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PROPOSAL TO DEVELOP A GLOBAL TRAINING AND ADVISORY SERVICE TO PREVENT AND ADDRESS THE PROBLEM OF DOMESTIC VIOLENCE

SUMMARY

This is a proposal to develop global training and advisory services to help prevent and address domestic violence. Interest in, and a willingness to, address the debilitating problem of domestic violence is increasing around the world. The International Centre for Criminal Law Reform and Criminal Justice Policy is in a unique position to offer technical assistance concerning this problem. The International Centre proposes to help create and strengthen capacity in institutions abroad to apply an extensive range of international, regional and national expertise to assist in ameliorating this serious violation of human rights.

1. OBJECTIVES OF THE PROGRAM

1.1 General Objectives

- to promote the international human rights and criminal justice standards, formulated under the auspices of the United Nations, which are relevant to the problem of domestic violence;
- to forge and strengthen co-operation among interested parties in various countries, United Nations agencies and regional institutes for crime prevention and criminal justice, interested Canadian government agencies and the International Centre in order to share experience and expertise concerning domestic violence;
- to support countries which request assistance in formulating criminal justice options as part of a comprehensive strategy to prevent and address violence against women in the family;
- to help create a sustained capacity in institutions abroad to offer training and advisory services to local professions dealing with domestic violence.

1.2 Specific Objectives

- to develop training curricula and supporting materials for policy makers and practitioners for use in technical co-operation projects with countries requesting assistance concerning the problem of domestic violence;
- to ensure high quality training that is responsive to particular needs and contexts by consulting with a core committee of experts, practitioners and academics from various regions of the world and from the Canadian and provincial Governments during the planning for training and production of the materials;
- to organize and offer pilot courses in particular regions based on partnerships with, and needs assessments by, local institutions. Instruction will be in the language appropriate to the region.
- to select professional trainers to conduct the pilots and subsequently revise the elements according to evaluations of the pilot course by the participants and the trainers;
- to organize and offer further courses in consultation with institutes in various regions of the world, building on the experiences gained through offering training, continually adapting the methodology and deepening and expanding the content of the course;
- to disseminate the results of training efforts to concerned United Nations agencies, affiliated regional institutes on crime prevention and criminal justice, national government agencies and interested non-governmental organizations.

2. BACKGROUND

A central concern of the United Nations has been the promotion of human rights. Over the last decade, the United Nations, inter-governmental organizations such as the Organization of American States and the Council of Europe, certain national governments and many non-governmental organizations have emphasized an interpretation of the general concept of human rights to include the right to a violence-free family life.

The inclusion of the right to a violence-free family life has occurred within a number of contexts. Within the criminal justice context, on the recommendation of the Eighth United Nations Congress on the Prevention of Crime in Havana, Cuba, in 1990, the General Assembly adopted a resolution urging states to develop and implement policies, measures and strategies, within and outside the criminal justice system, to respond to the problem of domestic violence. Policies were to include prevention measures and fair treatment and effective assistance for victims.

As well, the General Assembly requested that a "manual for practitioners" be developed. In March, 1991, in Vancouver, an international meeting of experts to develop the manual was organized by the International Centre for Criminal Law Reform and Criminal Justice Policy, with the support of the Government of Canada and the European Institute for Crime Prevention and Control (HEUNI) located in Helsinki, Finland.

The United Nations Strategies for Confronting Domestic Violence: A Resource Manual was published in June, 1993, and widely distributed during the Second World Conference on Human Rights held in Vienna, Austria. At the Conference, the rights of women generated a high level of attention, and the Declaration of the Conference defined violence against women, including that which occurs within the home, as a form of discrimination and a denial of recognized human rights. Following the Conference, the United Nations Commission on Human Rights appointed a Special Rapporteur on the issue of violence against women.

