

Traditions and Opportunities

A Toolkit for GBV Programs to Engage Community Leaders in Humanitarian Settings





Example From Practice

A former GBV Program Manager described her team's experience working with community leaders in Maban, South Sudan

"In emergency work, we're used to contacting people when we need something from them, and we can forget the importance of building respect and good relationships. In our program, we started engaging leaders through greetings and introductions, and then holding regular meetings to learn from leaders and share our concerns. We invited them for trainings on GBV core concepts and referrals. This served as an important foundation when we engaged leaders on behalf of survivors.

We only approached leaders on behalf of survivors who we supported with case management services, and only after talking through everything with survivors. Often, survivors weren't familiar with their leaders, maybe because of displacement or because men were more involved with community affairs, so we would accompany and introduce survivors to leaders who might help. Sometimes survivors had already spoken with leaders who didn't take their cases seriously, and when we met with those leaders on survivors' behalf it helped to elevate the importance of a case.

When we supported a survivor whose case was to be settled through mediation or court proceedings, we always organized a one-on-one meeting with the leader ahead of proceedings. We would just sit and listen to the leader's concerns. When we spoke, we would raise points from our trainings and focus on consequences for the survivor. Leaders would often express agreement but then talk about the pressure they faced to meet people's expectations. I came to appreciate that leaders are people, and they are also influenced by others. I also realized that sometimes we are too timid to raise questions, believing that everything is deeply rooted in tradition or religion. I found that sometimes leaders' decisions were actually very pragmatic, and if we simply asked why, and why again, we could better understand their interests and concerns, and leaders were then often happy to engage in joint problem-solving. For example, leaders were largely reluctant to grant divorces to survivors, even though local customs allowed for divorce in cases of severe abuse. After asking "why" in different ways, we understood that some leaders simply weren't able to provide official divorce papers. So we worked with leaders to create divorce documents in Arabic, and we made copies to be signed by all parties at the traditional courts. We kept a copy of divorce records in our case files, and we laminated a copy for each survivor to keep.

Understanding leaders' perspectives and concerns helped us to identify common ground and effectively advocate on behalf of survivors. One time, a leader was happy to stop the forced marriage of a girl when I suggested that she would earn a larger bridewealth for her family in the future, if she were first able to complete school. I didn't feel entirely good about appealing to this interest, but ultimately the decision was also in the survivor's interest.

Over time, leaders began inviting us to participate in court proceedings. We would still meet leaders one-on-one ahead of time, then at court we would just sit in and be present for the survivor. Sometimes, we would be invited to speak, and then we would raise principles of human rights and highlight consequences of the relevant form of GBV for survivors. I believe our presence took some pressure off leaders. For those who wanted to be more supportive of survivors, we provided the rationale and a specific reference point. It helped them to be more courageous.

While engaging with our program, leaders stopped many forced marriages of girls before and during court proceedings, including at least one case where it had been arranged for a girl to marry her rapist. We were also able to support many survivors of GBV to obtain recognized divorces."

Emergency Assistance and Coded Communication

Community leaders who support survivors of GBV may come to know women and girls who face continued risks, particularly those with abusive partners or former partners. If survivors have accessed available support and protection in line with their wishes, yet they still face risks of violence, community leaders can play important roles in assisting survivors when they are in danger. GBV programs can engage community leaders to discuss if and how they might be available to survivors in immediate need. Community leaders who are committed to providing help can be further engaged and safely connected with individual survivors, depending on survivors' wishes.

Survivors of intimate partner violence can develop plans to increase their safety at particular times, including before or during partners' violent episodes. Within GBV management services, caseworkers support survivors of IPV to develop such safety plans,⁶ which often include plans to alert a confidant and plans to seek temporary shelter. As part of safety planning, GBV caseworkers can discuss the option of connecting with leaders who are willing to offer support to survivors in immediate need.

