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Global Technical Consultation on essential policing and justice sector services to respond to violence against women and girls

Police Response to Violence against Women and Girls

BACKGROUND PAPER

23 June 2014

This Background paper was developed to inform the Global Technical Consultation on the development or adaptation of quality standards and guidelines for providing essential policing and justice sector services to women and girls exposed to violence. This consultation, convened by UNWomen, UNFPA, UNODC and UNDP forms part of the Joint Global Programme on Essential Services for Women and Girls subject to Violence that will address essential services across the health, police and justice, and social support/protection sectors and coordination and governance to ensure a comprehensive approach. This consultation focuses on police and justice services and will take place in Marrakech, Morocco 1-4 July, 2014.

The objectives of the consultation are to:

1. identify the policy/legal frameworks that have to be in place for the delivery of essential police and justice sector responses (focused on low to middle income countries);
2. identify and agree on the core elements from the range of essential police interventions and justice services required for supporting women who have experienced gender-based violence;
3. agree on the quality standards and guidelines for the delivery of police interventions and justice services;
4. identify remaining gaps in the requirements for quality service provision, and
5. make recommendations on tools necessary to guide the police and justice sector's response to violence against women in different contexts

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Table summarizing essential services, core elements and standards and guidelines

Introduction

Violence against women and girls is a pervasive around the world. A 2013 World Health Organization report estimates 35% of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence¹. Furthermore, the same study claims that as many as 38% of all murders of women are committed by intimate partners². A UN study on men's use of violence in SE Asia found that 26-80% of men reported having perpetrated physical and/or sexual intimate partner violence and 10-40% of men reported they had raped non-partner rape. The most common motivation was determined to be sexual entitlement³.

It is estimated that 150 million girls under 18 have experienced sexual violence⁴. Gender based power relations within society put many girls at a much higher risk for some forms of violence, and sexual violence in particular, than boys⁵.

The UN Commission on Human Rights affirmed in 1994 that "violence against women constitutes a violation of the human rights and fundamental freedoms of women and that violence against women impairs or nullifies their enjoyment of those rights and freedoms"⁶. However, in many countries violence against women and girls is still not addressed as a serious violation of human rights. The causes of such violence and the factors that increase the risk of its occurrence are grounded in the broader context of systemic gender based discrimination against women and other forms of subordination, and are a manifestation of the historically unequal power relations between women and men. Violence against women has, at its roots gender inequality and lack of empowerment of women. Gender inequality is imbedded in social and cultural practices, in the division of labor and allocation of roles and responsibilities to women and men, and in economic frameworks and government policies and practice, is entrenched in social, cultural and economic structures, and results in unequal power relations between men and women. Violence against women is often used to control women and to reinforce traditional social structures that favor men, justify men's perceived superiority and reinforce the supposed failings of the subordinate women⁷. These power imbalances leave women vulnerable, dependent on others and with limited, if any ability to influence and make life choices.

". . . violence against women is not a small problem that only occurs in some pockets of society, but rather is a global public health problem of epidemic proportions, requiring urgent action. It is time for the world to take action: a life free of violence is a basic human right, one that every woman, man and child deserves."

World Health Organization (2013)

¹ WHO, Global and Regional Estimates of Violence against Women. 2013

² Ibid, p. 31 .

³ UN Women, UNFPA, UNDP and UN Volunteers, "Why do some men use violence against women and how can we prevent it? Quantitative findings from the United Nations Multi-country Study on Men and Violence in Asia and the Pacific" . 2013 .

⁴ United Nations Report on Violence Against Children.2006. p. 17.

⁵ United Nations Report on Violence Against Children.2006 . p. 23.

⁶ Resolution 1994/45

⁷ Kumari , R, and S. Hardefeldt. (2012) Gender Inequality: The cross-cutting implications of domestic violence in India. p. 5

The complexity of violence against women and girls, its roots, effects, and impacts and often long term consequences is widely recognized as a serious problem. Violence is intricately linked with other important issues such as education, health HIV and AIDS, poverty eradication, food security, peace and security, humanitarian assistance and crime prevention, and as such cannot be examined in isolation⁸.

States have an obligation to exercise due diligence to prevent, investigate, prosecute and punish violence against women and to protect and support victims/survivors. However, despite extensive commitment by women's organizations, government and other partners, many women and girls subjected to violence still lack access to coordinated, quality essential services for their safety, health and access to justice, and as a result continue to suffer from the physical and mental impacts of violence. Support services, where they exist, are often underfunded, understaffed, and are able to provide only a limited scope of services and coverage. Costs and impacts are significant - to women, children, men and society as a whole.

This paper examines key issues and proposes draft quality standards and guidelines for the development and delivery of essential services that are critical for effectively responding to and addressing violence against women and girls. A complementary paper on essential justice services has been prepared for this Global Technical Consultation, so this paper will focus on proposing essential police services required to provide a quality response to victims/survivors of violence and where possible, to those women and girls vulnerable to violence, but will highlight issues of mutual concern or overlap with the justice services and response. The police services will then be examined to determine their core elements, and to prepare a set of standards and guidelines for the provision of quality police responses that can be applied in different income/resource settings. This set of core essential services and quality standards should be applicable universally but will have a specific focus on low to medium income countries. This project will draw and build on global standards and guidelines that have focused on police and justice responses to violence against women.

Whilst violence against women manifests in many harmful and sometimes fatal ways, this paper will focus on the most universally prevalent forms of violence against women and girls, including intimate partner violence, family and domestic violence, and sexual violence against women and girls. It will acknowledge, but not focus on other crimes of violence perpetrated against women such as human trafficking and harmful traditional practices such as kidnapping for marriage, and dowry deaths.

Unless otherwise specified, in this document the term "women" includes girls under the age of 18. Where relevant, it will specify how responses should be tailored to meet the specific needs of girl victims/survivors.

Legal systems, traditions and cultures of countries vary considerably in respect to the treatment of women and girls. Recognizing that these factors and other contextual issues may impact the will and or ability of actors to deliver activities and tasks according to the quality standards set out, this project will,

⁸ UN A/61/122/Add.1

as far as possible, focus on the activities, tasks and actions that the state is required to undertake to meet standards for effective police and justice sector services for violence against women and girls, rather than on which department or discipline provides those services.

Our task which is to define an acceptable level of response to violence against women is a challenging one. Providing services generally, and tailored services in particular in countries with lower incomes and fewer resources can be a daunting task but this project seeks to ensure it is possible. Our discussions will be guided by three questions:

1. **Which** police services are essential? That is, what services are absolutely necessary for all victims/survivors including in low to medium income countries?
2. **What** are the core elements or basic features of such services that reflect their universal nature, making them applicable in varied legal and cultural contexts?
3. **What** standards and guidelines need to be in place to ensure quality delivery of the police services?