As work on the manual was taking place, the issue of violence against women became a particular priority at the United Nations General Assembly. The Committee on the Elimination of Discrimination against Women recommended measures that State Parties to the Convention on the Elimination of All Forms of Discrimination Against Women were obligated take to confront violence against women in all of its manifestations, including domestic violence. The Commission on the Status of Women formulated the Declaration on the Elimination of Violence Against Women which was adopted by the General Assembly.

The Province of Manitoba has been in the forefront in taking steps to address violence against women. It has taken a lead in establishing special courts to prosecute spousal abuse. In term of international policy formulation concerning violence against women in the family, through experience acquired in provinces, Canada has been able to offer a substantial amount of information about how to address the problem.

The considerable range of experience in Manitoba and Canada generally, as well as in other jurisdictions and at the United Nations, could usefully be shared with other countries as they develop and reform their law, policies and practices. This experience can help to suggest approaches and strategies, including criminal justice strategies, that might be successful in other contexts and, generally, provide a rich resource for technical co-operation with countries in other regions of the world.

Countries are increasingly looking to the United Nations crime prevention and criminal justice programme for information and assistance to prevent and address the serious problem of domestic violence. In turn, the United Nations looks to its affiliate institutes such as the International Centre for Criminal Law Reform and Criminal Justice Policy, and the International Centre endeavours to act as a facilitator or catalyst to enable institutions abroad to develop their own capacities to respond to local concerns.

3. THE PROBLEM OF DOMESTIC VIOLENCE

The specific focus of the proposed program of work is on violence against women in their homes. The victims of domestic violence can be young or old, rich or poor, socially privileged or not. Abused women suffer physical injuries, health and psychological problems and, in extreme cases, domestic violence has cost women their lives. The adverse consequences of violence in the family are not confined to the victim of the abuse, but also effect children who witness and are victims of such violence. Beyond the enormous personal harm associated with domestic violence are the social and economic costs of the conduct. In many parts of the world, violence, both within and outside the home, has been a barrier to the participation of women in development. The violence that they suffer

demoralizes them, robs them of their productive capacity, and leaves them unable to achieve their human and economic potential. As well, there are broader and more insidious costs across entire criminal justice and social systems.

4. FRAMEWORK TO PREVENT AND ADDRESS DOMESTIC VIOLENCE

Strategies to confront domestic violence will differ from country to country. In all countries where domestic violence has emerged as a serious issue, it has been seen as a problem requiring at least some legal solutions but the policies that have been pursued have not been uniform. National laws and policies addressing the problem can be more useful if they are informed by knowledge about the range of viable options and effective strategies that are being used to prevent and address domestic violence in other parts of the world.

The following general principles, agreed upon at the international meeting of experts in Vancouver in 1991, provide guidance for a framework to prevent and respond to domestic violence:

- Domestic violence should be treated as a crime.
- Domestic violence is a violation of human rights.
- Domestic violence is the result of unequal power relations which must be ameliorated by education, training and change at all levels.
- Domestic violence must be a priority concern internationally, nationally, and locally.
- Governments must work to reduce domestic violence. Individuals must act to accept responsibility for helping to prevent domestic violence.
- Services must be provided to ensure the safety and security of victims of domestic violence, including safe accommodation and other support services for victims, as well as treatment and re-education programs for offenders.
- Inter-agency co-operation and understanding is crucial since criminal justice interventions can only be successful if they form part of a comprehensive range of strategies, involving health, education, social and community services.

Moreover, the Declaration on the Elimination of Violence Against Women sets universal principles which Member States of the United Nations have recently accepted. Practical measures such as training can help countries achieve the standards enshrined in the Declaration.

5. MEANS TO ACHIEVE OBJECTIVES

Two phases are envisaged in the work of the International Centre to create a capacity in institutions abroad to address domestic violence. In the first, developmental phase, the International Centre proposes to design a core training curriculum. The curriculum will be developed in consultation with counterparts at other regional institutes in crime prevention and criminal justice, affiliated with the United Nations, and other interested entities, in order to incorporate the collective knowledge and experience from all regions of the world. It will be designed for the sustained use and adaptation by local institutions which would continue to offer training in the long term. The involvement of those from particular regions will assure an understanding of the various cultural, social, economic and political contexts of that region and, in turn, the relevance and suitability of the curriculum. In addition, the complex requirements of cross-cultural training will be specifically addressed. The core curriculum will be designed with the assistance of the Justice Institute of British Columbia, which has extensive experience in planning and offering interdisciplinary educational programs on criminal justice issues.

