

DOCUMENTING THE IMPLEMENTATION OF DOMESTIC VIOLENCE LAWS: A HUMAN RIGHTS MONITORING METHODOLOGY



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ABOUT THE ADVOCATES FOR HUMAN RIGHTS

The mission of The Advocates for Human Rights is to implement international human rights standards to promote civil society and reinforce the rule of law. By involving volunteers in research, education, and advocacy, we build broad constituencies in the United States and select global communities.

The Advocates:

- Investigates and exposes human rights violations internationally and in the United States;
- Represents immigrants and refugees who are victims of human rights abuses;
- Trains and assists groups that protect human rights;
- Works through education and advocacy to engage the public, policy-makers and children about human rights and cultural understanding.

The Advocates was founded in 1983 by a group of Minnesota lawyers who recognized the community's unique spirit of social justice as an opportunity to promote and protect human rights in the United States and around the world. The organization has produced more than 50 reports documenting human rights practices in more than 25 countries, and works with partners overseas and in the United States to restore and protect human rights. The Advocates for Human Rights hold Special Consultative Status with the United Nations.

Women's Human Rights Program

The Women's Human Rights Program at The Advocates for Human Rights applies international human rights standards to advocate for women's rights in Minnesota, in the United States, and around the world. Using research, education and advocacy, the program has partnered with local organizations overseas and in the United States to document domestic violence, rape, employment discrimination, sexual harassment in the workplace, and trafficking in women and girls.

Founded in 1993, the Women's Human Rights Program has partnered with organizations in Central and Eastern Europe, the former Soviet Union, the Caucasus, Central Asia, Morocco, Nepal, Mexico and Haiti. The Women's Program has worked with these partners to document such violations of women's rights as domestic violence, rape, employment discrimination, sexual harassment in the workplace and trafficking in women and girls and to follow up with training and advocacy initiatives. The Women's Program uses traditional human rights fact-finding methods to document violations of women's human rights. Staff and volunteers conduct in-country research through close collaboration with local women's non-governmental organizations.

The Women's Program has published 17 reports on violence against women as a human rights issue, consulted extensively with advocates who are drafting and beginning to implement new laws on violence against women, and presented numerous trainings on domestic violence legal reform. The Women's Program reports include an analysis of each country's legislation related to women's rights and of the local law enforcement system, as well as recommendations on bringing laws and practice into conformity with international human rights obligations.

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I. INTRODUCTION

Domestic violence is a violation of fundamental human rights. One of the most important steps in effectively addressing violence against women is to assess government compliance with international standards relating to this human rights abuse. The implementation of laws pertaining to domestic violence is an important focus when making such an assessment. This methodology provides guidance on monitoring the implementation of domestic violence laws through human rights fact-finding and reporting.

This methodology includes six components: planning a monitoring project; international legal protections against domestic violence; background research on the legal system; interviews on the implementation of domestic violence laws; writing the report; and the advocacy process. This methodology envisions a final human rights report that includes findings from the background research and interviews as well as recommendations for improvements. The primary guiding principle for the assessment should be whether the implementation of domestic violence laws promotes victim safety and offender accountability, according to international human rights standards.

II. PLANNING A MONITORING PROJECT¹

A. DETERMINE THE GOAL

Monitors should begin the project by determining an end goal. When monitoring the implementation of domestic violence laws, the broad goal should be to assess whether the implementation of these laws is promoting victim safety and offender accountability and to use the results of monitoring to advocate for improvements in laws and polices.

This goal should, of course, be consistent with the mission of the organization undertaking the monitoring.

B. DEFINE THE SCOPE OF THE PROJECT

The next step in planning is to define the scope of the project based on the available time, money, and resources, while maintaining the focus on the broad goal of assessing whether the implementation of domestic violence laws is promoting victim safety and offender accountability, as well as advocating for improvements.² The determination may include consideration of the affected population, geography, historical events, or any combination of these.³ Monitors should ask themselves:

- What concerns have been raised about the implementation of domestic violence laws that compels this project?
- What has been studied already? What has not?
- How narrowly construed can the project be while still keeping it meaningful and impactful?

Monitors may decide to narrow the scope of the project by focusing on specific provisions of the laws or particular practices of legal system officials, government agencies, or other actors whose activities are dictated by the laws. For example, monitors may define the scope of the project as an evaluation of police response to a law that grants them new authority to issue emergency protective measures. Or monitors may define the scope of the project as an evaluation of the effects of a particular provision of a civil order for protection law that narrowly limits the courts authority regarding the duration of the order.

Note: The methodology presented here is relevant to monitoring projects that encompass the broad goals of assessing all aspects of a country's implementation of domestic violence laws and advocating for improvements to those laws. Sections of this methodology may also be useful guidance for projects with a narrower scope.

Monitors should assess their capacity in terms of time, expertise, money, infrastructure, and technology. They should determine what they are capable of and committed to doing. Evaluating this capacity is an important step to

¹ This section is adapted from The Advocates for Human Rights, *A Practitioner's Guide to Human Rights Monitoring, Documentation, and Advocacy*. 2011.

² Women, Law & Development International and Human Rights Watch Women's Rights Project. *Women's Human Rights Step by Step*. Washington, D.C.: Women, Law & Development International: 1997, 140.

³ Manuel Guzman and Bert Verstappen, *What is Documentation*, Human Rights Monitoring and Documentation Series 2 (Versoix, Switzerland: HURIDOCs, 2003), 11. Also available online at <http://www.huridocs.org/wp-content/uploads/2010/08/whatisdocumentation-eng.pdf>.

maximize the project's effects given the available resources.⁴

When faced with limited resources, keep in mind that narrowly defining the research issue may enable monitors to obtain more comprehensive and well-researched information. They should ask themselves questions to fully understand the availability of resources:

- Does the practitioner or organization have experience in domestic violence legal reform? If not, can that experience be acquired either by learning it or bringing in another person with that experience?
- Is there sufficient money to do the project in terms of time, salary, overhead, and other expenses?
- What technology is needed for the project? Does the organization already have the technology, or can it be obtained through a donation or partnership? Does that technology have a sharp learning curve, and if so, is that worth the investment of time?
- Can volunteers be used to leverage limited resources?

C. TRAIN THE MONITORING TEAM

Training the fact-finding team is an important stage in the monitoring process. Practitioners should invest time and thought into developing an appropriate and thorough training, which will:

- Sensitize fact-finders to the issue of domestic violence as a human rights issue and on legal reform on domestic violence;
- Train fact-finders on the project mandate, methodology, and interviewing procedures; and
- Develop a sense of team and motivation among team members.⁵

In general, the training should provide team members with:

- Information on the organization, project, its mandate, and protocol;
- Expectations;
- Background on international human rights standards on domestic violence;
- Information about domestic violence legal reform and the specific context of domestic violence;
- Ethical considerations;
- Re-traumatization, vicarious traumatization, and stress management; and
- Practical instruction on how to carry out fact-finding, including:
 - Overall guidelines to conducting interviews;
 - Fact-finding protocol, which may be provided to monitors as a checklist including:
 - Setting up interviews
 - Interview locations
 - Informed consent procedures

⁴ Rosenblum, Jonathan. *Monitoring Labour Rights: A Resource Manual for NGOs*. Washington, D.C.: AAAS Science and Human Rights Program, 2004, 23. Also available online at <http://www.huridocs.org/wp-content/uploads/2010/07/rtlabour.pdf>.

⁵ Ellsberg, Mary and Lori Heise. *Researching Violence Against Women: A Practical Guide For Researchers and Activists*. Geneva: World Health Organization and Program for Appropriate Technology in Health (PATH), 2005, 48-49. Also available online at http://www.path.org/files/GBV_rvaw_complete.pdf.
159.

- How to carry out the interview (including introduction and what information to collect in the interview)
- How to record the interview
- How to use standardized forms for the interview;
- Using interpreters, if applicable;
- Cross-cultural issues;
- Handling difficult interviewees; and
- Follow-up and referrals.

Mock interviews are a good preparation tool to illustrate and reinforce the fact-finding protocol. A mock interview not only illustrates the interviewing protocol but can also demonstrate unexpected challenges and how to respond to them. Practitioners should engage a team member with past fact-finding experience to play the roles of the interviewee and interviewer. One method is for the trainer to develop a set of interview questions and allow the “interviewee” to ad-lib answers or read prepared responses.⁶ The mock interview should also conclude with evaluation and questions from team members.⁷

D. DISCUSS INTERVIEWING VICTIMS

Interviewing victims is not required to monitor the implementation of domestic violence laws. Monitors can obtain a great deal of information from other sources, such as direct service providers who work with victims. Victims should be interviewed only when victim participation is safe, strictly voluntary, and appropriate support structures are in place. Consider the following questions:

- Can the information be obtained some other way, such as through interviewing a victim’s representative or advocate?
- If a victim is interviewed, is there a process to ensure it is voluntary and the victim has given informed consent?
- Are there support structures in place?
- Can confidentiality be guaranteed?

E. TIME CONSIDERATIONS

Time is an important element of any monitoring project design, and monitors should determine a general timeframe for the project as early as possible. The timeline will, in part, be dictated by how much and what type of information the practitioner seeks to collect. Consider the following questions in determining the timeline:

- Will the timeline continue until a minimum number of people have participated? Monitors should keep in mind that interviewing a sufficient number of participants will facilitate corroboration and lend credence to conclusions.⁸
- Which groups and how many people from each group does the monitor want to interview?
- Will the timeline continue until the monitors have collected sufficient information?

⁶ Ellsberg, *Researching Violence Against Women*, 163.

⁷ *Ibid.*, 163.

⁸ *Ibid.*, 44.

- How much information is considered sufficient?

Barring other mandated timelines, continue monitoring until a full investigation has been completed, all potential sources have been examined, and monitors have developed a solid understanding of the issue.⁹ Another indicator is to continue the fact-finding until the monitor can understand the context and learn to identify distortions within the findings brought about by inaccurate information or personal opinions.¹⁰ Monitors should look at the objectives of the project and the questions to be answered. If no major gaps are present and the monitor can begin to identify patterns from the findings, the fact-finding phase is likely nearing or at a completion point. Other indicators that the fact-finding is nearing a saturation point and closure is appropriate may include:

- Similar stories being repeated by different interviewees;
- Patterns emerging from interviews; and
- Influx of new information diminishing.

When considering the timeframe for a monitoring project, be aware of timeliness in relation to the issue. Seek a balance between a timeline that reflects the available resources and one that respects the project mandate and monitoring principles. For example, fact-finding that extends out over a period of several years may yield more information, but also diminish the relevancy of that information. Consider other factors that will be affected by the passage of time, such as urgent victim needs or tolling of the statute of limitations for claims.

⁹ OHCHR, “Basic Principles of Monitoring” Chap. 5 in *Training Manual on Human Rights Monitoring*, 91.

¹⁰ Ellsberg, *Researching Violence Against Women*, 213.

III. INTERNATIONAL LEGAL PROTECTIONS AGAINST DOMESTIC VIOLENCE

The international community has recognized domestic violence as a violation of fundamental, universal human rights. International human rights law outlines an individual's fundamental right to be free from violence and the obligation of governments to provide a remedy when these rights are violated. The following are provisions of international legal instruments that relate to domestic violence as a human rights abuse.

A. WOMEN HAVE THE RIGHT TO SECURITY OF PERSON AND FREEDOM FROM TORTURE AND CRUEL AND INHUMAN OR DEGRADING TREATMENT.

The Universal Declaration of Human Rights outlines an individual's fundamental right to be free from violence and abuse. Article 3 provides that "everyone has the right to life, liberty and security of person." Article 5 provides that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." The International Covenant on Civil and Political Rights also provides that "every human being has the inherent right to life" (Article 6) and that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (Article 7). Like the United Nations instruments, the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe provides for the right to life (Article 2) and the right to liberty and security of the person (Article 5). Article 3 provides that "no one shall be subjected to torture or to inhuman or degrading treatment or punishment."

B. WOMEN HAVE THE RIGHT TO AN EFFECTIVE REMEDY FOR ACTS VIOLATING THEIR FUNDAMENTAL HUMAN RIGHTS.

The Universal Declaration of Human Rights (Article 8) and the International Covenant on Civil and Political Rights (Article 2) guarantee that states shall provide an effective and adequate remedy for acts violating fundamental rights guaranteed by constitution or by law. The (European) Convention likewise guarantees that a person whose rights or freedoms under the Convention are violated shall have an effective remedy before a national authority (Article 13).

C. WOMEN HAVE THE RIGHT TO BE FREE FROM DISCRIMINATION.

The Convention on the Elimination of All Forms of Discrimination against Women forbids discrimination against women. The Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation 19 has explained that violence against women constitutes discrimination and ". . . seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men." General Recommendation 12 recommends that all parties to the Convention report to CEDAW on the existence of support services for victims of family violence, relevant legislation, statistical data, and measures adopted to eradicate violence against women in the family.

D. WOMEN HAVE THE RIGHT TO GOVERNMENTAL PROTECTION AGAINST VIOLENCE.

The Declaration on the Elimination of Violence against Women includes explicit directions to countries to ". . . not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination." The Declaration sets forth specific steps a country should take in combating domestic violence. These steps include:

1. Investigating and punishing acts of domestic violence;
2. Developing comprehensive legal, political, administrative, and cultural programs to prevent violence against women;
3. Providing training to law enforcement officials; and
4. Promoting research and collecting statistics relating to the prevalence of domestic violence.

Article 4(g) of the Declaration directs that states work to ensure that women subjected to violence and their children receive "specialized assistance, health and social services, facilities and programs as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation."

IV. BACKGROUND RESEARCH ON THE LEGAL SYSTEM

It is important to conduct research on the background of the legal system being monitored. This will provide critical context for interviews and a framework for the report. This research is important both at the initial stage of defining the scope of the monitoring project, as outlined in Section I, and later, after that scope has been determined. If the scope of the project has been defined narrowly, research on particular aspects of the legal system can proceed in a more targeted way.

A. RESEARCH THE ORGANIZATION OF THE LEGAL SYSTEM

The following areas should be explored to understand the organization and structure of the legal system in which the monitoring project will take place:

- Outline the structure of the courts;
- Determine which courts handle cases involving domestic violence: criminal courts, civil courts, family courts, etc. This helps determine which courtrooms to visit, where to access domestic violence case files, and which legal authorities should be interviewed;
- Determine where orders for protection are filed and review some actual orders to study the forms and procedures involved; and
- Gather protocols for dealing with domestic violence from police, prosecutors, judges, probation officials, social services, and health care professionals. Protocols may differ between regions or cities.
 - Below are some examples of protocols:
 - Forms and protocols for documenting domestic violence cases;
 - Rules of procedure in cases of domestic violence;
 - Rules of procedure in the event of violence toward children;
 - Court system protocol for filing orders for protection;
 - Police protocols;
 - Prosecutor or forensic doctor protocols;
 - Health professional protocols; and
 - Other: crime victim protocols and guidelines on child protection; victims of crime, social services; and legal aid related to cases of domestic violence.

B. RESEARCH LAWS

The specific language of a country's domestic violence laws are the "road map" for creating interview questions. Laws often determine who has the responsibility for which areas of the government's response. The following laws frequently have provisions that are relevant to domestic violence:

- Specific laws on domestic violence;

- Criminal laws – may contain provisions which punish family members for violence, general assault provisions, terroristic threats, strangulation, and harassment;
- Criminal procedure codes – may limit prosecutor responsibility in domestic violence cases;
- Law on misdemeanors (minor injury assault, public order, and peace laws);
- Civil laws (including Order for Protection Laws and Harassment or Restraining Orders);
- Laws governing the divorce process (including issues of support, property, and child custody);
- Acts on gender equality;
- The Constitution;
- Inheritance laws, the rights of minorities, and laws on religious freedoms; and
- Applicable administrative procedures.

