

Foreword

The *Judicial Bench Book on Violence Against Women in Commonwealth East Africa* (Judicial Bench Book) is prepared by judges for use, primarily by judicial officers.

The role of a judicial officer in handling a case of violence against women and girls (VAWG) is to ensure a fair trial. To that end, judicial officers need to apply the law, taking cognisance of the socio-cultural and other limitations that impact on the lives of women and girls and guide the actions of perpetrators. Judicial officers need to take leadership outside the courtroom and promote change in their respective societies.

The Judicial Bench Book is the realisation of a vision that emanated from the Botswana Judicial Forum of 2013 which considered the review on the Commonwealth case law on VAW and discussed landmark judgements with a view to contributing to a strengthened jurisprudence of equality.

The Judicial Bench Book sets out the definition of VAWG in international and regional human rights instruments and national legislation. It discusses the relevant international human rights standards with respect to VAW. These standards have been developed and further advanced by international and regional institutions, global fora and the work of the United Nations Special Rapporteur on Violence against Women, its Causes and Consequences. The Judicial Bench Book discusses the obligation of the State to eliminate VAWG through the exercise of due diligence to prevent and protect women from such violence, prosecute and punish perpetrators of such violence and to provide an effective remedy for victims of such violence. It further discusses, through case law, measures to address VAWG, and the role of the judiciary in realising the obligations of the State.

The case law used in the Judicial Bench Book has enriched the final product and brought to the fore evidence of suffering that many women endure; however, through access to courts women can access justice while perpetrators are brought to account. The experience of the judiciary adds value to the contributions of new magistrates or judges on matters relating to courtroom procedure while also applying international human rights standards.

The Judicial Bench Book is a template that should be emulated in other regions of the Commonwealth, as it will have far reaching implications such as the contribution to be made by the judiciary on the sustainable economic development of a country by reducing the economic costs of VAWG.

The Judicial Bench Book is not an end in itself, and it is expected that users will make suggestions for consideration in later editions.

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