

# **Community Mediation for a Violence Free Society**

*Preparing Mediators to address disputes of  
violence against women in the Community  
Mediation Boards Programme in Sri Lanka*

## **A Resource Book for Mediator Trainers of the Ministry of Justice Sri Lanka**

Prepared by  
Women in Need  
for the Community Mediation Boards Programme  
of the Ministry of Justice  
Sri Lanka

2010



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**Ministry of Justice  
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for the Community Mediation Boards Programme  
of the Ministry of Justice and Law Reforms**

**2010**

This Resource Book has been prepared following a series of consultations with Mediator Trainers attached to the Ministry of Justice, a series of sensitization and training workshops on gender and gender based violence, curriculum and tools development workshops as well as by gathering experiences from pilot testing workshops for 18 Mediation Boards around Sri Lanka during the period September 2009 to December 2010.

This Resource Book, in its draft version, was translated into Sinhala and Tamil and used to guide Mediator Training Programmes conducted by the Mediator Trainers. The experiences of the Mediator Trainers were gathered at periodic workshops during the pilot testing phase and a final Resource Book was produced incorporating experiences, suggestions and additional information. The Resource Book has been produced in English, Sinhala and Tamil.

The Resource Book will be used by Mediator Trainers to sensitise and train mediators around the country to carry out gender sensitive approaches to mediating disputes involving gender based violence that are referred to community mediation boards.

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*Women In Need*

2010

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## Background

Community mediation in Sri Lanka has become deeply entrenched as an effective system of dispute resolution in the ethos of community life. Set in place by law, a systematic administrative process and bureaucratic commitment, community mediation boards function actively in the remotest corners of the country enabling people from all walks of life to access them, willingly and at times reluctantly due to compulsion, for their conflict resolution needs. The popularity of community mediation boards in Sri Lanka goes beyond the fact that these are the only community based, legally recognized, accessible mechanisms of alternative dispute resolution. The community mediation boards are popular because they are cheap and effective with a high conflict settlement rate and attract respect and faith in most communities.

Mediation is the process by which a neutral person or persons intervene between parties to a dispute to facilitate an agreement or reconciliation. The term 'community mediation' is used where a mediation process becomes specific to a community or to a group of people living in a specific locality. In Sri Lanka the term 'community mediation' is used to denote a mediation process that is confined to particular localities, namely Divisional Secretariat Divisions around the country. The process becomes entrenched in the community due to access to a particular mediation board being limited to people in the particular community (Divisional Secretariat Division) and the mediation board itself comprising people from the said community itself.

In essence, the community mediation boards offer a dispute resolution mechanism facilitated by an independent third party to bring about an amicable settlement between disputing parties. It is a reparative and restitutive process of dispute resolution primarily aimed at the long term removal of the root of dispute in the community.

The present community mediation boards were established by law in 1988. At present (in 2010), 300 boards function in 23 districts around Sri Lanka with approximately 7000 mediators. In the past five years the mediation boards have attracted an average of 100,000 disputes annually with a settlement rate of 60%.

The community mediation boards were introduced to Sri Lanka in 1988 by the mediation Boards Act no. 72 of 1988. One of the main purposes of the boards was seen as being a remedy for laws delays and court congestion. The purpose for establishing mediation boards was described as "what is available for the future may be voluntary, pre legal conciliation in respect of petty disputes and small causes with a practicable judicial remedy available instead of conciliation at the option of the parties where either party is free to discontinue conciliation and leave the matter to court".<sup>1</sup>

The legal basis of the Community Mediation Programme in Sri Lanka lies in the Mediation Boards Act. The Act provides for the legal framework for institutionalizing mediation boards and places responsibility on one key institution, the Mediation Boards Commission to appoint, supervise and control mediators. The training of mediators is

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<sup>1</sup> Hettiarachchy, T., Bandaranayaka, S., Selvakumarana, S. (1994). Popular Justice in Practice A Study of Mediation Boards. Deepanee Printers and Publishers (Pvt.) Ltd. Nugegoda. p.9

handled, not by virtue of the Act but through administrative procedures, by the Ministry of Justice. The Act describes the main purpose of the community mediation process as “it shall be the duty of such Board by all lawful means to endeavour to bring the disputants to an amicable settlement and to remove, with their consent and wherever practicable, the real cause of grievance between them so as to prevent a recurrence of the dispute or offence” (Section 10 of the Mediation Boards Act).

Mediation Boards are established at Divisional Secretary. Mediators are appointed to boards following a process of nomination, interviews by the Mediation Boards Commission, a five-day mediation training on mediation skills and techniques carried out by Mediator Trainers attached to the Ministry of Justice and subsequent final selection and appointment. The eligibility for a person to be appointed as a mediator is set out in the Act itself and much of the eligibility is based on residency - being resident, working in or being a public officer serving in the particular divisional secretary division (Section 5 of the Mediation Boards Act).

Nomination is an important aspect in being appointed a mediator, where the Act (First Schedule to the Mediation Boards Act) specifies that once a gazette notification is made announcing the setting up of a particular board in a particular area, nominations can be done ‘by any person, body, organization or institution’ who must nominate persons who are suitable for appointment with recommendation for their eligibility. In practice, nominations are commonly made by Grama Niladharis in the area, heads of villages (like the chief priest) and by mediators already serving on boards, and nominations are mostly of retired school principals and teachers, retired government servants and the clergy, mostly Buddhist priests.

Following an initial selection based on interviews, and a subsequent mediation skills training, the final selection of mediators is dependent on a test of suitability and aptitude. The decision of suitability rests with Mediator Trainers attached to the Ministry of Justice. 15 Mediator Trainers are at present attached to the Ministry made up of 5 women and 10 men. The increase in women trainers took place in 2004 until which time there were only two women trainers in service and three women trainers who had retired from service. In the most recent intake of mediator trainers in 2004, men and women are equally balanced with four each making up the newest cadre of 8 trainers. In addition to the Trainers attached to the Ministry of Justice, a private institution set up by retired Mediator Trainers from the Ministry of Justice, ‘The Centre for Mediation and Mediation Training (CMMT)’, provides training in Tamil language. CMMT has 10 Mediator Trainers comprising 4 woman and 9 men.

Twelve to fifteen mediators are generally appointed to one mediation board and each mediation session involves a panel of three mediators. The mediators in the board sit at mediation sessions in rotation. At present there are over 7000 mediators in Sri Lanka. This data available on mediators is not gender disaggregated but it is estimated that more than 90% of the mediators comprises men.

The jurisdiction of mediation boards is clearly set out in the Act (Section 6) where any person can make an application to the Mediation Board for settlement of a range of disputes by mediation. The Act specifies that it is compulsory for any dispute against property, where the value of the dispute is less than twenty five thousand rupees to be referred to mediation. Offences set out in the Second Schedule to the Act must also compulsorily be referred to mediation and include a series of offences against the body

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of a person (hurt, wrongful restraint, use of criminal force), criminal acts against property, defamation, and criminal intimidation. The Act clearly specifies where jurisdiction is not granted in any dispute where one party is the State or a State officer acting in his/her official capacity. The Act also lists disputes in Schedule 3 to the Act where disputing parties cannot go to mediation. These disputes include matrimonial disputes, testamentary actions, and partition actions, breach of parliamentary privilege and fundamental rights actions.

Reaching a mediation board can be done in one of three ways. A disputing party can submit its grievance directly to the mediation board, be referred by the police or by a court of law. Although the Act provides for the option to disputing parties to select mediators from the panel, in practice this option is hardly used by disputants who are generally content with whoever sits on the board on a particular day. The board has a chief mediator for each individual sitting. Where a panel for the day includes the Chairperson of the board, that person will work as the chief mediator. If the chairperson is not in the panel, a chief mediator for the day is selected from among the mediators at the sitting. Boards sit on weekends in common public places in the community such as temples, schools or community halls and the mediation of a single dispute generally takes one to six days. Mediation is generally conducted in an open area but there are instances where private sessions would also take place if the dispute in question requires privacy. Mediation boards strictly bar attorneys at law from representing any party. Representation is allowed only on two occasions, by one spouse of the other spouse and by parent, guardian or curator of a child or a person under any disability. The Act sets out clear instructions on settlement and non settlement of disputes, where a certificate of settlement must be issued in case of a settlement (Section 11) and a certificate of non settlement when a settlement had not been possible and this enables parties to proceed to court (Section 12).

The Act specifies provisions where one party fails to comply with the settlement or violates the terms of settlement at any time; the other party is required to report this to the mediation board immediately.

The Community Mediation Programme began focusing on gender integration in 2003. Through a number of sensitization programmes, development of training modules and integration of gender sensitivity training into the general training curriculum of the mediators, the programme set in motion a strong approach for gender integration. At present the cadre of mediator trainers at the Ministry of Justice shows a high level of commitment and knowledge in gender integration. With the enactment of the Prevention of Domestic Violence Act in 2005, there has been a heightened interest in preparing Mediators to sensitively and effectively deal with family and domestic disputes that come before Mediation Boards.



## **Relevance of Resource Book**

### **SENSITISING AND TRAINING MEDIATORS TO RESPOND TO DISPUTES OF VIOLENCE AGAINST WOMEN**

Mediating issues of violence against women is a sensitive issue that has received focus in Sri Lanka's Mediation Boards programme. In order to support Mediation Boards to respect gender equity, to work within the principles of and commitments to women's rights and to ensure a gender sensitive mediation process, Women In Need (WIN) proposed working with mediators in their project "Engaging key stakeholders in addressing and preventing Gender Based Violence (GBV)".

WIN's previous experience sensitizing mediators directly through awareness raising programmes helped the organization to develop this project component. This initiative looked at strengthening mediators to address family disputes especially those involving violence, through an integrated approach where Mediator Trainers, responsible for providing mediation skills training to Mediators, would take the training to all mediators around the country. The training aimed at providing an understanding of gender based violence, promote sensitivity to issues of gender based violence and look at issues of what can and can not be mediated, power imbalances, cultural and religious contexts of addressing gender based violence in the mediation process.

The pilot project was carried out during a 15 month period from June 2009 to August 2010. The project was carried out in several stages.

1. Consultations between the Ministry of Justice and WIN to obtain approval to carry out the project. The foundation for the project is the satisfactory level of sensitization and commitment to gender equality and addressing gender based violence the Ministry of Justice and its Mediator Trainers already show. Basic gender training has already been mainstreamed into the general mediation skills training that are provided to mediators. The developing of the specialized training package by WIN was therefore done in close consultation with the Ministry of Justice and the Mediator Trainers.
2. In order to enhance the existing modules on gender and gender based violence, WIN assisted Mediator Trainers to develop a Resource Book, training tools, and resource material, and provided training of trainer programmes to Mediator Trainers. WIN worked closely with the Mediator Trainers helping them deliver the training to the community mediators.
3. The project activities comprised the following:
  - Preparation for project -Writing of background note, preparation of work plans, preparation of Training Agenda for all workshops, preparation of handouts and

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- reading material, reparation of reporting system
- Introductory Session and material and manual development workshop with Mediator Trainers
  - Development of manual and resource material for Mediator Trainers
  - Training of Trainers Workshop with Mediator Trainers
  - Pilot Trainings conducted by Mediator Trainers at community level (each Trainer in charge of a district conducted trainings programmes for one community mediation board in the district)
  - Follow up Training Workshop with Mediator Trainers
  - Information sharing workshop with Mediator Trainers

## **How to use the Resource Book**

The **Resource Book** on “**Community Mediation for a Violence-Free Society: Preparing Community Mediators to address issues of violence against women in the Community Mediation Programme**” is prepared in a user friendly manner as an aid to Mediator Trainers experienced in carrying out mediation training and awareness programmes on gender, violence against women and related issues for community mediators in Sri Lanka. The Manual sets out information and activities suitable to conduct specific sensitization and training programmes for community mediators working at Divisional Secretariat Divisions.

