

PRIMARY JUSTICE TRAINING MANUAL
(Abridged version)

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CONTENTS

Acknowledgements.....	4
Foreword.....	5
Module 1: Facilitation Skills.....	7
Module 2: Climate Setting and Trust Building.....	16
Module 3: Community Approach.....	23
Module 4: Constitutionalism of Access to Justice.....	28
Module 5: Concept of Primary Justice.....	33
Module 6: Case handling.....	41
Module 7: Conflict Transformation.....	53
Module 8: Primary Justice Data Collection, Procedures and Documentation...	67
Module 9: Advocacy.....	74
Module 10: Monitoring and Evaluating Primary Justice.....	81
Bibliography.....	93
Appendix I : Police Crime Prevention/Community Policing	

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CCJP is also grateful to all those individuals and organizations who put in valuable input during the validation workshop of this manual. Special mention should be made of Dorothy DeGabriele, the Justice Adviser for her technical input into the manual.

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Special thanks should go to Peter Ngulube Chinoko for his commitment, dedication and his constructive suggestions in editing the manual and validating the process.

FOREWORD

It gives me pleasure to say a few words in this Primary Justice Training Manual. I am particularly pleased to notice that Primary Justice had had quite a positive welcome from all the interested parties in Malawi ranging from the Government, Traditional Leaders, Faith Based Communities, Community Based Organisations, NGOs, Magistrates, The Police, etc. This just shows how popular the project has been. Being a new concept, it is not always easy to have all the necessary information to prepare the various members. It is against this background that I would like to sincerely express my thanks to the Catholic Commission for Justice and Peace of Lilongwe Diocese for having taken the initiative to come up with a Training Manual.

The advantages of having a standardized manual are numerous. First and foremost, all the implementing agencies will have similar information to share with the various stakeholders. This makes it easier to monitor the progress in as far as understanding the concept of primary justice is concerned. Most importantly still, the whole nation will have a uniform standard to follow.

Looking at the various modules that have made up the manual, it is so generous in that it can be adapted in various ways. Apart from the facilitation skills, the manual has also tried to give the facilitator as much additional notes as possible.

The second module on Community Approach is equally interesting. Primary justice is community driven and it is vital that community approach techniques are well grasped by the various entry points. This has the power of having the project accepted and wholly owned by the community.

The third module which is on Access to Justice and the Constitution of Malawi is also important because it gives a constitutional mandate to the whole idea of improving access to justice.

The fourth module which is on Concept of Primary Justice has all the information to convince the communities on the advantages of accessing this mode of justice. It also gives a fair overview of how the system operates.

The fifth and sixth module is on Case Handling and Conflict Transformation. Primary justice encourages alternative dispute resolution mechanisms of solving conflicts. These modules as a matter of fact offer the service providers with enough information on how they can improve the quality of their service.

The seventh module on Data Collection, Procedures and Documentation is an attempt to capture the beauty that communities have in resolving the different cases. Previously we lost out on how our service providers were resolving the complicated cases because of not documenting the cases.

The eighth module on advocacy is equally important. Because most of the issues pertaining to primary justice may seem new to most individuals, there is a need for the users of the manual to possess those advocacy skills which can help improve the primary justice concept in Malawi.

The manual could not have ended better without a module on how to monitor and evaluate primary justice activities. To assess if at all progress and impact is made, it is important to closely monitor the

primary justice concept. This also affords a rare opportunity to know which cases are on the increase and why and what interventions could be put into place.

At the time of writing this foreword, discussions at DFID/MASSAJ are still going on to assess how the primary justice programme could be rolled out to all the twenty eight districts of Malawi. Having a well elaborated training manual adds further weight that already, important tools are available to popularize the concept.

Dorothy DeGabriele
Lilongwe, 4th May, 2007.

MODULE 1: FACILITATION SKILLS

1.1 Why Do We Need This Training Manual?

In order for primary justice work to improve people's life and well-being, and for the population to make a significant contribution in this area, people's knowledge and understanding of primary justice needs to be enhanced. Primary justice helps communities to live in peaceful coexistence. The training manual is intended to enhance this capacity, to contribute towards promoting justice at the lowest levels in Malawi. In this direction, DFID in collaboration with the Ministry of Local Government in Malawi would like to increase its portfolio of activities in the area of civic education and capacity building of service providers in primary justice in Malawi through this manual.