An advisory committee will be formed of members from the United Nations Crime Prevention and Criminal Justice Branch, the United Nations Division for the Advancement of Women, the United Nations Interregional Crime and Justice Research Institute (UNICRI), the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), the European Institute for Crime Prevention and Control (HEUNI), the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), the Organization of American States, the Commonwealth of Nations, the Asia Crime Prevention Foundation, the University of Indonesia, the Government of Canada, the Government of British Columbia, the Government of Manitoba, the Faculty of Law at the University of British Columbia, the School of Criminology at Simon Fraser University, the International Centre for Human Rights and Democratic Development and Match International Centre and a small number of additional experts in the field.

In the implementation phase, a pilot course will be organized and managed, based on a "training of trainers" approach which aims is to develop the capacity of local institutions to continue to offer training in the future. The initial pilot course will likely be offered in co-operation with ILANUD and will be held in San José, Costa Rica, early in 1995. The partnership between ILANUD and the International Centre will facilitate a comprehensive analysis of needs specific to that region prior to the training. On the basis of the needs analysis, specific information would be developed for the training in order to meet the particular needs and concerns of the participants. Needs analyses will also explore the ability and willingness of the government and institution to use the information and advice provided. Qualified instructors will be recruited who, in addition to understanding the substantive subject, have expertise in adult education methods, are sensitive to cross-cultural concerns, and speak Spanish fluently. Ideally, the team of three trainers will include at least one instructor from Costa Rica.

Pilot courses will also be offered in other regions where domestic violence training has been identified as a priority by a government and local institution. To date, requests have been received by the International Centre to work with UNAFEI, HEUNI, UNAFRI and the University of Indonesia to offer training courses in the Philippines, Eastern Europe, Zimbabwe and Indonesia respectively. The sequence of the pilot courses will largely depend on the readiness and schedule of the local partners. In advance of each pilot course, needs analyses and consultations will be conducted with partners from the venue where the training will be held to ensure that it is relevant and appropriate for the local conditions. The experience gained through each training activity will be used to improve the materials and enhance the approach as further training is designed and offered.

During and after each training activity, assessments will be conducted to ensure that the experiences of the participants and the trainers are taken into account to improve the materials and enhance the approaches for subsequent training sessions. The intention is that the instructional materials, assessments, experiences and adaptations will continue to be used by the local institutions as they continue training. As well, the base of knowledge and experience will be enhanced, expanded and utilized in the longer term in other countries. In this way, the International Centre can act as a catalyst for the development of local training capacity at the regional institutes on crime prevention and criminal justice, universities and other interested institutions.

In summary, the proposed project will achieve the following goals:

- provide a valuable, field-tested and assessed training curriculum for use by requesting countries to develop and strengthen their own long term capacity for education;
- enhance co-operation among contributing agencies and, in so doing, reinforce their commitment to addressing the problem of domestic violence in their own countries;
- demonstrate, through practical action, the commitment of Manitoba, other provinces, and Canada to the promotion of human rights generally, and to assisting in the reduction of violence against women in the family.

Progress reports concerning the program will be presented at the Ninth Congress on the Prevention of Crime and the Treatment of Offenders in Tunis, Tunisia, in April, 1995, and the Fourth World Conference on Women in Beijing, China, in September 1995. These international events, which will attract many individuals concerned with the problem of domestic violence, will also be used as opportunities to determine future requirements for technical co-operation in this field.

