from service providers involved in past incidents of violence
- Prior police incident reports
- Medical files detailing past injuries (used only with the permission of the survivor)
- Evidence of court orders, including bail restrictions or restraining orders
- Evidence of alcohol and/or drug abuse by the offender

Each item must be carefully collected, preserved and individually documented

### **Evidence of sexual violence/rape**

Acts of sexual violence, including rape, are a traumatic event for anyone to endure; including when the perpetrator is an intimate partner. All women have the right to say “no” to any sexual encounter, including when it involves a husband and takes place in the privacy of the home.

Unfortunately, not all States have yet recognised rape and sexual violence within a marriage as a crime. In such cases, while there may not be a “crime” for police to investigate, there is at the least likely to be a need to offer some form of protection to the survivor.

These investigations, and the collection of related evidence, require a great deal of sensitivity from investigators. Steps must be taken to respect the survivor, her privacy and the trauma she has undergone, while minimising the intrusion into her life.

Such acts often leave behind unique evidence for investigators, such as bite marks, saliva, blood, semen, tissue under fingernails, unique ligatures, hairs and fibres. Perpetrators may themselves collect microscopic items such as dirt, hairs or fibres from a crime scene and leave with them attached to their clothing. Collection of such evidence can be used to link a perpetrator to a particular crime scene.

## Part Five – Operations

13. Ask participants to identify essential services provided by this branch to victims of VAWG. Ask them to consider to what extent these services are survivor-centred in the case of children, women and people with disabilities
14. Ask the participants to identify some challenges faced by this department in the process of providing its services to survivors of VAWG. Ask them to suggest solutions to these challenges to enable the department to provide quality services to the survivors.
15. Facilitate a short discussion with the participants to get their views and comments.

### ***Victim Interviews and Statements***

Police conduct interviews of victims to ascertain what happened, collect evidence and help formulate measures designed to prevent further acts. Interviewing women who have been victims of violence requires care, patience and sensitivity. Some may be reluctant to give full details or hesitant to relate facts, or may attempt to withdraw their statement at some point. In addition, victims have the right to refuse to give a statement or to provide one at a later date.

Police interviews of victims may be conducted in the home, at a shelter or in a hospital, or at a police station. Regardless of the location, police are required to conduct all such interviews in a manner that respects the privacy and confidentiality of the victim.

For women going to the police station to make a report, many feel more comfortable if someone accompanies them since it is often a very difficult step for them. It is important therefore that victims are allowed to be accompanied by a confidante.

Many women are so nervous upon arrival at a police station that they have difficulty relating a narrative with a beginning, middle and end. Such situations generate stress and may cause police officers to become impatient and assume an attitude of detachment, scorn and even rudeness. To overcome such situations, police officers or volunteers on reception duty should ideally undergo gender-awareness training to treat women with respect, ascertain what matter brought them there, check whether they have any injuries that require medical treatment, and ensure that they are in a fit state to give an account of what happened.

Women are often reluctant to seek help from the police or prefer to stay anonymous when reporting because they fear that their privacy and confidentiality will not be safeguarded. They are often ashamed or embarrassed by what they have experienced, especially in cases of sexual abuse or rape. Many women also fear that their abusers will find out about the reporting and kill them, or that their families and communities will humiliate them if they find out.

Officers need to be aware that they are there to help, not to judge, and that the woman should be treated at all times without prejudice or discrimination. Interviews of victims should only be conducted once the immediate safety of the woman has been assured and any injuries have been treated.

Ideally, police stations have private, quiet areas where victim interviews can be conducted. Interrogation rooms are not appropriate places for such interviews. Areas should be close to the front reception area, but removed from public view.

A suggested approach to interviewing victims is one that follows a specific plan, such as the following:

- **Choose an appropriate location:** Depending on the situation, victims and witnesses may be more forthcoming with information if interviewed in their home as opposed to a police station. On the other hand, some women may be too afraid to speak in their home and their interviews could be conducted in a hospital or a women's shelter. Ask the woman where she feels most comfortable to provide a statement.
- **Determine if others will be present:** Ideally, an experienced and trained police officer will interview the victim. A second officer may be present, and a person to support the victim. In cases where violence has resulted in serious injuries, police should consider recording the interview with either audio or video equipment. Interviews of victims should never be conducted in the presence of the attacker or in a police room designed for interrogations.