C. RESEARCH NATIONAL PLANS

Monitors should research the ways in which various ministries in the country have addressed domestic violence. They should identify and understand the laws and policies that govern the agencies' activities. They should determine the existence of concrete time frames for implementing strategic plans, and whether there is adequate funding for implementation of laws and policies. Monitors should determine which ministry is keeping statistics on domestic violence, and if the statistics are good indicators - if they are disaggregated by gender and relationship. Monitors should analyze government expenditures on the implementation of laws, policies, and programs on violence against women to gain insight into governmental priorities. Examples of national plans include the following:

- National Strategy for Protection against Domestic Violence;
- National Policy for the Promotion of Gender Equality;
- National Program for Implementation into the European Union, if applicable;
- National Campaigns to Fight Against Family Violence; and
- National Educational Curriculum.

D. REVIEW COURT RECORDS

1. Where there are domestic violence laws addressing civil order for protection remedies, review court records related to emergency and long term orders for protection.
 - a. Compare total number of applications to number of orders granted by the courts, prosecutors, or police.
 - b. Review date of application and date of order to determine delay in both applications for emergency orders and long term orders.
 - c. Review applications for the following factors and compare requests for relief to relief granted by the courts, by comparing the following:
 - Length of order;
 - Custody of children;

- Perpetrator access to family dwelling;
 - Perpetrator access to children’s schools, victim’s workplace; and
 - Financial support, alimony, child support, rent payments, mortgage payments etc.
- d. Review any documentation available regarding the basis for the decision to issue or deny an order.
 - e. Review records related to violations of orders for protection and re-offenses.
2. Review criminal court files for the following information:
 - a. Number of domestic violence cases filed by public prosecutors and the number filed by victims.
 - b. Compare number of cases filed to the total number of criminal cases and to the total number of assaults. (Look at other informative comparisons.)
 - c. Describe cases in detail, including the facts, how the police handled the case, the resolution of the case, and the punishment or penalties.
 - d. Review documents in the file including certificates from the forensic hospital. Compare the description of the injuries in the file to the medical certificate. Also, compare the general description of the injury to the grade or level of assault assigned by the forensic doctor.
 - e. Review any documentation of risk assessment in specific cases.
 - f. Review records of repeat offenders and document number of offenses, as well as penalties assessed with each offense. Document any escalation of severity of assaults and resulting injuries.
 - g. Review records for an assessment of whether the penalties are appropriate for the severity of the crime.
 3. Review family court files to determine the number of divorces that involve allegations of domestic violence.
 - a. After reviewing the number of files generally, choose a reasonable time period for file review, e.g., one year, two years.
 - b. Determine the total number of cases and the number of cases that involve allegations of domestic violence.
 - i. Describe facts of the case.
 - ii. Describe how the court dealt with the abuse.
 - iii. Did the abuse have any impact on the outcome of the case?
 - iv. Review documents in the file including certificates from the forensic hospital. Compare the

description of the injuries in the file to the medical certificate. Also, compare the general description of the injury to the grade or level of assault assigned by the forensic doctor.

4. Review domestic violence cases which have gone to international tribunals such as the European Court of Human Rights.
5. Review other important domestic violence cases from past years.

E. OTHER SOURCES OF INFORMATION ON COUNTRY BACKGROUND, LAW, AND CONTEXT

1. Reports – Review for information about the implementation of domestic violence laws, criminal convictions, penalties imposed, detention, and release of offenders, re-offenses, applications for protective measures, civil remedies granted to victims including orders for protection, public awareness, and use of laws. Examples of relevant reports include:
 - Human rights reports including country profiles, statements to the Commission of the Status of Women, Reports to CEDAW, Concluding Comments by the CEDAW Committee, and Report of the Special Rapporteur on Violence against Women;
 - Reports by country non-governmental organizations;
 - Reports prepared by government ministries on implementation of policies and programs relating to domestic violence;
 - Ombudsperson annual reports;
 - European Union Progress reports;
 - Council of Europe reports; and
 - United Nations organizations reports.
2. Statistics – Review for information about the implementation of domestic violence laws, criminal convictions, penalties imposed, detention, and release of offenders, re-offenses, applications for protective measures, civil remedies granted to victims including orders for protection, public awareness, and use of laws. Sources of statistics include:
 - United Nations Statistics Division;
 - International surveys on domestic violence, such as the *WHO Multi-Country Survey on Women's Health and Domestic Violence against Women* (http://www.who.int/gender/violence/who_multicountry_study/en/) and the *International Violence Against Women Survey* (<http://www.heuni.fi/12859.htm>); and
 - Statistics on the implementation of domestic violence laws may be available from national statistics offices and relevant government ministries, law enforcement, prosecutors' offices, the judiciary, health professionals, and non-governmental organizations which serve survivors of violence against women. Monitors should note whether or not such data is publicly available and easily accessible.

IV. INTERVIEWS ON THE IMPLEMENTATION OF DOMESTIC VIOLENCE LAWS ¹¹

A. IDENTIFY INTERVIEWEES

Monitors should develop a list of interviewees who have knowledge of the implementation of domestic violence laws. In general, monitors should interview police, prosecutors, officials from government ministries with designated responsibilities under the law, lawyers, the judiciary, civil society organizations, doctors, and other health care professionals.

Below are sample questions for these interviewees. Remember that in addition to the general questions below, interview questions should be adjusted to address the specifics of a particular law or country circumstances.

B. CONTACT INTERVIEWEES IN ADVANCE

C. DEVELOP AN INTERVIEW PROTOCOL

An interview protocol should include overarching guidelines that address the fact-finder's demeanor and approach. Good interviewing requires the interviewer to be non-judgmental, connect with the interviewee, and to communicate complicated issues clearly. Interviewers should also be professional, polite, and knowledgeable.¹² In general, interviewers should be prepared to carry out the interviews, be knowledgeable about the issue of domestic violence and the legal system response in general, and be respectful to the interviewee. Creating a set of these considerations can guide interviewers in how they conduct themselves, before, during, and after the interviews. Finally, pilot testing interview questions with team members can help reinforce the protocol and with how to apply it in various situations. Running through a trial test will also help practitioners determine if questions are phrased clearly, and if they are eliciting relevant information.¹³

D. DEVELOP AN INTRODUCTORY STATEMENT FOR THE INTERVIEWS

Monitors should begin the interview with an introductory statement or script describing the parameters and goals of the project and the resulting human rights report. The introductory script should introduce the interviewers and the organization, describe the project mandate, explain how the information will be used, explain what the interviewer will and will not do with the information or case, and explain issues of confidentiality. Interviewers should be prepared to explain how the interviewee's statements will be used in the final report and how she will or will not be identified.

Because the term 'domestic violence' is used in many different ways, interviewers should explain their use of the term for the purpose of the interview. For example, interviewers may explain that for the purposes of the interview, domestic violence refers to violence between intimate partners. Or monitors may ask interviewees to refer to the definition of domestic violence in their country's laws, if such a definition exists.

¹¹ This section contains information which has been adapted from The Advocates for Human Rights, *A Practitioner's Guide to Human Rights Monitoring, Documentation, and Advocacy*. 2011.

¹² Ellsberg, *Researching Violence Against Women*, 162; Women, Law & Development, *Women's Human Rights Step by Step*, 148.

¹³ United States Office of Personnel Management, *Structured Interviews: A Practical Guide*, Sept. 2008, 14.

E. DEVELOP INTERVIEW QUESTIONS

When the monitor has determined what information is needed and how to obtain it, the next steps are to outline topics to be covered in an interview and draft interview questions. The following are some general tips for conducting interviews.

- Lead off with more non-controversial and less sensitive questions.¹⁴ For example, asking the interviewee to describe their work and duties is an initial question that helps set a comfortable tone.
- Prioritize the most pressing questions in terms of question order.
- Ask for stories without compromising confidentiality. The use of experiences can help illustrate and lend credence to conclusions.
- Be prepared to deviate from the question set if needed during the interview to obtain clarification or more details.¹⁵
- Consider asking questions where you know the answer but where it is important to elicit the interviewees' knowledge. (Example: Are there criminal laws addressing domestic violence?)
- If needed, ask questions in different ways to ensure that the interviewee understands what information you are seeking.
- If the interviewee says something particularly inflammatory, document the statement carefully as a quotation and consider how it might be used to indicate a failed justice system response to domestic violence. (Example: "We do not prosecute cases of domestic violence because women deserve to be beaten if they disobey their husbands.")
- If it becomes clear that the interviewee has no experience or interest in domestic violence cases, consider replacing your questions about the legal system response with questions that document this attitude. This documentation may be used to demonstrate a failed justice system response to domestic violence. This strategy can be particularly effective with high level legal system officials.
- Ask if the interviewee has other additional names to recommend for an interview or other sources.
- Ask if the interviewee has anything else to add.
- Allow the interviewee time to ask questions of the interviewer.¹⁶

Note: Interviews will rarely follow the script prepared by the monitor. Interviewees often address topics that do not follow the script and interviewers must be prepared to learn something new or unanticipated during the interview and carefully follow up on all issues relevant to the implementation of domestic violence laws.

¹⁴ Office of the High Commissioner for Human Rights. "Basic Principles of Monitoring." Chap. 5 in *Training Manual on Human Rights Monitoring*. New York: United Nations Publication, 2001. Also available online at <http://www.ohchr.org/Documents/Publications/training7Introen.pdf>, 117.

¹⁵ Kaplan, Karyn. *Human Rights Documentation and Advocacy: A Guide for Organizations of People who Use Drugs*. Harm Reduction Field Guide. New York: Open Society Institute, 2009, 45-46.

¹⁶ See The Advocates for Human Rights, "Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse," London: The Advocates for Human Rights, 2008, unpublished powerpoint presentation on file with The Advocates; D. Ravindran, Manuel Guzman, and Babes Ignacio, eds., *Handbook on Fact-Finding and Documentation of Human Rights Violations* (Philippines: Asian Forum for Human Rights and Development (FORUM-ASIA, 1994), 33; OHCHR, *Training Manual on Human Rights Monitoring*, 117.

F. SAMPLE INTERVIEW TOPICS AND QUESTIONS

1. Interviews with Police

As the first responders in many cases of domestic violence, police officers have very important knowledge about the issue. Police officers can provide detailed information about the nature and extent of domestic violence in the community and the effectiveness of the entire legal system response to the problem. Police officers can provide detailed information about individual cases, harm to victims, and behavior of batterers. They can give information about the priority the government gives cases of domestic violence. They can identify gaps in the protections provided to victims.

Who should be interviewed?

- District chiefs and those officers responsible for policy and protocol
- Patrol police who are first responders
- Desk officers who receive first reports
- Officers who may specialize in domestic violence
- Officers who may be in charge of training other officers on domestic violence issues

Note: If your interviewee does not have the information you need, ask him who you might interview that would have such information.

Questions for Police

General Questions:

1. How many officers are in this police department? What size (geographical, population) group does it serve?
2. What is your position in the department? Can you briefly describe your duties and work? How long have you been working in your position?
3. Can you estimate how often you are asked to respond to domestic violence calls on a weekly basis?
4. [If there is a new law on domestic violence] Are you aware of the new law on domestic violence? What is your opinion of it? What are your responsibilities under the new law? Have you had specific training on this law? Is such training available to you?
5. What laws do you rely on when you respond to a call or arrest someone for assaulting their wife or intimate partner?

General Procedures:

6. Please describe what you generally do when you are called to the scene of a domestic dispute. What do you do when you arrive on the scene?
7. When a woman comes to your police station and says that she is a victim of domestic violence, how do you respond? Is there a group of officers within this department which specializes in handling cases of

domestic violence? Are there any female police officers in this group?

8. Other than emergency calls, what other kinds of domestic violence situations are you asked to respond to? What are the procedures for responding to these calls?
9. Do you have a written protocol or policy on responding to domestic violence calls? Could we have a copy of the protocol? How long has this protocol been in effect?
10. Do you file a police report? Are there specific guidelines for reports on domestic violence cases? Are you required to file a report? What if the woman does not want a report filed? Could we obtain a sample copy of a police report?
11. Do you have a protocol or procedures that govern interviewing the victim, the perpetrator, children, and witnesses? Do you use a standardized form to obtain information? What questions do you ask? What exactly do you document?
12. How do you interview: 1) victim; 2) perpetrator; 3) children; and 4) witnesses? Do you interview these people separately?
13. What do you do if the victim or perpetrator does not speak your language?
14. When you are interviewing the victim, do you ask about prior incidents of violence?
15. Have you ever encountered a situation in which the perpetrator seemed extremely dangerous? What criteria do you use to assess for direct and immediate threat to life? How do you assess for risk from further attacks? What action do you take in this situation? Can you describe a specific case where you assessed this danger and what happened? Have you had training in risk and lethality assessment?
16. Are you often called to the same houses or families for incidents of domestic violence? Are there other protocols or policies that you use for this kind of situation? Do you keep records on families that have a history of domestic violence?
17. Do you issue warnings to perpetrators? Are such warnings required or allowed in your laws?
18. Do you send police to the house where a domestic violence incident has occurred to monitor that home?
19. Do you ever remove an abusive person from the home? If so, can you describe the circumstances? How long is he removed from the home?
20. Do you detain the perpetrator or release him? How long can you detain the perpetrator? Where is he detained? Under what statutory authority do you detain perpetrators?
21. What do you do if the woman is injured? Do you assist her in finding medical help? Do you give her information about any legal procedures which she may follow to obtain protection from the violent abuser? Do you refer her to other services, such as domestic violence advocates, crisis centers, or medical services? How do you document her injuries?
22. If the woman is visibly injured and she or her partner attributes her injuries to an accident, e.g. falling, do you follow up with further investigation about the cause of her injuries? How?
23. Do you have a protocol for documenting injuries you cannot see, like bruises which do not form immediately?
24. [If applicable] How do you identify whether psychological violence has taken place? What kind of

psychological violence is enough to warrant an arrest? What do you do in a situation where a husband claims his partner has insulted him by calling him a name, and he responded by physically assaulting her; who do you arrest?

25. [If applicable] How do you determine whether sexual violence has taken place?
26. [If applicable] How do you determine whether economic violence has taken place?
27. Are you familiar with the term predominant aggressor? Is it sometimes difficult to determine who the predominant aggressor is (who is the victim and who is the perpetrator)? How do you decide who is at fault? Have you had training in identifying the predominant aggressor?

Procedures under the Criminal Law:

28. Are there specific criminal laws on domestic violence? What are they?
29. Describe the general laws pertaining to assault. Do these laws apply to cases of domestic violence? Why or why not?
30. Do you commonly arrest domestic violence perpetrators pursuant to your criminal laws? Under what circumstances? Can you describe in detail the process with regard to both the perpetrator and the victim in such cases?
31. If a woman does not want to prosecute her partner, do you initiate any investigation?
32. Have you ever seen a situation in which a victim of domestic violence was also arrested, charged, or convicted of domestic abuse? What was the outcome of the case?
33. Can you describe how you work together with prosecutors on cases of domestic violence?
34. If a victim of domestic violence proceeds through the court system without the assistance of a state prosecutor, what is your role? Do you help her with the evidence? Have you ever been asked to testify or provide evidence in a case like this?