The ideal number of participants in a training programme conducted with this manual should be twenty (20). The programme agenda is set out for a full day’s programme from 9 a.m. to 4.30 p.m.

The Manual comprises two main parts; Workshop 1 and Workshop 2. Each Workshop section is divided into 3 parts.

Each part comprises the following:

- Title
- A series of activities

Each activity is set out as follows:

- Title of the activity
- Time required for the activity
- Aim of the activity
- How to do the activity
- Material needed
- Training aids
- Handouts for participants

Immediately following each activity, the Manual provides handouts, flip charts and training aids as required by the activity.

## **SUMMARY OF WORKSHOPS**

### **Workshop 1 is on Gender Sensitisation**

**Part One** is on starting the workshop and includes activities for introductions and setting the environment for the programme.

**Part Two** comprises content on the issue of gender and gender based violence and includes the following topics:

- Gender
- Gender roles and activities
- Socialisation /stereotyping
- Gender in mediation
- Feminism
- Violence against women
- Talking to and listening to women

**Part Three** is on conclusion and evaluation

### **Workshop 2 is on Violence against Women**

**Part One** is on Starting the workshop and includes activities for introductions and setting the environment for the programme.

**Part Two** comprises content for an advanced training on gender based violence and includes the following topics:

- Violence against women
- Domestic Violence
- Laws on Violence against Women
- Impact of Violence Against Women
- Social aspects of violence against women
- Medical and psychological aspects of violence against women
- Mediating disputes of violence against women
- Issues to be concerned with in the mediation process

**Part Three** is on conclusion, evaluation and reporting

## MATERIAL NEEDED BY THE MEDIATOR TRAINER

*If multi media equipment is available:*

PowerPoint presentation

15 sheets of flipchart paper

4 marker pens

Roll of tape

*If an overhead projector is available:*

Overhead projector transparency sheets

15 sheets of flipchart paper

4 marker pens

Roll of tape

*If multimedia equipment or an overhead projector are not available*

25 sheets of flipchart paper

4 marker pens

Roll of tape

# **Workshop 1**

## **WORKSHOP PROGRAMME**

9.00 – 9.30	Introductions
9.30 – 10.30	What is gender?
10.30 – 10.45	Tea
10.45 – 11.45	Gender roles and activities – A day in their lives
11.45 – 12.30	Socialisation /stereotyping
12.30 – 1.15	Lunch
1.15 – 1.45	Gender in mediation
1.45 – 2.15	Feminism
2.15 – 3.15	Violence against women
3.15 – 3.30	Tea
3.30 – 4.00	Talking to women and listening to women
4.00	Conclusion

# **PART 1**

## **STARTING THE WORKSHOP**

Part 1 is the introductory segment of the workshop. Although you as the Mediator Trainer are known to the Mediators you will be training, it is important to introduce the subject to them.

It is IMPORTANT to:

- Re-establish the rapport with the mediators before the workshop.
- Get the views of mediators on the subject of gender and violence against women
- Be ready with information and links to other organizations to refer other problems that may come up during the workshop. i.e. counseling, medical assistance, legal assistance, more information etc.



## **Introductions**

**Time needed:** 30 minutes

**Aim of the activity:** To introduce the workshop and to enable participants to provide their own views on the subject. This activity takes note that the Mediator Trainer is well known to the Mediators and that the Mediators know each other well.

**How to do the activity:**

1. Provide an overview of the aim and content of the workshop. The Trainer will use an example of a dispute involving violence from the Mediation Board.
2. Ask the participants in groups of three to introduce themselves (name and Mediation Board) and respond to a question that the Trainer poses. The Trainer will ask the mediators what they see as women's issues and men's issues in mediation. The answer need not be right or wrong but a mere explanation. This is an ice breaker and not an information gathering exercise or knowledge assessment test.
3. Once completed, write up a flipchart of Ground Rules.

**Material needed:**

- A Guide to Ground Rules

**Training Aids:**

File, exercise book, pen for each participant

**Handouts for participants:**

None

## **Material for Part 1 Activity 1:**

### Guide to Ground Rules

Ground Rules could include the following:

1. Be on time for every session
2. Let one person speak at a time
3. Participate actively
4. Contribute meaningfully
5. Ask questions, but not to interrupt the flow of a session.

## **PART 2**

This section comprises content on the issue of gender and gender based violence and includes the following topics:

- Gender
- Gender roles and activities
- Socialisation /stereotyping
- Gender in mediation
- Feminism
- Violence against women
- Talking to and listening to women

## What is gender?

**Time needed:** 1 hour

**Aim of the activity:** To provide conceptual clarity on gender and sex

**How to do the activity:**

- Place two flipcharts with a male figure and a female figure
- Give participants notes on qualities relating to sex and gender
- Ask each participant to place a note with a male/female quality written on the figure that he/she thinks is described more appropriately by the quality
- Go through each quality bringing in the understanding that these qualities are not biologically determined but determined by society and transfer statements to either figure or in the middle if it applies to both
- Present the difference between sex and gender

**Material needed:**

2 flipcharts, 20 cards 2" x 1", markers, tape

**Training aids:**

2 flipcharts with a male figure on one and a female figure on the other

20 "quality" cards

Sex and gender presentation (on flipchart, transparency or PowerPoint slide)

**Handouts for participants:**

What is Gender?

**Material for Part 2 Activity 1**

👉 2 flipcharts with a male figure on one and a female figure on the other

👉 20 “quality” cards

loving	timid	fear	caring
kind	obedient	strong	Brave
leader	patience	breasts	shy
sincere	breast feeding	beard	decision making
provider	ovulate	breadwinner	Courageous
hot tempered	sensitive	sentimental	beautiful
bald	bold	voice change	sporty

👉 Sex and gender presentation (on flipchart, transparency or PowerPoint slide)

SEX	GENDER
<ul style="list-style-type: none"> <li>▪ Is connected with the biological makeup of a human being</li> </ul>	<ul style="list-style-type: none"> <li>▪ Is connected to social, psychological, historical and cultural determinants</li> </ul>
<ul style="list-style-type: none"> <li>▪ Biological and physical conditions lead to the determination of male and female sex.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Social and cultural perceptions of masculine and feminine traits and roles lead to gender identity</li> </ul>
<ul style="list-style-type: none"> <li>▪ is determined through biology</li> </ul>	<ul style="list-style-type: none"> <li>▪ is learnt through socialization</li> <li>▪ is learnt from birth</li> <li>▪ Gender identity is created by socially constructed issues</li> <li>▪ is reinforced by society</li> </ul>

## **What is gender, gender equity and gender sensitivity?**

### **What is gender?**

A person's identity is made up of his or her sex, age, race, caste, class, religion, profession or occupation, political affiliation and a host of other factors.

At a basic level a person's identity is decided on biology or nature, in that a person's identity is defined by his or her biological characteristics. 'Sex' marks an individual as a man or woman and depending on the form of sexual endowments, a person is classified as a male or female.

Gender is the next basic factor in the construction of a person's identity. It is also the strongest. It is the social/cultural meaning and values given to sexual differences. Gender is thus used to describe the characteristics of women and men that are socially and culturally determined.

This gender identity is created by the person himself or herself by the characteristics attributed to the person's sex and also by the influences around the person such as parents, family, relatives, friends, through school, the community, race, religion, wider society, the media etc.

### **What is gender equity?**

Due to gender based attitudes, values and practices, there can be discrimination against women, and men in different situations in society. However gender discrimination of women is more prevalent in society due to the roles of power and authority created by gender identities between men and women. Gender discrimination often places women in unequal situations in different spheres of society thus denying women their rights and dignity as human beings.

Gender equity is based on understanding that in every society women's roles and work and men's roles and work must be equally valued. This should be in all social institutions such as the home, the workplace, religious spheres, educational institutions, politics etc.

### **What is gender sensitivity?**

Being gender sensitive is to understand the meaning and implications of gender issues in society and to look at the position of women and men within gender constructions. Being gender sensitive in Sri Lanka would mean looking at the roles that society assigns to men and women in Sri Lanka based on traditions, culture and values.

A close look at these gender roles would show that at times women are discriminated against which places them in more vulnerable positions as against men.

In Mediation, it is important to understand these gender roles, areas of gender discrimination and thus be gender sensitized in order to ensure that the mediation process treats every party equally, equitably and justly.

## **Gender roles and activities**

**Time needed:** 1 hour

**Aim of the activity:** To provide an understanding of the roles men and women play in society and the responsibilities they have as a result

**How to do the activity:**

- Explain the aim of the activity known as “A DAY IN THEIR LIVES”
- Group people into 3 groups and provide each group with a case study depicting the life of a man and woman
- Ask each group to plot out the activities the man and woman do each day and the hours spent on it
- Tabulate the hours spent by the man and woman on activities grouping the activities according to productive tasks, reproductive tasks and community tasks and time spent on leisure and sleep.
- Explain the roles and responsibilities ascribed to men and women in society showing who does what more/less

**Material needed:**

3 flipcharts, 3 marker pens, tape

**Training aids:**

3 flipcharts with time of the day written on them

3 case studies

Presentation on roles and responsibilities


**Handouts:**

Gender Division of Labour

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## Material for Part 2 Activity 2

 Flipchart with hours in the day

Time	Activities of man	Activities of woman
A.M. 1-2		
2-3		
3-4		
4-5		
5-6		
6-7		
7-8		
8-9		
9-10		
10-11		
11-12		
P.M. 12-1		
1-2		
2-3		
3-4		
4-5		
5-6		
6-7		
7-8		
8-9		
9-10		
10-11		
11-12		

✋ 3 case studies – A day in their lives

A day in their lives 1

In a village in Matara, lives Sumika and Saman. Sumika is 40 years old and a teacher in the local school. Saman is 48 years old, a teacher in the same school and the Chairman of the Community Mediation Board. They have three children aged 17, 15 and 12. Saman's mother lives with them. She is 80 years old and is sickly.

A day in their lives 2

Faleel and Shereen live in the suburb of Welikada. Shereen is 40 years old. She is a housewife and a member of the Kotte Mediation Board. Faleel is 48 years old and an executive in a private company. Faleel is very traditional and very strict towards his wife and children. They have three children aged 17, 15 and 12. Faleel's mother lives with them. She is 68 years old, very active and helps in the house.

A day in their lives 3

Kamaleshwari and Siva live in a tea plantation community in Hatton. Kamaleshwari is 40 years old and works in the plantation as tea plucker. Siva is 48 years old and works in the plantation as labourer. Siva is addicted to liquor and abuses wife. They have three children aged 17, 15 and 12.

## **Roles and Responsibilities**

The roles and responsibilities that women and men do and have in life can be categorized into three. This is known as the gender division of labour

- Productive work – paid work
- Reproductive work – domestic work of childcare and housework, elderly care
- Community work – work done outside the home in the community

In all societies, men and women are assigned tasks, activities and responsibilities according to their sex. The gender division of labour varies from one society and culture to another and within each culture; it also changes with external circumstances and over time. Because in most societies, gender power relations are skewed in favour of men, different values are ascribed to men's tasks and women's tasks. Men engage more in productive work and community work while women are seen doing reproductive work. In the time for rest and leisure, women are often seen enjoying both less than men.