Specific plans for seeking immediate help from a community leader should be worked out during individual assessments and safety planning. It is important, though, that both the survivor and leader agree to pre-determined means of communication and a course of action for assistance.

Means of requesting immediate assistance may include a non-verbal "signal alert", a code word, or other coded way of communicating a need for help. For example, a survivor could flash a light or place an innocuous object outside her home to alert neighbors, or she could place a call to a friend or community leader to ask about a meeting, or she could send a child to ask about borrowing a specific item. Alerts can be specific to individuals and their confidants, including community leaders, as arranged through safety planning. Individualized alerts can be most secure for individual survivors, though such systems also rely on the availability of select confidants. Alerts can also be shared among women and leaders within communities. Shared alerts can expand the potential for help-seeking, but there is also a risk for alerts to become known by perpetrators of abuse.

Direct Advocacy with Leaders in Support of Survivors

Advocacy is an important strategy for promoting GBV survivors' rights to care, support, protection and redress for the violations they have experienced. Survivors often advocate on their own behalf, or have family members of other supporters that can advocate for them. Advocacy is also a key element of case management with GBV survivors, and caseworkers commonly advocate with service providers or others to ensure that survivors receive the support and resources



Example from Practice

Advocacy for survivors of forced marriage

A GBV program in Cameroon engaged leaders to understand the risks of early and forced marriage and agree on a system for addressing cases. From that point, when married girls sought help from the GBV program and requested additional support, a caseworker would inform community leaders to monitor survivors' security as their cases were referred for further action. Community leaders agreed to no longer address cases of forced marriage through traditional justice, but rather helped to refer survivors to relevant ministries, including legal support for survivors who wished to dissolve their marriages. Girls who wanted to stay in school were registered with support from designated GBV focal points within schools, and the ministries coordinated with the girls' husbands to pay school fees.

⁶ GBVIMS Steering Committee. *Inter-Agency GBV Case Management Guidelines*, 2016. gbvresponders.org

they require to feel safe, heal and recover. At times, it may be appropriate for GBV program staff to engage with one or more community leaders to advocate on behalf of an individual survivor. GBV teams should only approach a community leader to advocate on behalf of a survivor when a survivor wants this to be done, and when they have assessed that it is safe to do so.

To promote safe and effective advocacy on behalf of a survivor, GBV managers should ensure:

- The approach has been discussed with the survivor, there is a clear purpose for the advocacy, and particular leader(s) identified.
- The survivor wishes to pursue this approach and has given consent for specific information to be shared when discussing her case with agreed-upon leader/s.
- Ethical and safety implications have been assessed, including staff safety.
- The staff feel safe and comfortable to undertake direct advocacy with a community leader – staff should never be required to do something they do not feel comfortable with.
- Ongoing support is in place for the survivor, through case management or other psychosocial support services.
- A process is in place to ensure that staff receive supervision and support before, during and after the engagement with a community leader, and their safety is monitored and managed on an ongoing basis.

➔ See **Planning Guide: Advocacy with Leaders on Behalf of Survivors** in *GBV Response Tools and Resources* for further information and guidance on undertaking direct advocacy on behalf of leaders.

Survivor-Centered Support, Justice and Mediation

In many settings, traditional, religious, or other community leaders adjudicate and settle disputes between community members. In fact, globally, the vast majority of legal problems and disputes are resolved within informal justice systems. There are many reasons why survivors or families of survivors might seek help through informal mechanisms, however, as with most formal justice systems, these mechanisms are not commonly survivor-centered.

GBV teams should carefully consider safety and ethical risks before engaging community leaders around justice/mediation systems, and when engaging leaders, teams should use thoughtful and respectful communication to avoid backlash or negative consequences for survivors involved with justice processes. GBV team members may feel different levels of comfort engaging with community justice mechanisms, and no staff should be compelled to participate.