Procedures regarding Order for Protection Remedies:

35. Are you familiar with the law that addresses order for protection remedies?
36. What are your responsibilities under that law? What is your opinion of that law? Does it promote victim safety? Offender accountability? Explain.
37. Has your department or division created protocols for police to use in implementing the law addressing orders for protection?
38. Have you had training on this law? Describe it. Was it useful to you?
39. [If police have authority to issue orders under the laws] Have you ever issued such an order?
40. Are police authorized to issue emergency orders at the scene of a domestic violence incident? Please explain how this process works.
41. If the order for protection is denied, can it be appealed by the police or anyone else? Are you familiar with any such cases? If so, can you describe such a case?

42. [If the law allows victims to apply for orders for protection from the court or other legal authorities] Do you have an application for an immediate protection order that you give to victims if they request it?
43. If a victim applies for an immediate protection order, how soon do you deliver the application to court (or other authority)?
44. How long does it typically take for a court (or other authority) to issue the order for protection?
45. In between the time of the violence and the time at which the order for protection becomes effective, how do you ensure the victim's safety if the perpetrator is not under arrest?
46. After the protection order is issued, what measures do you take to ensure the victim is protected?
47. Have you been called to a home because a perpetrator violated a protection order? How often? How did you respond? [If the law states that the violation of the order is a crime] Did you arrest the offender? Did you pass the report of the violation along to the prosecutor?
48. Does the prosecutor usually take action if there is a violation of an order for protection? Can you describe a case where this has happened?
49. How do you respond if the victim allows the abuser into the home despite the order for protection? Do you know if the law addresses this situation?
50. How does a victim renew a protection order? Does it require a new act of violence?
51. What is your assessment as to how the law regarding protective measures interrelates to the criminal laws?

General Questions regarding Implementation of the Law:

52. Do you believe that the laws are sufficient to protect domestic violence victims? Do you believe that the law is adequately enforced?
53. What are the positive and negative aspects of the implementation of the domestic violence law? What would you change to improve the protection and services that are available to victims?
54. How would you evaluate the response of judges to domestic violence under this law? How would you evaluate the response of prosecutors to domestic violence under this law? How would you evaluate the response of social services under this law? Do any of these agencies present obstacles to effective implementation of the law?

Other:

55. Does your unit maintain internal statistics on domestic violence cases?
56. Is there a database for filing information about past and current orders for protection and previous acts of domestic violence? If so, is it available country-wide? Does it contain other information about perpetrators of domestic violence (other arrests, convictions)?
57. Have you received any training on how to respond to domestic violence calls or issues such as evaluating defensive issues and assessing primary aggressors? Is this training ongoing? Who presents this training?
58. Do you coordinate in any way with medical, legal, or other service providers on your cases of domestic

violence? In what ways?

59. How would you describe the level of coordination between the police, other groups, the medical and legal professional community, or the government?
60. What is your perception of the need for stronger criminal protection against domestic violence?
61. Do you do preventative work in domestic violence cases?
62. Can you recommend other individuals or organizations for us to speak with about the implementation of the domestic violence laws?

2. Interviews with Prosecutors

Prosecutors can provide information on the implementation of criminal provisions pertinent to domestic violence. Most countries have longstanding criminal assault provisions that could be used to hold domestic violence offenders accountable. However, prosecutors may not be using the laws to enforce women's right to be free from violence. This may be due to limitations in the language of the law or procedure codes, or it may be due to discriminatory attitudes and biases.

Prosecutors can explain the criminal laws, how they apply them, and clarify any questions about them. Prosecutors often have a role in the implementation of new laws that provide a civil order for protection remedy. They can explain their knowledge or lack of knowledge about new laws on domestic violence, provide information on cases charged when violations of orders for protection occur, and give information about systems that exist for enforcing orders for protection. Prosecutors have access to key statistics on domestic violence cases, both civil and criminal, and they can provide insight into the priority set by a state on its response to violence against women and girls.

Who should be interviewed?

- Prosecutors who make the decision whether or not to charge domestic violence cases as criminal cases
- Prosecutors who directly receive complaints from citizens such as a complaint about a violation of an order for protection
- Prosecutors who have taken domestic violence cases to trial including cases of serious bodily injury or domestic homicide
- Prosecutors who are in charge of keeping statistics on domestic violence cases
- Prosecutors who oversee the police who handle domestic violence cases
- In smaller towns, these may all be the same prosecutor, but in larger cities monitors may need to interview prosecutors at different levels of the organization.

Questions for Prosecutors

General Questions:

1. Can you describe your work and area of responsibility? What size population does your district serve?

How many prosecutors serve this district?

2. How long have you been a prosecutor? How many cases do you prosecute a year? Can you describe what kinds of cases?
3. Does your office handle cases involving violent assaults between husband/wife or intimate partners?
4. [If there is a new law on domestic violence] Are you familiar with the new law on domestic violence? What are prosecutors' responsibilities under the new law? What is your opinion of the new law? Have you had training regarding this new law? Is such training available to you?
5. Can you estimate how many cases of domestic violence are reported in your district each year? How many cases of domestic violence are charged in your district each year? Do you have staff members who specialize in prosecuting domestic violence cases?
6. Does your office keep statistics on domestic violence cases? Do these statistics show the gender of the perpetrator and victim, their relationship, and the severity of the injury?

General Procedures:

7. What laws relate to the criminal prosecution of domestic violence? Are there specific provisions that related to domestic violence cases, or do you use general assault statutes when a perpetrator uses violence against an intimate partners? What laws have you used when prosecuting cases of violence against an intimate partner?
8. How does the level of severity of an injury affect your responsibility to prosecute a case? Is this different with domestic violence cases compared to stranger assaults?
9. What policies or protocols does your office have regarding prosecution of domestic violence cases? May we have a copy of the policy?
10. What factors are considered in determining whether to prosecute domestic violence crimes?
11. Please describe the procedure involved in the complete prosecution of a domestic violence case.
12. How many cases of domestic violence do prosecutors decline to prosecute in your district each year? How many domestic violence cases did you decline to prosecute in the last 24 months? What is the most common reason that you decline to prosecute domestic violence cases? Other reasons?
13. Does the law limit your ability to prosecute domestic violence cases? How so? Has this happened in cases where you are concerned about the safety of the victim? Can you describe such a case?
14. If the case is prosecuted, what role does the victim play in the prosecution? What do you do if the victim does not want to proceed with or participate in a prosecution? Do you need the victim to testify to go forward with prosecutions?
15. If the case is not prosecuted by the state, do women ever initiate private prosecution of a domestic violence case? Are you involved in this process all?
16. What type of evidence do you need to prove injuries in court?
17. Is lack of documentation of the abuse in a police report ever a problem in prosecuting domestic violence

crimes?

18. Is lack of documentation of the abuse in a medical report ever a problem in prosecuting domestic violence crimes?
19. Is there a way that you find out about previous acts of violence in domestic violence cases? Does your office or the judiciary keep records of repeat offenders? Do previous acts of domestic violence affect your actions in a case? Do they affect the sanctions against the perpetrator? Are there laws that address this?
20. If you determine a perpetrator is particularly dangerous, are there particular procedures or precautions you take? What factors indicate to you that a perpetrator is particularly dangerous? Have you had training in risk and lethality assessments in domestic violence cases?
21. Do you consider the victim's risk of danger when requesting bail? Do you utilize a risk assessment? If so, can you provide a copy of the risk assessment that you use?
22. When requesting bail for a perpetrator of domestic violence, do you include a request that the perpetrator not contact the victim?

Orders for Protection:

23. Is it a crime to violate an order for protection? If so, do you prosecute such violations? Please describe how this process works? Is there a protocol for communication between your office and the police? The judiciary?
24. How many cases of violations of orders for protection are reported in your district each year? How many cases of violations of orders for protections are charged in your district each year? Does the legal system keep such records?
25. How many cases of violations of orders for protection are declined for prosecution in your district each year? What are some of the reasons that you decline to prosecute violations of orders for protection cases? What is the most common reason that you decline to prosecute violations of orders for protection cases?
26. Is lack of documentation in a police report ever a problem in prosecuting violations of orders for protection?
27. Is lack of documentation in a medical report ever a problem in prosecuting violations of orders for protection?
28. What changes in the law would you like to see with regard to your role in responding to violations of protection orders?

Questions regarding Convictions:

29. While the perpetrator of domestic violence remains in jail, is he restrained from contacting the victim of violence on the phone or by messages through friends?
30. What is the rate of convictions for domestic violence cases in your district each year?
31. What are the most common punishments for individuals convicted of domestic assault?

32. What factors influence the type of punishment you ask for in domestic violence cases?
33. Do you inform the survivor of domestic violence of the decisions that are made regarding bail, early release, and punishment of the perpetrator?
34. Do you inform the survivor of domestic violence when the case is denied or dismissed?
35. Have you handled any cases where women victims of domestic violence are killed by their abuser? What is a typical sentence for a convicted murderer in such a case? Can you give a case example? Did you feel the legal system handled that case appropriately? Were there previous assaults in that case? Did those assaults result in arrests? Prosecution? Conviction? Can you identify possible improvements in the legal system's response in that case that may have promoted the safety of that victim?

Other:

36. Do you work with forensic doctors to prepare cases for trial? If so, what weight do you give to a forensic certificate? Can a case be prosecuted without a certificate? Are the conclusions on a forensic certificate ever questioned? If so, what happens?
37. Have you received training on domestic violence? Have you received training on best practices in the prosecution of domestic violence cases? Who offers these trainings? If not, would such training be useful to you?
38. In domestic violence cases, how would you describe the level of coordination between your office and other groups or organizations, such as medical and legal professionals or domestic violence advocates? Can you describe the ways in which you work with these groups or organizations?
39. Are you aware of situations where victims of domestic abuse were arrested, charged, or convicted of domestic abuse? Can you describe that situation and the outcome? How did you decide who to prosecute?
40. Can you describe a specific example of a case that involved domestic violence? Did your office prosecute the case? What was the basis of the decision whether or not to prosecute? What was the outcome?
41. Do you believe the laws are sufficient to protect domestic violence victims? Are these laws adequately enforced? What would you change to improve the protections and services available to victims?
42. Is there anything else you think we should know about domestic violence in your country?
43. Can you recommend other individual or organizations that we should speak with?

3. Interviews with Lawyers who Represent Victims

Lawyers can provide information about the prevalence of the problem, the laws and legal system, gaps in the legal system response, and the details of individual cases that can be used to inform questions to police, prosecutors, judges, and agency officials about their policies. (Example: "We are familiar with a case where *this happened*. Is that something that is consistent with your agency policy on domestic violence?")

Who should be interviewed?

- Lawyers who handle cases of criminal domestic violence
- Lawyers who handle civil cases of domestic violence
- Lawyers who handle divorce cases which may involve domestic violence
- Lawyers who have handled international human rights cases involving domestic violence

Questions for Attorneys

General Questions:

1. What kinds of legal services do you provide?
2. How are clients generally referred to you?
3. Are there training programs for lawyers who represent victims of domestic violence? Who offers these programs?
4. [If there is a new law on domestic violence] Are you aware of the new law on domestic violence? What is your opinion of it? Have you had specific training on this law? Is this training available to you?
5. Have you had any experience using the law on domestic violence?

Questions regarding Criminal System:

6. What is your experience with the criminal justice system's response to domestic violence cases? How could it be improved in law, policy, and practice?
7. When the police are called in a case of domestic violence, how would you describe their response? Can you give some specific examples?
8. Have you ever seen a situation in which a victim of domestic violence was also arrested, charged, or convicted of domestic abuse?
9. Have you ever represented a client in a private criminal prosecution of domestic violence (bodily injuries)? Describe the facts of the case and the outcome. Did the client also seek a protection order?
10. Are you familiar with situations where public prosecutors have declined to pursue domestic violence cases and the victim initiates a private criminal prosecution? Have you represented victims in such cases? Can you give an example of such a case, the process, and the outcome?

Questions regarding Orders for Protection:

11. Have you represented clients in order for protection applications and hearings? How many? Do you find this remedy useful to domestic violence victims? Why or why not? Can you describe the process of an application for an order for protection?
12. [If police issue orders for protection] How has it worked for your clients when police issue orders for protection? Has their experience been positive? Negative? Describe the details.
13. Have you represented a client in an order for protection hearing in court where the only evidence

submitted was her statement? What happened? Do judges require more than the victim's statement as evidence?

14. What specific remedies do you usually request as part of the order for protection application? Do you usually seek financial support for the victim?
15. Do judges usually grant all forms of relief that the petitioner requests with her order for protection application? Can you describe any trends you see with judges in this regard?
16. Do your clients experience problems with compliance with the order for protection? Can you give examples of what happened, and what has been the outcome?
17. What has been your experience with violations of orders for protection? Are there sanctions imposed for the perpetrator when this happens? Are judges, police, and prosecutors following the dictates of the law in this regard? Does the law need amendments to better protect victims from violations of orders for protection?
18. Have you ever had or are you familiar with cases where a victim asked for dismissal of an order for protection? Why? What happened? Do judges independently evaluate these cases to ensure that victim safety is protected?
19. Are there problems with safety in the courtroom during order for protection hearings?

Questions regarding Domestic Violence and Children:

20. Have you represented clients who have children and who are seeking a protection order?
21. Have you requested child custody and visitation in the protection order? What did you request and what was granted in the order?
22. If a domestic assault occurs in front of the children, does that in any way affect the legal system's response? Do the police or courts take the matter more seriously?
23. Are battered women in danger of losing custody of their children if they report abuse? If so, explain how and why? Is this dictated by law, policy, or practice?
24. Is a child witnessing domestic violence considered to be a form of child abuse? If so, who is considered to be the abuser of the child? The batterer, the mother, or both?
25. Are there any services for children who witness domestic violence?

Questions regarding Rights of Victims:

26. [In countries where there is no order for protection remedy] When domestic violence is an issue, what kinds of legal assistance are you asked to provide?
27. What other assistance are you able to offer a victim of domestic violence?
28. If you were not able to assist a client, were you able to refer her to another resource? Who?
29. What medical or other community services are available to victims of domestic violence?
30. Are they affordable?

31. Are the clients who come to you familiar with these services?
32. Are there any reasons why women might not seek out these services?
33. How would you describe the level of coordination between your organization and other groups, the medical and legal professional community, and the government?
34. Who are your allies in the community in terms of issues that are of concern to battered women? How do you collaborate with these allies?

Questions regarding Divorce:

35. Do you handle divorce or legal separation cases?
36. What is the procedure for getting a divorce/legal separation?
37. In your opinion, how are women who seek a divorce or separation viewed by society?
38. Of the divorce or separation cases which you have handled, approximately how many involved domestic violence?
39. Can you describe a divorce or separation case you have handled which involved domestic violence?
40. Have you ever represented a client who sought a protection order during a divorce or child custody procedure? Can you describe the facts of the case and the outcome?

Questions regarding Implementation of Domestic Violence Laws:

41. What factors affect the ability or willingness of victims of domestic violence to seek protection from abuse? To seek assistance from the police? To seek medical assistance? To participate in criminal prosecutions? To seek civil legal assistance such as separation or divorce? Can you provide examples?
42. Generally, how is the new law working to protect victims of domestic violence?
43. Do you believe that the laws are sufficient to protect victims of domestic violence? Are these laws adequately enforced?
44. How would you evaluate the response of judges to domestic violence victims under this law?
45. How would you evaluate the response of prosecutors to domestic violence under this law?
46. How would you evaluate the response of police to domestic violence under this law?
47. How would you describe the level of coordination between the legal profession, the criminal justice system, the medical community, and the government in their response to domestic violence victims?
48. Is there anything else you think we should know or other resources we should access?