PART 1: CONTEXTUAL INFORMATION

1. Contextual background

States are obliged ensure the safety and security of their citizens, and to do so in a manner that preserves their human rights. Failure to do so violates and impairs or nullifies the enjoyment of women and girls human rights and fundamental freedoms. This work is generally carried out by police agencies, whose primary functions are prevention and detection of crime, maintenance of public order, and provision of assistance to the public.

Human rights principles, enshrined in hard and soft law norms (treaties, declarations, guidelines and standards) reflects the broad consensus by member states and provide the foundation for all justice sector services. The State obligations relating to violence against women continue to be updated⁹, but can be summarized as follows:

1. Prevent violence against women and girls;
2. Protect women and girls from violence;
3. Prosecute and investigate incidence of violence against women and girls;
4. Punish perpetrators of violence against women and girls; and
5. Provide redress to victims/survivors of violence against women.¹⁰

Police and other actors in the justice system are required to respond effectively and efficiently to acts of violence against women and girls, regardless of legal systems, traditions, cultures, and state capacity. In some contexts the public has high expectations of police, informed by legitimate police institutions. But, in other contexts the police, as an arm of the state, is not trusted or seen to be legitimate and is often

⁹ Annual Report of the Special Rapporteur on violence against women, its causes and consequences, A/HRC/23/49. http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A_HRC_23_49_English.pdf

¹⁰ Zarizana, A. and J. Moussa, (2014). Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women. Available at <http://www.duediligenceproject.org>

feared. In these contexts the police are often part of the problem in relation to violence against women and girls. Hence police accountability is often a pre-condition for effective and quality service delivery.

The Declaration on the Elimination of Violence against Women (1993) defines violence against women as "any act of gender based violence that results in or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life"¹¹.

Violence against women transcends cultural, regional and state boundaries. The extent / type of violence being perpetrated against women and girls, and against specific groups of women and girls, varies significantly from one country and region to another. Social and cultural norms, as well as the political and economic context in which violence occurs, affects the nature of violence against women and girls. Violence can take many forms, including physical, sexual, psychological, emotional and economic abuse and exploitation. Factors such as women's race, ethnicity, caste, class, migrant or refugee status, age, religion, sexual orientation, marital status, disability or HIV status and/or indigenous status will influence what forms of violence they suffer and how they experience it¹².

Violence against women can occur within the family, in the community and/or be perpetrated and/or condoned by the State. Girls are at increased risk of sexual and gender based violence. They are abused between 1.5 and 3 times the rate of boys, face greater risk than boys for sexual violence, neglect and forced prostitution. The majority of this violence occurs within the family. Girls are also vulnerable to violence suffered as a result of harmful practices ranging from genital mutilation to branding and dowry related rights. They are also at higher risk than boys for gender based violence in educational environments (including on the way to and from school), perpetrated by teachers, classmates and others; in domestic workplaces, by male members of the employer's family; and if forced into marriage at a young age¹³.

The UN Secretary-General's In-depth study on all forms of violence against women illustrates the significant and long term consequences of violence against women. Consequences for the victim/survivor can range from physical injury to reproductive health problems, gynaecological problems, increased risk of contracting an HIV infection, unintended pregnancy and attendant risks for mother and child, and to death. Psychological and emotional impacts can be severe, ranging from an inability to concentrate to depression, post-traumatic stress, to increased risks for suicide. The costs to her family can be equally severe. If the victim/survivor is suffering from physical or psychological trauma she may be unable to care for her family, and as a consequence children will have to be placed in care. If she is the family's breadwinner, the family may face poverty. Added legal costs can strain budgets even further. If the violence is perpetrated by a family member, the family unit may break down

¹¹ United Nations General Assembly. Declaration on the elimination of violence against women. New York: United Nations; 1993; <http://www.un.org/documents/ga/res/48/a48r104.htm> and Commission on Human Rights resolution 2003/45; <http://www.unhcr.ch/Huridocda/Huridoca/nsf/0/92369a7e29927af3c1256d1f004196ce?Opendocument>

¹² UN. A/61/122/Add.1, Section 147.

¹³ UNICEF, Violence against Children p 14, p 11.

and the victim/survivors family may be dishonoured, resulting in lack of support and decrease in family income.

Impacts can span generations. Exposure to violence affects children's health, their educational performance, and the use of violence in their own lives. Social consequences include reducing the victim's and the community's sense of security and wellbeing, increasing the fear of crime, and inhibiting women from participating in public life. Economically, victims/survivors are often less able to work and contribute productively to family life, public life and the economy.

Employers lose an employee due to absenteeism associated with violence. If the victim/survivor is able to continue to work, her productivity may suffer, decreasing organizational performance. Society must bear the cost of health care services, court and legal services, and support services. The costs of providing much needed services for them increases the burden to already over-stretched social services, justice systems, health care services and the economy¹⁴.

Violence is not limited to particular groups of women within a society, nor is violence experienced the same way by all women. The Declaration on the Elimination of Violence against Women reinforces that some groups of women are at higher risk and more vulnerable to violence, and therefore require special consideration, treatment and support services. These groups can include, but are not limited to minority, indigenous and refugee women, destitute women, women in institutions or in detention, women with disabilities, older women and women in situations of armed conflict¹⁵.

Throughout the world, women who experience multiple forms of discrimination are particularly vulnerable, and require special awareness and attention. For example, women belonging to particular ethnic or racial groups are likely to experience gender-based violence as well as violence based on their ethnic or racial identity. Indigenous women are subject to various forms of violence¹⁶, including intimate partner violence, custodial violence by police and murder, sometimes at a much higher rate than non-indigenous women¹⁷.

In India, violence against women based on caste is manifested in high rates of sexual violence committed against Dalit women by men of higher caste. In particular remote villages, access to a Dalit woman's body is considered the prerogative of the landlord of the village¹⁸.

Women may encounter violence based on social and legal prejudices against them because of their sexual orientation or gender identity. Forms of violence against lesbian women because of their sexual orientation include non-partner sexual violence, sexual enslavement, forced marriage, corrective rape, and murder.

¹⁴ UN. GA A/61/122/Add.1 Sections 104-181)

¹⁵ UN. GA A/61/122/Add.1 Sections 104-181)

¹⁶ Oppal, W. (2012). Forsaken: The Report of the Missing Women Commission of Enquiry. Retrieved from: <http://www.missingwomeninquiry.ca/obtain-report/>. See comment on pg. 8.

¹⁷ UN. GA A/61/122/Add.1 Sec 148

¹⁸ UN.GA A/61/122/Add.1 Sec 150

Women with disabilities are also vulnerable to many forms of discrimination. Pacific Sisters with Disabilities: At the Intersection of Discrimination highlights that women with mental or physical disabilities are often impacted by an additional form of discrimination that results from combining discrimination against women and against those with disabilities. This third form of discrimination ". . . can transcend the two separately and is often imposed or reinforced without challenge by many decision makers"¹⁹.