## **Gender division of labour**

- In all societies, men and women are assigned tasks, activities and responsibilities according to their sex. The gender division of labour varies from one society and culture to another and within each culture; it also changes with external circumstances and over time. Because in most societies, gender power relations are skewed in favour of men, different values are ascribed to men's tasks and women's tasks.
- In all types of work done by men and women, a distinction can be made between productive work and reproductive work.
- Productive work includes the production of goods and services for income or subsistence. It is this work which is mainly recognized and valued as work by individuals and societies, and which is most commonly included in national economic statistics. Both women and men perform productive work, but not all of this is valued or rewarded in the same way.
- Reproductive work encompasses the care and maintenance of the household and its members such as cooking, washing, cleaning, nursing, bearing children and looking after them, building and maintaining shelter. This work is necessary, yet it is rarely considered of the same value as productive work. It is normally unpaid and is not counted in conventional economic statistics. It is mostly done by women.
- Community work is the work a man or woman does in the public life such as serving on committees, attending meetings and representing the household. This work is commonly done by the man as he is identified as the head of the household. Often women engage in community work where their role is accepted such as being members of women's groups.

## Socialisation and Gender Stereotyping

**Time needed:** 45 minutes

**Aim of the activity:** To discuss and analyse statements/misconceptions about gender and to provide participants an understanding of stereotypes and creation of gender identities.

To provide an understanding of how socialization processes create stereotypes which can discriminate against men and women

**How to do the activity:**

- Explain aim of activity
- Group participants into 8 and provide each group a statement. Ask each group to explain what is in the statement, whether they agree with it or not and why
- Discuss these explanations asking a series of questions.
- Explain socialization and stereotyping

**Material needed:**

None

**Training aids:**

8 statement cards

Guide questions to facilitate discussion

**Handouts:**

Note on stereotyping and socialisation

### **Material for Part 2 Activity 3**

#### Statements on socialization and stereotyping

1. The generation is perpetuated by boy children
2. Revealing clothes can subject women to abuse and rape
3. A husband can abuse his wife if she doesn't do her duties to her family
4. Teenage girls who have attained puberty must be protected more than teenage boys
5. A woman is better at housekeeping than a man
6. Older women prefer to look after home than be active in public life
7. It is a man's duty to look after his wife and family
8. Boys are better at driving vehicles and girls are better at sewing

#### Guide questions/points for discussion

- Did any statement surprise you?
- Do the statements indicate that gender is inborn or learned?
- Gender roles vary greatly in different societies, cultures and historical periods.
- Age, ethnicity and class are also major factors which determine our gender roles.
- Women in every country experience both power and oppression differently.

## **Socialisation**

*Boys learn to be boys and girls learn to be girls*

- The process of learning one's culture and how to live within it.
- An important part of socialization is the learning of culturally defined gender roles
- Learning of behavior and attitudes considered appropriate for a given sex.
- Happens by way of many different agents of socialization – family, friends, school, work, religious institutions and the mass media

## **Gender Stereotyping**

- A stereotype is a simplified and/or standardized conception or image with specific meaning, often held in common by people about another group.
- Gender stereotypes are those ideas, usually imposed by society of what is expected of men and women in the social structure

Examples:

- men are expected to be assertive, risk-taking, tough, unfeeling, insensitive, combative, the owner or ruler of the home
- women are expected to be the nurturers, caregivers, demure, polite, the family homemaker.

## Gender in mediation

**Time needed:** 30 min

**Aim of the activity:** To gender sensitise mediators to understand the different ways the mediation process relates to and impacts on women and men

**How to do the activity:**

- Present the following facts and brainstorm on what it means.
  - ✎ Women's role in alternative dispute resolution systems
  - ✎ Participation / Nomination
  - ✎ Perpetuation of stereotypes
  - ✎ Sensitizing women
  - ✎ Sensitizing men

**Material needed:**

None

**Training aids:**

A flipchart (transparency or slide) with the bullet points above

**Handouts:**

Women and mediation



## Material for Part 2 Activity 4



### Gender in mediation bullet points for discussion

- Women's role in alternative dispute resolution systems
- Participation / Nomination
- Perpetuation of stereotypes
- Sensitizing women
- Sensitizing men



### Handout

## Women and Mediation in Sri Lanka

- Women form an intrinsic part of the diverse conflict resolution processes in Sri Lanka. An active and visible part of society (women make up approximately 50% of the population), women's needs to access the dispute resolution system in the country are numerous.
- Most often women's legal needs are connected to their sex and gender, where their relationships and interactions with men form the crux of the legal problem.
- A majority of such legal problems affecting women center on instances of violence (domestic violence, rape, incest and sexual harassment), issues of separation and divorce, instances of maintenance and alimony, child custody and inheritance.
- In Sri Lanka, socio economic, political and cultural circumstances contribute to the fact that women face legal problems that are not necessarily faced by men.
- As such these gender specific issues arising from women's vulnerability are seen as demanding specific attention. The foundation of this specific attention lies in a gender sensitive conflict resolution process in Sri Lanka.

### ***A brief gender review of the Mediation Process in Sri Lanka***

- It is unquestioned that The Mediation Boards in Sri Lanka serve a crucial role in the amicable settlement of diverse conflicts within communities thereby reducing court congestion and providing relief to thousands of citizens who do not have financial resources to access the formal legal system.
- In terms of gender equality in the mediation process, several crucial issues show that Sri Lanka's mediation process is not in a position to treat men and women clients equally.

### **Constitution of Mediation Boards**

- The majority of Mediators is male and it is said that few women are nominated to become mediators.

***Community Mediation for a Violence Free Society: A Resource Book for Mediator Trainers***

- There has been little interest shown in examining what prevents women from being nominated as mediators which reduces the number of women mediators being appointed

### **Jurisdiction of Mediation Boards**

- The jurisdiction of the Mediation Boards includes issues that affect women differently. Some of these are family related issues including family disputes and property issues.
- The Mediation Boards also mediate in instances of physical injury that can amount to domestic violence (voluntarily causing hurt, voluntarily causing grievous hurt, causing hurt by an act which endangers life, causing hurt by an act which endangers life or the personal safety of others, wrongful restraint or confining, assault or use of criminal force).
- These issues affect women and men differently due to the unequal status or power relationship between the disputing parties. This requires that Mediators look at these specific issues in a gender sensitive manner.

### **Types of Clients**

- Generally, parties and clients in the mediation process in Sri Lanka are diverse in sex and age. The majority of the clients is from socially and economically deprived sectors of society. The gender specific issues with regard to diverse age groups and particular sectors of society are many.
- It is commonly perceived that within any society, women tend to be, as a whole, less empowered than their male counterparts. While this is not a given in every situation, it is generally so.
- In a dispute before a Mediation Board, especially one where the disputing parties are male and female and the dispute is of a gender specific nature (property within marriage or violence in the home), there can be a power division which places the woman in a disadvantaged position. In such a situation the Mediator ultimately holds the utmost power and through a gender sensitive mediation process, is able to bring about relief to parties that would be just and equitable to both man and woman.

### **Mediation process**

- The Mediation process in Sri Lanka is an intrinsic part of Sri Lanka society. As such Sri Lankan culture, values and norms have major influence on the way mediations are conducted and many mediators often assume a role of authority and keepers of traditional norms which can often be insensitive to the position of men and women in society.
- In order to gender sensitise the mediation process, culture, religious belief, values and norms need to be understood and their implications on the rights and status of men and women in society. This ensures that clients are treated equitably and ensures the dignity of all involved.

## **Feminism**

**Time needed:** 30 min

**Aim of the activity:** To demystify the terms feminism and women's rights

**How to do the activity:**

1. Group participants into pairs.
2. Ask each pair to discuss and write down what they define as feminism. Ask each pair to add a positive and negative comment to what they see as feminism.
3. Ask each pair to read out the definition and comments. Participants keep the definitions with them until the end of the next session.
4. Make a presentation and stimulate a discussion
5. Go back to the definitions of 'What is Feminism to me' and ask participants if they want to add on or delete anything from their definitions.

**Material needed:**

None

**Training aids:**

A flipchart (transparency or slide) with the presentation

**Handouts:**

None

## Material for Part 2 Activity 5



Presentation – flipchart, transparency, slide 1

**FEMINISM** is ..... *“an awareness of women’s oppression and exploitation in society, at the place of work and within the family, and conscious action to change this situation”*

*It is “ an awareness of patriarchal control, exploitation and oppression at the material and ideological levels of women’s labour, fertility and sexuality, in the family, at the place of work and in society in general, and conscious action by women and men to transform the present situation”*

- Feminism does not derive from one single theoretical formulation or one single person’s definition.
- The definition of feminism changes because it is based on historically and culturally concrete realities and levels of consciousness, perception and actions.
- Feminism can be articulated differently by different people in different situations.



Presentation – flipchart, transparency, slide 2

A FEMINIST is ..... Anyone who recognizes the existence of sexism (discrimination on the basis of gender), male dominance and patriarchy and who takes some action against it is a feminist.

- The difference between early feminists and modern ones is that earlier the struggle was to achieve democratic rights for women
- Today women are working towards emancipation from oppression – towards equality, dignity and freedom of choice.

\*\* Feminism is NOT a WESTERN concept but work towards making women and men equal

## Violence against women

**Time needed:** 1 hour

**Aim of the activity:** To provide an understanding of gender based violence

**How to do the activity:**

- Provide participants with flash cards with types of violence written on them.
- Ask participants to post the cards on the chart provided.
- Discuss why the different cards were posted in the different places. Change and correct as you go on.

**Material needed:**

Flipchart, 15 cards, tape

**Training aids:**


15 cards with types of violence written on them

Chart "Violence".

**Handouts:**

None


## Material for Part 2 Activity 6

 Violence cards

Shouted at and insulted at home	Hit at home
Not given money by spouse/spouse takes all money earned	Asked for sexual relationships at the workplace in order to give a promotion
Dirty sexual jokes and comments at the workplace	Touched in public transport
Abused at the Police Station by women and men police officers	Sexually abused by grandfather
Rape	Rape of a girl under sixteen years
Rape by spouse	Illegal abortion
Assault/Hitting	Tricked with false promises of good jobs abroad and made to work like a slave
Deceived into taking a job and ending up in a brothel	Murder

 'Violence' chart

'Violence'		
Affecting MEN more	Affecting WOMEN more	Affecting BOTH equally

 How the chart should be completed

<b>Affecting MEN more</b>	<b>Affecting WOMEN more</b>	<b>Affecting BOTH equally</b>
<ul style="list-style-type: none"> <li>• Murder</li> <li>• Assault/Hitting</li> </ul>	<ul style="list-style-type: none"> <li>• Hit at home</li> <li>• Not given money by spouse/spouse takes all money earned</li> <li>• Asked for sexual relationships at the workplace in order to give a promotion</li> <li>• Dirty sexual jokes and comments at the workplace</li> <li>• Touched in public transport</li> <li>• Sexually abused by grandfather</li> <li>• Rape</li> <li>• Rape of a girl under sixteen years</li> <li>• Rape by spouse</li> <li>• Illegal abortion</li> <li>• Deceived into taking a job and ending up in a brothel</li> </ul>	<ul style="list-style-type: none"> <li>• Shouted at and insulted at home</li> <li>• Abused at the Police Station by women and men police officers</li> <li>• Tricked with false promises of good jobs abroad and made to work like a slave</li> </ul>

## Talking to women and listening to women

**Time needed:** 30 minutes

**Aim of the activity:** To guide mediators on how to listen to women and provide space to women to speak in mediations

**How to do the activity:**

- Group participants into 4 groups.
- Provide each group with a set of cards with key phrases written on them
- In groups ask mediators to discuss the statement
- Groups present and brainstorm

**Material needed:**

None

**Training aids:**

5 statement cards

**Handouts:**

None

## Material for Part 2 Activity 7

### Statement cards

1. Women are disadvantaged when they come to mediation in a family dispute that involved violence against them.
2. Women need women mediators to feel comfortable in a family dispute that involved violence against them.
3. Women need to be encouraged to speak and present their point of view when mediating a family dispute that involved violence against them.
4. Mediators need to be sensitive to issues of violence against women when mediating a family dispute that involved violence against them.
5. Speaking to parties alone helps when dealing with a family dispute that involved violence against them.