1.2 Who Is This Training Manual For?

Impact in the area of primary justice is a function of teamwork. It needs everyone involved – traditional leaders, government officials, community members, religious leaders, business and the other structures of government – to work together as partners in transformation of primary justice. If justice is to be properly run, according to agreed policies and within agreed constitutional principles, partners need a clear understanding of their role and responsibilities and of the system in which they are working.

The manual is intended for use by trainers involved with facilitating primary justice in urban and rural communities. They include local government staff, traditional leaders, community members, civil society organizations, religious leaders, community-based organizations and other partners in the justice arena. Those targeted to use the manual will have to undergo a training of trainers (TOT) to equip them with psychosocial education skills that are critical to effective delivery of the modules contained in the manual.

1.3 What Difference Will It Make?

This manual is not just an information-giving document. It is a transformative instrument aimed at creating a society that is able to exercise their rights as well as perform their role as responsible citizens in promoting justice. The manual has been designed in such a way that it recognizes that training is not just aimed at enhancing knowledge acquisition. The main goal of any meaningful training initiative is to liberate people from the bondage of indecision and inaction at different levels of primary justice. Based on our extensive experience in civic education for social change, we know that improving learners' knowledge alone has not often resulted into positive social change. Training for social change must impact on people's perceptions, attitudes, practices and overall development.

The manual has been designed with full consideration of training as a process that seeks investment in people, institutions, and practices that will, together, enable achievement of primary justice in communities. To achieve this, the manual will take participants through a highly experiential and analytical process that will help them to appreciate the reality surrounding their lives.

1.4 How To Use This Training Manual

This manual is intended to be a practical and flexible instructional training document. It is a modular design intended to be used as whole or part, depending on technical as well as administrative reasons of the user. It can be adapted to specific situations depending on the needs of trainees. The training duration is not time bound as a package because it has to progress at the pace of the learner. The training manual has adopted the Learner-centred, Problem-posing, Self-discovery and Action-oriented (LePSA) approach. The focus of this type of training approach is on the process (not content) because it is largely how one facilitates the process that determines the degree to which people's perceptions, attitudes, values, beliefs and practices will change. The training is centered around the needs of the learner (not the trainer), who becomes the focus of the learning process. In-depth analysis and reflection on issues are key in the learning process. It is not about how many topics one has covered over a certain period. Rather it is about the extent to which people are getting conscientized¹ on issues under discussion in each particular module.

Each module is basically divided into 5 parts as follows:

- ☞ *Introduction of the module:* this section briefly explains the background of the module.
- ☞ *Aim of the module:* this explains the intended purpose of the module.
- ☞ *Objectives of the module:* this section explains what is expected to be achieved.
- ☞ *Suggested Resources:* this explains teaching and learning materials that are necessary to facilitate the module.
- ☞ *Approach and methodology:* this section is the process part of each module. It shows steps to be followed, methodology as well as probing questions that are to be asked to achieve training impact. This section is a source of participants' views on the subject matter under discussion
- ☞ *Trainer's Additional Views:* this section presents the views of the trainer on the subject matter under discussion. One is not obliged to present all views, especially if participants have cited similar views already.

It is suggested that you read through the material before using them, so that you are familiar both with the content and more especially, the process. Take note of any additional questions that you may have and reflect on the experiences, positive or negative, that you might want to talk about to beef up the experiential learning process. Remember that day-to-day real life examples (not theories or distant examples) are key to achievement of transformation.

1.5 What You Need For The Training Session

It is imperative that a trainer prepares thoroughly for the training sessions to ensure productivity. Preparation includes psychological, technical, material as well as administrative. Make sure that you have the right venue that is well ventilated and generally comfortable both to participants as well as the facilitator. Prepare your own session plan as well as additional views on a separate notebook to avoid

¹ To conscientize means to raise awareness that leads to conviction and action. It is not an ordinary level of awareness usually from processes of information giving like teaching, lecturing, speeches, briefings, community sensitization meetings, etc. Conscientization only takes place through a process of critical reflection and in-depth analysis of real life situations as they relate to concepts and issues that affect people.

direct reference from the manual during training, an act that can easily distract smooth communication. Be ready to be challenged with questions and opinions from trainees – they are not challenging you personally. Remember therefore to bounce back such issues to the floor before you express your views. Avoid a domineering attitude both by yourself as well as participants. Also make sure that you have all training materials (flipcharts, printed case studies, cloth for games, chalk, stationery, visual aids, etc) ready at the training site.