4. Interviews with Judiciary

Judges have information about the prevalence of domestic violence, how cases are handled in the courts, court structure and process including courtroom safety, the penalties commonly imposed on domestic violence offenders, and the attitudes of the judiciary towards victims of domestic violence.

Who should be interviewed?

- Criminal court judges
- Family court judges
- Judges who hear orders for protection cases
- Judges who hear cases of violations of orders for protection
- Administrative personnel

Questions for the Judiciary

General Questions:

1. Can you briefly describe your work and area of responsibility?
2. How long have you been a judge?
3. What is the process for becoming a judge? What are the educational requirements? Is there any requirement of continuing education? Have you had trainings on domestic violence? If so, who organized them?
4. [If there is a new law on domestic violence] Are you familiar with the new law on domestic violence? What is your opinion of the law? Is training on the law available to you and other judges? Have you participated in this training?

Questions regarding Procedures:

5. Are domestic violence cases brought before your court?
6. Can you estimate what percentage of your cases are domestic violence cases? Does your office keep statistics on domestic violence cases – both civil and criminal?
7. Are there specialized courts for the handling of civil domestic violence cases in which orders for protection are sought? If so, do the judges who handle these cases receive specialized training at the beginning of their service or at regular intervals during their service? How many judges handle these cases? What is their approximate caseload?
8. Are there specialized courts for the handling of criminal cases of domestic violence, either assault cases, violations of orders for protection, or other matters such as harassment or stalking? If so, do the judges who handle these cases receive specialized training at the beginning of their service or at regular intervals during their service? How many judges handle these cases? What is their approximate caseload?

Questions regarding Criminal Proceedings:

9. Do you hear criminal assault cases involving domestic violence?
10. What criminal laws are commonly used in domestic violence cases? (Obtain specific citations to laws).

11. What sanctions do perpetrators of domestic violence commonly receive? What factors are considered in sentencing after a conviction for domestic violence? Do you ever suspend or delay sentences in cases of domestic violence? Are there protective measures available for victims pending the imposition of the sentence?
12. What factors are considered in setting bail for a perpetrator accused of a domestic violence crime?
13. Are perpetrators of domestic violence detained, or are their activities restricted during the pendency of a criminal case?
14. Have you ever encountered a situation in which the perpetrator seemed extremely dangerous? What criteria do you use to assess for direct and immediate threat to the victim's life? What action do you take in this situation?
15. Do you utilize risk assessments in determining bail, release, or sentencing of domestic violence perpetrators?
16. Have you ever seen a situation in which a victim of domestic abuse was also arrested, charged, or convicted of domestic abuse? Can you describe that situation and the outcome?
17. If a domestic violence case proceeds to criminal court, what role does the victim play in the prosecution?
18. How long does it generally take for a criminal domestic violence case to be resolved?
19. Is lack of documentation of the abuse a problem in cases of domestic violence crimes? If so, how and why? Do you have recommendations to improve documentation of these cases?
20. Are forensic doctors used in cases of domestic violence? If so, what weight do you give to having a certificate? Can a case be prosecuted without one? Are the conclusions on forensic certificates ever questioned? If so, what happens then?
21. Do women prosecute cases of domestic violence unassisted by the state? Are they successful at prosecuting their cases?
22. Do you think public prosecutors should be more involved in domestic violence cases? Why or why not?

Questions regarding Orders for Protection:

23. Does your court provide any assistance to domestic violence victims seeking orders for protection? If so, describe.
24. If a victim of domestic violence approaches your court building in order to obtain an order for protection, are there signs and information available to her about the process? Are there court personnel who are trained to assist victims in completing the request of an order for protection? Is it necessary for a victim of domestic violence to obtain a lawyer before attempting to file for an order for protection?
25. Do standardized forms exist for victims who want to file for an order for protection? [If so, request a copy]. If not, would it be helpful to have such a form? What are some of the essential facts that it should contain? Are these available throughout your country? Are petitioners able to complete them without the help of an attorney?
26. Can victims obtain an order for protection? 24 hours a day? On weekends or holidays?

27. Is there a fee for filing for an order for protection? If the application form for an order for protection is returned to the petitioner due to irregularities, does the petitioner have an opportunity to amend it?
28. How many requests for immediate or emergency orders for protection do you personally receive each month? Out of these applications, what percentage do you typically grant? Is your experience typical?
29. How long does it take for an immediate or emergency order for protection to be issued?
30. Have there been cases where a woman was harmed while she was waiting for the decision to issue an order for protection? If so, please describe the details of case. Do you think the response of the legal system could have been better in that case? If so, how? What changes would you have made?
31. How many requests for general, as opposed to immediate/emergency, orders for protection do you personally receive in an average month?
32. Does your court system provide advocates to assist victims of domestic violence who may have questions or concerns about the process of filing for an order for protection? Are these advocates provided free of charge?
33. Have you issued orders for protection based solely on the declaration of the victim? If not, why not?
34. Can you give an example of a case where you did not issue an order for protection based solely on the declaration of the victim?
35. What are some of the reasons you have found it necessary to deny a request for an order for protection?
 - [If the answer is “procedural problems,” ask “Can you give some examples of those procedural problems?”]
 - [If the answer is “evidentiary reasons,” ask “Can you give us some examples of those evidentiary reasons?”]
 - Do these reasons differ when the order for protection is based solely on the declaration of the victim?
36. How often is there an evidentiary dispute between the parties? Can you give us an example and the ultimate disposition of the case?
37. How do you assess the credibility of both parties?
38. Have you issued an order for protection when only psychological violence was involved? Can you give us examples?
39. What remedies and protective measures are most commonly requested in a petition for an order for protection?
40. Do you ever order the respondent to provide financial support or other compensation to the petitioner?
41. Have you found it necessary to deny any specific request set out in the petition for an order for protection? Can you give us examples?
42. Is there a way for you to know if the perpetrator has previous criminal convictions or has previously violated orders for protection? If so, how does it affect your decision on issuing an order?
43. Are there cases involving violations of orders for protection where you did not impose sanctions on the

offender? If so, what were your reasons for not imposing sanctions?

44. Is there a system in place for notifying judges about the violations of orders for protection they have issued? If so, please describe. Have you ever learned that a protective order that you issued was violated by the perpetrator? Did you impose sanctions? What were those sanctions?
45. During the hearing, do you refer the petitioner to advocates or advocacy programs in the community?
46. [If applicable under country law] Have you handled requests for orders for protection initiated by social services or a relative of the victim? Can you tell us the circumstances? In any of these cases, has the victim requested that the application be withdrawn? What was the outcome?
47. What role does the social assistance agency play in cases of domestic violence? Has it been helpful or detrimental to the victim and children? Can you explain?
48. Has a victim ever returned to your court to ask for the dismissal of an order for protection? Why? What did you do?
49. Does your court system provide information about free legal assistance for victims of domestic violence?
50. What happens to an order for protection when the respondent fails to appear at the hearing? What if the petitioner/victim fails to appear?

Questions regarding Children and Orders for Protection:

51. Do you address child custody and visitation in a protection order?
52. When issuing a protection order where children are involved, how do you determine child custody and visitation where:
 - the child is not injured?
 - the child is injured?
 - the child is a witness to the violence? Can you give us specific examples?
53. What role do social services play in a protection order when child abuse is involved?
54. Do you address the issue of child custody in the emergency order? Do you separate the children from the perpetrator in the immediate or emergency order?
55. Are battered women in danger of losing custody of their children if they report abuse? If so, explain how and why? Is this dictated by law, policy, or practice?
56. Is a child witnessing domestic violence considered to be a form of child abuse? If so who is considered to be the abuser of the child? The batterer, the mother, or both?
57. Are there any services for children who witness domestic violence?
58. If you allow visitation by a violent parent, do you place restrictions on this visitation? Describe what precautions you take to protect the safety of the mother and her children?

Questions regarding Rights of Victims:

59. Have you had incidences of the respondent intimidating or threatening the petitioner before, during, or immediately after the hearing?
60. Before a hearing on a domestic violence case, are perpetrators and victims directed to separate entrances of the court building in order that they do not meet?
61. Are there separate waiting rooms for victims of domestic violence and for violent offenders? If there is a violent threat or assault in the courtroom, how can it be handled?
62. Is there an escort service which a victim of domestic violence may utilize in order to leave the court building safely?
63. Do all victims receive a copy of the court orders?
64. Are there translation services available for victims who do not speak your language? Are the court documents translated for these victims?
65. Is there a fee for filing orders of protection?
66. Do you provide counseling on reconciliation for victims of domestic violence and perpetrators during court hearings on domestic violence? Is such counseling mandatory or optional?
67. In your experience, what has been the overall effect of the law on domestic violence? Do you believe that the laws are sufficient to protect domestic violence victims? Are these laws adequately enforced? What are the positive and negative aspects of the implementation of the domestic violence law? What would you change to improve the protections and services available to victims?
68. In your opinion, how have the courts responded to the law?
69. How has law enforcement responded to the law?
70. How have prosecutors responded to the law?

Other:

71. How would you describe the level of coordination between other groups, the medical and legal professional community, the NGOs, and the government?
72. Is there anything else you think we should know about domestic violence in your country?
73. Can you recommend other individuals or organizations for us to speak with?

5. Interviews with Other Government Departments or Ministries

Government departments and ministries can provide information on national and strategic plans for the government response to domestic violence, statistics on domestic violence in the country, insight into the government's priorities in implementing the law on domestic violence, and details about their own policies and practices.

Who should be interviewed?

- Representatives from the child protection services to determine if they are involved in cases where there is domestic violence, how they became involved, and the effect of their involvement on victims and their families
- Representatives of the public defender's office to determine the possible links between a woman's experience with domestic violence and her exposure to the public defender
- Ministries in charge of health services and ministries in charge of women's issues

Questions for Government Offices, Ministries, or Statistics Bureaus

General Questions for Ministries:

1. Describe the responsibilities of the Ministry.
2. [If there is a new law on domestic violence] Are you familiar with the new law on domestic violence? What is your opinion of that law? What is your or your Ministry's responsibility under the new law? Have you had training on the law? Is such training available to you?
3. Does the Ministry have a national or strategic plan which addresses domestic violence? May we have a copy of the plan?
4. What are the priorities of the national or strategic plan? Why?
5. Is the implementation of the plan fully funded by the government? What other sources of funding are required by the plan?
6. Does the plan involve communication and collaboration with other Ministries? Have you or your colleagues been involved in this? Describe this process.

Statistical Questions for Ministry which Oversees Implementation of Domestic Violence Law:

7. How many cases of domestic violence have been reported in the last 12 months? [(or since the law was enacted, or other relevant time frame). If the law has been in force for a number of years, the questions should be framed in terms of the last 12 months and then asked again about a number of years combined].
8. How many cases of domestic violence were reported by women? By men?
9. How many of these cases involved intimate partners? How many involved other family members?
10. How many orders for protection were requested in the last 12 months? How many were granted? How many were denied?
11. How many orders for protection were withdrawn by the victim in the last 12 months? How many were renewed?
12. How many orders for protection were violated in the last 12 months? Of these cases, in how many instances were criminal charges brought against the perpetrator? How many convictions resulted?
13. How many cases involved repeat offenders? What were the details of these cases?

14. In the cases where a perpetrator was convicted of violating an order for protection, how many resulted in jail time for the perpetrator? How many resulted in a fine for the perpetrator?
15. How many cases of domestic violence resulted in charges being brought against a perpetrator in the last 12 months? If a victim requested it, would the charge be withdrawn? In how many of these cases were charges withdrawn? How many convictions resulted from these cases?
16. How many cases of domestic violence resulted in fatalities in the last 12 months? In the last (fill in) years?

Questions for Social Welfare Ministry:

17. Describe your role and responsibilities.
18. How long have you been in your position?
19. What kind of training have you had on domestic violence and by whom? May we review your training materials?
20. Can you estimate how many cases of domestic violence you see on a weekly basis? Do you have any statistics on this?
21. Can you describe your procedure when a person states she is a victim of domestic violence?
22. When the victim comes to you and says she is a female victim of domestic violence, do you notify the police? Does law or policy require you to do so? What is your timeline for notifying the police?
23. Do you make a report to the police? What do you include in your report about the case to the police?
24. Do you do an investigation, and if so, what procedures do you follow?
25. Do you create a written record about the case? What do you include in this written record?
26. When you are interviewing the victim, do you ask about prior incidents of violence?
27. Have you ever encountered a situation in which the perpetrator seemed particularly dangerous? What criteria do you use to assess for direct and immediate threat to life or further injury? What action do you take in this situation? Can you describe a specific case where you assessed this danger? What was the outcome?
28. What services do you provide to domestic violence victims?
29. Do you file for protective orders on their behalf or assist them in doing so?
30. If so, what protective measures do you most often request? Why? Are these measures often granted?
31. What advice do you offer domestic violence victims? Do you offer advice about their legal rights? Safety plan? Medical aid? Counseling center? Shelter?
32. What measures do you take to protect the safety of the children when a woman tells you she is a victim of domestic violence? What measures do you take to protect the safety of the victim herself in these cases? What precautions do you take to ensure she does not lose custody of her children?
33. If a domestic assault occurs in front of the children, does that in any way affect the legal system's response? Do the police or courts take the matter more seriously?

34. Are battered women in danger of losing custody of their children if they report abuse? If so, explain how and why? Is this dictated by law, policy, or practice?
35. Can you give us a case example where you felt it was in the child's best interests to be removed from their mother because she was a domestic violence victim?
36. Is a child witnessing domestic violence considered to be a form of child abuse? If so who is considered to be the abuser of the child? The batterer, the mother, or both? Is this issue addressed in law or policy?
37. Are there any services for children who witness domestic violence?
38. What is your procedure for cases when children are involved and when one parent is the violator and has been charged with a crime or is subject to a protective order?
39. How do you balance the victim's safety with the father's right to see his child?
40. Do you take into consideration a history of family violence when making decisions about child visitation and custody?
41. Do you provide supervised visitation in domestic violence cases? Please explain your procedures.
42. How do you ensure the victim is safe from the abuser in these situations?
43. Is your agency a party in civil proceedings when the court has to make a decision about contact between the father and child?
44. What are your recommendations if the father is an offender?
45. What else do you think we should know about family violence in this country?
46. Are there other sources that would be helpful for us to interview?

6. Interviews with Victim Service Organizations

Victim service organizations have information about the prevalence and effects of domestic violence, the details of individual cases and the experience of victims, the efficacy of the law and protocols, the gaps in the scope and implementation of the law, and the existence, capacity, and use of support services for victims. In particular, they will be a unique resource for details about how domestic violence cases are handled by police, prosecutors, judges, lawyers, and government agencies and how these legal system actors did or did not promote victim safety and offender accountability in their response to specific cases.

Questions for Victim Service Organizations

General Questions:

1. What services does your organization provide?
2. How are women referred to you? Do you refer women to other resources? Which ones?
3. Where does a victim of domestic violence first go to seek help?
4. At what point do most clients seek your services?

5. [If there is a new law on domestic violence] Are you familiar with the new law on domestic violence? What are your new responsibilities under the law? What is your opinion of the law? Have you had training on the law? Is such training available to you and your colleagues?

General Procedures:

6. If a woman is a victim of domestic violence, is there a national hotline that she can call? Is the hotline free of charge? Is it available 24 hours per day, 7 days a week? Who staffs the hotline? What training do the staff members receive?
7. Does your crisis center run a hotline for victims of violence? How many calls do you receive per month? How many do you receive per year?
8. How many spaces do you have in your shelter?
9. Are there other shelters in the area?
10. How is your shelter funded?
11. Is your shelter location made public? If not, are there consequences for revealing the location? Have you ever had a situation where the perpetrator finds the victim at the shelter? What happened?
12. Does your shelter allow individuals or families to stay? Are there other restrictions regarding who can stay at your shelter? Age, gender, etc.?
13. How long may a victim and her family stay at your shelter?
14. What kinds of problems do women encounter in housing because of domestic violence?