Marcia V.J. Kran will be the Centre's senior associate supervising the program. Her professional responsibilities have included addressing the problem of domestic violence in several of its dimensions. As a crown attorney in Manitoba, she prosecuted many cases of domestic violence. As legal counsel with the Canadian Department of Justice she represented Canada at international meetings on the issue of domestic violence and helped negotiate the resolution on the subject at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. She oversaw the production of the United Nations Strategies for Confronting Domestic Violence: A Resource Manual and represented the Crime Prevention and Criminal Justice Branch at United Nations meetings to formulate the Declaration on the Elimination of Violence Against Women. During her tenure with the United Nations Office in Vienna, she also provided advice to Romanian and Albanian criminal justice officials concerning violence against women, as part of the United Nations technical co-operation activities in those countries.

For your information, a proposed schedule, budget and further information about the International Centre for Criminal Law Reform and Criminal Justice Policy are attached as appendices. We would be pleased to answer any questions or provide further information, and we thank you for your attention and consideration.

APPENDIX 1

PROPOSED SCHEDULE

Development of Core Training Curriculum	October, 1994 - January 1995
Review of Curriculum by Advisory Committee and Development of Plan for Technical Co-operation	January, 1995
Progress Report to the Ninth United Nations on the Prevention of Crime and the Treatment of Offenders	April, 1995
Needs Analysis with Local Partners	Summer, 1995
Pilot Training Course in San José, Costa Rica in co-operation with ILANUD	Summer, 1995
Assessment and Adaptation	Summer, 1995
Needs Analysis with Local Partners	Summer, 1995
Training Course in Slovenia in co-operation with HEUNI Assessment and Adaptation Needs	Summer, 1995
Progress Report to Fourth World Conference on Women	September, 1995
Needs Analysis with Local Partners	1995
Training Course in Indonesia in co-operation with UNAFEI	1995
Assessment and Adaptation	1995
Needs Analysis with Local Partners	1995-96
Training Course in Philippines in co-operation with Asia Crime Prevention Foundation	1995-96
Meeting of Advisory Committee to Plan Future Technical Co-operation	1996

APPENDIX 2

PROPOSED BUDGET ¹

<u>I. CURRICULUM DEVELOPMENT:</u> October 1994-March 1995		
A. PERSONNEL		
• Contractor, Justice Institute of British Columbia - preparation of draft	\$ 8,000	
• Senior Associate direction, management and supervision of production of draft curriculum (6 months @ \$2,000 per month, 1/3 salary)	12,000	
B. PRINTING		<u>1,000*</u>
Subtotal		\$21,000
<u>II. ADVISORY COMMITTEE MEETING:</u> January 23-27, 1995, Vancouver		
A. PERSONNEL		
• Project Assistant (November - February \$15/hr. @ 20 hrs./week for 4 months plus 15% benefits)	\$ 6,000	
• Secretarial Support (37.5 hrs. plus 15% benefits)	650*	
B. PARTICIPATION OF EXPERTS		
Expected participation is 25-30 experts. Funding is needed for the following six key participants: ²		
• University of Indonesia (Jakarta) Travel ³ @ \$3,500 & 7 days accommodation and meals @ \$1,050 ⁴	4600	
• Match International Centre (Ottawa) Travel @ \$600 & accommodation and meals @ \$1,050	1,650	
• Division for the Advancement of Women (New York) Travel @ \$900 & accommodation and meals @ \$1,050	1,950	
• Centre for Human Rights (Geneva) Travel @ \$2,400 & \$1,050	3,450	
• Crime Prevention and Criminal Justice Branch (Vienna) Travel @ \$1,800 (ask to cover own accommodation and meals)	1,800	
• Interregional Crime and Justice Institute (Rome) Travel @ \$2,000 (ask to cover own accommodation and meals)	2,000	
C. FACILITIES AND HOSPITALITY ⁵		
Conference Room	800	
Refreshments	<u>1,400</u>	
Subtotal		<u>24,300</u>
* Less contributions by the International Centre		(1,650)
TOTAL FUNDS SOUGHT FOR FIRST PHASE	Total	<u>43,650</u>

¹ Funds are needed for the fiscal period 1994-95. The amounts required for the second phase, i.e. pilot courses, will be detailed in a future request for the fiscal year 1995-96.