- **Plan the questions to be asked:** Before the interview, the investigator needs to plan which key questions to ask (e.g. who, what, where, when, how).
- **Introduction:** If the interview is being recorded, state the time, date and location for the record. In addition, the investigator introduces him- or herself to the victim by name.
  - The investigator may consider using the following to help put the woman at ease:
    - *"I am here to help, not to judge or accuse."*
    - *"If I misunderstand something you say, please tell me."*
    - *"I want to know, and I want to get it right."*
    - *"If you don't understand something I say, please tell me and I will try again."*
    - *"If you feel uncomfortable at any time, please tell me or show me the 'stop sign' (one hand held up, palm facing the other person)."*
    - *"Even if you think I already know something, tell me anyway."*
    - *"If you are not sure about an answer, please do not guess; tell me you are not sure before you say it."*
    - *"Please remember when you are describing something to me that I was not there when it happened. The more you can tell me about what happened, the more I will understand what happened."*
    - *"Please remember that I will not get angry or upset with you."*
- **Free narrative:** This can be the most detailed and important part of the interview, where the victim discloses the most detailed information. Ask the woman to tell you what she experienced, saw and heard in her own words. She should verbally reconstruct, in as much detail as possible, the circumstances of the incident. *"I'd like you to tell me everything you remember about what happened, starting from the beginning."* Do not interrupt. If the woman stops, ask *"What happened next?"* or, *"You were saying that [restate the last thing she said]"*. Use voice prompts to keep them talking, such as "uh huh" or "umm".  
The investigator listens to the entire story without asking any questions or interrupting. If the woman pauses, the investigator encourages her to continue (e.g. *"And then what happened?"*). The investigator listens, is patient and takes detailed notes. Remember that some victims of violence or abuse may be reluctant to talk about what happened. They may have been threatened with harm, or death, by the offender.
- **Open questions:** An open-ended question is one that is worded in such a way as to enable the individual to provide more information about any event in a way that is not leading or suggestive and does not put them under any pressure. Open-ended questions allow the person to control the flow of information and minimise the risk that the investigator may unknowingly impose their own personal view of what happened. Here, the investigator asks specific open questions (ones that cannot be answered by "yes" or "no"). For example:
  - "Tell me about ..."
  - "What happened next?"
  - "And then what did you see?"
  - "Tell me what else you remember."
  - "And then what happened?"
  - "What else did you see?"

The investigator uses these questions to clarify points covered in the free narrative, while continuing to take detailed notes of what is being said. To avoid any confusion, and get the best possible recall, the investigator should only ask one question at a time.
- **Specific questions:** The purpose of this stage is to clarify and extend previous answers in a non-suggestive manner. Here, the investigator asks direct, closed questions to elicit missing details or clarify key points. Ensure that the key points of who, what, where, when, how and why are covered. The investigator continues to take notes. Avoid multiple choice questions, but if you must, limit the question to two possible answers. At a later time, repeat the question but slightly rephrase it and rearrange the questions.  
If there are inconsistencies in the woman's statement, they should be addressed at the end of the interview.
- **Conclusion:** At the conclusion of the interview, when the investigator believes he or she has obtained all possible information, he or she should ask questions such as *"Is there anything else about this incident that you think I should know?"* or, *"What else do you know that I didn't ask about?"*
  - Ask if the person being interviewed has any questions. If so, answer them to the best of your ability. Advise them that they might be re-interviewed at a later date.
  - Explain what will happen next, but do not make any promises. Thank the woman for her assistance and cooperation.

It is important to remember that the woman is a victim, not a suspect, and is therefore not subjected to methods police might use in an interrogation.





## Part Six – Prosecution

16. Ask participants to identify essential services provided by this branch to victims of VAWG. Ask them to consider to what extent these services are survivor-centred in the case of children, women and people with disabilities
17. Ask the participants to identify some challenges faced by this department in the process of providing its services to survivors of VAWG. Ask them to suggest solutions to these challenges to enable the department to provide quality services to the survivors.
18. Facilitate a short discussion with the participants to get their views and comments.

## Part Seven – Community Policing

19. Ask participants to identify essential services provided by this branch to victims of VAWG. Ask them to consider to what extent these services are survivor-centred in the case of children, women and people with disabilities
20. Ask the participants to identify some challenges faced by this department in the process of providing its services to survivors of VAWG. Ask them to suggest solutions to these challenges to enable the department to provide quality services to the survivors.
21. Facilitate a short discussion with the participants to get their views and comments.