Because of their subordinate status both as migrants and as women, female migrant workers are highly vulnerable to exploitation and ill-treatment. Refugee and displaced women may be subject to different forms of violence, abuse and exploitation, including rape and abduction, during flight, in refugee camps as well as in asylum countries²⁰.

a. Current realities for women and girls reporting to police and seeking justice

The decision for victims/survivors of intimate partner violence and sexual violence to seek redress for the wrongs committed to them through the criminal justice system is a challenging one. Societal attitudes and police responses are often woefully ineffective and inadequate. Although significant commitments have been undertaken by states, and some police organizations have implemented policies and practices, many examples of police dealing with violence against women and girls with impunity or police failure to prevent or effectively investigate violence against vulnerable groups persists.

Many women experience social pressures that act as barriers to reporting and pursuing a complaint through the justice system. Women often feel ashamed, powerless and lack information, resources, and support. In some cultures, social norms dictate that domestic violence and sexual violence is a family matter that must be kept private. In others, women are prevented from exercising their autonomy outside of their home; others are reliant on male relatives for their economic and social wellbeing. This poses particular challenges for women whose family members are perpetrating the violence. Social sanctions can be especially severe for women reporting sexual or domestic violence, ranging from being shunned by their families because they have besmirched the family honour, to fear of retaliation by the abuser, family, or community.

Cultural biases and discriminatory practices, often also found in the local police can also influence a woman's decision not to report. In some cases rape victims themselves have been charged with adultery or other morality crimes. In a recent case reported in the Sudan Tribune, a young woman's

In Canada, Aboriginal women, described as poor, drug dependent, and involved in the sex trade comprised 33% of 67 women who went missing over a period of several years. Slow and inadequate police response was cited as a critical factor in the deaths of 33 of these women by a serial killer. The Commissioner of the Enquiry following stated "I have found that the missing and murdered women were forsaken twice: once by society at large and again by the police."

Hon. Wally T. Oppal, Commissioner

¹⁹ Stubbs and Tawake. (2009) Pacific Sisters with Disabilities: At the Intersection of Discrimination, p.11

²⁰ UN GA 1 A/61/122/Add.1 Sec 152 - 156.

attempt to report being gang raped was denied because "she did not come forward immediately after the incident". When footage of the rape, taken by one of the attackers, appeared on social media, she and her attackers were charged with making and distributing indecent material and behaviour.²¹ For reasons such as these many women choose other options to addressing their problem, such as pursuing an informal resolution within the family or local traditional leaders, or pursuing a divorce or other agreement through family court (p. 52).

Institutional barriers add additional pressures, and in many cases, may exclude a woman from entering the formal justice system. *In Pursuit of Justice, the 2011-2012 Progress Report on the World's Women*, highlights that formal criminal justice system can be complex and challenging to understand and negotiate²². The broader justice system, including civil and family law related to employment, marriage, divorce, maintenance, custody and inheritance presents an equally daunting challenge. Further complicating the matter are the multiple civil, customary and religious laws that exist in many countries and which create parallel court systems.

Structure, processes and procedures vary from one part of the system to another. There is often overlap between systems, requiring women to make multiple trips, and to repeat their stories many times. Many victims/survivors may not be aware of their rights or the obligation on the actors within the criminal justice system to investigate their complaint. On the other hand justice sector personnel may not be aware of the law or their obligations to serve women²³. Police and other justice system personnel attitudes and biases often reflect those of broader society.

Women who are poor, not well educated, from ethnic, racial, religious minorities, disabled, cannot speak or read the local language, or live in rural areas are not well positioned to access the justice system without assistance and support. Within the system, shortages of trained, competent human resources and equipment increase the likelihood of a less than favourable response or very slow movement through the criminal justice process. In some countries victims/survivors are asked to bear lawyer and administrative fees - expenses they cannot afford; in others system actors demand bribes for services.

Many victims/survivors find it difficult to speak to a male stranger about violence they have experienced. Police stations often do not have trained, capable women available to take reports or investigate cases of violence against women. For example, Delhi Police (India) issued a Standing Order that all initial reports of sexual violence must be made to a woman officer with the minimum rank of Head Officer. However, the police agency does not have sufficient numbers of women at any rank to meet this requirement. They have hired a large number of women over the past several months, but anticipate it will take some significant time for these women to become competent to take and investigate the often complex cases of violence against women.

²¹ Sudan: pregnant gang rape victim charged with adultery, prostitution. 20 Feb 2014.

http://sudantribune.com/spip.php?iframe&page=imprimable&id_article=50018

²² <http://progress.unwomen.org/pdfs/EN-Report-Progress.pdf>. p.52-54

²³ *Ibid.*, p. 54

Indigenous women, immigrant women, women with disabilities and other vulnerable women who have historically had negative interactions with the state and police have no confidence that the police will provide them with the protection they require. Women in the sex trade or those who have been charged with crimes loathe reporting to police.

In countries or communities where police are viewed as arms of the State as opposed to safety and security service providers, where government and/or police are corrupt or aligned with criminal organizations, where police do not operate within the rule of law, where police are themselves perpetrators of crime, and where police are known as biased, discriminatory or disrespectful, women and men will often fear police, will not trust them and will not have confidence that the police will be of assistance to them. This applies as well in jurisdictions where compulsory and forced alternative dispute resolution processes, including forced mediation and conciliation are practiced. As a consequence they will not report crimes to them. When crimes are committed against women, and especially if they are of an intimate and personal nature the likelihood that women will report them to police is further decreased.

Finding out where and how to report an incident and getting to the correct location requires considerable planning. When a woman arrives at a police station her complaint is often not given priority and she is forced to wait. In many cases, police will not come to the scene of the incident or meet the victim at a location where her privacy can be respected. Reports of police refusing to take reports or conduct investigations into violence against women and girls complaints abound. Victims are often not believed. Evidence that can support a charge is not collected or is collected too late to be of value. Requests to speak with a female officer can often not be accommodated.

If reports are accepted, the journey through the system is long and arduous. The victim/survivor is often revictimized by having to repeat her story many times. She is not afforded the dignity of privacy or confidentiality. She is not offered support or even a change of clothes or a sip of water. She has to wait in a police station for hours for the police to find a convenient time to take her to a medical facility for examination. In the medical facilities she is often examined in a public women's ward by a medical practitioner who may have experience examining victims/survivors of sexual violence, but who has limited knowledge or forensic evidence requirements for court. Requests for examination by a female practitioner often cannot be met. Evidence chains of custody are not respected, and exhibits often not analyzed or the analysis reports not submitted to court. The victim/survivor has to repeatedly make her own way to court, at her own cost, and submit to often discriminatory and biased comments and questioning about her personal history and her rape or assault. Her story is dissected and even small inconsistencies are questioned and often become foundations for conclusion of cases as unfounded. The likelihood of a conviction is limited at best. Her story may become front page news.