Proper preparation for training helps the trainer to be psychologically ready to facilitate the training process. Lack of preparation builds nerves that create fear in a trainer. If this happens, conduct neck, shoulder and breathing exercises in a secluded place to remove unnecessary tension just before entering the training venue. You will be committing suicide if you allowed trainees to notice that you have developed fear.

1.6 What Training Approach Has Been Adopted For The Manual?

This manual is based on the Learner-centred, Problem-posing, Self-discovery and Action-oriented (LePSA) training approach. It is not centred around the needs of the trainer. LePSA is a learning approach that is based on addressing psychosocial needs of adult learners so as to sustain their motivation, strength and alertness in training. It is an experiential learning process, implying that the learning process dwells more on the experiences of learners. The process enables adults to be part of a learning process that dwells on their daily relevant experiences and not theory. LePSA is also based on posing problems and not presenting problems. This means that learners are taken through a critical analysis of their socio-economic and political environment.

Such an analysis is catalyzed by tools called codes or starters. These are learning aids used to spark discussion. They can be visual or audiovisual. A code is a *problem posing material*. It is used to primarily stimulate thinking. Codes are different from other techniques because they are based on the following characteristics: they pose only one key problem; they do not give a solution; they are simple and straightforward; they are relevant to real life situation; they are specific; they arouse interest and touch the hearts of the participating group; and they are culturally sensitive. Codes/starters can be in form of role-plays, songs, proverbs, riddles, case studies, stories or pictures, etc.

The LePSA approach is also unique because it is based on self-discovery of issues and it is also action-oriented. The facilitator does not prescribe solutions. Instead, the trainer facilitates a critical analysis of issues through a cause/effect process that leads to self-discovery of local situations as well as solutions. Because the approach is action oriented, it enables adult learners to be part of a process that addresses critical issues in their immediate vicinity.

Adult learners are characterized by a number of social and physical needs that are ably dealt with by the LePSA approach. For example, it is proven that they have short term memory on new things; they would like to have their dignity respected; they are usually shy and reserved especially in village communities; they are more sensitive to whatever happens around their lives; they are usually reluctant and very skeptical to adopt new technologies or messages; they get slower in understanding new things as age catches up with them; they have more responsibilities as most of them have dependants; they have a lot of experience gained from their long life experiences; they want to learn things that will solve their

immediate problems; they are able to relate learning to their day-to-day life environment; usually have high expectations from any learning process; they thrive to protect their cultural, religious and political identity; their thinking is mature; some are physically weak; they can sometimes pretend a lot etc. To take care of these needs, the LePSA approach distinguishes the adult learning approach from a traditional pupil teaching approach as shown in the following table:

PUPIL TEACHING	ADULT LEARNING
1. A teacher imparts knowledge into presumed empty buckets.	1. Acquire knowledge.
2. One way process	2. Two way process
3. The teacher is superior.	3. Equality, sharing, give and take situation.
4. Pupils memorize to prepare for exams.	4. Application of knowledge is the measure of impact.
5. The teacher is usually considered blood of salvation for diseased/illiterate learners/pupils.	5. Trainer assumes facilitator's role.
6. Assumes to learn is to eat – the nutritional view of literacy.	6. Considers literacy as a process of “search and creation” by which learners are challenged to perceive the deeper meaning of language, the word and their environment.
7. Pupils are considered objects and incidences of action.	7. Learners are considered subjects of the learning process.

1.7 How to process the LePSA approach

The following table shows a step-by-step guide to processing the LePSA approach to training of adult learners. This is a typical transformative process to learning:

Le	P	S	A
Learner centred (Climate Setting)	Problem posing (Code/Starter)	Self discovery (Problem Analysis)	Action oriented (Actions/Solutions)
<ul style="list-style-type: none"> • Building relationships * Extended greetings * Call people by names • Promote equality * Sit in a circle * See each other eye to eye ball * Use energizers • Use their experiences • Vary methods of teaching e.g. 	<ul style="list-style-type: none"> • Present a code or starter • Follow up the code with the following questions to start analyzing it:- 1. What did you see or hear? 2. What 	<ul style="list-style-type: none"> • Continue analyzing the code:- 3. Does this problem happen in our community? (give live examples) • NOTE: Abandon the starter when problem is identified. Examples given should relate to 	<ul style="list-style-type: none"> • Prescribe solutions for further planning. *What? *Who? * How? * When/how long? * Where? * How do we know we have achieved our objectives?