## **PART 3**

- This section is on the conclusion and evaluation of the workshop.

## EVALUATION AND CLOSING

**Time needed:** 10 minutes

**Aim of the activity:** To conclude the workshop

**How to do the activity:**

1. Distribute the Evaluation Form and ask participants to fill up the form. This can be done individually or by pairing participants.
2. If participants are reluctant or find it difficult to fill the form, ask each question and ask for their views.
3. Make a formal closing presentation.

**Material needed:**

Evaluation Forms

# EVALUATION FORM

Please write your comments below to help us find out how useful the workshop has been, and how we might plan for the future. THANK YOU.

1. Was the **content** of the workshop (please tick the appropriate space)

Activity	not useful	about right	very useful
• Gender			
• Gender roles and activities			
• Socialisation /stereotyping			
• Gender in mediation			
• Feminism			
• Violence against women			
• Talking to and listening to women			

2. Was the **style** of the workshop (please tick the appropriate space)

Activity	Good	Fair	Poor
• Gender			
• Gender roles and activities			
• Socialisation /stereotyping			
• Gender in mediation			
• Feminism			
• Violence against women			
• Talking to and listening to women			

1. Do you think being sensitive to gender issues as well as being sensitive to women's issues is important for a successful mediation process? YES/ NO

Why? (Please explain your answer)

.....

.....

.....

2. Do you feel your attitudes and perceptions about men and women have changed due to this workshop? YES/NO

Why? (Please explain your answer)

.....  
.....  
.....

3. How will you use what you have learnt in mediating disputes involving men and women?

.....  
.....  
.....

4. Please give us suggestions to make this workshop more effective.

.....  
.....  
.....

Any other comments:

.....  
.....  
.....

# **Workshop 2**

# **WORKSHOP PROGRAMME**

## DAY 1

9.00 – 9.30	Introductions
9.30 – 10.00	Creating the environment
10.00 – 10.15	Tea
10.15 – 11.15	What is Violence Against Women?
11.15 – 12.15	Domestic Violence
12.15 – 1.00	Impact of Violence on Women
1.00 – 1.45	Lunch
1.45 – 2.30	Impact of Violence on Women (continued)
2.30 – 3.30	Laws that deal with Domestic Violence
3.30 – 3.45	Tea
3.45 – 4.30	Medical aspects of Domestic Violence

## DAY 2

9.00 – 9.30	Review of Day 1
9.30 – 10.30	Social and psychological aspects of Domestic Violence
10.30 – 10.45	Tea
10.45 – 1.00	Important aspect of mediating Domestic Violence disputes
1.00 – 1.45	Lunch
1.45 – 3.15	Mediating disputes of violence against women (case discussion)
3.15 – 3.30	Tea
3.45 – 4.30	Mediating disputes of violence against women – roleplay
4.30	Conclusion

# **PART 1**

## **STARTING THE WORKSHOP**

Part 1 is the introductory segment of the workshop. Although you, as the Mediator Trainer, are known to the Mediators you will be training, it is important to introduce the subject to them.

It is IMPORTANT to:

- Re-establish the rapport with the mediators before the workshop.
- Revisit what mediators have learnt and experienced on Gender issues and mediation
- Get the views of mediators on the subject of violence against women
- Be ready with information and links to other organizations to refer other problems that may come up during the workshop. i.e. counseling, medical assistance, legal assistance, more information etc.

**Part 1**  
**Activity 1**

**Introductions**

**Time needed:** 10 minutes

**Aim of the activity:** To introduce the workshop and to enable participants to provide their own views on the subject. This activity takes note that the Trainer is well known to the Mediators and that the Mediators know each other well. Further, this workshop follows the first workshop which has provided Gender Sensitisation and introduction to Violence.

**How to do the activity:**

1. Provide an overview of the aim and content of the workshop.
2. Write up a flipchart of Ground Rules.

**Material needed:**

- A Guide to Ground Rules

**Training Aids:**

None

**Handouts for participants:**

File, exercise book, pen for each participant



## **Material for Part 1 Activity 1:**

### Guide to Ground Rules

Ground Rules could include the following:

- Be on time for every session
- Let one person speak at a time
- Participate actively
- Contribute meaningfully
- Ask questions, but not to interrupt the flow of a session.

**Part 1**  
**Activity 2**

**Creating the environment**

**Time needed:** 20 minutes

**Aim of the activity:** To review the agenda and provide an understanding on the importance of the workshop

**How to do the activity:**

- Go through the agenda briefly explaining the content of each session.
- Ask mediators to give examples of disputes they have mediated that have dealt with violence between men and women.
- Elicit answers by giving examples of disputes

**Material needed:**

None

**Training aids:**

Agenda on a flipchart (PowerPoint slide or overhead)

**Handouts for participants:**

Agenda

**Material for Part 1 Activity 2**

None

## **PART 2**

Part 2 comprises content on the issue of gender based violence and includes the following topics:

- Violence Against Women
- Domestic Violence
- Impact of Domestic Violence on Women
- Social and psychological aspects of Domestic Violence
- Medical aspects of Domestic Violence
- Laws that deal with Domestic Violence
- Mediating disputes of Domestic Violence

**Part 2**  
**Activity 1**

**What is Violence and Violence against Women?**

**Time needed:** 30 Minutes

**Aim of the activity:** To help mediators identify violence in real life situations.

**How to do the activity:**

- Group mediators into 4 groups
- Provide each group with a card depicting a situation of violence
- Provide them with a series of questions.
- In groups, ask mediators to discuss the situation and provide answers to the questions provided.
- Ask groups to make presentations and discuss answers with all participants. Use Guide provided to ensure that all aspects in each 'situation' are covered and mediators receive an understanding of the types of violence contained in each 'situation'.

**Material needed:**

4 flipcharts, 4 marker pens, tape

**Training aids:**

4 "Situation" cards


4 Questions cards

Guide to Trainers

**Handouts for participants:**

None

## Material for Part 2 Activity 1

 4 'Situation' cards

### Situation 1

Manel finished work at 9 p.m. She leaves her workplace alone and walks down the lonely road to the bus stand. On the way there are two men standing on the pavement. They appear to be drunk. As Manel goes near them, they start shouting in bad language, laughing at her using sexual jokes, calling her vulgar names. One of the men grabs Manel's arm, pulls her towards him and slaps her. Manel bleeds from her mouth. The other man is trying to take her blouse off. A bus is coming down the road. The bus conductor shouts "what is happening here?". Manel starts screaming, 'help me, help me'.

### Situation 2

Fathima's husband Mohideen returns home late after a hard day at work. He is angry when Fathima does not prepare his cup of tea immediately. He shouts at her. She shouts back " You speak like this to me – you don't give me enough money to manage this house" she shouts. Angered by her words, Mohideen shouts back and hits her. Fathima falls to the ground. Her arm is fractured.

### Situation 3

Amarasiri and Thanga work in the same office. Amarasiri is Thanga's –supervisor. Amarasiri wants Thanga to be his girlfriend and become intimate with him. Thanga is not interested. Amarasiri keeps asking her and one day tells her that he will not recommend her for a promotion if she does not agree with his demands. Thanga is helpless.

### Situation 4

Padma and Piyal have been married for 6 years. Piyal owns a bakery while Padma works as a primary school teacher. Piyal is always laughing at Padma saying she does not know how to keep a nice house, and that her earnings are too small to make a difference to the family income. Piyal does not scold Padma and he has never hit her. But his jokes hurt Padma and her self confidence has been shattered.

 Questions to mediators

 **List the acts of violence in this situation.**

 **Why do you see them as acts of violence?**

Situation	Answers	
	List the acts of violence in this situation	Why do you see them as acts of violence?
<u>1</u>	<ul style="list-style-type: none"> <li>• Shouting in bad language laughing at her using sexual jokes, calling her vulgar names</li> <li>• One of the men grabs Manel's arm, pulls her towards him and slaps her. Manel bleeds from her mouth.</li> <li>• The other man is trying to take her blouse off</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Because they are offences in law.</i> <ul style="list-style-type: none"> <li>○ Shouting in bad language laughing at her using sexual jokes, calling her vulgar names – <i>sexual harassment, intimidation</i></li> <li>○ One of the men grabs Manel's arm, pulls her towards him and slaps her. Manel bleeds from her mouth - <i>Assault, causing hurt</i></li> <li>○ The other man is trying to take her blouse off - <i>assault</i></li> </ul> </li> </ul>
<u>2</u>	<ul style="list-style-type: none"> <li>• Fathima's husband has not been giving her money to spend on the house.</li> <li>• He shouted at her.</li> <li>• He hit her, threw her on the floor. Fathima's arm was fractured as she fell.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Because some are offences in law.</i> <ul style="list-style-type: none"> <li>○ He shouted at her and threatened to hit her - <i>threat, intimidation (domestic violence)</i></li> <li>○ He hit her, threw her on the floor. Fathima's arm was fractured as she fell – <i>assault, causing grievous hurt</i></li> </ul> </li> <li>• <i>Some are not offences under the Sri Lankan law but they are offences under other laws.</i> <ul style="list-style-type: none"> <li>○ Fathima's husband has not been giving her money to spend on the house – <i>economic abuse</i></li> <li>○ He shouted at her and threatened to hit her – <i>verbal abuse</i></li> </ul> </li> </ul>
<u>3</u>	<ul style="list-style-type: none"> <li>• Amarasiri is forcing Thanga to have an intimate relationship with him when she is not willing to do so.</li> <li>• Amarasiri is using his power as Thanga's supervisor to force her into a relationship.</li> </ul>	<ul style="list-style-type: none"> <li>• This is sexual harassment</li> <li>• It is an offence in the Penal Code.</li> </ul>
<u>4</u>	<ul style="list-style-type: none"> <li>• Piyal is mentally abusing Padma by insulting her.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>This is emotional abuse.</i></li> <li>• <i>The Prevention of Domestic Violence Act recognizes emotional abuse as a form of abuse and provides for Protection Order</i></li> </ul>

## Violence Against Women Categorised

Violence Within The Family	Violence in The Community	Violence By State
Domestic Violence	Rape	Violence when in custody
Sexual Abuse	Sexual Harassment	Violence against refugee women
Traditional & Cultural Violence	Sexual Exploitation	Trafficking
Marital Rape	Murder	
Incest	Abortion	

**Part 2**  
**Activity 2**

**Domestic Violence**

**Time needed:** 1 hour

**Aim of the activity:** To help mediators understand the meaning of Domestic Violence

**How to do the activity:**

- Provide several definitions of Domestic Violence to mediators and brainstorm on what it means.
- Make a presentation explaining each definition with statistics from Sri Lanka

**Material needed:**

None

**Training aids:**

Definitions on a flipchart (PowerPoint slide or transparency)

Presentation on domestic violence

**Handouts for participants:**

Definitions and statistics



## Material for Part 2 Activity 2

### Definitions of Domestic Violence

#### Definition 1

Domestic violence can be broadly defined a pattern of abusive behaviors by one or both partners in an intimate relationship (such as marriage, dating, family, friends or cohabitation). Domestic violence has many forms including physical aggression (hitting, kicking, biting, shoving, restraining, throwing objects), verbal abuse, sexual abuse, emotional abuse (controlling or domineering), intimidation, passive abuse (like neglect), and economic deprivation or threats of such abuse.