²A. Contributions will be sought from CIDA and OAS to defray expenses of 4 experts:

- Phillipines Ministry of Justice (Manila)
- Office of Women's Politics, Government of Slovenia (Ljubljana)
- Latin American Institute for the Prevention of Crime and the Treatment of Offenders (Costa Rica)
- African Institute for the Prevention of Crime and the Treatment of Offenders (Kampala)

B. Experts from several organizations will be invited and requested to bear their own costs:

1. Government of Canada
 - Department of Health
 - Department of Justice
 - Ministry of Solicitor General
 - Department of Foreign Affairs
 - Canadian International Development Organization (CIDA)
2. Government of British Columbia
 - Ministry of Attorney General, British Columbia
 - Ministry of Attorney General, Manitoba
 - Justice Institute of British Columbia
3. Universities
 - Simon Fraser University
 - University of British Columbia
4. Regional and Intergovernmental Organizations
 - Organization of American States (Washington)
 - Commonwealth Secretariat (London)
 - Commonwealth of Learning (Vancouver)
 - Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (Tokyo)
 - European Institute for Crime Prevention and Control (Helsinki)
 - International Centre for Prevention of Crime (Montreal)
 - International Development Research Council (Singapore)
 - International Centre for Human Rights and Democratic Development (Montreal)
 - Asia Crime Prevention Foundation (Tokyo)

³The January date was selected, in part, for the availability of less expensive air fare.

⁴Estimates are calculated on the basis of economy fare and, for meals, Treasury Board guidelines.

⁵The Society for the Reform of Criminal Law will be requested to host a welcome reception. The Faculty of Law, University of British Columbia, will be asked to host a dinner.

APPENDIX 3

ORGANIZATIONAL INFORMATION

1. Purpose and Origin

The International Centre for Criminal Law Reform and Criminal Justice Policy ("International Centre") was established in 1991 in Vancouver, British Columbia. It is a joint initiative between the University of British Columbia, Simon Fraser University and the Society for the Reform of Criminal Law. Created to become a focal point for policy development, research, learning and information dissemination on international and comparative criminal law and justice policy, the International Centre serves as a hub for communication and information and as a catalyst for reform, encouraging new ideas and attracting scholars, judges, policy and decision makers, community activists and legislators.

The Constitution of the International Centre states that the purposes of the International Centre include furthering the programs in International and Comparative Criminal Justice Policy offered at Simon Fraser University and the University of British Columbia. In turn, faculty members from both universities provide advice and take part in the activities of the International Centre. Another purpose stipulated in the Constitution of the International Centre is to provide an intellectual, administrative and financial base for a United Nations interregional institute for criminal law reform and criminal justice policy. In July 1991, the international mandate of the organization was formalized when a Memorandum of Understanding was signed between the United Nations and the Government of Canada designating the Centre as an institute co-operating with the United Nations. In practice, since its inception, the International Centre has undertaken initiatives which assist the two local universities and complement the goals of the Vienna-based United Nations Commission on Crime Prevention and Criminal Justice and other United Nations agencies which handle matters with a criminal justice component.

The Commission on Crime Prevention and Criminal Justice approved the International Centre's application to become an institute affiliated with the United Nations, and an agreement to that effect was concluded in May, 1994. As an affiliate of the United Nations, the International Centre is one of a co-operative network of regional and research institutes on crime prevention and criminal justice, joining the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) in Kampala, Uganda; the Arab Security Studies and Training Centre (ASSTC) in Riyadh, Saudi Arabia; the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) in Tokyo, Japan; the European Institute for Crime Prevention and Control (HEUNI) in Helsinki, Finland; and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) in San José, Costa Rica. It will also continue to conduct its activities in co-operation the United Nations Interregional Crime and Justice Research Institute (UNICRI) in Rome, Italy.