Police are not trained in the dynamics of violence against women and girls; they are not sensitive to the trauma victims/survivors have experienced; and do not have the knowledge, skills and abilities to conduct an effective investigation, prepare the case for court, and provide good testimony. They often share the same biases and discriminatory attitudes of the general population. In addition, due to the

male dominated workforce and the patriarchal nature of such organizations, they are often more likely to have discriminatory views on issues related to gender equality.

2. The Normative and Institutional Framework

a. Global normative developments and agreements

State responsibilities related to addressing violence against women and girls are outlined in a number of UN instruments and agreements setting forth norms, standards and political commitments, including the 1979 Convention on the Elimination of all Forms of Discrimination Against Women²⁴; the 1993 Declaration on the Elimination of Violence against Women; 1994 Beijing International Conference on Population and Development²⁵; the 2010 Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice²⁶; the 2013 Commission on the Status of Women's agreed conclusions on the elimination and prevention of all forms of violence against women and girls²⁷; as well as the General Assembly Resolutions resolutions on the intensification of efforts to eliminate all forms of violence against women²⁸, and trafficking in women and girls²⁹.

Instruments specifically related to addressing violence against children, and specifically girls include the UN Convention on the Rights of the Child; Guidelines on Justice Matters Involving Child Witnesses and Victims of Crime³⁰, and the draft UN Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice.³¹

b. Legislative Framework Related to Policing

As a consequence of state obligations to promote human rights, the legal and constitutional frameworks of states have to conform to international legal obligations. In relation to policing, this requires that states secure political accountability and legal supervision of police, and ensure lawful and humane policing, which also affects the way command, management and administration of police organizations

“In fact, all international treaties that concern human rights are of direct relevance to police and policing”

Professor Egbert Myjer
Judge at the European Court of
Human Rights (8 March 2010)

²⁴ Convention on the Elimination of all Forms of Discrimination Against Women. General Recommendations 12 and 19 clarify that the Convention includes violence against women and makes detailed recommendations to States parties.

²⁵ 1994 Beijing International Conference on Population and Development drew links between violence against women and reproductive health and rights. Its Programme of Action calls on Governments to take legal and policy measures to respond to and prevent violence against women and girls.

²⁶ UN A/Res/65/228, annex.

²⁷ See E/2013/27

²⁸ See, e.g., A/RES/67/144, A/RES/65/187

²⁹ See, e.g., A/RES/67/145, A/RES/65/190

³⁰ ECOSOC resolution 2005/20, annex

³¹ See E/2014/30, chapter I.A.IV.

are governed³². Police independence from political powers, transparency and public accountability are critical to policing that is responsive to civilian needs and expectations. If police tend towards paramilitary structures and functions and serving the state, public confidence and trust will be eroded or lost.

State accountability for developing comprehensive national level legislation for violence against women legislation is elaborated in the justice paper prepared by Ms. Skinnider (pg. 13). Police specific state responsibilities include the following requirements:

1. The State must have in place criminal, civil, and administrative laws that criminalize and prohibit violence against women; protect, empower and support survivors; adequately punish perpetrators and ensure available remedies for victims³³.
2. The Police and other law enforcement agencies have judicial authorization and adequate powers to enter premises and conduct arrests in cases of violence against women and to take immediate measures to ensure the safety of victims³⁴.
3. The primary responsibility for initiating investigations and prosecutions lies with the police and prosecution authorities and does not rest with women subjected to violence, regardless of the level or form of violence³⁵.
4. Evidentiary rules are non-discriminatory; all relevant evidence can be brought before the court; rules and principles of defence do not discriminate against women; and “honour” or “provocation” cannot be invoked by perpetrators of violence against women to escape criminal responsibility³⁶; and
5. Police and courts have the authority to issue and enforce protection and restraining or barring orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside the domicile; to issue and enforce child support and custody orders; and to impose

"Police officers will enhance the legitimacy of the State if they demonstrate in their daily work that they are:

- responsive to public needs and expectations; and
- use the authority of the State in the people's interest."

den Boer, M. and Changwon Pyo, (2010)
Good Policing: Instruments, Models,

³² den Boer, M. and Changwon Pyo, (2010) Good Policing: Instruments, Models, and Practices, p. 9. Retrieved from: http://www.hss.de/fileadmin/media/downloads/Publikationen/110323_Good-Policing.pdf

³³ UN A/RES/75/228 II.14.b

³⁴ UN A/RES/75/228 III.15.a

³⁵ UN A/RES/75/228 III.15.b

³⁶ UN A/RES/75/228 III.15.c

penalties for breaches of those orders. If such powers cannot be granted to the police, measures must be taken to ensure timely access to court decisions in order to ensure swift action by the court. Such protective measures should not be dependent on the initiation of a criminal case³⁷.

a. Guiding principles for a quality police response

In identifying essential justice sector services, the international instruments provide a number of guiding principles for a quality police and justice sector response. A set of guiding principles have been agreed to in the Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (Updated Model Strategies on VAW) which are to specifically inform the development of essential criminal justice initiatives.

Updated Model Strategies on VAW

I. Guiding principles

13. Member States are urged:

- (a) To be guided by the overall principle that effective crime prevention and criminal justice responses to violence against women are human rights-based, manage risk and promote victim safety and empowerment while ensuring offender accountability;*
- (b) To develop mechanisms to ensure a comprehensive, coordinated, systematic and sustained approach for the implementation of the updated Model Strategies at the national, regional and international levels;*
- (c) To promote the involvement and participation of all relevant sectors of government and civil society and other stakeholders in the implementation process;*
- (d) To commit adequate and sustained resources and develop monitoring mechanisms to ensure their effective implementation and oversight;*
- (e) To take into account in the implementation of the updated Model Strategies the varying needs of women subjected to violence*

Human Rights-based: All essential police services need to address the root causes of violence against women, such as the structural inequalities between men and women and discrimination based on sex and gender as well as gender dynamics of power and control. Violence against women is both a cause and a consequence of gender inequality, as well as a violation of women's human rights. The wider dynamics of inequalities between men and women create gender specific vulnerabilities, such as economic and legal dependency, that impact on women's use of justice sector services. According to the Updated Model Strategies on VAW, justice systems must be a place where all women and girls can enjoy and exercise their human rights and be protected from violence and be treated with dignity and respect. Justice services should not compromise the rights of women and girls, be non-coercive, as well as be grounded in a gender transformative approach.