<ul style="list-style-type: none"> * Buzz groups * Group discussions * Field visits * Brain storming, * Lecturing 	<p>problem is the code trying to depict?</p>	<p>real life situation.</p> <p>4. (a) Why does this problem occur (causes)</p> <p>b) What are the effects of the problem in our community (effects)</p>	
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NOTE: The LePSA approach recognizes that the experiential learning style is a process of cross breeding knowledge between learners and trainers. None of the two is considered the most knowledgeable. As such, handouts are a product of issues generated by the two parties. Learners provide their knowledge and the trainer presents his/her additional views. Together, the two sets of insights are contained in an after-training report that becomes the ultimate handout, unique to each particular training situation. That handout is better owned and used by learners, unlike in cases where handouts are only a product of other people’s ideas. The language of handouts has therefore been substituted by “The Trainer’s Additional Views” to avoid the demeaning act of overruling perceptions generated by participants.

1.8 What Are Some Key Tips To Adhere To In The LePSA Training Approach?

- 1) Remember that the LePSA approach is not primarily an information giving approach. Rather, it is an analysis and reflection process that leads to social change.
- 2) As a facilitator in a transformative learning process, your role is to make sure that the training process is producing the desired social change and not necessarily the number of topics or modules covered in a particular period of time. Move at the pace of the learner without getting too obsessed with time.
- 3) A facilitator facilitates the training process by preparing relevant tools and instruments that would enhance deep reflection over issues. He/she guides the learning process while making sure that it is not manipulated to achieve personal needs. He/she knows that the needs of learners take precedence over his/her own needs.
- 4) A facilitator should always prepare well prior to any training process.
- 5) Make sure that you have dealt with nerves before embarking on the training process. A trainer loses credibility if participants realize that you are developing fear.
- 6) Make sure that participants should sit facing one another in a circle or semi-circle to promote equality and interaction in the training process.
- 7) At the end of each day of training, make a rapid assessment involving each participant to evaluate the day in terms of the training itself and other needs.
- 8) As a facilitator, you are required to dress and speak in an acceptable manner. Dress and speak to address the needs of participants.
- 9) Codes in form of role-plays throughout the manual must be performed by trainees and not trainers, which is why they are called role-plays.

Members of interaction groups affecting all modules in the manual may be maintained in the same groups or not depending on group dynamics that will emerge.

1.9 What Training Progress And Impact Assessment Model Can You Adopt For This Manual?

The training approach adopted in this manual is process oriented. It is intended to impact on people's knowledge, attitudes, values, traditions, beliefs, perceptions and practices regarding primary justice in Malawi. The impact assessment tool proposed must therefore be designed to assess the efficacy of the training process as it is a critical input to the change process.

Some of the tools that can be used for evaluating a training session

1. Questionnaires.
2. Discussion questions

MODULE 2:

CLIMATE SETTING AND TRUST BUILDING – HOW TO GET STARTED!

3.1 Aim:

- ❑ To generate a conducive adult learning environment that is learner centered or addresses the needs of learners.

3.2 Objectives:

- ❑ To create participatory learning environment for enhanced experience sharing
- ❑ To mobilize participants to be part of the learning process
- ❑ To generate confidence and trust in the learning process among participants

3.3 Approach:

Welcome and introductory remarks (5 minutes)

Self-introductions (5 minutes)

Opening remarks (10 minutes)

Deeper Introductions, e.g. self portraits, something from home, stepping stones and many others that you as trainer may have.(45 minutes)

Clarify housekeeping issues (30 minutes)

Levelling of participants' expectations and fears (60 minutes)

Levelling of training objectives (10 minutes)

Matching of objectives and expectations/fears (15 minutes)

3.4 Methodology

1. Self portrait

Objective

To create a relaxed atmosphere and allow each to introduce aspects of themselves.

To break the ice for a group which already knows each other.

Procedure

Ask participants to draw a self portrait on a piece of paper .they can choose whatever style they like, artistic, cartoon, and abstract. Ask them to write their names on the portrait.

Ask them to write down at the bottom of the paper three important events that led them to this workshop.

Collect the portraits and display them on the wall.