Questions regarding Rights of Victims:

15. What concerns do your clients express to you regarding the police response to domestic violence? The prosecutor response? The judicial response? The medical service response?
16. Do you believe the legal system is effectively implementing the law? Please explain.
17. Do you provide a victim and her family with medical services? Are these services free of charge?
18. Do you provide a victim and her family with legal services? Are these services free of charge?
19. Do you help victims file for orders of protection? Do you accompany them to court to obtain the forms, to file the forms, and for court hearings? Please describe this process.
20. Do you work with victims to formulate safety plans for themselves and for their children?
21. Do you provide counseling for victims? Do you provide counseling for their children?
22. Do you provide economic counseling for victims? Do you provide them with referrals to training programs for employment opportunities?
23. How long may a victim continue to access your counseling services?
24. Do you provide counseling and advocacy services that are specifically directed at minority groups in your area's population?

25. Do you provide counseling and advocacy services for girls who are victims of violence? For example, victims of dating violence?
26. Has the state established and supported service centers for victims of domestic violence?
27. Do you find it necessary to turn away victims of domestic violence because your shelter is full or your crisis center has reached capacity? If so, how many victims do you turn away each month? Are there other reasons that you must turn away victims of domestic violence?
28. Do you feel that victims of domestic violence can access the legal system? Why or why not? In what ways could the legal system be improved for these victims?
29. Do you believe that the laws on domestic violence are adequately enforced?
30. Do your clients have knowledge about the legal system, particularly about family law and laws related to domestic violence? Is that knowledge accurate?
31. Do you serve clients who have used the law to seek an order for protection? If so, could you describe the case(s) and your role in them? Do you believe the victim was adequately protected? Why or why not?
32. Are batterers required to have supervised visitation with their children after an order for protection is issued?
33. How would you evaluate the police, prosecutor, and judicial responses to the needs of battered women under this law?
34. Can you give specific examples or stories that pertain to a battered woman's experience with the police, prosecutorial system, or judicial system? What concerns have your clients expressed to you regarding the police, prosecutorial system, or judicial system?
35. Have you ever seen a situation in which a victim of domestic violence was also arrested, charged, or convicted of domestic abuse? How often? What happens in those situations?
36. How well does the medical system respond to the needs of victims of domestic violence? How could this response be improved?
37. What experience do you have with forensic doctors? How well do forensic doctors respond to the needs of victims of domestic violence?
38. Can you give examples or stories about the experiences which battered women have had when accessing medical treatment?

Other:

39. Can you describe the overall attitude toward domestic violence in the community?
40. Are there social or religious pressures for women to remain with their batterer? If so, how do you address these pressures with your clients? Can you give examples?
41. If a domestic assault occurs in front of the children, does that in any way affect the legal system's response? Do the police or courts take the matter more seriously?
42. Are battered women in danger of losing custody of their children if they report abuse? If so, explain how and why? Is this dictated by law, policy, or practice?

43. Is a child witnessing domestic violence considered to be a form of child abuse? If so, who is considered to be the abuser of the child? The batterer, the mother, or both?
44. Are there any services for children who witness domestic violence?
45. What would you change to improve the protection and services available to victims?
46. Can you provide a specific example or story of a client's circumstances that particularly illuminate the problems that battered women face in your country?
47. Can you provide a list of the other crisis centers in your city and country that address the needs of victims of domestic violence and their families? Are crisis centers or shelters available in rural and urban areas of your country?
48. How would you describe the level of coordination between your organization and other groups, the medical and legal communities, and the government?
49. Who are your allies in the community, in terms of issues that are of concern to victims of domestic violence? How do you collaborate with these allies?
50. Is there anything else you think we should know about violence against women in your country?
51. Can you recommend other individuals or organizations to speak with?

7. Interviews with Doctors and Health Care Professionals

Medical professionals can provide information about the nature of domestic violence cases, the prevalence of domestic violence, typical cases and reactions of women to the violence, the response of the legal system, and the remedies available to their patients. If they are forensic doctors, they can provide information about that system and its requirements: referral, cost, grading of the injury level, and the legal consequences for the victim.

Who should be interviewed?

- Forensic doctors
- Emergency room doctors
- General practitioners
- Women's clinic doctors

Questions for Medical Professionals

1. Can you describe briefly your work and area of responsibility?
2. [If there is a law on domestic violence] Are you aware of the law on domestic violence? What are your responsibilities as a physician under the law? What is your opinion of it? Is training on the law available to you and your colleagues? Have you participated in such training?
3. Are you aware of other laws, policies, or protocols that dictate your responsibility as a health professional with regard to cases of violence in the home? If so, what are these? [If so, request a copy].
4. Do you treat victims who sustain injuries as a result of violence in the home? Can you estimate the number of domestic violence victims you see per day, per week, per month? Of all the injuries you see in

your clinic in one month, what percent would you say are the result of domestic violence?

5. Are you required to report cases of violence by a husband/partner? If so, in what circumstances? To whom?
6. Are you required to keep any official statistics on the number of domestic violence cases you see?
7. Do you know of any services that may be available to domestic violence victims? Do you provide this information to them? Are they open to receiving information from health providers? Do they seek information about assistance from you? What kinds of information are they most interested in receiving? Medical/health? Legal? Social service? Public aid or assistance?
8. Are patients who have been victims of domestic violence treated for mental health problems? Do you prescribe drugs to treat mental health problems?
9. How would you describe the level of coordination between your hospital or clinic and community groups, law enforcement, legal professionals, or the government?
10. Who are your allies in the community, in terms of issues that are of concern to women victims of violence in the home? How do you collaborate with these allies?
11. Can you describe your relationship or interaction with police or other legal personnel with regard to women who are victims of violence in the home? Are there specific policies that direct or govern these interactions? [If so, request a copy].

Questions regarding Training:

12. Have you or your staff received any training related to documenting, for legal purposes, injuries that are the result of violence in the home? What kind of training?
13. Have you or your staff participated in training specific to the screening, treatment, and documentation of injuries resulting from violence in the home?

Other:

14. Based on your experience with domestic violence victims, do you have recommendations about how the legal system could improve its response to the problem?

Questions for Forensic Doctors

Many countries require women to have their injuries documented by a forensic doctor to be used as evidence in court. Forensic doctors can provide very useful information about the legal system and how the doctors interact with courts. They can also provide important information about the extent of domestic violence in their communities. However, problems can also arise with the forensic system because the doctors are generally asked to grade injuries into legal categories that determine the potential remedies available to the victim of violence. In domestic violence cases, doctors may ask questions about the assault and place their own value judgment on the situation. For example, if a doctor feels that a woman provoked the assault, the doctor may grade the assault lower than the actual injuries warrant. The following are suggested questions for forensic doctors.

General Questions:

1. How many patients do you see per day?
2. How many of these cases involve allegations of domestic assault?
3. How are these patients referred to you?
4. Describe how the injuries are documented.
5. Do you discuss the circumstances surrounding the injury?
6. Are women victims of domestic violence generally willing to discuss their abuse? Do you find that they are reluctant to identify the causes of their injuries?
7. [If there is a law on domestic violence] Are you aware of the law on domestic violence? What are your responsibilities under the law? What is your opinion of it? Is their training available to you and your colleagues about this law? If so, have you participated in such training?
8. Are you aware of other laws, policies, or protocols that dictate your responsibility as a health professional with regard to cases of violence in the home? If so, what are these? [If so, request a copy].
9. Do you handle domestic assault cases differently than you would a stranger assault? Please describe.
10. Do you take into account the woman's behavior during the incident when filling out any part of the medical certificate?
11. How are your services funded? Do victims pay a fee for your services?
12. Can you describe your relationship or interaction with police or other legal personnel with regard to women who are victims of domestic violence? Are there specific policies that direct or govern these interactions? [If so, request a copy].

Questions regarding Training:

13. Have you or your staff received any training related to documenting, for legal purposes, injuries that are the result of violence in the home? What kind of training?
14. Have you or your staff participated in training specific to the screening, treatment, and documentation of injuries resulting from violence in the home?

Other:

15. Can you provide a specific example or story of a patient's circumstances?
16. Can you recommend other individuals or organizations to speak with?
17. If there were anything that should be changed to improve the medical services provided to battered women, what would that be?
18. Is there anything else you think we should know?

G. CONDUCTING THE INTERVIEW

A fact-finding team should ideally have two people at the interview: one person to lead the interview and ask questions and the second person to take notes and ask follow-up or clarification questions if necessary. Working in teams can promote accuracy for the interviewee, as well as security in areas deemed risky. In some cases, a third person, such as an advocate or support person, may also be present. Where only one person is available to conduct an interview, that person should proceed with the interview, taking time as needed to record details and ask for clarification.

Before the interview begins, the interviewer should make introductions, describe the project and its mandate, explain the interviewer's role, reassure the participant of procedures to maintain confidentiality, review the informed consent process with the interviewee, and underscore the importance of details during the interview.¹⁷ It may be helpful to prepare a checklist for team members to carry to interviews to ensure they cover all points with the respondent.

At the start of the interview, the interviewer should record basic details about the interview, such as the following:

- Name of the interviewer(s);
- Name of the interviewee(s);
- Title and associated organization of the interviewee(s);
- Name of the interpreter, if applicable;
- Location where the interview took place;
- Date and interview start time; and
- Contact information.

Finally, the interviewer should keep in mind the following guidelines throughout the interview:

- Build rapport and be patient. Maintain eye contact and sit level with the interviewee.¹⁸ Letting the respondent state what he or she believes is significant, even if not germane to the mandate, as it can bridge a connection between the interviewer and interviewee.¹⁹ Allow the interviewee to tell the story and answer questions at his or her own pace. Do not rush the interview.²⁰
- Avoid judgment or evaluation.²¹ Be aware of non-verbal signals (by the interviewer), such as facial expressions that reveal shock or judgment.
- Do not interrupt the interviewee.²² If questions or confusion arise, make a note to ask when the interviewee is finished speaking.
- Do not push the interviewee.²³ If an issue is too sensitive, come back to it later. Remember this is not a prosecution, and do not cross-examine the interviewee.

¹⁷ Kaplan, *Human Rights Documentation*, 41.

¹⁸ The Advocates for Human Rights, "Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse," (unpublished powerpoint presentation on file with The Advocates).

¹⁹ OHCHR, *Training Manual on Human Rights Monitoring*, 116.

²⁰ The Advocates for Human Rights, "Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse," (unpublished powerpoint on file with The Advocates).

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

- Be sensitive to cultural differences.²⁴ For example, in some cultures, it may be disrespectful to look authorities or elders in the eye when speaking. Be aware and sensitive to these differences.
- Obtain as much relevant detail as possible. Verifying and recording the names and titles of people, places, and dates will help present their stories more accurately. Verify spelling when needed.²⁵ If appropriate and helpful to better depict the event, interviewees may request the interviewee to sketch a diagram or picture or use gestures to describe the event to be described in the interview notes.²⁶
- Ask questions to clarify. This may be the only and last opportunity the interviewer has to speak with the interviewee, thus clear up confusion or obtain more details at the interview.
- Use your observation skills. If relevant to the project's objectives, interviewers can observe and describe the interviewees' physical and psychological symptoms during the interview.²⁷ During the interview, evaluate the overall demeanor and credibility of the interviewee.²⁸
- Respect confidentiality at all times. Never discuss with interviewees what other interviewees have revealed.²⁹ It violates the principle of confidentiality, and it also diminishes the interviewer's credibility.³⁰
- Treat each interview as though it will be the last with that person. Be adequately prepared, strive for optimal interview conditions, and be thorough.³¹
- Know when to stop.³² If the interviewer begins to lose control of the situation, he or she should be prepared to stop the interview and either restart after regaining control or reschedule.

At the end of the interview, interviewers should ask if the respondent has anything else to add, any suggestions for other people to interview, and any questions for them. Interviewers should thank the respondents and provide referrals if appropriate.

H. AFTER THE INTERVIEW

Monitors should type up, transcribe, or process their interview notes as soon as possible to promote accuracy. Interviewers should review their notes and seek clarification with the other team member present at the interview. They should make any notes about credibility and identify gaps to determine whether there is a need for follow up.³³ Team members should debrief with each other either daily or on a regular basis and evaluate the process for gaps or unexpected hurdles.

²⁴ The Advocates for Human Rights, "Making the Global Local," (unpublished powerpoint on file with The Advocates).

²⁵ Kaplan, *Human Rights Documentation*, 45.

²⁶ Ibid.

²⁷ See OHCHR, "Part Three: The Monitoring Function," *Training Manual on Human Rights Monitoring*, 106.

²⁸ The Advocates for Human Rights, "Making the Global Local," (unpublished powerpoint on file with The Advocates).

²⁹ Women, Law & Development, *Women's Human Rights Step by Step*, 149.

³⁰ Ibid., 47.

³¹ See: Kaplan, *Human Rights Documentation*, 40.

³² The Advocates for Human Rights, "Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse," (unpublished powerpoint on file with The Advocates).

³³ The Advocates for Human Rights, "Making the Global Local," (unpublished powerpoint on file with The Advocates).

V. WRITING THE REPORT³⁴

A. ANALYZING DATA AND DRAWING CONCLUSIONS

Analyzing monitoring data and reaching conclusions is perhaps one of the most challenging and important stages of a monitoring and documentation project. It requires the monitor to examine what could be voluminous amounts of information that may contain different viewpoints from multiple sectors and then determine what those findings mean. Drawing conclusions is a process of synthesizing information and identifying patterns, themes, relationships, and causes. It requires continual verification,³⁵ and monitors should be able to identify information that fits or contradicts the pattern as it emerges.³⁶

Documenting human rights violations requires monitors to evaluate what relationships exist between data to identify and verify the themes.³⁷ Monitors should evaluate the data that has been gathered; identify gaps or limitations in the information; compare the findings; and present them in a final report of some kind.³⁸ Monitors should remain flexible and revisit the data frequently. They should also expect that they may need to organize and reorganize the draft report in a different order more than once to develop the most effective way of delivering the findings.

The following steps are meant to serve as a basic guide for monitors to follow as they seek to draw those conclusions. They may find all or part of these steps helpful, and they should adapt these steps as necessary to fit the context of their own project. Even with these steps, however, monitors should remember to trust their instincts. Monitors may have an initial impression, or instinct, about a conclusion. This intuition is extremely valuable, particularly from those people most involved in the monitoring project. It requires other checks to verify and support the conclusion, but monitors should incorporate their intuition and judgment into the process.³⁹

Making an initial list of themes helps with the organization and analysis of large amounts of information. This process⁴⁰ is the first step for practitioners to begin identifying patterns and issues in the findings. Examples of some basic themes, which can be further broken down into sub-themes, include the list below.

- State and systems responders
 - Ministries
 - Ministerial policies on domestic violence
 - Inter-ministerial coordination on domestic violence
 - Funding for domestic violence initiatives and implementation of the law
 - Police response
 - Police response at the scene of domestic violence
 - Police implementation of their role in orders for protection, e.g. filing and executing orders

³⁴ This section is adapted from The Advocates for Human Rights, *A Practitioner's Guide to Human Rights Monitoring, Documentation, and Advocacy*. 2010.