Women-centered: A women-centered approach, as opposed to a justice system-centered one, puts the needs of the women at the core of any justice sector service. A women-centered approach means a

³⁷ UN A/RES/75/228 III.15.h

gender sensitive approach. This means designing essential police services from a gender perspective, taking into account the realities of all women and girls and their needs, as discussed in the previous section. Principles of effective women-centered service: (1) think women safety; (2) think empowerment (3) treat every women with respect; (4) keep women informed; (5) support the women throughout the justice process; (6) expedite justice; and (7) address special needs of women who face particular barriers.³⁸

Offender accountability: Police are an essential contributor to effectively holding perpetrators accountable. They can work to maximize the victim/survivor's cooperation with the justice process, promote her capacity to act or exert her power (agency), and ensure that the burden or onus of seeking justice is on the justice providers.

Accessible and affordable services: States must provide essential police services and ensure that they are accessible and affordable to women and girls.

Varying needs of women subjected to violence: Victims of violence are not a homogenous group. Some victims face multiple forms of discrimination. Others may be part of highly vulnerable groups. Police services need to be accessible to all women and must be responsive to the particular vulnerabilities and differential impacts of violence against women on different groups of women. All police services should ensure diversity and inclusion.

Comprehensive and coordinated approaches: Justice Sector services that are coordinated at multiple levels and involve multiple sectors amongst justice sector agencies as well as coordinating with other sectors, civil society and victims/ survivors have a greater impact on confronting VAW. More will be discussed in the part 4 of this paper.

PART TWO: ESSENTIAL SERVICES FOR QUALITY POLICE RESPONSE AND POSSIBLE CORE ELEMENTS

Police functions are generally related to the prevention, detection, and investigation of crime, enforcement of criminal law, maintenance of public order, and provision of assistance to the public. The essential services that police must provide to ensure an effective response to violence against women and girls are:

1. safety and protection (links with justice);
2. women and victim/survivor centered support (links with justice);
3. crime prevention;
4. access to police for all victims/survivors;
5. attending incidents and conducting preliminary investigation;
6. investigation and evidence gathering; and
7. preparing the case for charge (links with justice).

³⁸ Adapted from the Justice Institute of British Columbia (2007) *Violence against Women in Relationships: Victim Service Worker Handbook* (BC Ministry of Public Safety and Solicitor General).

Protection and safety, and support services must be incorporated in all police services listed. Failure to properly ensure the safety and protection of victims/survivors and women and girls vulnerable to violence negates any subsequent action.

Each of these services must be provided in a manner that is consistent with the obligations outlined in globally accepted conventions, standards and guidelines, upholds the principles of quality police service, gives special consideration to the needs of vulnerable populations, and are provided in cooperation with other service providers. Services and the possible core elements of the services are based on hard and soft law norms that reflect the broad consensus by member states and provide the foundation for all justice sector services.

This section will provide an overview of each service, and examine possible core elements for the delivery of each service that will serve as a foundation for the proposed standards in Part 3. The key issues that are relevant for effective service delivery are discussed in this part of the paper. Part 3 sets out in more detail the possible types of standards and guidelines needed to ensure delivery of quality services. Responses to girls as victims/survivors of violence that require additional considerations are specifically referenced within each section.

The first two sections are shared responsibilities for justice and policing. However, as safety and protection includes police specific criteria, core elements of those responsibilities are included in the policing section.

1. Safety and Protection

Police have protection responsibilities that begin with early identification of crime, and continue throughout the justice continuum. As discussed in other segments, police often take the lead in conducting ongoing risk assessments to ensure victim/survivor's protection, however then must work with other service providers to develop and implement strategies to eliminate and/or mitigate risk. Police must at all times be vigilant for dangers and threats that pose risks for vulnerable women and victims/survivors of violence. Risk factors and the level of risk will vary from one woman to another, and must again be assessed on an individual basis and be continually reassessed throughout the victim/survivors journey through the justice system.

Risk factors to consider can include, among others the suspect's accessibility to weapons, threatened use of weapons, suspect jealousies and/or accusations of victim infidelity, suspect destruction of personal items, suspect violence outside of the relationship, an increase in violence or severity of violence towards the victim or children, threats to victim, suspect threats to kill himself or kill/injure pets, and suspect's access to victims.

In some jurisdictions responsibility for safety planning falls to the police. In many others police provide input to safety planning, but safety plans are developed by other government agencies or NGOs. Safety planning involves preparing women to stay safe. It is important that in cases of extreme risk, police and other agencies involved in providing protection and support retain copies of current safety plans. Each plan must be personalized to the unique life and situation of the woman involved. As circumstances can

change rapidly, they must be updated on an ongoing basis. They can include plans for getting out of the house safely, plans for where to go and how to get there, information about weapons in the home, identify people who might help, identify items to take if it is necessary to leave quickly, and how to stay safe after leaving home.

Any decisions on arrest, detention, or release of the perpetrator must take into account the need for the safety of the victim/survivor and her family socially or otherwise and that such procedures also prevent further acts of violence³⁹. Police should have access to drawing on an emergency court order where required⁴⁰.

Ensuring women remain safe also requires that police be familiar with processes and be able to direct victims to service providers who can assist them in obtaining protection orders, restraining orders, and barring orders through criminal and civil court processes, whether or not the victim/survivor or vulnerable woman proceeding through the criminal justice process. As well police must be aware of how to determine whether such an order is in effect, and the policies and procedures for dealing with the breach of such orders.

Possible core elements include:

1. gathering intelligence and conducting ongoing risk assessment to identify changes in victim/survivor vulnerability;
2. facilitating appropriate safety planning;
3. facilitating implementation of protection strategies throughout the justice continuum;
4. enforcing criminal, civil, and family court orders related to protection of women and girls; and
5. developing institutional policies and cultures that are founded in gender equality and responsiveness.

2. Women and victim/survivor centered support

Supporting women through the criminal justice process is central to the provision of an effective, victim/survivor centered response to violence against women. Although organizational structures, policies and assigned roles and responsibilities may vary, as the receivers and investigators of reports of violence against women, police play an important role in providing information and assessing risk, and providing for the safety and protection of victims/survivors and witnesses to violence against women. They are also in a position that requires them to facilitate access to translation and interpretation services, legal, health, medical, counselling, shelter, financial and social services⁴¹.

Of note is that many of these services will be provided by civil and family justice services, so it is essential that police are conversant and able to recommend, not just with criminal justice services, but other agencies, government departments, NGOs, and private industry which can provide support for

³⁹ UN GA A/RES/65/28 IV.16.g.

⁴⁰ UN GA A/RES/64/228 IV.16.i.

⁴¹ UN GA A/RES/65/228 VII.19 a-g

victims/survivors of violence against women. Maintaining and enhancing relationships with service providers streamlines and improves service delivery for victims and survivors, and provides police with benefits they could not derive working on their own. Additional benefits of working as part of an integrated/coordinated multi-sectoral service system include being able to work with other agencies to co-manage cases, and to conduct cross agency risk assessments and safety planning.

The updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice provide a list of services that are essential to supporting women through the criminal justice process⁴². The Model Strategies reinforce that each case must be examined individually to determine what services the victim/survivor requires, with special emphasis on the specialized services that may be required by groups of women, including immigrant women trafficked women, refugee women, stateless women and all other women in need of assistance.

Services include:

- provision of information on rights, remedies, victim support services and how to access them and on the role and opportunities for participating in criminal proceedings and the scheduling, progress and ultimate disposition of proceedings, as well as orders against the offender,
- provision of protection,
- advising that the responsibility for pursuing charges rests with police and prosecution,
- taking measures to prevent hardship throughout the process,
- efficient and easily accessible procedures for issuing restraining or barring orders,
- ensuring prompt and fair redress for harms suffered as a result of violence,
- recognition that children who have witnessed violence need protection, care and support and provision of that care and support,
- ensuring full access to the civil and justice systems, including free access to legal aid victim advocacy and support services, and
- special recognition of the needs and establishments of services for of immigrant women, trafficked women, refugee women, stateless women.

Police do not hold sole, and in many cases direct responsibility for the provision of these services. Rather, they share responsibility for the provision of these services with other actors in the criminal and civil justice systems, NGOs, and civil societies.

Possible core elements include:

- i. Working as part of an integrated/coordinated multi-sectoral service system to facilitate victim/survivor access to safety and support services, co-manage cases, cross agency risk assessment, and safety planning; and
- ii. maintaining ongoing communication with the victim/survivor and providing her with regular progress reports on her case.

⁴² UN GA A/RES/65/228 VI.18 a-k

3. Crime Prevention

Prevention programs offer benefits not just for vulnerable women and victims/survivors, but to society as a whole. Violence against women related prevention initiatives will be most successful if strategies are customized for specific audiences, and consider the special needs of particularly vulnerable women. The most effective way to stop violence from happening is to address the root causes such as gender inequality and discrimination and the various risk factors that increase its likelihood. Strategies can include creating and enhancing public awareness about violence against women, human rights, gender roles, the impacts of violence and how to contribute to eliminating violence against women; providing information and assistance to women on human rights, laws, access to justice and related supports that are available to them; engaging key organizations such as educational institutions and specific groups such as men and boys, parents, children, and young people to advocate for and take action to reduce violence against women. Although they have an important role to play in the prevention of all crime, including crimes arising from violence perpetrated against women and girls, in the above described initiatives, the police focus prevention does not relate to addressing the root causes of violence against women but it is important that police strongly support initiatives and organizations that seek women's equality and raise public awareness about violence against women.

Further, it is essential that police encourage women and girls to report for their own safety, and to ensure that information about police services and how to access them is readily available to all for that purpose.

Police have a significant role in stopping future incidents of violence against women and girls through effective and gender responsive service delivery. Developing institutional cultures that are founded on gender equality and gender responsiveness will not only contribute to addressing the root causes of violence against women and girls but will also ensure effective, quality service responses to women and girls who are subject to violence.

Police must commit, and be seen to be committed to responding swiftly and with vigour to acts of violence against women, and to actions and behaviours that violate human rights or in any other way discriminate against women in the community and in the police organization. Responding to, and taking immediate action in all incidents of violence against women and girls police observe or that are reported to them will assist in the prevention of further violence. Response can include many activities, including early intervention, removing the victim/survivor from immediate danger, arresting and removing the perpetrator to prevent continuation or further occurrences of violence.

The most important goal for police investigating a complaint of violence against a woman or girl is ensuring the victim/survivor is appropriately protected and safe. Police contributions in this area can include assessing victim/survivor vulnerability and risk for further violence, ensuring victim/survivor protection, and assisting and supporting safety planning efforts. Police may recommend or link the victim/survivor with legal service providers who can assist in obtaining peace bonds, restraining orders, barring orders or protection orders. Police may play a role in making recommendations for clauses

within the orders (e.g. no contact, not be found within a given radius etc.). Police are also generally responsible for enforcing violations of the orders noted above.

If the victim/survivor is a child or children of the victim/survivor are at risk for further violence, their protection and safety must also be a primary consideration. In these cases the police may be required to work with the appropriate authority and/or relevant social services to provide adequate child protection measures to ensure the safety and well-being of the child and for those who have the primary care of the child, particularly when the child's mother/carer is not in a position to protect the child because she also remains at significant risk or threat of violence.

Once the suspect has been arrested, police preventative actions can include providing input into bail refusal applications, or other applications to prevent a suspect's release from custody or to place limitations on what the suspect is permitted to do. As such, the role of police in prevention is as follows:

Possible core elements include:

- i. supporting organizations and initiatives seeking to end violence and increase women's equality;
- ii. supporting efforts to raise awareness of violence against women;
- iii. gathering intelligence that supports early identification of trends;
- iv. encouraging women and girls to report violence perpetrated against them; and
- v. stopping violence or preventing future violence against women and girls.

4. Ensuring access to police

The ultimate objective is to provide for the universal access to the justice system for all victims/survivors of violence against women, irrespective of her socio-economic characteristics, without undue financial or administrative burden to the victim/survivor. Equitable access to services and supports is a crucial foundation for effective response to violence against women. Although this may seem a simple statement, in reality, creating equitable access for all women to the justice system is fraught with challenges - challenges that are intensified in low and medium income countries where formal structures and resources to support vulnerable women and victims/survivors of violence are limited.

Police have an important responsibility in facilitating equitable access to justice. They are a primary access point, and in many cases, the gatekeepers for women and girl victims/survivors of violence who want to seek redress through the formal criminal justice system. Police, in developing service delivery policies and practices, must consider how all women and girl victims/survivors, regardless of age, ethnicity, sexual orientation, rich or poor, healthy or ill, living with disabilities, living in urban or rural settings can bring their complaint to the police.

Overcoming social, economic and service relate barriers to access is critical. Overcoming barriers to access is not the sole responsibility of the police. Rather, it is an obligation of the State to ensure this is possible but police should work cooperatively with other service providers to identify barriers, and collectively develop strategies that can eliminate and reduce barriers. These efforts require police to

consider which organizations and persons they can and should be working with, the knowledge, skills and abilities external providers can bring to the table, and how they can work together for the mutual benefit of the victim. These collective efforts can support not only access to services, but the development and implementation of options for setting priorities, reporting, and linking and aligning services.

Understanding and appreciating the dynamics of intimate partner violence, sexual violence, and violence against women and girls and being sensitive to the needs of victims/survivors of such violence is insufficient. These dynamics must be understood and considered in conjunction with the geographic location of the incident, the economic and social costs of reporting, the time of the incident, the risks to the victim/survivor, availability of key services (e.g. medical facilities, shelters, government services). Only once the big picture has been considered can service providers develop and implement equitable services for victims/survivors.