#### Definition 2

The Plan of Action supporting the prevention of Domestic Violence drafted by the National Committee on Women states:

Domestic violence is widely defined as an abuse of power perpetrated mainly (but not only) by men against women. Commonly perpetrated forms of domestic violence include: physical and sexual violence; threats and intimidation; emotional and social abuse; and economic deprivation.

#### Definition 3

The Prevention of Domestic Violence Act defines Domestic Violence as:

1. An act (or attempt to commit an act) committed by a relevant person which constitutes an offence under Chapter 16 of the Penal Code. These include:
  - Voluntarily causing hurt and grievous hurt
  - Causing hurt by an act which endangers life
  - Wrongfully restraining or confining person
  - Assault or use of criminal force
  - Criminal intimidation
  - Murder
  - Sexual abuse
  
2. An act of emotional abuse. Emotional abuse means a pattern of degrading or humiliating conduct directed towards a person, including-
  - repeated insults, ridicule or name calling;
  - repeated threats which cause emotional pain; or
  - the repeated exhibition of obsessive possessiveness or jealousy which seriously hampers a person's privacy, liberty, integrity or security;

## Facts and statistics

### In the world:

- One out of every four women will experience domestic violence in her lifetime.
- An estimated 1.3 million women are victims of physical assault by an intimate partner each year.
- 85% of domestic violence victims is women.
- Historically, females have been most often victimized by someone they knew.
- Females who are *20-24 years of age* are at the greatest risk of nonfatal intimate partner violence.
- Most cases of domestic violence are never reported to the police.

### In Sri Lanka

- According to a report by the UN Rapporteur on Violence Against Women, over 60% of Sri Lankan women are subject to domestic violence.
- 44% of pregnant women are also subjected to harassment, according to a 2006 survey by the Ministry of Child Development and Women's Empowerment.
- It is argued that patriarchal ideologies and gender inequalities are embedded in Sri Lankan culture and society, thus normalizing violence against women within the country's social and cultural fabric.
- A survey at the out-patient department of the North Colombo Teaching Hospital in Ragama, a semi-urban area in the suburbs of Colombo, found that 40.7% of women had been abused by their partners. The abuse was physical as well as verbal, emotional and sexual and most women reacted in a submissive manner: 79% of those abused have stayed in their marriages for more than 10 years. This submissive behaviour could be because Sri Lankan women usually lack the means to leave their husbands and live independently and the fact that society looks down upon such women.
- In a study in Eastern Sri Lanka, reported that most women, regardless of their level of education and their employment status, cited the welfare of their children as a prime reason for staying in an abusive relationship.

#### References:

<http://www.ncadv.org/files/DomesticViolenceFactSheet>

Plan of Action Supporting the Prevention of Domestic Violence Act 2005. National Committee on Women. Sri Lanka

Samath, F. Women Battered Despite Domestic Violence Law. [www.ipsnews.net](http://www.ipsnews.net) accessed on 5 September 2009

Kurupparachchi, K.A.L.A. and Wijeratne L.T. Domestic violence and female mental health in developing countries <http://bjp.rcpsych.org> accessed on 5 September 2009

## The Impact of Domestic Violence on Women

**Time needed:** 15 minutes

**Aim of the activity:** To help mediators understand the results of acts of violence against women in general. This is an introductory session leading to the next sessions on social, medical and psychological impacts of domestic violence.

**How to do the activity:**

- Using the chart provided, explain that the result of violence against women is the denial of means that empowers women.

**Material needed:**

None

**Training aids:**

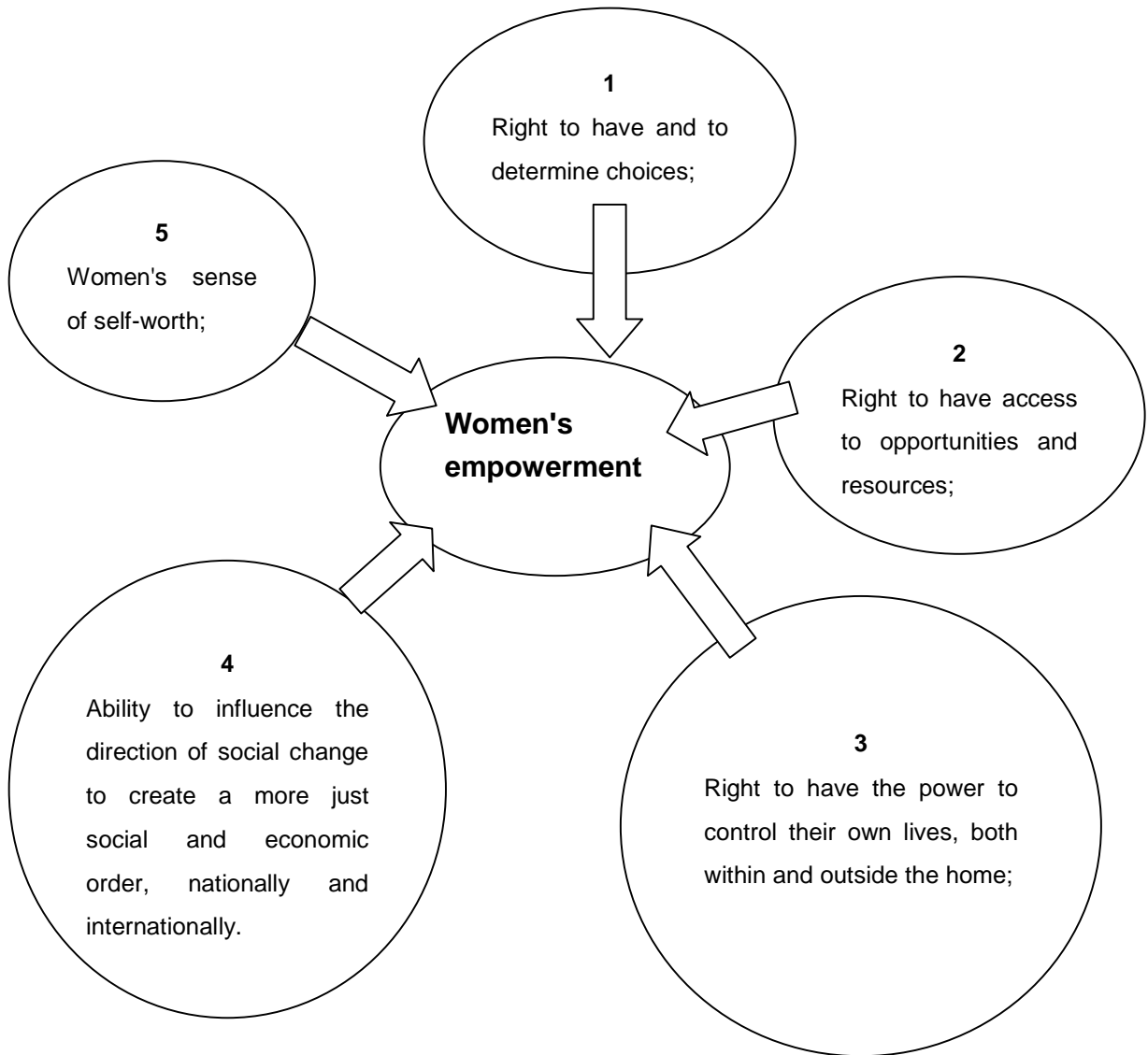
Empowerment chart

**Handouts for participants:**

None

**Material for Part 2 Activity 3**

 **Empowerment Chart**



## Explanation

For a woman to be empowered, she must have the following rights and opportunities. Often these rights and opportunities are denied to women by social practices, attitudes and at times, by laws. It is important to understand that women have the right to empowerment. Through this understanding, Mediators will be able to understand that gender based violence often results in situations where this right to empowerment is not recognized and /or accepted.

<b>Women's empowerment</b>		
1	Right to have and to determine choices;	This is the right to make choices and be consulted in making choices be they about education, work, children or family life.
2	Right to have access to opportunities and resources	This is the right to have access to opportunities and resources without having to face hindrances brought on by social, cultural and other practices, rules and laws enforced by others.
3	Right to have the power to control their own lives, both within and outside the home;	This is the space to become decision makers and have equal power as men to make decisions
4	Ability to influence the direction of social change to create a more just social and economic order, nationally and internationally.	This is the ability and space for women to become part of development, positive change in their country and outside.
5	Women's sense of self-worth;	By enabling all of the above, a woman's self worth increases. When a woman recognizes her worth and her value is recognized and accepted in her home, her community and the outside world, she becomes empowered.

**Social and psychological aspects of domestic violence**

**Time needed:** 30 minutes

**Aim of the activity:** To help mediators understand the social and psychological results of acts of violence against women

**How to do the activity:**

- Provide each mediator with a card and ask them to write what they think are the social and psychological results of violence against women
- Put the cards on a flipchart.
- Using the material provided add to what the mediators have come up with and explain the results of violence against women.