³⁵ Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis* (Newbury Park, CA: SAGE Publications, Inc., 1984), 22.

³⁶ *Ibid.*, 216.

³⁷ *Ibid.*, 224-26.

³⁸ *Ibid.*, 79.

³⁹ *Ibid.*, 216-17.

⁴⁰ *Ibid.*, 216.

- Police response to violations of orders for protection
 - Judicial response
 - Judicial timeframe for issuing ex parte and long-term orders for protection
 - Evidentiary requirements
 - Courtroom security
 - Measures of relief ordered
 - Appeals
 - Prosecutors' response
 - Prosecutorial implementation of their role in orders for protection
 - Criminal prosecutions of domestic violence
 - Social welfare and child protection agencies
 - Agencies' implementation of their role in domestic violence
 - Child custody issues
 - General response and assistance to domestic violence victims
 - NGOs
 - Trainings and outreach
 - Victim services
 - Information gathering
 - Coordination among sectors
 - Funding
 - Media
 - Health care providers
 - Health care providers' implementation of their role in orders for protection
 - General response and assistance to domestic violence victims
- Statistics of domestic violence cases, including numbers of orders for protection requested, granted and denied; types of remedies granted; numbers of violations of orders for protection and punishments; number of prosecutions in domestic violence cases, convictions and acquittals; and numbers of femicides, assaults, and other domestic violence-related crimes
- Trainings for sectors
- Funding issues
- Causes of problems in implementing domestic violence legislation
- Effects of the problems in implementing domestic violence legislation
- Examples of case stories
- Recommendations suggested by interviewees

Monitors should be aware of underlying factors that reinforce, link, or undermine the theme. Monitors may identify several causes but find different levels of connection between some causes and effects. For example, a batterer seeks to assert power and control over his victim by using violence. Violent incidents are not isolated instances of a loss of control but, rather, are part of a larger pattern of behavior designed to exert and maintain power and control over the victim. Yet, the monitor may hear repeatedly from interviewees that alcoholism is causing the domestic violence. In reality, some abusers rely on substance use and abuse as an excuse for becoming violent. While an abuser's use of alcohol may have an effect on the severity of the abuse or the ease with which the abuser can justify his actions, monitors must realize that an abuser does not become violent "because" drinking causes him to lose control of his temper. Thus, a monitor evaluating addiction treatment programs as a remedy in orders for protection should be aware of the difference between causes of domestic violence (power and control)

versus complicating or aggravating factors in domestic violence (such as alcohol).

Monitors should be open to changing this list of possible themes as they work through their findings. Monitors may find that themes initially identified lack substantiation and should be eliminated from the list. Similarly, as findings are analyzed, new themes may emerge. Monitors may discover that a particular theme actually consists of sub-categories and may want to split the theme into smaller, more specific themes.⁴¹ For example, monitors may find that immigrant women who are victims of domestic violence experience different barriers, such as deportation fears and communication challenges, in accessing justice than non-immigrant women.

Monitors should repetitively read the interview notes and documents.⁴² This process is known as data immersion and is a crucial step to gain familiarity with the findings. When reading through the data, monitors should look for patterns that reflect critical issues, exceptions to patterns, and extremes in either direction. They should look at connections, such as the relationships between events, victims, perpetrators, the information source, and the response.⁴³ They should also read for relationships, analyzing whether violations tend to occur in a certain location or point in time. For example, a monitor might learn that the response of one police station to domestic violence calls is more effective than other police stations. The monitor should ask herself or himself why the responses are different and explore the possible reasons by looking for probable causes and complicating factors within the findings. Does the first police station have a well-established relationship and communication with local domestic violence NGOs? Has the station's officers undergone training on the dynamics of domestic violence? Or does it simply have a strong ally and champion of women's human rights in a leadership position? Monitors must ask themselves these kinds of questions and understand the connections to identify patterns, draw conclusions, and make recommendations.

Monitors may find it helpful to read through documents reviewing one theme at a time. For example, a monitor may read through interview notes a first time looking for police response, a second time for judicial response, a third time for health care providers' response, and so on. Multiple readers should be involved, as one reader may recognize what another has missed.

Where there is a great deal of information, data immersion can sometimes result in the initial documents receiving the highest degree of scrutiny and the latter documents the least. To avoid such bias, monitors should consider reading through findings in a different or random order each time.

B. MAXIMIZING VALIDITY AND RELIABILITY OF THE MONITORING REPORT

A process of information gathering is *valid* when it reflects the facts on the ground as accurately as possible. A process of information gathering is *reliable* when it generates the same results over and over again. Thus, processes may be reliable but invalid, and vice versa. Multiple people may make the same observation, but it may not be true for a number of factors.

Validity and reliability are greatly enhanced when:

- Monitors are well trained and follow protocols consistently;

⁴¹ Miles, *Qualitative Data Analysis*, 222.

⁴² Ellsberg, *Researching Violence Against Women*, 204.

⁴³ Manuel Guzman, *Getting the Facts Down: Documenting Human Rights Violations* (Bangkok: Asia Forum for Human Rights and Development (FORUM-ASIA), 1997), 20-22.

- Multiple methods are used so that data from different sources can be compared - known as triangulation of data;
- The length of the monitoring is sufficient to provide the fact-finder with solid knowledge of the issue;⁴⁴
- Conclusions are reviewed both by experts on the issue and by people who are new to the issue;⁴⁵
- Perceptions and facts are clearly distinguished in the final product; and
- An audit trail is created to ensure that the process can be replicated.⁴⁶

Monitors should establish a uniform mechanism for assessing the validity of interview information through corroboration processes with independent sources.⁴⁷ Monitors should corroborate information from respondents with other interviews or secondary sources before drawing conclusions. To this end, monitors may seek to supplement their interview findings with other information, such as caselaw (both criminal and orders for protection), police reports, academic research, media news articles, and victim accounts of their experiences.

There are numerous ways to structure a report, and authors should consider the possible variations. One place to start is to consider the different sections needed to present the information. A report can contain multiple components, such as:

- Title page
- Copyright information
- Foreword or preface
- Authors and acknowledgements
- Table of contents
- Executive summary
- Methodology
- Introduction
- Findings
- Analysis of findings
- Recommendations
- Conclusion or afterword
- Appendices, such as:
 - Domestic violence laws and policies
 - List of tables and statistics
 - Template forms, such as standardized application forms for domestic violence victims or judicial orders for protection templates
 - Glossary
 - Acronyms list
 - Bibliography or reference list
- Index

Once monitors have a rough sketch of the outline, basic topic statements, and supporting findings, the next step is

⁴⁴ Sharan B. Merriam and Associates, *Qualitative Research in Practice*. (San Francisco: Jossey-Bass, 2002), 26.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*, 27. An audit trail documents the monitoring methodology, the determination of codes and themes, the analysis of the findings, and the drawing of conclusions. It essentially tracks how and why the monitor uses the collected information.

⁴⁷ The Advocates for Human Rights, "Monitoring, fact-finding, reporting" (unpublished powerpoint presentation on file with The Advocates).

to create a full outline. As with other stages of the project, authors should remain flexible and recognize they may need to step back and re-write the outline throughout the report-drafting stage. When monitors have a written draft, it may become clear that the selected outline is not the most effective way of presenting the information, and they should be prepared to shift the report structure to better present their findings.

Knowing who the target audience is will also help inform the structure of the report. If drafting targeted recommendations for different professional bodies, then organizing the report by sector allows readers to go directly to their section of the report.⁴⁸ This may be particularly useful for a domestic violence report where the recommendations are directed to specific sectors. Or, where the audience is a body that works within a human rights framework, presenting the information according to each human right aligns with the target audience's objectives and is a more appropriate format. For example, an organization that is monitoring domestic violence legislation making a submission to the Committee on the Elimination of Discrimination against Women (CEDAW) will want to follow CEDAW's guidelines and organize it to address the issue by each relevant article.⁴⁹

Organizing the report by government actor response may be an appropriate format when monitoring the implementation of domestic violence laws. Examples of the content of each section are the respective roles and responsibilities of each government actor, response processes, positive actions, and problem areas. A report examining domestic violence might include chapters that discuss the role and responses by law enforcement, lawyers, prosecutors, judges, civil society organizations, social services, child protection, and health professionals.

Monitors should carefully analyze how to present their findings. Monitors should consider explaining their methodology for collecting information and making recommendations to readers while respecting confidentiality. This transparency helps assure readers the results are valid, credible, and based on sound fact-finding. Confidentiality is especially important to protect victim's identities, particularly if monitors use descriptions of their experiences with the legal system. Monitors should take precautions to protect victims' confidentiality through measures such as using a fictitious name, omitting the name of the city, and avoiding other details that would identify the person or her whereabouts.

An important consideration is to exercise caution when presenting project findings and avoid reporting them as established facts unless they have been verified as such. Nevertheless, even perceptions without grounding in fact may still have value. When interviews reveal an uncorroborated finding, they may not deliver a hard fact, but they do expose perceptions or patterns that can be indicative of a truth. The perceptions held by interviewees can be reflective of the fears that stem from broader human rights abuses. For example, if interviewees state that women are too afraid to go to the police for help, it may reflect a deeper, underlying factor(s) that monitors must explore. Perhaps victims are afraid to go to the police because they will receive a warning for provoking the violence, thus subjecting them to punishment. That warning may be reflective of a deeper, root problem, which may be the law itself or a need for police training on the dynamics of domestic violence and its causes. Where the authors find a pattern that is prevalent enough to include, authors should rephrase to more accurately reflect the finding for what it is: a perception, pattern, or a trend. Prefacing findings with "interviewees reported" or "interviews revealed" can help promote accuracy and maintain the report's integrity. Disclaimers notifying the reader of certain considerations, cite-checking processes, and leaving an audit trail are important measures to promote credibility.

⁴⁸ The Advocates for Human Rights, interview by The Advocates for Human Rights, March 10, 2010.

⁴⁹ See Annex 1: Reporting guidelines of the Committee on the Elimination of Discrimination against Women, CEDAW, ¶¶ D2, E1, available at <http://www2.ohchr.org/english/bodies/cedaw/docs/Annex1.pdf>.

Wording can also influence the report tone, which can have a long-reaching impact on the advocacy phase of the project. For example, stating that a government has “failed to comply with its human rights obligations” has the same meaning as stating that a government “is not in compliance with its human rights obligations.” Yet, both statements send a slightly different message. The first phrase conveys a slightly more confrontational and accusatory tone, while the second reflects a more objective stance. Both can have different consequences for working with government officials in the advocacy phase. Organizations should consider these long-term effects on actors and aim for accuracy and objectivity in language.

Using stories and experiences of interviewees can be a powerful tool. It can help illustrate the magnitude of the problem, as well as buttress a conclusion. Authors can present these stories as narrative or as block quotes. When doing so, however, they should remember to do no harm and ensure that parts of the story have been redacted to protect the source. Particularly when interviewees fear for their safety, authors should avoid using a traditional interview citation and, instead, code the interviews for reference purposes.

In addition, monitors should consider the impact the report will have on subsequent advocacy efforts. They should keep in mind the possibility that they may be later working with the same people they are currently criticizing, thus leading to an uncomfortable or challenging work relationship. Monitors should consider the potential damage to relationships in releasing a credible and critical report. For example, if the report makes recommendations for judicial training by civil society, they must keep in mind that the civil society groups may need to work with the very people they have criticized during the monitoring phase. Thus, protecting the confidentiality of all interviewees is important, not only for ethical but also practical reasons in the follow-up stage. Some options for monitors are to evaluate the roles they and other stakeholders can play. If one organization carries out the monitoring and documentation, then another partner assumes the advocacy role. Another alternative is to engage a non-local partner organization without any potential community-based conflicts of interest to conduct the monitoring and documentation.

C. DRAFTING RECOMMENDATIONS

When developing recommendations, monitors should use an international human rights framework as the standard for defining the problems and developing proposed solutions. Throughout this process, monitors should always keep in mind the ultimate goal of legal reform: to promote victim safety and enhance batterer accountability.

Although monitors will use state and other laws as reference points, human rights standards can provide the overarching framework. Monitors should apply their findings to this framework and evaluate whether the relevant human rights standards are being fulfilled. They should be prepared to recognize two kinds of violations: 1) where the language of the law itself violates international human rights standards; and 2) where the laws and policies appear to comply with international human rights standards, but in practice, have an impact that violates human rights.

When authors have identified what those problems are, they should evaluate each of the desired outcomes. In other words, what do they want to see happen that would meet the human rights standard?

The next step is to determine the changes necessary to remedy the human rights violation. Does the change

require training on domestic violence, funding, victim assistance and protection, more shelters, a national hotline, offender accountability, or legal reform? Would that measure remedy the problem and help realize the protection of victim safety and promotion of batterer accountability? Monitors should also consider whose involvement is required for those measures. Does the change require the involvement of lawmakers, law enforcement, judges, prosecutors, health care providers, media, civil society organizations, state agencies, or private enterprises?

The following are some tips for monitors to keep in mind when drafting recommendations:

- Speak to the affected population. Consult with the affected population or those who work directly with them to get their opinions about what measures will best remedy the situation.⁵⁰ NGO service providers, in particular, may have a strong understanding of victims' needs and what works or does not work in the system. Likewise, first responders like police may also know what challenges they face in protecting victims and what they need to change in order to rectify those hurdles.
- Identify and highlight the most important changes necessary for the desired outcome. Consider identifying and highlighting priority recommendations, particularly where there are numerous recommendations. For example, the priority recommendations may focus on amending the law, particularly where there are de jure violations of women's human rights in the legal language. In other cases, a priority recommendation may focus on a major barrier that is preventing effective implementation of the domestic violence law across the board, such as inadequate funding. Highlighting a few recommendations will help draw readers' attention to the most urgent changes needed.
- Provide support for the recommendations. Another effective tactic is to precede each recommendation with the corresponding finding giving rise to the need for change.
- Be creative. Monitors can be creative where appropriate to fit the particular context. Including no-cost recommendations with symbolic value is one way to address situations where money is scarce or the human rights violations no longer require a tangible remedy. For example, recommending that the government declare a national day or month to recognize domestic violence victims could be a way to raise public awareness. However, monitors must be clear that sustained government finding is necessary to implement laws.

Authors should consider having experts review the report, either in its entirety or in sections. Reviewers can include experts in the community who the authors know and trust, or they can include outside experts, such as field practitioners, academics, or authors of related works. Authors may also consider using a reviewer without full expertise on the subject matter to test its coherence for the average reader.