To strengthen survivor-centered support related to community-based justice and mediation processes, GBV teams can consider engaging community leaders through one or more of the following strategies:

1. Understand justice and mediation systems and procedures, 2. Promote survivor-centered justice and mediation processes, 3. Support survivors involved with justice/mediation processes, 4. Advocate for survivors involved with justice/mediation processes, and 5. Observe or participate in justice/mediation proceedings.

1. Understand Justice and Mediation Systems and Procedures

There is a wide variety of informal legal/justice mechanisms used in different parts of the world. These include legal systems based on customary, religious, and indigenous rules and practices. Customary laws are embedded in customs, traditions or rules and dispute resolution mechanisms of clans and traditional groups, while religious laws refer to norms that are derived from interpretations of religious texts. In most systems, traditional leaders, religious leaders, or other community leaders (who tend to be older men) are at the heart of investigating, adjudicating and mediating alleged crimes and disputes. Mediation is a common element within informal justice systems, with the focus on parties negotiating a resolution to a case. Restorative justice is another common element within informal justice systems. This refers to a process through which survivors and offenders, their families, and representatives of the community, discuss how to respond to an offender's actions and repair relationships. Examples of restorative justice in practice include survivor-offender mediation and dialogue, peace-making circles, and sentencing circles.

Before undertaking any engagement with community leaders to strengthen survivor-centered informal justice processes and outcomes, GBV teams can first develop their understanding of how the justice system operates. Answering the following questions may be helpful:

- What are the laws related to traditional justice? *(Many legal codes will restrict community leaders' involvement with specific types/ degrees of criminal cases.)*
- What are the common practices related to justice and mediation? What types of GBV cases are addressed? *(Keep in mind that common practice may not align with legal codes.)*
- Which community leaders have authority to administer justice/ propose settlements? *(Refer to your Community Leader Mapping.)*
- What do justice/mediation processes look like? Are these public or private? Who participates? Are survivors present? Are survivors able to speak directly with leaders during or before proceedings?
- What are common outcomes of justice/mediation proceedings? What 'solutions' are proposed for IPV? What 'solutions' are proposed for sexual violence within the community?
- Are some leaders thought to be more supportive of survivors during proceedings and in proposed 'solutions'?

To learn more about informal justice mechanisms and how they operate, GBV teams can seek information from the following sources if it is safe to do so:

- Direct engagement with community leaders for mutual learning and exchange through one-on-one discussions, group discussions, and trainings
- Consult with local women's rights organizations
- Ask women and adolescent girls through group discussions
- Review any published research or reports
- Request to observe public proceedings

2. Promote Survivor-Centered Justice and Mediation Processes⁷

If deemed safe and appropriate, GBV teams can use a variety of strategies to engage community leaders to strengthen survivor-centered justice processes for GBV survivors. Influencing community leaders who are custodians of informal justice systems can help increase attention to women's and girls' justice needs and promote more sensitive approaches. Lessons from working with community leaders, including faith and traditional leaders, on GBV include: the importance of contextualization by articulating women's rights through customary laws or religious texts; identifying the right entry point and developing trust; understanding religious diversity and power dynamics between actors; the need for local ownership; and continuous dialogue with faith actors and other leaders. Activities for engaging community leaders to promote survivor-centered justice processes include:

- Facilitate community dialogues on women's rights and access to justice for women between leaders, women, and other community members
- Organize trainings in GBV core concepts, including the principles of a survivor-centered response, where leaders are allowed space to reflect on how to better apply principles in justice proceedings
- Organize trainings with expert facilitators in women's rights and gender-sensitive approaches to justice, such as gender-responsive decision-making, mediation, evidence assessment, and record-keeping
- Organize meetings and trainings with representatives of formal justice mechanisms, to clarify relevant laws and policies and strengthen referral processes for survivors
- Produce and share information sheets with simplified statutory codes or guides on relevant formal laws on the rights of women
- Organize exchange visits with gender-responsive formal courts and informal justice forums to build mutual understanding and facilitate cross-system learning on how to be more gender-sensitive. Include women champions, community leaders, magistrates, or judges of informal justice forums.
- Support women-centered dispute resolution systems. Although uncommon, there are examples of women-centered dispute resolution systems that GBV teams might support.