**Material needed:**

25 cards, 1 flipchart, markers


**Training aids:**

Material to add to presentations by mediators on social and psychological impact of violence against women

**Handouts for participants:**

Presentation

## Material for Part 2 Activity 4

-  Material to add to presentations by mediators on social and psychological impact of violence against women

### **Social and Psychological impacts of domestic violence**

#### **Signs in a victim:**

- Physical injuries
- Serious injuries (i.e. broken bones, fractures, sprains, burns, cuts, concussions, lacerations, contusions, bites, perforated eardrums)
- Infections (anal, vaginal, pelvic)
- Permanent disabilities (i.e. asthma, belly pain, muscle pain, irritable bowel syndrome)
- Miscarriages, unwanted pregnancies
- STDs, HIV/AIDS
- Timidity, jumpiness, anxiousness
- Perfectionism, obedience, submissiveness
- Depression, despair
- Feelings of inadequacy, powerlessness, worthlessness, humiliation
- Sleeping disorders, eating disorders
- Suicidal, self-injury
- Truancy, withdrawal from activities and friends
- Crying easily, getting hysterical, overreacting to minor incidents
- Low self-esteem
- Fear, anger, anxiety
- Sobbing, restlessness, tension, distress, inability to concentrate
- Hidden or masked feelings
- Calm or subdued demeanor, withdrawal
- Nightmares
- Fears and Phobias (i.e. being alone, mistrust of men)
- Change in sexual activity (severe increase or decrease, sex can trigger flashbacks)
- Change in Relationships (decrease in trust of others, decrease in contact with friends and family, loss of confidence and self-esteem)
- Dizziness, numbness
- Death

**After a long period of time, a victim may:**

- Rationalize the abuser's behavior
- Accept that it is an expression of his love for her (he keeps telling her that he hits her because he loves her and wants to 'correct' her ways)
- Blame herself for provoking him (he keeps telling her that the violence is her fault)
- Believe that she deserves to be abused
- Be too tired, both mentally and physically to take steps to seek help
- Have no self confidence or strength
- Become helpless to leave or help herself

**The reasons why an abused woman does not leave the relationship:**

It is important to understand the reasons why an abused person does not leave the abusive situation and/or the abuser. The reasons may be many:

- Does not want to split the family up
- Does not want to lose the children
- Is ashamed to admit she is being abused
- Is concerned that extended family members and neighbours will think badly of her
- Loves the abuser
- Believes that abuse is a sign of love
- Believes the abuser when he says it will not happen again
- Hopes that the abuser will change
- Figures that a violent husband/ father is better than no husband/ father at all
- Does not have anywhere else to go
- Scared of poverty where she does not have any means of income
- Scared of becoming homeless as the property is in her husband's name
- Scared of going home because her parents/siblings will not help her
- Scared of the violence increasing
- Is scared to go to the Police
- Is unaware of her legal right to protection
- Is unaware of organizations or individuals who can help her

**Some facts about domestic violence**

- Men who abuse their wives are more likely to be violent towards their children
- Abused women are abusive towards their children than women who are not abused
- Men who were abused as children or watched their fathers abusing their mothers are more prone to abusing their wives



**Effects of domestic violence on children:**

- Hyperactivity
- Aggression
- Behavior problems
- emotional difficulties
- Sleeping disorders, eating disorders
- Seeing, hearing, and sensing the abuse
- Confusion, stress, and fear
- Feeling guilty that they can't protect the victim
- Feeling responsible, or that they are the reason the victim is being abused
- Being abused or neglected themselves
- Headaches, ulcers, bedwetting, sleep disorders, abdominal pain
- Sons are more likely to abuse their future wives, and the daughters more likely to be abused by their future husbands
- Constant anxiety and stress about their mother's well-being
- Thumb-sucking, excessive clinginess
- Speech impediments
- Worry and uncertainty about their future
- Disinterest in their future, goals, or having self-control
- Embarrassment, reluctance to open up to or trust others
- Need to be invisible or perfect
- Suicidal thoughts or attempts, self-injury, depression
- Anger management problems, hostility
- Nightmares, insomnia, memory repression, denial
- Low empathy, low self-esteem
- Hyperactivity, constant attention seeking
- Withdrawal, truancy, running away from home

## **Medical aspects of domestic violence**

**Time needed:** 30 minutes

**Aim of the activity:** To help mediators understand the medical consequences of acts of violence against women

**How to do the activity:**

- Provide each mediator with a card and ask them to write what they think are the medical impacts of violence against women
- Put the cards on a flipchart.
- Using the material provided explain the result of violence against women.

**Material needed:**

25 cards, 1 flipchart, markers

**Training aids:**

Material to add to presentations by mediators on medical aspects of violence against women

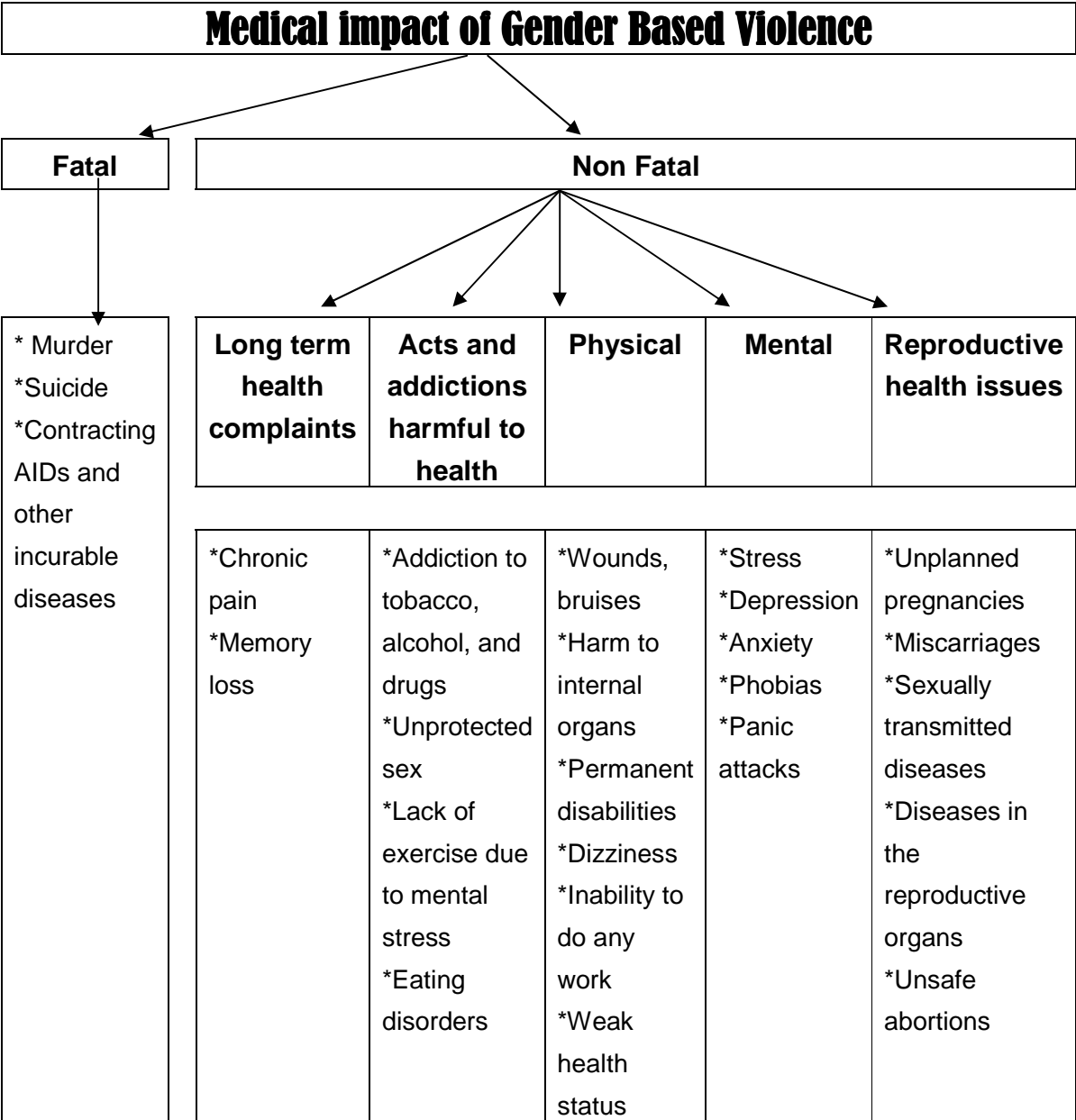
**Handouts for participants:**

Presentation

## Material for Part 2 Activity 5

### Medical aspects of violence against women

- Violence against women has been identified as a serious health issue
- Women victims of violence cannot live to their full potential and are often sick with various illnesses; both mental and physical.
  
- Some health signs that victims of violence may show are:
  - Discharge of blood from the vagina
  - Other discharges from the vagina
  - Excessive pain during menstruation
  - Changes in sexual relationships (disinterest, discomfort)
  - Illnesses in the reproductive organs
  - Long term and excessive pain in the lower abdomen
  - Difficulty in walking
  - Difficulty in doing routine activities
  - Memory loss
  - Dizziness, fainting
  
- Information from a study done in Sri Lanka by the World Health Organisation (WHO) in 2006 states:
  - More women than men face gender based violence
  - There are no ethnic, religious or class differences in the victims. Women who face violence belong to all ethnic groups, all religions and are from different social classes
  - The majority is between the ages of 20 and 44
  - Most of the acts of violence are committed by the husband, a relative, neighbor or other persons “known” to the victim
  - Of a sample of 750 women, 34.4% had faced some act of violence against them during their lifetime
  - 20% had face severe (grievous) physical violence



**Part 2**  
**Activity 6**

**Laws that deal with Domestic Violence**

**Time needed:** 45 minutes

**Aim of the activity:** To help mediators understand the Domestic Violence law

**How to do the activity:**

- Presentation on the law using provided material

**Material needed:**

none

**Training aids:**

Presentation on the domestic violence law

**Handouts for participants:**

Presentation

## Material for Part 2 Activity 6

### PREVENTION OF DOMESTIC VIOLENCE ACT NO 34 OF 2005

- An act to provide for the prevention of any act of domestic violence
- Domestic violence is defined as physical violence and emotional violence
- Focus on ensuring the safety of aggrieved party
- Enables a civil remedy
- Provisions are gender neutral
- Not an alternative to a criminal process

**Who can go to court?**      *An application to court can be made against:-*

- *Spouse*
- *Ex-spouse*
- *Cohabiting partners*
- *Persons in close relationships....parents, children*
- *Grandparents, siblings, child of sibling etc. referred to as Relevant Person*

**When to make an application?**

- When an act of domestic violence has been, is being, or likely to be committed.

**Where to make application?**

- Magistrates Court within whose jurisdiction the aggrieved party or relevant party resides or the act of violence has been or likely to be committed.

**What is the procedure?**

- Court will immediately consider the application and when the court is satisfied that it is necessary to issue an interim protection order, issue Interim Protection Order forthwith. Urgency is needed to ensure the safety of the affected party.
- Interim Protection Order is issued ex-parte.
- Court may examine any person under oath prior to issue of an Interim Protection Order
- Court shall take into consideration the urgent need to prevent acts of domestic violence and protect aggrieved party.
- Cause notice to be issued.
- May order counselor or social worker to counsel parties.
- May order monitoring of observance of an Interim Protection Order .

An *Interim Protection Order* will remain in force till a Protection Order is issued.

### ***Protection Order***

- After the Interim Protection Order is issued, the respondent will be required to be present court and court shall proceed to inquire into the application and consider evidence.
- After inquiry, court will issue a Protection Order.
- If the respondent is present and does not admit domestic violence, but does not object to a Protection Order, the court will issue a Protection Order.
- If the Respondent is not present after notice, court shall consider the application for a Protection order on the evidence and issue Protection Order.

### ***The Protection Order when issued -***

- Will be served on the parties.
- Shall prohibit the commission of acts of domestic violence.
- May contain other prohibitions to ensure the safety and well being of the aggrieved person.
- Shall remain in force for a period not exceeding 12 months.

### ***Prohibitions in Interim Protection Order or Protection Order may contain***

- Preventing access to shared resources.
- Committing acts of violence against any other person, friend, relative , social worker who would be assisting the aggrieved person.
- Following an aggrieved person.
- Engaging in any other act detrimental to the safety of aggrieved person.
- Selling ,transferring, alienating or encumbering the matrimonial home.

### ***In imposing prohibitions court will have regard to:***

- Need for the accommodation of the aggrieved person and children
- Hardship caused to the respondent

### ***Supplementary orders***

- To protect and provide for the immediate safety, health and welfare of aggrieved party, the court may order:-
  - Police to seize any weapons in the possession of respondent.
  - Police to accompany aggrieved party to any place to collect her belongings.
  - Parties to attend mandatory counselling, psychotherapy, other rehabilitative therapy.
  - Social worker, family counsellor, health worker to monitor observance of Protection Order.