This review phase takes substantial time, as it requires identifying experts who are available, allowing for their substantive review, and incorporating their comments. The time for substantive review will depend on various factors, such as the length of the report, the expert's schedule, the author's schedule, the extent of the expert comments, and amount of additional research required to address them. Authors should allocate sufficient time to this phase of the documentation process and contact the expert well in advance to accommodate their schedule and give them sufficient time to thoroughly review the report

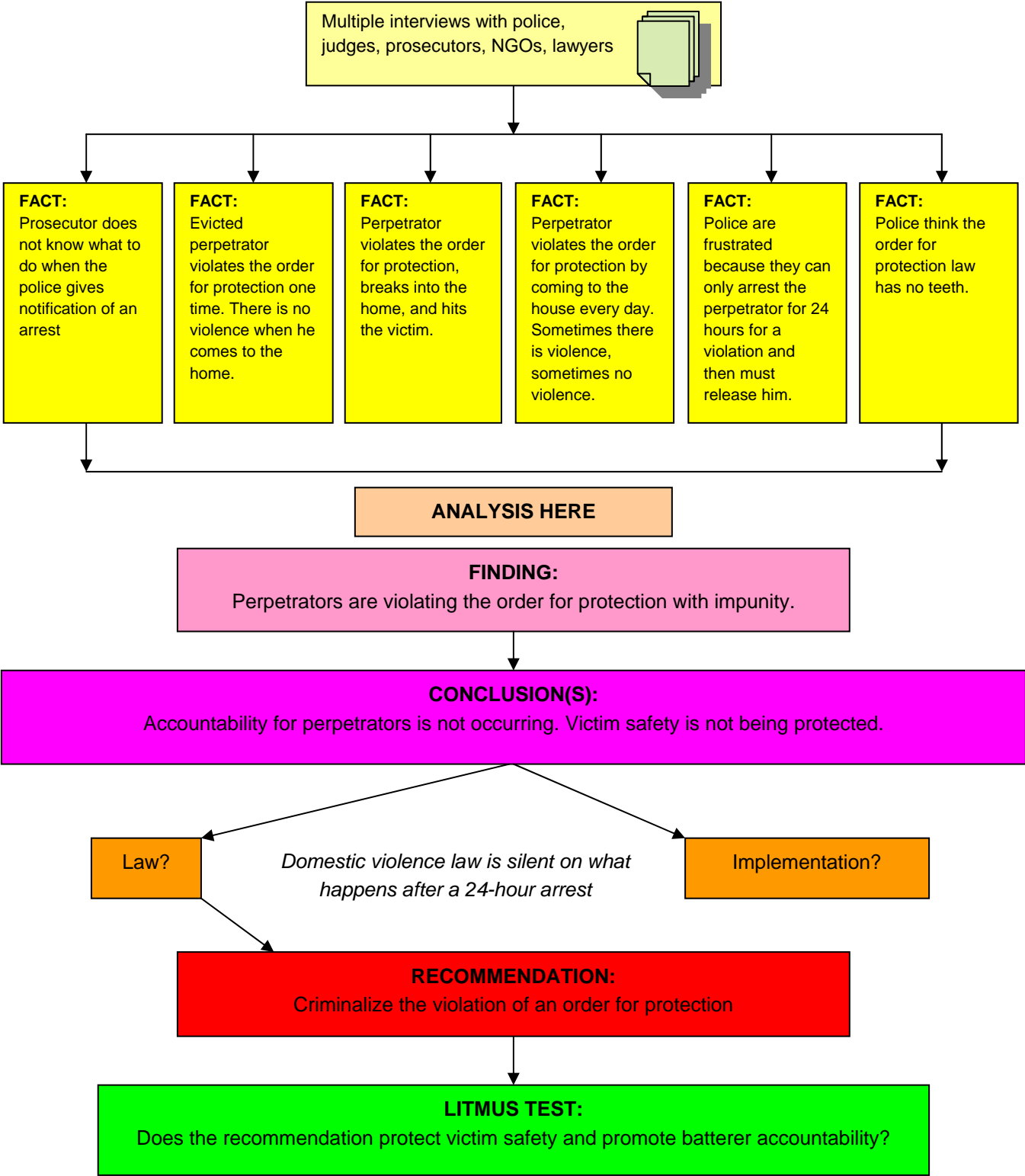
When the review is finished, organizations should use their best judgment and keep the project mandate in mind when incorporating experts' comments. In some cases, practitioners may find it appropriate to disregard their

⁵⁰ Kaplan, *Human Rights Documentation*, 57.

suggestions. They may not always agree with the expert opinion, or it may conflict with the organization's overall position.

Case example of drawing conclusions and making recommendations

Fact pattern: Bulgaria's civil domestic violence law provided a victim with several remedies, including expulsion of the perpetrator from the home; prohibition against committing further acts of domestic violence; and prohibiting the perpetrator from approaching the victim's home, workplace, and social/recreational locales. The domestic violence law punished a violation of a protection order by 24 hours' arrest. The law, however, did not specify what measures should be taken following an arrest, and the Parliament did not adopt a specific penal offense criminalizing a violation of the civil order for protection. The following diagram illustrates the process of drawing conclusions and making recommendations based on findings from interviews.



D. PRESENTING THE REPORT

Holding a roundtable to present the findings to officials and leaders prior to the formal release of the report can be an important strategy in legitimizing the process. In some cases, it is more than a common courtesy as it affects all the key stakeholders and grants them the opportunity to react to the report and engage in dialogue before its release to the public. These key stakeholders should include members of those sectors that were interviewed but not necessarily the interviewees themselves. It may be appropriate to include domestic violence victims or their representatives to lend legitimacy to the findings and recommendations. The pre-release to the stakeholders promotes accuracy and allows them to provide comments to the report and to prepare to respond publicly to the report when it is released. These stakeholders may even decide to use the release of the report as an opportunity to announce a new policy to improve their response to domestic violence.

Some comments provided by outside stakeholders may be extremely helpful and contribute to the overall accuracy of the report while others may be self-serving, and if incorporated into the report, they would compromise its integrity. Monitors must be prepared to defend their findings and explain why some of the comments may not be incorporated into the report. Hosting a roundtable discussion with representatives from stakeholder groups may also result in angry responses from the participants, particularly where the report is critical of those groups. Monitors should anticipate and be prepared to respond to this hostility and consider scheduling follow-up meetings with those representatives afterward. Open communication is essential to the effective use of the roundtable format in a monitoring project.

It is important to include members of the community or affected population when planning for the release of a report. Just as communicating the report findings and recommendations to lawmakers and service providers is an important part of the process, so too is conveying that information back to the participants who shared their experiences during the process.⁵¹ Practitioners may want to include plans for outreach events and community meetings, creative messaging such as dramatic performances, and translated and/or simplified language versions of the report.

Monitors should carefully analyze how to maximize the impact of the report. A first step is to list the target audience who should learn about the report, including members of the community or affected population.⁵² Monitors should next consider and evaluate all options of communicating their findings to these target audiences. There are a myriad of mechanisms monitors can use to publicize their findings, whether through report dissemination, the media, workshops, group meetings, symposia, and/or other outreach initiatives. At a minimum, monitors can draw upon several means already at their disposal, including:

- Draft a story about it for placement in the organization's newsletter;
- Announce it on the organization's website;
- Create an urgent action advocacy piece around the report;
- Email an announcement to the organization's list of supporters and partners;
- Have copies of the reports at organizational events; and
- Conduct workshops or outreach campaigns around the report's findings.

⁵¹ Ellsberg, *Researching Violence Against Women*, 221.

⁵² Ellsberg, *Researching Violence Against Women*, 217.

As one example, The Advocates for Human Rights issued a formal report with recommendations on the government's response to battered immigrant women in the state of Minnesota.⁵³ Following the report's release, The Advocates developed a training tool based on this report, *Journey to Safety Video and Facilitator's Guide*.⁵⁴ *The Journey to Safety* video contains a 40-minute performance by a local theater group, as well as three case studies and interviews with police, policymakers, prosecutors, judges, medical professionals, and other legal advocates. The activities included in the Facilitator's Guide are designed to complement the information presented in the performance and allow participants to: 1) identify the barriers; 2) research and understand the complexity of the issues; and 3) develop strategies to address the problem.

⁵³ The Government Response to Domestic Violence Against Refugee and Immigrant Women in the Minneapolis/St. Paul Metropolitan Area: A Human Rights Report, The Advocates for Human Rights, 2004.

⁵⁴ "Journey to Safety: The Battered Immigrant Woman's Experience" – Video and Facilitator's Guide, The Advocates for Human Rights, 2007.

VI. THE ADVOCACY PROCESS ⁵⁵

Careful human rights monitoring and documentation can help identify systemic failures to protect, respect, or fulfill human rights obligations and can give rise to recommendations to solve those problems. However, advocacy is required to maximize the impact of monitoring and documentation. Advocacy ensures that solutions are implemented, that victim safety is ensured, and that batterers are held accountable. Monitors undertaking documentation and monitoring of domestic violence legislation should consider in the project's early stages how to use the report to accomplish their advocacy goals.

The advocacy process involves a number of interrelated actions designed to strategically affect change at various levels and across different sectors. These actions might include increasing community awareness of domestic violence, influencing law and policy making, creating constituent pressure to push for adequate and consistent funding, carrying out trainings for legal actors, improving the state response in investigating, prosecuting, and punishing acts of domestic violence, and working toward structural changes within systems.

Before initiating action, advocates for change should identify the purpose of the advocacy campaign. The purpose may range from improving the judicial response by changing an order for protection law on evidentiary requirements to raising awareness about legal remedies in a targeted community through workshops and outreach.

A. DEFINING ADVOCACY GOALS: WHAT IS SUCCESS?

A successful advocacy campaign will look different depending on the issue and the context. Monitors should define what constitutes success in their context and, in other words, set goals for the advocacy campaign.

A goal is a description of the change one wants to see as a result of advocacy efforts. An advocacy goal statement should do the following:

- Relate back to the overarching human rights mandate, i.e. protect victim safety and promote batterer accountability;
- Reflect the findings from the documentation phase;
- Be developed in collaboration with partners and other stakeholders, including victims, service providers, and NGOs working on the issue, government departments, national human rights institutions, law enforcement, prosecutors, judges, lawyers/bar associations, health care providers, forensic personnel, social services, child protection agencies, religious and traditional leaders, educators, media, prison personnel, and national statistics offices;⁵⁶
- Express desired change in terms of human rights language; and
- Identify the target of the advocacy efforts, e.g., police, prosecutors, judges, ministries, child protection, social services, health care providers, and the media.

⁵⁵ This section is adapted from The Advocates for Human Rights, *A Practitioner's Guide to Human Rights Monitoring, Documentation, and Advocacy*, 2010.

⁵⁶ UN Handbook for Legislation on Violence against Women, 2010, at 57, available at <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>.

Writing goals that reflect a human rights framework can help ensure a program's success is measurable and meaningful. For example, instead of saying that the goal of a program is to “*change the police response to domestic violence*” one might write a human-rights based goal such as “*the new police protocol will reflect pro-arrest policies and eradicate the use of warnings or mediation to help realize the victim's right to life, security of person, and equal protection of the law.*” Written in this way, the goal already reflects international human rights standards as set forth in the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments.

B. DEVELOPING AN ADVOCACY STRATEGY

Once a goal is established, the monitors should design the strategy for achieving it. The strategy will draw on available tactics, such as those described later in this section. Common advocacy tactics include:

- Public education;
- Trainings;
- Media advocacy;
- Lobbying and legislative advocacy;
- Changes to systems and structures;
- Litigation;
- Domestic human rights complaints; and
- Advocacy before regional and international human rights bodies.

While the recommendations arising out of the monitoring and documentation provide a roadmap for what needs to be done, each recommendation may require a specific strategy. Some recommendations may require a phased approach to be most effectively implemented. Monitors should identify what needs to happen first to facilitate progress to the next phase. For example, an organization might define success in the first phase of advocacy as raising awareness among legislators about the need for shelters. In the next stage, success might mean passing legislation directing the government to establish shelters in areas and numbers sufficient to serve the population. Finally, long-term success may mean guaranteeing adequate and consistent funding to the shelter.

To be most effective, an organization should evaluate its capacity to carry out a specific strategy. Organizations should evaluate their resources, staffing, experience, and skills to determine advocacy strategies that are feasible. For example, organizations seeking to amend legislation and policies affecting domestic violence victims might assess factors such as the following:

- Ability to interact constructively with the government;
- Willingness and commitment to coalition-building with other groups;
- Knowledge of the functioning of judicial, legislative, and executive branches, as well as police, courts, medical, and educational institutions, social services, and child protection agencies;
- In-depth understanding of the political and cultural context;
- Access to research and information about domestic violence both generally and in the country;
- The capacity to utilize such information to inform policy-making;
- Clearly defined and agreed-upon roles and responsibilities of individuals and organizations involved;

- Human and financial resources to accomplish the advocacy goal; and⁵⁷
- Allies among the target sectors.

C. LEADERSHIP AND ORGANIZATION

When deciding on leadership, monitors should take into account capacity and expertise, relationships that can be leveraged or might be threatened, and the mission of the organization. In some cases, the same group that undertook the monitoring and documentation may take the lead on advocacy. In other cases, advocacy is best led by others who have not played the role of critic or who have a stronger relationship with the target population. Questions monitors should ask themselves when deciding on leadership structure include the following:

- Is the implementation effort best led by a single organization?
- Is a coalition needed to build support and exercise the needed power?
- What natural or new alliances can be fostered?
- Where will the monitors target their efforts, and will it be in one or multiple locales?

The success of advocacy depends in large part on those involved in both formal and informal leadership positions. It is important to select an individual or two who have a passion for the issue and the organizational skills to accomplish the goal as the formal leaders. At the same time, the formal leaders should recognize that other leaders will emerge from within the coalition and stakeholder groups and that those leaders should be encouraged and supported in their work. The following leadership qualities should be sought:

- Ability to identify and initiate advocacy effort;
- Ability to inspire and attract interest;
- Ability to manage process;
- Ability to mobilize support; and⁵⁸
- Understanding of domestic violence and the legal framework.

At times, leaders may emerge whose goals are not in line with the overall advocacy strategy. When this occurs, it is important to discuss the diverging goals in private rather than in front of the target audience of the advocacy. Where applicable, monitors should refer to established research and evidence to arrive at a resolution. For example, one advocate may support batterers' treatment programs, while other advocates argue that such programs will divert scarce resources from victim services. Rather than debate this matter openly in front of policymakers and/or the public, advocates should look to established research on the issue, examine standards for batterers' treatment programs, assess whether the state has the capacity, resources, and will to comply with those standards, and evaluate the impact on funding for victim services and support.

D. COMMUNICATION AND EDUCATION

Monitors should craft a message that resonates with the target audience of the advocacy effort.⁵⁹ There is no one-

⁵⁷ Washington Office on Latin America. *Manual for Facilitators of Advocacy Training Sessions*, 15-17.

⁵⁸ The Advocacy Process, ENDAVAW, UNIFEM, "Legislation," The Virtual Knowledge Centre to End Violence Against Women and Girls, <http://www.endvawnow.org/?legislation&menub=347>.

size-fits-all message, and practitioners should consider what will motivate the target, i.e. the person or entity with the power to make the desired change. For example, reference to other Member States' promising practices on combating domestic violence may be a persuasive message for a candidate state seeking membership entry into the EU. A well-written goal statement should be readily adaptable into a human-rights based message.

Monitors also should consider how to carry their message to the target. The kind of communication that will be most effective will be different for each situation. Is this a case that requires change of societal norms and attitudes to understand that domestic violence is not a private matter? Or is this a matter to correct how a government agency interprets an administrative rule, such as identifying child victims as those who witness domestic violence and holding the non-violent parent responsible? Will that government agency be most swayed by the domestic political process or by advocacy before an international human rights body?

Monitors should take into account how the potential message can undermine or strengthen ongoing or future efforts. For example, using a public shaming campaign may motivate public constituents and build pressure, but it may alienate lawmakers, making future advocacy efforts more difficult. Monitors should keep in mind that while they may need to be critical of a sector, they also may be seeking to train and work with those same people later in the advocacy process. Monitors need not compromise their message in light of these considerations but should explore ways to overcome these challenges and be aware of the line between objective criticism and more acrimonious attacks. They may want to designate an advocacy partner as the visible messenger who interfaces with the public and another partner to interact with the legislators.

E. MOBILIZATION AND ACTION

The mobilization and action phase is the outcome of effective goal and objective development and is linked with communication and education. It requires mobilizing constituents, the public, and stakeholders to act on the issue.