Give the participants the opportunity to view the exhibition.

2. Something from home

Objective

To speed up the process of becoming acquainted

Procedure

1. The trainer explains the purpose of the exercise and introduces it by saying something like. Try to concentrate for a moment on your home. It may help you to close your eyes. Then choose, whether it is an object, a piece of furniture, something intangible (a view, a smell, a taste a feeling) that represents you. Think about it and prepare to describe it in this group..

2. The group members describe their items. As a trainer, you may intervene to help them to express themselves clearly and to deal with questions from others.

3. Stepping stones

Objectives

To break the ice by framing introductions in historic perspective.

To learn where the various participants have come from and to hear what is important to them.

Procedure

1. Ask participants to work in pairs, interviewing each other. Each should choose 3-4 important events or important stones in their lives that are significant to bringing them to the point and to the workshop.
2. Start by giving them your own stepping stone. By mentioning something funny or irrelevant you can show that this is not too serious.
3. Participants can then feed back their own stepping stones to the group. This can be done in a number of ways; directly to the group; by panel introductions or visually by displaying the stepping stones for the group inspections.

MODULE 3: COMMUNITY APPROACH

2.1 Introduction

Much of this project is community based. It is then very important that facilitators of this project know the key elements in entering and mobilizing the community. In this regard facilitators should know that a community is a group of people living together with the same interests /goals with the aim of achieving something together.

Projects have failed to take off because facilitators have not moved together with communities. We also need to know that communities are not the same. Facilitators should pay particular attention to knowing the community because what may be seen on the surface does not normally tell the true story of the community. The process will enable the organization to discovering the capacities/assets and gaps of the community in promoting primary justice.

2.2 Aim

To equip participants with skills on how to enter and mobilize the community to participate in primary justice project

2.3 Objectives

By the end of this session participants should be able to:

- Define the community
- Know the meaning of community entry and mobilization
- Know how to identify capacities and gaps of the target community in promoting primary justice.
- Acquire skills in community entry and mobilization.
- Appreciate the rational of following the steps in community entry and mobilization.

Resources

- Pental Markers
- Flipcharts
- Masking tape
- Object to pest on papers ie stand, wall, blackboard etc

2.4 Methodology.

Community Entry

Steps in community entry and mobilization.

1. Secondary research

- Once the work is to start the team should share information and documents if possible that they already have on the community, discuss any of their own experience working in the areas well as well as review information which may be available from other personnel and agencies. The team may also wish to invite other persons who are knowledgeable of the area or community.

2. Preliminary Visits to the Community

About a month before the primary justice officer/s would like to start the program in a community, staff should inform the village and the local leaders and schedule at least one visit before the real activity begins. During the visit, the staff should meet the community leaders and stakeholders in primary justice. The three areas which should be addressed include:

i. General

- Introducing the primary justice project to community leaders and discussing its purpose:
 - Help community analyze their community analyze on how justice is being realized.
 - Identify and rank problems, strength, weaknesses, opportunities and threats in primary justice
 - Prepare action plan to start addressing some of the problems..
- Explain the
 - Goals and objectives of the project
 - Contents and schedule of the program
 - The role of the community leaders in the implementation of the project.
 - How the community will benefit from the project.

3.2nd .Secondary Research

Collect additional secondary research with the community members. This will act as your baseline for that particular community.

2.5 Community mobilization

Definition

Community mobilization is the wooing /persuading of members of the target community to participate in an event or activity.

Steps in community mobilization

Below are some of the key steps in community mobilization

(i) Planning

(ii) **Informing relevant officials**

(iii) **Ways of mobilizing communities**

Note: while planning for mobilization is important, it is equally advisable that you evaluate after every activity.

MODULE 4

INTRODUCTION TO THE REPUBLIC OF MALAWI CONSTITUTION

4.1 Introduction

Research has revealed that about 80- 90% of Malawians access the informal sector. Reports have submitted that this is due to several factors such as; inadequate legal personnel, 1 lawyer to 40,000 people; the dissolution of the Traditional Courts which has further widened the gap for the poor Malawians to access justice.

This finding is contrary to the Constitutional provision of access to justice as envisaged by section 41. This gap is now being addressed by the availability of other avenues as stipulated under section 13 (l) of the Constitution.

4.2 Aim

To orient the participants on the Constitutional provisions as far as access to justice is concerned.