Victims/survivors of violence against women should be able to access police services whenever they need them and regardless of whether they live in rural, remote or urban areas. Additional consideration and services must be in place for groups with special needs. Reporting systems and mechanisms will vary, however if the woman's/girl's safety and that of her family is paramount, ensuring ready access to police services is critical. Ensuring access implies that women and girls have information about where and how to access police and what they can expect from police if they contact them in a language they can understand.

There are many questions a victim/survivor may have. What police services are available? If she contacts police by phone, what response can she expect? Does that service differ if she reports to a trusted friend and that friend reports to the police? What if she reports in person? What priority is placed on that response by police? Will the police come to her home? What other locations are available for reporting?

If a victim/survivor decides to report at a police station, how will she get there, and if can get there, will the station be open? Will she be expected to tell her story at the front desk in full public view, surrounded by strangers? Will she be able to talk in private? Will she be able to speak with a female officer?

Significant efforts must be made by the police to demonstrate they are committed to making justice accessible to all women and girl victims/survivors of violence. They will not turn away any woman or girl reporting an incident of violence. Whether the report is made at a police station or the police respond to the location of the incident, police must first ensure that the reporting victim/survivor gets the medical care she requires, and that she and her children are safe. They must then take a written report about the incident and initiate an investigation. Police must at all times remain professional, and ensure the victim/survivor's human rights and dignity are preserved. They must provide the victim/survivor with a copy of her statement and a police file number, connect her with support services providers, and ensure she is safe. If a victim/survivor knows this is what she can expect when she reports, she is likely

to have increased confidence and trust, that not just the police, but the justice system as a whole has her best interests in mind as she proceeds through the justice system.

Possible core elements include:

- i. availability – facilitating reporting of crimes of violence for all women and girls whenever required;
- ii. accessibility - police services can be accessed by all women and girls wherever they live provided free of charge. Financial support is in place to enable all women and girls to access fee based services if they are victims/survivors of violence;
- iii. taking reports and instituting action on reports of violence against women;
- iv. working as part of an integrated/coordinated multi-sectoral system to ensure access for all victims/survivors; and
- v. maintaining ongoing communication with the victim/survivor.

5. Attending incidents and conducting preliminary investigations

All cases involving violence against women and girls should be given a high response and investigative priority. When a victim/survivor of violence against women reports an incident, or police attend an incident, police should, without question, immediately take a report and initiate an investigation to determine the facts of the case. Victims/survivors should not be put on hold, asked to wait to make a report, or be in any other way impeded in their effort to bring the case to the attention of police authorities.

The primary focus of police must throughout all contacts with the victim/survivor be on her safety and protection, and that any contact must be victim centered. Police can begin by receiving the complaint from the woman/girl in respectful way, asking about her and if appropriate, her children's safety, ensuring medical attendance for injuries is prioritized, explaining the process and her rights and seeking advocacy and support services to assist her during the complaints process.

Police must be aware that reporting an act of intimate partner violence or sexual violence in a country or city where the public has confidence in police, the police are respected and the police have a service orientation is difficult. Reporting in a country where police are viewed by many as an arm of the State, or where the victim has personally had, or knows someone who has had a less than desirable experience with the police is even more difficult, and puts the victim/survivor at increased risk by simply bringing the problem to police attention including instances where the perpetrator may be a member of the police force. Her safety and her children's safety may be at risk. Her future is uncertain. She may fear that she will not be believed, or that she will be blamed for the assault. The perpetrator is often known to her - he is someone whose position, power or social status is intimidating to her. Challenges such as these and many others making reporting very challenging. Police must be sensitive to the victim/survivor's history, the physical and mental trauma she has experienced, and the potential impacts her act of reporting may have, and respond accordingly.

If the victim/survivor is a minor, police will have to ensure that their interactions with the child are child appropriate, that interviews are conducted in as pleasant an environment as possible, that a parent or guardian is present during interviews, and that a parent or guardian accompanies the child for medical and forensic examinations. If the parent or guardian is the suspect in the incident child protection authorities must be notified to take necessary action in the best interests of the child including in some cases, taking the child into protective care. Police must also be conversant with, and act on legislation related to incidents involving children – in some countries, police are legislatively prescribed as “protective interveners” for the purposes of acting to keep children safe. In addition, many countries have legislation that requires reporting of all crimes of violence against children to the appropriate Ministry responsible for children or family services.

In identifying the core elements of essential services to violence against women by police, it is important to ask what is required when an adult victim/survivor reports to police. Based on the outcomes of victim impact studies and reports across many countries we know that some of the things women need include:

- a police officer who cares, who is non-judgmental, is willing to listen, and who believes her;
- an officer who ensures that she gets the medical care that she needs as quickly as possible; and
- an officer who recognizes that she has had a horrendous and traumatic experience, who exudes patience when she relates her story, and who does everything that he/she can to ensure her case is handled professionally and expediently, and in a way that minimizes further trauma.

It is also important that she be entitled to privacy whilst she tells her story and that confidentiality with respect to her situation is prioritised.

Reporting procedures vary by country and city. What is important is that the type of response and where the report is taken is not dictated by police process, but by the victim's need to the greatest extent possible. The ideal situation is that the victim/survivor has a variety of reporting options available to her. For example, she could choose to report to a medical/health facility or sexual assault or crisis centre and have them report the incident to the police with her or on her behalf, or she could report to the police directly. She could file the report herself, or have someone file on her behalf. She could respond to the police facility, or the police could respond to her at a location of her choice. She could request that a report be taken and retained as a record only, or can choose to continue through the justice process. Again, it is preferable that the victim/survivor is empowered to choose her reporting option, rather than having it dictated by police.

All steps taken must consider the victim's needs. Those needs will vary from one victim/survivor to another. For example, a victim centered approach requires that the police officer at minimum considers the language, reading and writing abilities of the victim/survivor. Ideally, interviews should be conducted in the language the victim prefers. At minimum, any documentation provided to her should be in a language she can read, and if she is unable to read, should be explained in a language she understands. Each action taken by police should be assessed in the same fashion to ensure decisions made will help, not cause further harm.

A victim/survivor may request to speak with a female officer. While this option should be available to them, this is not always possible. Male officers are in many cases just as able to provide caring, sensitive service. Research conducted in some countries indicates that it was not necessarily the gender of the officer that mattered to the victim/survivor, but rather the attitude of the initial response officer to the complaint and the rapport developed with that officer that was most important. It is important that police organizations not create an environment where men do not feel able or willing to respond. The objective of a police agency should be on ensuring every officer can provide an effective and appropriate response to victims/survivors of violence against women.