According to the agreement for affiliation, the International Centre may pursue certain objectives in co-operation with the United Nations including the following:

- undertake technical co-operation projects, or assist in the implementation of such projects, in the field of criminal law reform, the administration of criminal justice, or the implementation of related international instruments or guidelines;
- assist in improving, modernizing and reforming criminal law, procedures and the administration of justice in states requesting such assistance;
- study criminal law, procedure and the administration of criminal justice in countries as well as conventions, treaties and other international instruments related to criminal justice;
- encourage criminal law development and reform at the international level.

2. Fundamental Principles

A number of fundamental principles underlie the objectives of the International Centre and the initiatives undertaken to fulfill them. These are: furthering human rights; advancing the rule of law, contributing to good governance and democratic development or some such. Recognizing the close relationship between criminal justice and human rights, the International Centre is committed to the protection of human rights at the national, regional and international levels. The aim is not to promote exclusively Western ideals, but rather those principles universally agreed through the United Nations system. In this regard, the International Centre pays special attention to the rights of women in its activities. The International Centre regards human rights, including women's rights, as essential considerations in all stages of the criminal justice reform, policy development and legal formulation which the International Centre undertakes. The rule of law is also paramount in the International Centre's contributions to building supranational structures to address international and pervasive forms of criminality, including crimes against humanity and crimes against the environment.

Another interest underlying the activities of the International Centre concerns development, and the degree to which it requires sound criminal law and criminal justice institutions and processes. In addition to frequently violating human rights, criminal activities significantly undermine economic and political development in many countries. Economic potential is lessened when crime diverts attention and resources from building required institutions and providing necessary services. Fair and effective structures to prevent and curtail crime can assist overall development. Political development, for example, is assisted by corruption-free systems of public administration and an independent judiciary. The contribution of women to development, and the extent to which violations of their rights undermine their contributions is a particular concern. The International Centre works to encourage legal and policy reform consistent with these fundamental principles.

3. Organization and Management

The work of the Centre is guided by a Board of Directors, chaired by Peter Burns, Professor, Faculty of Law, the University of British Columbia. The members of the board of Directors are:

- Neil Boyd, Director, School of Criminology, Simon Fraser University;
- Ronald Gainer, Gainer, Rient and Hotis, Attorneys at Law, and Member, Society for the Reform of Criminal Law;
- Warren Gill, Executive Director, Administrative Office, Simon Fraser University;
- Ravi Hira, Attorney General of British Columbia representative;
- Frank Iacobucci, Justice of the Supreme Court of Canada;
- Norman Inkster, Solicitor General of Canada representative;
- Lynn Smith, Dean, Faculty of Law, the University of British Columbia;
- Designate, Canada Department of Justice - TO BE CONFIRMED

The Centre is managed by a Director, Daniel C. Préfontaine. Four Senior Associates specialize and manage programs in the following fields:

- Catherine Bragg - Aboriginal justice, justice and good governance, and criminological perspectives on justice issues.
- John Evans - criminal justice research and policy, justice and good governance, organized crime, money laundering, proceeds of crime, policing issues and computer information resources;
- Michael Hale - corrections policy, prisoners' rights, prison conditions and standards, human resources development, criminal justice curricula, media and crime issues;
- Marcia V. J. Kran - international criminal law and procedure, women's rights as human rights, international human rights in criminal justice, prosecutorial practice and the role of peacekeeping police.

The staff also includes:

- Janet M. Bayda, C.A. - Consultant (part-time);
- Kathleen MacDonald - Office Manager; and
- Naomi Seki - Administrative Assistant.

Research assistants and project co-ordinators are contracted as required for particular projects. The staff report to the Director who, in turn, reports to the Board of Directors, which meets four times per year.

4. Financial Support

The International Centre has received financial support from several organizations, including the Governments of Canada and British Columbia, the Law Foundation of British Columbia, the Law Foundation of Ontario, and the Vancouver Foundation, as well as the three founding partners: the University of British Columbia, Simon Fraser University and the Society for the Reform of Criminal Law.