## 7. CULTURAL PRACTICES THAT PERPETUATE VAWG AND THE LAW THAT ABOLISHES THOSE PRACTICES (60 MINS)

### Objective

To identify some harmful cultural practices that promotes VAWG but has been criminalised by different pieces of legislation.

### Step by Step

1. Divide participants into groups of six and ask groups to identify cultural practices that escalate VAWG which has become offences against the Republic.
2. Ask participants to identify pieces of legislation that empowers the Police Service to abolish harmful cultural practices.
3. Following group discussions, ask representatives from each group to present their findings to all participants.
4. Facilitate a discussion with the full group to gather views and comments from the participants.

# Day 2: The VAWG Referral System in Civil and Criminal Matters

## Learning Outcomes

The main objective of the module is to discuss the mandates, roles and responsibilities of various duty bearers in relation to the management of VAWG survivors, as provided by the Essential Service Package.

## 8. WELCOME, REFLECTIONS AND EXPECTATIONS (30 MINS)

### Objective

To create a conducive environment for another session where participants will build on knowledge and skills so far acquired.

### Step by Step

1. In introductory remarks, the facilitator should welcome and thank the participants for their decision and effort to come for day two; and for their fruitful participation in day one. Express optimism and anticipatory excitement towards yet another fruitful session. Then ask (though rhetorically) if everyone is as enthused as you.
2. Ask participants to share a one-minute reflection of the day one activities. In the reflection, ask participants to mention the activity, incident, statement or thought that they liked most about the previous day's session. If no one steps up, ask participants randomly to just say something about the previous session in general. Targeting at least half of the participants would be okay.
3. Facilitator should then briefly outline the objectives and activities for the day. These should not be given in great detail to avoid planting the thought that it will be a long day.

## 9. SERVICES PROVIDED BY DIFFERENT BRANCHES OF POLICE TO VICTIMS OF VAWG (2 HOURS)

### Objective

To help participants familiarise themselves with how cases of VAWG are referred from one department of Police to another in order to help survivors of VAWG effectively.

### Facilitator notes

This objective will be achieved by allowing participants to have a reflective discussion on the services provided by different departments of Police as identified in day one and then informing participants that in this session they will focus on how cases are referred from one department to another when assisting survivors of VAWG.

### Step by Step

1. Split participants into groups of six and ask them to have a 15-minute reflective discussion on day one's activity regarding various services provided by departments of Police to survivors of VAWG, the challenges faced by these departments and possible solutions.
2. Ask the groups to identify ways in which cases of VAWG are referred from one department to another in the process of providing services to survivors of VAWG.
3. Ask participants to identify challenges faced by survivors of VAWG when they are being referred from one department to another.
4. Ask participants to suggest solutions to the challenges identified above to enable the Police to provide quality services to survivors of VAWG.
5. Following the group discussions, ask group representatives to present their findings to all participants.
6. Facilitate a discussion with all participants to get their views and comments.

## 10. STEREOTYPES HELD BY SOME POLICE OFFICERS THAT EXACERBATE VAWG (30 MINS)

### Objective

To highlight the different social norms and gender stereotypes associated with VAWG matters and their impact on the quality of justice delivery for the Police.

### Step by Step

1. In groups of six, ask participants to share ideas on the meanings of social norms and gender stereotypes.
2. Ask participants in their groups to identify social norms and gender stereotypes held by some Police officers that negatively affect the delivery of justice to survivors of VAWG.
3. Following the group discussions, ask representatives to present their findings to all participants.
4. Facilitate a discussion with all participants to get their views and comments.
5. Make reference to the table below on some of the stereotypes held by Police when handling cases of VAWG

#### ***Stereotypes held by some Police officers***

- Good girls don't get raped
- Good wives prioritise their domestic responsibilities
- Good wives are not beaten by their husbands
- Good wives do not challenge their husbands



## 11. KEY STAKEHOLDERS IN DEALING WITH VAWG (60 MINS)

### Objective

To help participants familiarize themselves with different stakeholders that deal with VAWG matters and how they can network with them to maximize justice delivery for VAWG survivors.