During this phase, the following activities may occur:

- Recruiting advocacy volunteers and partners;
- Identifying and forging connections with key allies;
- Educating staff, volunteers, and stakeholders about the goals, objectives, and tactics of the advocacy plan;
- Publicity and awareness-raising of the advocacy;
- Carrying out the advocacy strategy and plan;
- Legal and political actions;
- Action by interested and affected groups to secure change;
- Monitoring and evaluation of the process; and
- Continual reexamination and adaptation of the advocacy plan and messaging.

⁵⁹ For resources on crafting advocacy messages see "Advocacy U," American Library Association, <http://www.ala.org/ala/issuesadvocacy/advocacy/advocacyuniversity/index.cfm>; "About Advocacy," Alliance for Justice, <http://www.afj.org/nonprofits-foundations/about-advocacy/>.

F. MEASUREMENT OF PROGRESS TOWARD GOAL AND ACHIEVEMENT OF OBJECTIVES

Any advocacy plan should include the ongoing measurement of progress toward the goals and objectives. Evaluation, both throughout the effort and at its conclusion, helps the advocate understand what is working and identify when adaptation is needed.⁶⁰ Regular collection of evaluation information should be focused on producing useful feedback on the effectiveness of the advocacy effort. Evaluation need not focus exclusively on the question of whether the human rights violation has been “fixed.”

The systematic collection of data in domestic violence cases can serve as one type of evaluation tool. By assessing data, such as the numbers of convictions for domestic violence; orders for protection, requested, denied, and granted; the remedies requested and granted; and the violations and punishments for those violations, monitors can gain a general understanding of implementation of the law. For example, if monitors witness an increase in the number of orders for protection granted in relation to the numbers requested, this trend may be indicative of an improved judicial response. Monitors should realize that such data cannot be determinative by itself, however, and should be prepared to take into account other factors that can influence the data.

Ideally, the evaluation plan mirrors the overall advocacy plan and reflects the goals and objectives defined at the outset. The evaluation plan helps keep track of the steps taken toward the ultimate goal. The Harvard Family Research Project suggests broad categories for evaluation measures.⁶¹ Evaluations can measure the impacts achieved, such as increasing numbers of applications for protection orders. They can also measure the policy goals accomplished, such as the passage or blocking of proposed legislation. Finally, evaluations can measure the outputs and activities undertaken during the effort, such as the number of trainings conducted for police, prosecutors, and judges.

G. TYPES OF ADVOCACY

Advocacy can take many forms. This section provides more detailed information to help monitors decide which advocacy tactic will best meet a particular goal. The advocacy tactics described here start out with relatively familiar and accessible strategies, such as conducting public presentations, and move on to more complex and less familiar strategies, such as bringing complaints before human rights monitoring bodies at the international level.

1. Public Education and Trainings

Education involves disseminating information to increase awareness about domestic violence and the law and ultimately stimulate action. Public education focused on domestic violence issues or human rights education can be presented hundreds of different ways.

Many organizations begin by doing public presentations on the findings that emerged from their monitoring and documentation work. This is one of the simplest means of public education. Monitors can also conduct trainings—ranging from general trainings on the dynamics of domestic violence to specific trainings for legal actors on how to implement the law. Other strategies may include the following:

⁶⁰ “Focusing, Mapping, Prioritizing, Designing: A User’s Guide to Advocacy Evaluation Planning,” Harvard Family Research Project, <http://www.hfrp.org/>, 3.

⁶¹ *Ibid.*, 17-20.

- Poster/billboard campaigns;
- Conferences;
- Public demonstrations and/or protests;
- Small group meetings with stakeholders;
- Large community meetings;
- Staging public hearings in which victims can testify about their experiences;
- Creating books or pamphlets documenting victim experiences;
- Staging public tribunals or mock trials, in which evidence is presented and batterers are symbolically held accountable;
- Intergroup dialogue (led by experienced facilitators);
- Working with local movie theaters or libraries to host film screenings of documentaries or women's human rights-related films and arrange post-film talkbacks;
- Hosting a photograph or art exhibit at a public venue, such as a gallery or coffee house;
- Working with a local museum to create and lead women's human rights-themed art tours;
- Starting a book club with a human rights theme;
- Creating a blog on domestic violence;
- Starting a Twitter account about the issue;
- Working with local music venues to host events with cultural and human rights themes;
- Clothesline, Silent Witness, or other visual arts displays;
- Showcasing original poetry, songs, stories, or essays written by victims of human rights abuses;
- Creating games and other interactive tools to teach about domestic violence; and
- Adding domestic violence information and referrals to an organization's website.

2. Media advocacy

Media advocacy is the process by which an organization presents information to the news media to affect public opinion on an issue and address policymakers.⁶² The news media may be the most effective outlet for human rights monitors to reach a broad audience and potentially influence those individuals responsible for public policy. Media advocacy requires a carefully planned strategy, effective messaging, an understanding of the relevant media outlets, and an awareness of which media tools will best suit the strategy.

Prior to any communication with the media, monitors must develop a media strategy. For each issue, monitors should isolate a specific problem to address, provide a set of possible solutions to that problem, suggest what steps can be taken to achieve those solutions, and identify the people who can take those steps. For example, a media campaign targeting the police implementation of the law might be narrowed down to the specific problem of dual arrests. Monitors can describe to the media the problem, as well as the extent of and reasons for dual arrests of both the victim and the perpetrator at the scene of domestic violence. Media communications should propose and explain possible solutions, such as police trainings on the dynamics of domestic violence and how to identify the predominant aggressor, as well as amendments to the law to eliminate provisions that authorize or contribute to the dual arrests. The media campaign can visibly challenge the state to provide funding to civil society to conduct these trainings for police. It can also publicly call for amendments to the law to eliminate problematic provisions, such as overly broad definitions of domestic violence that punish psychological and economic violence

⁶² UCLA Center for Health Policy Research, *Media Advocacy: To Advance Public Health Policy Workshop Workbook* (Los Angeles: Regents of the University of California, 2002), 13. Also available online at http://www.healthpolicy.ucla.edu/healthdata/tw_media2.pdf.

or warnings to the victim for so-called provocative behaviors, while mobilizing readers to contact their parliamentarians.

In addition, certain organizational steps can facilitate effective media advocacy, such as designating a spokesperson. A spokesperson is an individual within an organization selected to communicate with the media. The fewer people a monitor permits to communicate directly with media, the more likely its message will be presented consistently and clearly.⁶³

3. Lobbying and Legislative Advocacy

Legal reform is often a very real and desired outcome after the monitoring. Before embarking on this advocacy tactic, monitors should consider their organization's legal status and resources.

a. Developing a Lobbying Strategy

At its very core, lobbying is a process of trying to convince others that they should side with the lobbyist's position on an issue. There are several key components to consider when crafting a lobbying strategy.

1) Defining Goals and Successes

The first question to answer when taking on any lobbying endeavor is "what result are you hoping to achieve?" These goals can range widely from simply raising awareness of a specific aspect of domestic violence, to establishing the organization as an information resource on the issue, to actively passing or blocking pieces of legislation, to achieving the development of standardized forms for orders for protection. Defining clear goals early in the process is important. If another organization unexpectedly wants to weigh in or offer changes to the proposal, for instance, it is helpful to be able to refer back to an initial goal in order to stay focused.

After setting goals for the agenda, the monitor should also determine specific intermediate benchmarks to chart any progress made. The practical reality of politics is that the process of changing and making laws is often long and drawn out. Hundreds of issues are placed before parliamentarians every year for their consideration, and issues frequently have to be reviewed and approved by a variety of committees with jurisdiction over even small portions of a bill. Most groups trying to actively pass bills into law find that it requires months and often years of work to complete. As a result, many times a successful lobbying endeavor does not immediately result in a new law being passed but rather achieves certain benchmarks of progress.

2) Assessing Political Dynamics

Since politics often cannot be separated from policy, the political landscape of the body being lobbied plays a crucial role when developing strategies.

First, monitors often need to ascertain which political party is in control of the various lawmaking branches of government. That fact, along with how large the controlling margins are, is important because the majority party

⁶³ American Public Health Association (APHA), *APHA Media Advocacy Manual* (Washington, D.C.: APHA), 5. Also available online at http://www.apha.org/NR/rdonlyres/A5A9C4ED-1C0C-4D0C-A56C-C33DEC7F5A49/0/Media_Advocacy_Manual.pdf.

will control what issues receive work and attention in the various committees. Take note of certain “key” legislators, such as committee chairs or members in leadership positions.

Second, monitors should survey the political landscape for opponents to the proposal. No legislative strategy is complete without a complete analysis of the potential opposition. Who are they? What are their concerns? How can you potentially respond to their concerns? Monitors should try to ascertain whether the opponents disagree with the basic principles of the proposal or whether compromises make the proposal acceptable.

At this point in the strategy development, it is critical to begin thinking about the “bottom line.” Monitors should consider what compromises would be acceptable, what concepts can be abandoned, and what are the critical pieces of the changes which must not be compromised, even at the cost of not passing the legislation. When seeking to identify priorities, monitors should be guided by what will best promote victim safety and batterer accountability.

3) Legislative Timing

All levels of government, from the central government body to local city councils, have their own operational timeframes. When an organization begins thinking about how to lobby its issue, it is important to determine what the calendar is for the legislative body it intends to engage. Determining when a legislative body is meeting, or “in session,” will directly affect how to plan out and develop a lobbying strategy.

4) Developing a Message

A clear and cohesive message is invaluable when lobbying for a cause. Not only will it provide decision-makers a clear point of focus, it will help keep staff, volunteers, and allies focused on the goal before them. If and when monitors are working within a coalition, it is especially important that everyone utilize the same message. Monitors should remember that the initial advocacy goal, if written using a human-rights-based approach, can serve as a strong starting point for a powerful message.

5) Changes to Structures and Systems

Monitors can advocate to establish new systems or adapt existing structures to improve effective implementation of domestic violence legislation. Such strategies may focus on creating new organizational structures such as offender databases, special domestic violence units for police and prosecutors, or specialized domestic violence courts, or they make seek to create service systems, such as coordinated community responses.

Examples of structures and systems that monitors may seek to establish or change include:

- Establishment of a coordinated community response. A coordinated community response aims to coordinate the responses of law enforcement agencies, advocates, health care providers, child protection services, local businesses, the media, employers, clergy, and traditional leaders on domestic violence to ensure that all systems have a common understanding of domestic violence, the system works faster and better for victims, victims are protected and receive the services they need, and batterers are held

accountable and cease their abusive behavior.⁶⁴

- Establishment of victim support services. Such services should include 24-hour, free-of-charge hotlines, shelters, crisis centers, legal aid, and free health care for immediate and long-term injuries.⁶⁵
- Establishment of a database for the regular collection of data on domestic violence. Data should be disaggregated by sex, race, age, ethnicity, relationship between perpetrator and victim, and other relevant characteristics.⁶⁶
- Establishment of domestic violence police units and specialized courts or judicial proceedings.
- Other structures specific to the context to facilitate effective implementation of the law. For example, in areas with large immigrant populations, monitors may advocate for the creation of an interpretation hotline for police and other first responders to call when intervening in domestic violence cases.

4. Identify the Structures/Systems for Change and Know the End Goal

Before developing an advocacy plan, monitors need to: 1) identify what changes need to happen and in which structures/systems, and 2) have a thorough understanding of the desired structure/system result.

Monitors can look first to the language of the law and see what directives the legislation provides. In some cases, the law itself will directly or indirectly call for the establishment of a system or structure. It may charge specific bodies with developing a plan of action to implement the law. In this case, the target system—the plan of action—is clearly identified, and monitors can focus their efforts on advocating for a strong plan.

In other cases, the law may be silent on what structural changes are needed. Monitors will need to examine their findings and consider what changes are needed to more effectively implement the law's provisions and, ultimately, promote victim safety and batterer accountability. For example, a law may provide for the issuance of an *ex parte* order for protection to the victim in times of emergency, but, in reality, monitors have found that judges are not available to issue this remedy after business hours. In this case, although there is no explicit provision in the law, monitors may seek to advocate for an on-call judiciary system to ensure a judge is always available to issue these orders for protection 24 hours a day in order to give full effect to the law.

Monitors should also have a thorough understanding of the resulting structure/system for which they are advocating. Looking to promising practices used in other countries can give monitors insight and time-tested ideas they can adapt to their own context. For example, the law may state that police, prosecutors, judges, civil society, and health care providers will regularly communicate and develop greater coordination on domestic violence. Where the law does not provide specific details on these structures, monitors should look to other resources to understand what a coordinated community response entails and to identify and develop a model for which they intend to advocate. For example, there are several types of coordinated community response models. For some contexts, an informal, grassroots community partnering model with a collaborative oversight body to coordinate activities may be more appropriate. In other cases, a community intervention model that focuses on training and capacity-building may be a better fit. Monitors need to understand and identify what will work best for their context,

⁶⁴ Coordinated Community Response, The Advocates for Human Rights, StopVAW, available at http://stopvaw.org/Coordinated_Community_Response.html.

⁶⁵ Other Important Legislative Provisions for Assistance to Complainant/survivors, Legislation, UNIFEM Virtual Knowledge Centre to End Violence against Women and Girls, available at <http://www.endvawnow.org/en/articles/401-other-important-legislative-provisions-for-assistance-to-complainantsurvivors.html>.

⁶⁶ Data Sources and Collection, Legislation, UNIFEM Virtual Knowledge Centre to End Violence against Women and Girls, available at <http://www.endvawnow.org/en/articles/171-data-sources-and-collection.html>.

as that will help guide their advocacy strategy and direction. Monitors who look to best practices in other countries will also gain understanding about unintended consequences which victims experienced in these countries and how the best practices evolved to address them.

5. Develop a Strategy

Monitors should first identify who are the responsible actors within the proposed system or structure. This is an important step to ensure monitors do not misallocate responsibilities as they seek to advocate for systems change. For example, NGOs already working with victims are often the most appropriate body to operate victim services, and monitors should advocate that these NGOs assume the role of providing victim support. The role of the state should be to establish and fund these services. In other cases, such as statistical collection, the state may be the most appropriate entity to manage this activity. Knowing who the responsible actors are will also help monitors identify allies within that target group, as well as to obtain their input on the proposed structures and systems.

Monitors should also assess the human, financial, and technical capacities needed for the proposed structures/systems. It is important that monitors do not underestimate these requirements in developing an advocacy strategy. For example, establishing domestic violence police units or specialized courts is an important step, but it requires training and funding for staff to ensure that domestic violence issues are well-understood so that specialized units are not marginalized. An advocacy strategy seeking to create these special units should include and plan for training and funding as well.

Monitors should be aware of and prepared to address the underlying factors needed to achieve the advocacy goals. Very often, funding will be the primary requisite, but other factors may surface. For example, monitors advocating for domestic violence units with female officers at all police stations need to assess whether there are sufficient female police officers on the force to fulfill this goal. If current female staffing levels are not at a capacity to achieve this advocacy goal, monitors may need to take their advocacy strategy one level deeper and advocate for new quota policies at the Ministerial level or focus on recruitment and personnel policies of police stations to increase the numbers of female police officers.

Finally, monitors should keep their strategy plan victim-centered and consider the impact on the victim throughout the process. Thus, communication with and input from victims and NGOs throughout the entire process is important. Mapping and understanding victims' experiences can help monitors keep the strategy focused on the victim and her needs. For example, findings may reveal that victims face challenges in getting to shelters or crisis centers, thus preventing them from accessing protection and assistance. One advocacy strategy may be to charge police with providing victims transportation to these places. Yet, such a strategy should also require that victim consent before transport to ensure the victim retains control over these decisions.