- Respondent to provide urgent monetary assistance.
- To be placed in shelter or temporary accommodation.
- To make such payments or provide such facilities to enable the aggrieved party to be in occupation of any residence.

***Other aspects***

- Act will not affect the rights under the Maintenance Ordinance.
  - Court may order the employer to directly pay the aggrieved party.
  - A Protection Order may be altered, modified, varied, extended or revoked on the application of parties.
  - No relief unless the application is made freely and voluntarily.
  - Spouse shall be a competent witness.
- 
- There is right of appeal to the High Court.
  - The violation of a Protection Order carries a fine of Rs.10,000/= or imprisonment not exceeding one year or both.



## **PART 3**

### **MEDIATING DISPUTES OF VIOLENCE AGAINST WOMEN / DOMESTIC VIOLENCE**

Part 3 is on mediating family disputes where domestic violence is a part of the dispute. This section includes the following topics:

- **Important issues in mediating disputes of domestic violence**
- **Practical aspects of mediating disputes of domestic violence**

**Part 3**  
**Activity 1**

**Important issues in mediating disputes of domestic violence**

**Time needed:** 1 hour

**Aim of the activity:** To provide an understanding of the sensitive issues associated with mediating disputes of domestic violence.

**How to do the activity:**

1. Group mediators into groups of three.
2. Provide each group with a card carrying a statement, give 5 minutes for discussion among themselves and brainstorm with mediators on what the statement means.
3. Make a presentation based on the information provided to Trainers.
4. Facilitate an open discussion based on the presentation where mediators can find answers to any questions they may have on the issues presented.

**Material needed:**

6 statement cards

**Training aids:**

Information sheet

**Handouts for participants:**

Handout - Guidelines when mediation disputes of domestic violence

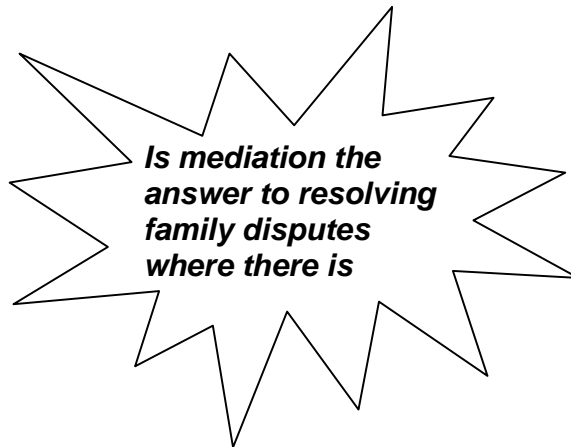
## Material for Part 3 Activity 1

 6 statement cards

1. Mediation can be the answer to resolving family disputes where there is domestic violence, as mediation offers a number of benefits that the adversarial system does not offer when dealing with domestic violence. But, mediation is not an all encompassing remedy to resolving disputes of domestic violence.
2. The mediation law in Sri Lanka requires domestic violence disputes to be mediated, but mediating domestic violence disputes has to be done carefully due to the nature of the offence.
3. A mediator is unable to refuse a domestic violence dispute referred for mediation (or where parties come voluntarily) where there is grave violence except when the violence amounts to attempted murder or rape or when the mediation is requested to dismiss a protection order received from Court .
4. This is a dilemma as it is largely recognized that disputes with long term, grave domestic violence should not be mediated. Most disputes with long term violence cannot be mediated while disputes with grave violence cannot be mediated at all. However, with proper safeguards and training, mediators can attempt to facilitate addressing such disputes and break the cycle of violence.
5. In most disputes, the victims do not want her family to break up – only for the violence to end.
6. We must not try to succeed in every mediation of domestic violence disputes. If a dispute cannot be mediated, record a non-settlement. The aim of success (by settlement) can cause serious negative consequences.



## **Mediating disputes of domestic violence Information Sheet for Mediator Trainers/ Guidelines for Mediators**



Mediation has been used effectively in settling family disputes even where there has been domestic violence. The mediation law in Sri Lanka includes disputes that are defined as domestic violence disputes as offences that should be mediated. However, mediating domestic violence disputes has to be done carefully due to the nature of the offence.

Mediation offers a number of benefits that the adversarial system does not offer when dealing with domestic violence. But, mediation is not an all encompassing remedy to resolving disputes of domestic violence. There are a number of issues that must be noted at every stage of the process; in selecting disputes for mediation, in the process of mediation and in post mediation.

### **In selecting disputes for mediation...**



The law states that disputes causing hurt and grievous hurt must be mandatory mediated. These offences can be brought before a court of law only if there is a non settlement at the mediation board. Therefore a mediator is unable to refuse a domestic

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violence dispute referred for mediation (or where parties come voluntarily) where there is grave violence except when,

- ✿ the violence amounts to attempted murder or rape.
- ✿ the mediation is requested to dismiss a protection order received from Court

This is a dilemma as it is largely recognized that disputes with long term, grave domestic violence should not be mediated. However, with proper safeguards and training mediators can attempt to facilitate settlements in such disputes. Mediation can break the cycle of violence. But there are serious considerations to note:

A mediator must recognise limitations.

- ✿ A mediator should recognize that **it is extremely difficult to mediate the following situations:**
  - A situation where there is a long history of violence thus creating a 'culture of violence'.
  - Where the violence is extremely grave –grievous hurt, grave sexual abuse
  - A situation where the victim is completely helpless and does not articulate her own needs and interests
  - A situation where the perpetrator refuses to take part in the mediation
  
- ✿ A mediator should recognize **issues of power and control**

Domestic violence stems from power and control by one party over the other in a domestic setting. When domestic violence exists, the issues of power and control can prevent the possibility of mediation as the goal of mediation is for parties to work together equally towards a common goal. When there is domestic violence, one party to the dispute (often the man) exercises power and control over the other (commonly the woman). This often prevents an actual mediation from taking place as one party is stronger and in control of the situation.

- ✿ A mediator should recognize that the parties (especially the victim) has the **freedom to decide**

It is important to understand that both parties, and often one party who is the victim to the mediation may not have the autonomy to decide whether or not they will participate in mediation.

- ✿ A mediator should recognize **safety issues**

Domestic violence is a grave offence. It places the victim in an unsafe, vulnerable position which can lead to grave physical harm and even death. In choosing to mediate domestic violence disputes, it is important to recognize and work on the basis that this dispute involves serious physical and emotional safety issues to one party.

- ✿ **Is the victim ready for mediation?**

Often a woman who has been a victim of domestic violence is unable to articulate her own interests and needs. This is because she has been under the power and control of the perpetrator and has conditioned herself to always consider the perpetrator's needs before her own.

Further, the psychological damage that has been caused to a victim can prevent her from recognizing, let alone talking about, her own interests and needs.

She will be scared, intimidated, shamed and unable to challenge the authority of the perpetrator. She has no voice and often, no will to articulate her needs and interests.

- The victim will fear continued violence after the mediation session.
- She will fear for the safety of her children.
- She will fear that the children will be taken away from her.
- She will be ashamed of the reactions of her family, his family and the community which may place her at fault for taking a private matter into the public arena.

**In most disputes, the victims does not want her family to break up – only for the violence to end.**

- ✿ **Are parties ready for mediation?**

Mediation requires the parties to make joint decisions. There has to be honesty, a desire to settle the dispute, and some capacity to compromise. All these are characters that may be missing in a relationship where there is violence.

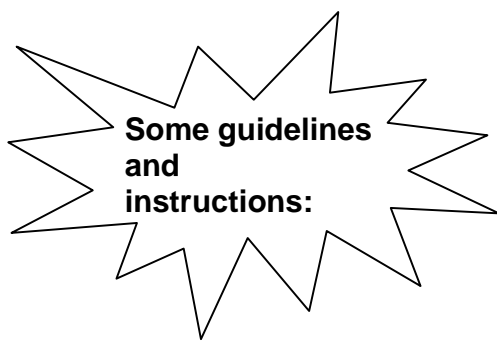
**DO NOT ASSUME that parties are ready and capable to take part in the mediation.**

Some questions that may help a mediator to find this out would be to ask:

- Is the victim ready for mediation?
- Is the perpetrator ready for mediation?
- Is she in a position to articulate her interests and needs?

### **During the mediation process**

After ensuring that parties are ready for mediation and that all mediators recognize the sensitive nature of the dispute, a mediation can be conducted. In addition to following the steps in mediation, ethics and code of conduct, mediators are required to provide special attention to mediating disputes of domestic violence.

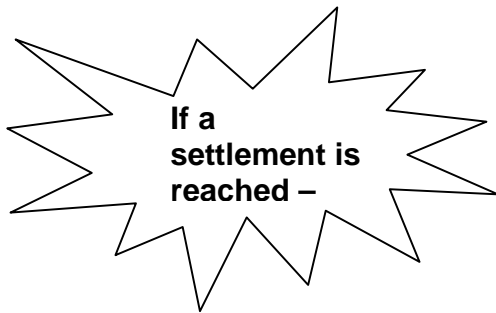


- ✿ Ensure the mediation takes place in a private place – in a separate room (classroom if it is in a school or a separate place if it is in a public building) where other people cannot listen or watch the proceedings.
- ✿ Ensure that the panel consists of male and female mediators.
- ✿ Discuss safety precautions with the parties prior to commencing the mediation.
- ✿ Repeatedly ensure that your views on religion, culture and rights do not come into the mediation at any moment.
- ✿ If the need arises, allow the victim the presence of related third parties such as family members at the mediation. This should not be the same for both parties as presence of third parties in favour of the perpetrator will strengthen his position of power and control.
- ✿ Be free to mediate separately. This may even mean that parties arrive separately at different times.

- ✿ Inform parties at regular intervals that the mediation process is voluntary and that they may withdraw at any time.
- ✿ Discuss safety issues that will arise after the mediation session at regular intervals with both parties.
- ✿ Be ready to provide parties with information and access to community resources such as counseling, legal advice, legal aid, shelters, and medical aid

**Do not try to succeed in every mediation of domestic violence disputes. If a dispute cannot be mediated, record a non-settlement. The aim of success can cause serious negative consequences.**

- ✿ Terminate the mediation if -
  - ✿ If there are concerns for the abused party's safety
  - ✿ If there is reason to believe that the victims cannot negotiate fairly



- ✿ In drafting a settlement, if any, ensure that the settlement includes specific details and safeguards to ensure that the violence does not recur and that the perpetrator does not take advantage of any ambiguous clauses



- ✿ Inform the parties that they can come back to the mediation board in the event of any breach of the settlement.



**Mediating disputes of domestic violence –  
Practical Training**

**Time needed:** 45 minutes

**Aim of the activity:** To understand practical issues when mediating disputes involving domestic violence

**How to do the activity:**

1. Group mediators into 5 groups.
2. Provide each group with a card depicting a real situation in a mediation board
3. Ask mediators to discuss how they would mediate this dispute, the special issues that should be looked at and ways of facilitating a settlement, if any.
4. Ask groups to present, provide the real outcome of each case in the mediation board and discuss the positive and negative aspects of the mediation.

**Material needed:**

5 cards with disputes

**Training aids:**

Disputes with outcomes

**Handouts for participants:**

None

## Material for Part 3 Activity 3

 5 Dispute cards

### Dispute 1

A couple has been referred by the Police to the Mediation Board. The wife says the husband beats her. He has been beating her for 10 years, ever since they got married. She does not want a settlement. She wants a divorce. She also says that he is having an illicit love affair with another woman. If he stops that and is good to her and the children, she will be happy. The man is silent.