Example from Practice

Coordinating between informal and formal justice in Cameroon

A GBV program in the Far North region of Cameroon recognized concerns with the support survivors received in both formal and informal justice systems. The program organized a GBV core concepts training for the Ministry of Justice, who in turn agreed to co-facilitate a training with community leaders, focused on GBV core concepts and laws related to addressing GBV. Through the training, community leaders learned that crimes related to GBV should be referred to formal justice mechanisms.

The GBV program also worked with ministries and leaders to strengthen processes for referring survivors between the community and district-level authorities. All parties agreed that a survivor interested in pursuing justice would be supported by a community leader and/or the head of a women's association to first visit the Ministry of Women's Empowerment and Family, who could then help a survivor to document her case and plan for an accompanied, and more supportive meeting with the Ministry of Justice.

⁷ GBV AoR Helpdesk (2020) *Strengthening Survivor-Centered Justice for GBV Survivors in Emergencies*.

3. Support survivors involved with justice/ mediation processes

GBV programs that provide focused response services for survivors of GBV, in line with inter-agency standards for GBV case management and psychosocial support services,⁸ can help survivors make informed choices about whether to seek traditional justice or mediation. The Inter-Agency GBV Case Management Guidelines include detailed information on why mediation is problematic in the context of GBV, and the significant risks of mediation for survivors.⁹ The Guidelines also include recommendations for sharing information with survivors and supporting survivors who elect to proceed with mediation despite known risks. Briefly, GBV teams can provide the following support directly to survivors through GBV case management services:

- Provide survivors with accurate information about the justice process, what to expect and the types of outcomes (see above 1. Understanding justice and mediation systems and procedures)
- Support survivors to consider risks of participating in informal justice processes so they can make informed decisions about whether to lodge a complaint
- Help survivors who elect to proceed with justice/mediation proceedings for potential outcomes, including victim-blaming and safety risks
- Develop safety plans with survivors
- Follow up with survivors to for continuous support, assessment of safety risks and needs
- Provide practical assistance as possible, including transportation, childcare, accompaniment



Example from Practice

Strengthening informal justice processes and supporting survivors in Nigeria

During heightened stages of conflict in Borno State, Nigeria, some communities have had no access to formal security or legal justice systems. Leaders in these communities have assumed greater responsibility and served as the only option for survivors of GBV seeking protection or justice. Unfortunately, many leaders are known to attribute blame to survivors, and mediation processes and outcomes do not often uphold survivors' rights. In this context, a GBV team in Damboa, Nigeria has determined that risks are too high to observe mediation proceedings, but the team has worked to engage community leaders in regular discussions and trainings on GBV, with emphasis on consequences of GBV and leaders' roles in administering justice for survivors. Through regular engagement, the team has been able to identify leaders within the community who hold more supportive views, including a couple of leaders who they view as real allies. When GBV caseworkers understand that a survivor may be interested in seeking mediation support from a community leader, the team takes the following steps:

1. Carefully discuss the shortcomings and risks of mediation and support the survivor to make an informed choice
2. When survivors elect to proceed with mediation, help to identify a leader with appropriate authority who may be more supportive, based on previous engagement and experiences. Provide in kind support and transportation, where necessary, for survivors to seek help from more supportive leaders
3. Develop a safety plan and regularly follow up with survivor during and after the process of mediation.

8 GBV AoR (2019) *The Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming*. Available at: <https://gbvaor.net/#keydocument-block>

9 GBVIMS Steering Committee (2016) *Inter-Agency GBV Case Management Guidelines*

4. Advocate for Survivors Involved with Justice/Mediation Processes.

GBV teams may hear about GBV cases adjudicated by community-based mechanisms through different means, including from community leaders. It is important for GBV programs to always operate from a survivor-centered approach, which means that any efforts by GBV teams to influence justice proceedings are based on the explicit wishes of survivors. GBV programs should never make assumptions about what survivors will want, nor should they involve themselves in specific cases if survivors have not requested their support.