### Step by Step

1. In groups of six, ask participants to identify key stakeholders in serving survivors of VAWG.
2. Ask the groups to explain how the stakeholders identified work together in serving survivors of VAWG.
3. Following group discussions, ask group representatives to present their findings to all participants.
4. Facilitate a discussion with all participants to get their views and comments.
5. Make reference to the table below on some of the key stakeholders

#### ***Key stakeholders in dealing with VAWG***

- |                                                                                                          |                                                                                                                  |                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Ministry of Justice</li><li>• Judiciary</li><li>• NGOs</li></ul> | <ul style="list-style-type: none"><li>• CSOs</li><li>• Ministry of Gender</li><li>• Ministry of Health</li></ul> | <ul style="list-style-type: none"><li>• Legal Aid</li><li>• Community Based Organisations</li><li>• Faith Based Organisations</li></ul> |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|

# Day 3: Essential Policing Service Package for VAWG

## Learning Outcomes

This training module is designed to facilitate quality police response for effective prevention and management of VAWG matters. This includes measures to prevent violence against women, ways to respond and investigate acts of violence, and resources to meet the needs of victims during and after an incident.

## 12. WELCOME, REFLECTIONS AND EXPECTATIONS (30 MINS)

### Objective

To create a conducive environment for another session where participants will build on knowledge and skills so far acquired.

### Step by Step

1. Facilitator should welcome all participants, and express gratitude for their decision to turn up for today's training.
2. Ask participants to share a one-minute reflection on the previous two days' activities. In the reflection, ask participants to mention the activity, incident, statement or thought that they liked most about the previous day's session. Participants should also feel free to express what they were not impressed with. If no one steps up, ask participants randomly to just say something about the previous session in general. Targeting at least half of the participants would be okay.
3. Facilitator should then briefly outline the objectives and activities for the day. These should not be given in great detail to avoid planting the thought that it will be a long day.
4. As usual, encourage participation and free speech during today's training.

## 13. POLICE MECHANISMS IN MITIGATING VAWG MATTERS (60 MINS)

### Objective

To help participants interrogate the police mechanisms in dealing with VAWG matters.

### Step by Step

1. In groups of six, ask participants to have a reflective discussion on the services provided by each branch of Police to survivors of VAWG in order to effectively interrogate the Police mechanisms in dealing with VAWG matters.
2. Ask group representatives to present mechanisms used by each Police department to mitigate VAWG matters to all participants.
3. Facilitate a discussion with all participants to get their views and comments.



## 14. ROLE PLAY (60 MINS)

### Objective

To help participants interrogate their conduct in dealing with VAWG survivors.

### Step by Step

1. Ask participants to play the roles of Police officers on duty at the Reception, VSU, CID, Operations, Prosecution and Community policing. Other participants should play the roles of victims of various forms of violence against women and girls in order to appreciate the opportunities and challenges faced by the Police when serving VAWG and to identify practical solutions.
2. Facilitate a 20-minute reflective discussion with the participants to get their views and comments.

## 15. THE ROLE OF SOCIETY IN PREVENTING AND PERPETUATING VAWG (60 MINS)

### Objective

To help participants take advantage of their role of the society in dealing with VAWG to effectively deliver justice to survivors.

### Step by Step

1. Divide participants into groups of six and ask them to identify the role of society in responding to VAWG.
2. Ask participants to identify the role of society in preventing VAWG.
3. Following group discussions, ask group representatives to present their findings to all participants.
4. Facilitate a 10-minute discussion with all participants to get their views and comments.

## 16. POLICE AS PERPETRATORS AND VICTIMS OF VAWG (60 MINS)

### Objective

To help participants reflect on how Police deal with internal cases of VAWG and how this can affect VAWG victims

### Step by Step

1. In groups of six, ask participants to discuss how Police officers perpetrate VAWG.
2. Ask participants to identify how police officers become victims of VAWG.
3. Following group discussions, ask group representatives to present their findings to all participants.
4. Facilitate a 10-minute discussion with all participants to get their views and comments.

## 17. REFLECTION SESSION (60 MINS)

### Objective

To examine participants' understanding of the three-day training

### Methodology

- Reflective practice
- Pair work
- Interactive group session

### Step by Step

1. Ask participants to split into. They should try to pair with someone they have not interacted with during the period of the training.
2. Ask the participants to share the following with their partner:
  - What their general impression of the training was
  - The thing that has most interested them
  - The thing that has least interested them
  - Three important things that they have learnt throughout the training period
  - What they will do differently from now on
3. Ask anyone who is ready to present what their partner said.
  - Ask them to state the name of their partner and what they do
  - Present the answers in the order they appear in step 2.
4. After at least half of the participants have presented, the facilitator should make a brief summary of what the participants have learnt and make an assessment of whether the participants are on the right track or not.
5. Ask the participants to reflect deeply on everything they have learnt and play their important role towards a better gender-sensitive, survivor-centred response to VAWG.
6. Ask any participants to give any last remarks



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