### Dispute 2

A young couple in their 20s is referred to the Mediation Board. The woman complains of abuse but refuses to elaborate on the type of abuse. She says that he earns well but does not look after her. She wants a divorce. Man says he does provide for her; a house, money, gifts, holidays.

### Dispute 3

A woman had come 18 times to the Police Station and complained about physical abuse by her husband. She would come to the Police Station first thing in the morning. Police called man to the Police Station 18 times, discussed the issue, advised him and sent the couple back. Every time he beat his wife again – he beat her in the night and she would complain to the Police every morning. After the 18th times, the dispute was referred to mediation. The man says he did nothing wrong. He said his wife refused to have sex with him and that angers him resulting in him beating her. He does not want a settlement. “She must leave our marital home”, he says.

### Dispute 4

A husband and wife were referred to mediation with a history of quarrelling. The wife complains of physical abuse by the husband. She wants a divorce and he does not. He says she treats him badly.

### Dispute 5

A couple is referred to the mediation board by the Police. The mediation board is asked to look into the family dispute – there are two teenaged children. The woman says the man is not kind to her, that he does not understand what happens in the house and that he hits her when he is angry. The man keeps saying he is angry because she does not look after him. The mediators comprise two priests and an elderly gentleman. The mediators do not seem to understand the relevance of the couple’s statements. The Trainer intervenes and suggests individual discussions.

 Disputes with outcomes

**Dispute 1**

A couple has been referred by the Police to the Mediation Board. The wife says the husband beats her. He has been beating her for 10 years, ever since they got married. She does not want a settlement. She wants a divorce. She also says that he is having an illicit love affair with another woman. If he stops that and is good to her and the children, she will be happy. The man is silent.

*This case was settled. The man accepted that he was having an illicit affair and promised his wife to end it. He begged her forgiveness for the abuse and neglect. The wife agreed to give the marriage another chance if he keeps to his undertaking.*

*Discussion Note: This settlement is questionable. Discuss issues of power between the parties and the vulnerability of the woman in arriving at the settlement.*

**Dispute 2**

A young couple in their 20s is referred to the Mediation Board. The woman complains of abuse but refuses to elaborate on the type of abuse. She says that he earns well but does not look after her. She wants a divorce. Man says he does provide for her; a house, money, gifts, holidays.

*This case was settled. During mediation sessions, it was discovered that the woman wanted to start a home industry but the man would not even listen to her. She felt neglected and marginalized. This was the abuse she felt although there was no physical abuse. The man realized that even though he provided for her, she wanted to do a job on her own and contribute to the family. He said she never really articulated what she wanted and admitted that he never really made time to talk to her because he was busy and tired. The couple undertook to work on a solution. To talk more, to be more open about issues and for the woman to start a business which the man thought would be very helpful to them.*

**Dispute 3**

A woman had come 18 times to the Police Station and complained about physical abuse by her husband. She would come to the Police Station first thing in the morning. Police called man to the Police Station 18 times, discussed the issue, advised him and sent the couple back. Every time he beat his wife again – he beat her in the night and she would complain to the Police every morning. After the 18th times, the dispute was referred to mediation. The man says he did nothing wrong. He said his wife refused to have sex with him and that angers him resulting in him beating her. He does not want a settlement. She must leave our marital home, he says.

*Case was settled. In mediation, the woman accepted that she refused to sleep with him*

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*but only because they slept in the same room as their daughter who had just attained age and she felt uncomfortable having sex with her husband with the young daughter in the same room. The man's aggression reduced when he understood the situation. The mediators visited the couple's home. Helped them mark out a separate place in their one roomed house, for the daughter to sleep in, partitioned with wood. The violence ceased.*

*Discussion Note: The mediators went beyond their mandate by visiting the house although it resulted in a settlement. Discuss other options that the mediators could have used without visiting the home of the parties thus invading their privacy and harming the confidentiality of the dispute. The other options could have been providing suggestions, drawing a plan for the house.*

#### **Dispute 4**

A husband and wife were referred to mediation with a history of quarrelling. The wife complains of physical abuse by the husband. She wants a divorce and he does not. He says she treats him badly.

*This case was not settled. The man stated his grievances – that he left all his land, wealth and his family when he married this woman and came to live in her village. His family had opposed the marriage but he had sacrificed everything for her and wanted to start a new life with her. But she was dissatisfied with her life. She did not give their child his name. She was now having an affair with another man in the village. The woman stated her grievances – she suspects the man to be mentally unstable. She complained of him wanting her to engage in unnatural sex acts. The mediators referred the couple to counseling and then to a clinical psychologist. But despite effort, the couple refused to come to a settlement.*

#### **Dispute 5**

A couple is referred to the mediation board by the Police. The mediation board is asked to look into the family dispute – there are two teenage children. The woman says the man is not kind to her, that he does not understand what happens in the house and that he hits her when he is angry. The man keeps saying he is angry because she does not look after him. The mediators comprise two priests and an elderly gentleman. The mediators do not seem to understand the relevance of the couple's statements. The Trainer intervenes and suggests individual discussions.

*The case is settled. When the Trainer intervenes, the mediator panel is reconstituted. A woman is brought in, a younger man and one of the original panel, the elderly gentleman. The man and woman when spoken to in private, individually reveal dissatisfaction about their relationship. There is no time to talk alone, no time for intimacy because there is only one room in the house and the children are always present. The man consumes alcohol at night and the only time they can talk (when the children are asleep) is denied to them as he is not in his proper senses. The woman says she gets annoyed when the man is intoxicated and irrational and the man says*

*when she annoys him, the only way he knows to respond is to shout and hit. After discussion, the mediators arrange for the one room in the house to be separated by planks to create a separate room for the couple where they can talk freely and be intimate without the children around. The man agrees to come home after work to spend time with his wife and have his daily drink afterwards.*

**Mediating disputes of domestic violence –  
Role Play**

**Time needed:** 45 minutes

**Aim of the activity:** To understand practical issues when mediating disputes involving domestic violence

**How to do the activity:**

1. Explain the Role Play
2. Select 5 mediators – 3 to act as mediators (a man, a woman and a priest) and two disputants, a man and woman
3. Provide the story and assign parts to the selected mediators.
4. Instruct others to observe and comment on each role


**Material needed:**

Simulation

**Handouts for participants:**

None

### Material for Part 3 Activity 3

 Simulation

#### A troubled home

##### The story

Sumali and Kapila are referred to the mediation board by the Police. The mediation board is asked to look into the family dispute – there are two teenaged children. Sumali says that Kapila is not kind to her, that he does not understand what happens in the house and that he hits her when he is angry. Kapila keeps saying he is angry because Sumali does not look after him.

##### Sumali

You have gone to the Police to complain that your husband hit you last week. He has hit you the week before too. You have two teenaged children and they are very upset over this. You cannot bear the humiliation, so you have decided to ask the Police for help to stop the violence. You are unhappy about your marriage. You are poor. Your house is a one roomed building. You all sleep on mats together. You don't have any time to talk to your husband because after work he comes home drunk. When you try to talk to him, he shouts to leave him alone. You shout back and there is a verbal fight which ends with his hitting you. You cry yourself to sleep. You cry silently not wanting to disturb the children. In the night when Kapila sleeps close to you, you turn away because the children are nearby. In the early morning there is no freedom to talk about personal things because the children are up and about. You remember the closeness you shared with Kapila when you were first married, you feel sad. But then you get angry when you think about how he raises his hand to you. You want a peaceful home but you are angry with Kapila for not wanting that.

##### Kapila

Your wife Sumali has complained to the Police that you have hit her twice in the last two weeks. You feel frustrated, angry and hurt that Sumali has taken your family problem to the Police. You can't remember hitting her, after all you work a full day and you need that drink after work. Many days, after the drinking, you can't remember anything. Except Sumali shouting at you and the two of you fighting. You are unhappy that you are not intimate with Sumali. You remember the closeness you shared with Sumali when you were first married, you feel sad and angry. Your need a drink to forget all that. You want a peaceful home but you are angry with Sumali for not making that happen.

##### Woman Mediator

Focus on Kapila's point of view.

##### Man Mediator

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Focus on Sumali's point of view.

Priest Mediator

Focus on the interests of the children and family harmony.

Outcome

The case is settled. Sumali and Kapila argue at the first session. When spoken to in private, individually reveal dissatisfaction about their relationship. After discussion, the mediators arrange for the one room in the house to be separated by planks to create a separate room for the couple where they can talk freely and be intimate without the children around. The man agrees to come home after work to spend time with his wife and have his daily drink afterwards.



## **PART 4**

- This section is on the conclusion and evaluation of the workshop.

## EVALUATION AND CLOSING

**Time needed:** 10 minutes

**Aim of the activity:** To conclude the workshop

**How to do the activity:**

1. Distribute the Evaluation Form and ask participants to fill up the form. This can be done individually or by pairing participants.
2. If participants are reluctant or find it difficult to fill the form, ask each question and ask for their views.
3. Make a formal closing presentation.

**Material needed:**

Evaluation Forms

## EVALUATION FORM

Please write your comments below to help us find out how useful the workshop has been, and how we might plan for the future. THANK YOU.

1. Was the **content** of the workshop (please tick the appropriate space)

Activity	not useful	about right	very useful
• What is Violence Against Women?			
• Domestic violence			
• Impact of Violence on Women			
• Laws that deal with Domestic Violence			
• Medical Aspects of Domestic Violence			
• Social and Psychological Aspects of Domestic Violence			
• Important aspects of mediating domestic violence disputes			
• Mediating disputes of violence against women (case studies)			

2. Was the **style** of the workshop (please tick the appropriate space)

Activity	Good	Fair	Poor
• What is Violence Against Women?			
• Domestic violence			
• Impact of Violence on Women			
• Laws that deal with Domestic Violence			
• Medical Aspects of Domestic Violence			
• Social and Psychological Aspects of Domestic Violence			
• Important aspects of mediating domestic violence disputes			
• Mediating disputes of violence against women (case studies)			

3. Do you think being sensitive to gender issues as well as being sensitive to women's issues is important for a successful mediation process? YES/ NO

Why? (Please explain your answer)

.....  
.....

4. Do you feel your attitudes and perceptions about men and women have changed due to this workshop? YES/NO

Why? (Please explain your answer)

.....  
.....

5. Do you feel that this workshop will help you be a better mediator and ensure fairness and equality to all parties in the mediation process? YES/NO

Why? (Please explain your answer)

.....  
.....

6. At the conclusion of this workshop, do you feel that you are now better placed to facilitate mediations of disputes of violence against women and domestic violence? YES/NO

Why? (Please explain your answer)

.....  
.....

7. How will you use what you have learnt in mediating disputes involving men and women?

.....  
.....

8. Please give us suggestions to make this workshop more effective.

.....  
.....

9. Any other comments:

.....

.....

## PART 5

**Part Five** is on reporting on the implementation of the sensitization and training programme and includes:

- Trainer Feedback Form

### Trainer Feedback Form

Mediation Training Officer: Signature		
Date of Training:		
Place of Training:		
Mediation Board/Boards for which the training was conducted		
The number and names of Divisions represented:		
Number of Mediators participating in the programme(male/female):	Male	Female
<b>Observations</b>		
How was the training received?		
What were the reactions of mediators to the subject and information provided?		
What are the incidents that come before mediation boards that deal with domestic violence as related by mediators?		
Stories related by mediators		
Special information needs articulated by mediators		
Other comments		