4.3 Objective

By the end of this module participants should be able to:

- (i) Define the Constitution
- (ii) Explain the functions of the Constitution
- (iii) Explain the Fundamental principles of the Constitution
- (iv) Explain the relevancy of the Constitution to Primary justice

Suggested Resources

Flip chart, magic marker, Constitution, Acts, Handouts on Primary justice

Suggested Methodology

Lecturing, Group discussion Brainstorming, Question Techniques and plenary

Activity 1: Define Constitution.

Activity 2: Functions of the Malawi Constitution

Activity 3: Explain the Fundamental principles of the Constitution

Activity 4: Relevancy of the Constitution to Primary Justice

Summary

The Constitution plays a preventive as well as a remedial role, assisting and encouraging citizens and government officials to understand their rights and responsibilities in order that the state may serve and protect the interests of all members of the society.

MODULE 5: CONCEPT OF PRIMARY JUSTICE

5.1 Introduction

The primary justice project evolved out of a study which was commissioned by DFID through MaSSAJ in 1999. This study revealed that lack of personal security and security of property in various communities contributed negatively to a great extent to low levels of investment and aspiration of most members of various communities in Malawi to attain improved livelihoods. Therefore, as one of MaSSAJ's contribution to reducing this problem, they identified that increased access to the informal justice delivery would help to bring more security, peace and calm in the communities. The main goal of the primary justice project therefore is to increase access and improve quality in the delivery of the service. From the initial four district implementing agencies (DIAs) in 2004, the project expanded to fourteen districts with a strong possibility of extending to all the twenty eight districts of Malawi.

5.2 Aim

To sensitize participants on the whole concept of primary justice; why people use it, the main features, key stakeholders and their roles, strengths and challenges of primary justice, issues tackled and what is being done to improve access to justice for the poor.

5.3 Objectives

By the end of this topic, participants should be able to:

- 3.1 Define the concept of Primary Justice
- 3.2 Explain why the people access Primary Justice
- 3.3 Explain the main features of Primary Justice
- 3.4 Identify key Primary Justice stakeholders and their roles
- 3.5 Explain the strengths of Primary Justice
- 3.6 Explain the challenges in the delivery of Primary Justice
- 3.7 Identify Primary Justice Issues and how they are handled
- 3.8 State what is being done to improve access to justice for the poor

Suggested Resources

Flip chart, magic marker, newspaper articles, Acts, Constitution and Posters on Primary Justice

Suggested Methodologies

Lecturing, Group Discussion, Brainstorming, Questioning Technique, Story Telling and Plenary

Activity 5.4: What is Primary Justice?

Activity 5.6: Why do people access primary justice? (40 Minutes)

Activity 5.7: Main features of primary justice (40 Minutes)

Activity 5.8: Key primary justice stakeholders and their roles (1 Hour)

Activity 5.9: Strengths of Primary Justice (1Hour)

Activity 5.10: Challenges in the Primary Justice System

Activity 5.11: Primary Justice Issues (1 Hour)

Activity 5.12: What is being done to improve access to justice for the poor (2 Hours)

Summary

If the concept of Primary Justice can be well and properly understood by all the stakeholders including the beneficiaries who are the poorest of the poor, the service has the potential of enhancing harmony in the communities thereby making the people more free to invest in different economic activities to improve their lives.

MODULE 6: CASE HANDLING

6.1 Introduction

The 1999 Consultancy Final Report by DFID/MASSAJ on Primary Justice Projects revealed that informal justice providers lack the relevant skills in case handling and referral services. The chiefs and other service providers need to understand the case handling process, since they are the ones to provide primary justice service to the people regardless of their status in the communities.

6.2 Aim

To equip justice service providers with the necessary skills of case handling.

6.3 Objectives

By the end of this topic, participants should be able to:

- Define case handling
- Outline processes of case handling.
- Discuss advantages and disadvantages of using legal ways and non- legal ways of case handling.
- Outline essential skills of case handling

Suggested Resources

Flip chart. Magic marker, Handouts.

Suggested Methodologies

Lecturing, Group discussion, Brainstorming, Case studies, Question Technique and plenary.

Activity 6.4 Define case handling? (30 minutes)

Activity 6.5: To outline processes of case handling

Activity 6.6: To discuss features of legal ways and non- legal ways of case handling

Activity 6.7: To outline essential skills of case handling

MODULE 7: CONFLICT TRANSFORMATION

8.1 Introduction

Conflict is mostly referred to an escalated dispute between two more parties with different perceptions and expressions due to different backgrounds.