When GBV programs provide support to individual survivors who are involved with justice or mediation processes (see above 3. Support survivors involved with justice/mediation processes), the possibility of the GBV team engaging in such a process might be raised by a survivor or a GBV caseworker. GBV programs should establish whether this is a safe and appropriate option for their context, and whether specific team members will serve as focal points for such assistance.

If a survivor requests the GBV program to engage a community leader to seek support, share information on her case, or advocate for specific procedures or outcomes, and the GBV program and staff determines this will be possible, plans should be made to effectively engage a select leader, in line with the survivor's specific wishes. Where there is an option of selecting a leader, GBV teams apply their mapping and criteria from the **Building a Foundation for Engagement** chapter to identify leaders who might be more supportive.

See ideas captured under **Direct Advocacy in Support of Survivors** above, as well as the related **Planning Tool**, to review criteria and recommendations for advocating with survivors on behalf of survivors. Specific to considerations related to mediation or justice processes, and based on a survivor's wishes, GBV programs might engage community leaders to:

- Request a leader's support on behalf of a survivor, and make introductions
- Share information on the survivor's case, as agreed upon
- Share information on the relevant form of GBV, including common consequences for survivors, family members, and communities
- Open a discussion with a community leader to explore their concerns, share relevant information, and engage in joint problem solving (preferably before justice/mediation proceedings have taken place)
- Request a meeting with the survivor ahead of justice/mediation processes
- Request specific considerations related to mediation/ justice proceedings, based on a survivor's preferences, such as:
 - Having the hearing in private or in public
 - Planning for safety
 - Whether or not the survivor will speak during proceedings
 - Which witnesses or advocates may participate or be present
 - Whether written statements can be provided
 - Whether additional, influential, or supportive community leaders might be involved
- Follow up, after justice/mediation proceedings to raise concerns or request additional support

5. Observe or participate in justice/mediation processes.

GBV teams may have the opportunity to support survivors during justice or mediation proceedings, or even to directly influence proceedings. Community leaders who have been effectively engaged by GBV programs through different activities will be more likely to welcome GBV staff involvement. If a survivor requests a GBV staff to accompany her during such a process, and the staff is comfortable doing so, and this is approved by relevant leader/s, the GBV staff will need to consider different possibilities with the survivor. It will be important to know the survivor's preferences for your involvement, and to plan your involvement as much as possible, but also to remain flexible to adapt to circumstances and leaders' cues during proceedings, while adhering to parameters established with the survivor. Based on contextual opportunities and a survivor's wishes, GBV teams might be able to support a survivor during justice or mediation proceedings in one or several of the following ways:

- Be present for the survivor as a source of support, even silent support if necessary
- Check in with the survivor during proceedings to see how she is feeling, whether she needs a break, whether she wants to stop proceedings, etc.
- Speak as an expert on the relevant form of GBV, including common consequences for the survivor, family, and community
- Share information on the case, as agreed upon, including consequences the survivor has faced
- Respectfully raise questions about process. For example, you might ask whether the survivor or a witness may be invited to speak.
- Accompany the survivor to leave proceedings, helping her to reach safe accommodation and plan for next steps

Following mediation/ justice proceedings, GBV teams can check in with survivors, assess new or increased risks, adjust safety plans, and identify additional steps to take. Survivors may want GBV staff to follow up with leaders after proceedings, to review outcomes and potential consequences, or to request additional support.

➔ See **Planning Guide and Tool: Advocacy with Leaders on Behalf of Survivors** for further information and guidance on undertaking direct advocacy on behalf of leaders, including advocacy related to justice/mediation proceedings, in *GBV Response Tools and Resources*