8.2 Learning objectives

By the end of this unit participants should be able to:

- Acquire skills in identifying root causes of conflicts
- Acquire skills in conflict intervention
- Assimilate in mediation process
- Explore the structure of conflict

Suggested Resources

- Flip Chart Stand
- Flip Charts
- Markers
- Chalk Board
- Chalk
- Resource Person

Suggested Methodology

- Brainstorming
- Pairing
Group Work
- Questions and Discussions
- Lecture

8.3 Definition

Conflict means *to strike ideas, things, people together*. It is derived from the latin verb, *confligere*.

Conflict also means different *perceptions* and *expressions* due to different backgrounds.

Transformation refers to change. This change can be understood in two ways; *descriptively and prescriptively*, across four dimensions, *personal, relational, structural* and *cultural*.

Descriptively, transformation refers to the effects that social conflict produces. In this case transformation is used to describe the general changes social conflict creates and the patterns it typically follows.

MODULE 8: DOCUMENTATION OF CASES AND DATA COLLECTION FOR PRIMARY JUSTICE ISSUES AND PROCEDURES

7.1 Introduction

It is a step by step or a systematic way of writing down of evidence, proof or any importance account. The term documentation stems from another noun “document” which means written evidence.

In primary justice, documentation is very vital and it is something that we can not afford to omit if the project should be of any help to other people besides ourselves.

7.2 Aim

The aim of this lesson is to give primary justice agents and their foras appropriate knowledge and skills in documentation of cases, data collection and record keeping.

7.3 Objectives

By the end of this topic, participants should be able to:

- Define the terms documentation, data and record keeping.
- Understand the reasons why we collect data, why we document cases and why we keep records.
- Analyse the data collected so that we come up with an intervention
- Follow the right reporting, recording and keeping procedures.

7.4 Suggested Resources

Flip chart, magic marker, newspaper articles, case registers, monitoring forms

7.5 Methodology

Lecturing, Group Discussion, Brainstorming, Questioning

7.6 Things that need to be documented.

- ❖ Subject under discussion
- ❖ The complainant (s)
- ❖ The accused
- ❖ Reason for complainant
- ❖ Witnesses of the case
- ❖ People at the hearing (those affected)
- ❖ Statement of the case
- ❖ The ruling

- ❖ Compensation (amount of what type)
- ❖ Date of case hearing and date of ruling

7.7 Reasons for documenting

- ❖ For future references
- ❖ For evidence sake
- ❖ For a good follow up
- ❖ In order to remember the conflicting parties and the cause of the conflict
- ❖ In order to follow the ruling
- ❖ For statistical purposes (how many cases in a week, month e.t.c)

7.8 Who can use the documented information

- ❖ The chief and indunas who preside over the cases
- ❖ The office where we refer the case e.g. police, courts, District Commissioners, social welfare. e.t.c.
- ❖ The village court secretaries
- ❖ The District Primary Justice coordinator
- ❖ The managing Agency
- ❖ MASSAJ / DFID
- ❖ Other concerned bodies and organisation

7.9 Which cases need to be recorded?

- ❖ All cases that come to us and we have acted upon
- ❖ All cases that we refer to other organizations
- ❖ Any other stories of interest that come our way

7.10 What is Data?

Data is basically unprocessed information. This is the information that somebody has collected but is not yet analyzed. In other words it is raw information. Data becomes information of any use when it is analyzed.

7.11 Means of collecting data

7.12 Type of data that needs to be collected and documented

7.13 Data Management

7.14 Reporting Procedures

7.15 What we should report

7.16 What is Record Keeping?

7.17 How to keep records

MODULE 9: ADVOCACY

9.1 Introduction

In primary justice, apart from case handling, there are issues prevalent in the communities which if not effectively intervened can render the achievement of peace a mere dream.

9.2 Aim

To prepare participants to intervene on community issues for a common good, on behalf of others as part of primary justice work.

9.3 Learning Objectives

By the end of this module, participants should be able to:

- Define advocacy
- Acquire skills in advocacy
- Apply skills of advocacy
- Identify forms of advocacy
- Identify effective methods for use to specific audiences

9.4 Suggested resources

- Flip chart stand
- Flip chart
- Markers
- Chalkboard
- Chalk
- Resource person

9.5 Suggested methodology

- Brainstorming
- Pairing
- Group work
- Plenary
- Discussions
- Lecture
- Case Studies

9:6 What is Advocacy?

Advocacy means to speak or plead on behalf of another person(s) in order to foster justice or change.

9.7 Forms of Advocacy

MODULE 10: PRIMARY JUSTICE MONITORING AND EVALUATION

10.0 Introduction

Monitoring and evaluating primary justice activities is important especially when we want to measure the levels of impact the project is making. This is an important module for the service providers to understand. The module has examples drawn from the main objectives of the primary justice programme in Malawi.

10.1 Aim

To sensitize participants on the importance of monitoring and evaluating primary justice activities

10.2 objectives

Participants should be able to:

- Appreciate why we should monitor the primary justice project
- Know how we are going to monitor the primary justice project
- Know and explain the differences between monitoring and evaluating the primary justice project
- Mention the main objectives of the primary justice project that need to be monitored and evaluated
- Explain the procedures in determining that an impact is being made in primary justice project
- Exercise an M&E data collection plan
- Evaluate a capacity building exercise such as training primary justice providers
- Write better quarterly reports based on the format provided

Suggested Resources

Flip chart, magic marker, newspaper articles, monitoring tools

Suggested Methodologies

Lecturing, Group Discussion, Brainstorming, Questioning, Plenary, Case Studies

10.3 Why should we monitor our Primary Justice Pilot Project?

10.4 So, how are we going to monitor our Primary Justice Project.

10.5 What's the difference between Monitoring and Evaluation?

APPENDIX I

CRIME PREVENTION COMMUNITY POLICING

BACKGROUND

Policing in Malawi took a new direction after the first multiparty elections in 1994 in terms of democratization and transformation. Previously, police practices were abhorred by the people and the police themselves. These records created a bad record of Human Resource in Malawi. As a result, the Malawi Government approached the British Government for assistance to help reform the MPs. The United Kingdom Government agreed to provide technical expertise.

WHY COMMUNITY POLICING?

The United Kingdom Government conducted an assessment of the MPs. The findings of this joint United Kingdom Malawi Police Team indicated that:

- The Police were understaffed and under resourced;
- The few resources the police had were not utilized effectively.

In March 1995, the group agreed that it could not develop a strategy for Police reform without consulting the public and members of Police. In the same year questionnaires were distributed and public meetings were conducted throughout the country in order to obtain public views. Through this consultation process, the public accepted the findings and reiterated the importance of involving civil society in policing.

The Police quickly realized that it could not win the “battle” against crime alone. They needed community involvement and assistance because:

- Criminals live in the community
- The community knows who the criminals are
- Property stolen by the criminals is sold to the community.

This realization integrated with the station operational plans which are both community based and human rights sensitive. A community-policing model was emerging.

Community Policing is a modern policing strategy used internationally which developed with response to the realities confronting police services throughout the world. Numerous factors combined to foster the development of Community Policing model:

- A growing demand for more responsive and customer orientated poling.
- An increase in the socio-economic structures of crime.
- A greater demand for greater accountability.
- The increasing awareness of shortcomings of the traditional policing approach in providing long-term answer to crime and problems of safety and security.

The growing realization that in the absence of community support, neither money, more police personnel, better technology, nor more authority will enable police to control or reduce criminal activities.

In Malawi, there is a growing demand for a new policing approach because of:

- Rising levels of crime especially violent crime.
- Changing political, sociological technological and economical environments.
- Long term mistrust, antagonism and even open hostility of some sections of the community towards the police. The MPs needed to change from a force that was feared to a service that is valued.

In 1997, a democratic Malawi adopted community policing as its new approach to improving safety and security.

CONCLUSION

People are often apathetic until or unless highly visible crimes such as breaking/robbery or rape occur in their neighborhood. This apathy more often than not is then result of lack of knowledge about the frequency and seriousness of crime committed in their locality.

The Police have a special duty to provide the public with information of what is going on in the community. This can be done by publishing in newsletter which is distributed to every household by conducting security surveys at home and business by having with influential groups and decision makers in the community.

Groups of citizen may be antagonizing to the police. This problem can be overcome if there is willingness to find a solution. The only way to really breakdown negative stereotyping is through positive interaction. The first step is to find a common ground.