Possible core elements include:

- i. cases of violence against women and girls must be given high investigative priority;
- ii. ensuring safety and protection of the victim/survivor;
- iii. obtaining all relevant information and evidence from the victim;
- iv. attending, securing and protecting the scene of the incident for investigation;
- v. completing and processing the initial report for use by the follow-up investigator and other service providers as required;
- vi. providing victim with a copy of her statement, and informing her of next steps; and
- vii. connecting the victim/survivor with support services.

6. Investigation and gathering evidence

Again, the overriding priority of the police investigation is to ensure that the victim remains safe and that the investigation proceeds in response to the victim/survivor's needs. Each case must be examined and addressed on its own merits, with special attention paid to groups of victims/survivors who may require specialized services. Risk assessments should be updated on an ongoing basis, safety planning facilitated or conducted as required, and communication informing the victim/survivor about progress is established and/or maintained throughout the investigative process.

Depending on available resources or organizational structures, the investigation may be conducted by the officer who took the initial report, by a general crime investigator, or in ideal situations, by a specialized, dedicated intimate partner violence or sexual violence investigator. The objective of the investigation is to determine whether a crime has been committed, and to build an evidence base for charge, and to conduct the investigation in a manner that can stand up to scrutiny in court, so that the offender can be held accountable for his acts of violence against women.

The major steps in the investigation will be reviewing initial reports and activities, developing an investigative strategy, examining the crime scene, considering sources of evidence and gathering and securing evidence, re-interviewing the victim/survivor (only as required), witnesses and suspects, reviewing findings and the results of evidence analysis, conducting necessary follow-up investigations, arresting the suspect, and preparing a report for court.

Upon completion of the review of initial documentation, the investigator should develop an investigative strategy. The investigator is obliged to conduct investigations that meet the provisions of laws, policies, procedures and programmes related to violence against women⁴³. The investigator must conduct a thorough examination of the crime scene, and to gather evidence using all technologies available to him/her. Evidence collection must respect the victim/survivor's dignity, integrity, and minimize intrusion into her life⁴⁴. Evidence can include physical evidence or photographic evidence. All relevant physical evidence collected must be seized, stored, processed, and analyzed in a manner that minimizes contamination and meets chain of custody requirements. The investigator must arrange for analysis of the evidence, and when results are received, conduct follow-up investigations based on the findings. It is generally the investigator's responsibility to ensure that the evidence and the results of the analysis are available for court.

“The objective of forensic evidence is to prove or exclude a physical connection between individuals and objects or places”⁴⁵. The type of assault and the age of the victim/survivor will determine the specific rules for examination to be followed. Medico legal examinations are intrusive and should be conducted only by a trained medical professional. Medico-legal evidence is collected from a victim’s body to corroborate her account of a physical or sexual assault for a court of law.

Interviews must be conducted in a manner that upholds the interviewee's rights and is consistent with the relevant laws of evidence. If the interviewee is a minor, special care must be taken to ensure the best interests and dignity of the child are respected and the child is treated with sensitivity⁴⁶. Many jurisdictions have implemented child friendly interview guidelines and adhere to policies that require a parent or guardian to be present with a child is being interviewed by police.

It is important that police institutions develop and implement case management policies and practices to ensure case and investigative coordination, consistent investigative procedures, and internal accountability through timely and accurate completion of all phases of the investigation.

Possible core elements include:

- i. ensuring the safety of the victim and her children;
- ii. timely attendance and examination of the crime scene;
- iii. gathering and processing evidence;
- iv. conducting interviews;
- v. taking action based on findings;
- vi. maintaining communication with the victim/survivor;

⁴³ UN GA A/RES65/228 IV.16

⁴⁴ UN GA A/RES/65/228 IV.16.e

⁴⁵ Du Mont, J. and D. White. (2007) The uses and impacts of medico-legal evidence in sexual assault cases: A global review Du Mont and White, p. 9.

⁴⁶ Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime XI.29-30

7. Preparing the case for charge

It is incumbent on the investigator to complete and process accurate reports of the investigation to the prosecutor's office. Reports must provide an objective, factual, accurate record of the details of the complaint, investigative actions taken, interviews conducted, evidence collected, and arrests made. If evidence has been analyzed, conclusions of those analyses are included in or attached to the report. The report must provide supporting evidence for the charge.

The police officer may be requested to provide prosecutor support in preparing charge sheets or information for charge and for responding to bail applications. The officer may also be requested to conduct follow-up investigations to provide additional supporting evidence for court.

Where possible, the investigator should liaise with the prosecutor or his/her designate prior to the court process (preliminary hearing or trial) to prepare for the presentation of evidence at trial. This could include, but is not limited to ensuring statements; analyses and evidence are available for court, and locating victims/survivors, witnesses and all accused for court.

When the victim/survivor is a minor, it becomes even more important for the police officer to ensure the child has the opportunity to meet the prosecutor in advance to prepare him/her for testifying and to ensure the necessary preparations are in place for "child friendly" courtroom environment.

The police officer should also ensure that adult victims/survivors have been familiarized with court procedure. He/she may conduct the familiarization themselves or connect the victim/survivor with support services that conduct court preparation and support.

The investigator must professionally and objectively present evidence and findings at trial.

The investigator should provide the victim/survivor with updates on the investigation, and with information on the court date, and where possible, facilitate access to court familiarization and witness support.

Special considerations:

One group that will require particular consideration in investigations, prosecutions and sentencing are victims of violence who kill an intimate or former intimate partner in response to being victims of violence, and claim self-defence as "battered women". "Battered woman syndrome is suffered by women who, because of repeated violent acts by an intimate partner, may suffer depression and are unable to take any independent action that would allow them to escape the abuse, including refusing to press charges or to accept offers of support⁴⁷".

⁴⁷ UN Annex to Resolution 65/228 (A/64/457) V.15.(k)

Another group that will likewise require special consideration in investigations in particular are women who have previously committed crimes or who have had negative experiences with police. For example, if a woman has repeatedly been charged with prostitution or drug related offences and is now reporting an assault, police will have to pay special attention to ensure their response is not negatively biased.

A third group that will require special consideration in investigations, prosecution and sentencing, in particular from a confidentiality, safety, and protection perspective are women/girls who are reporting they have been physically or sexually assaulted by a police officer. If possible this type of case should be investigated by an independent body or external policy agency.

Potential core elements include:

- i. preparing, processing reports, and submitting reports;
- ii. providing support to the prosecutor; and
- iii. presenting evidence in court.

PART 3: QUALITY STANDARDS AND GUIDELINES FOR DELIVERY OF POLICE SERVICES

1. Overall standards and guidelines for a women-centered justice system response

The following proposed guidelines, although specified here for police, apply across sectors within the justice system.

1.1 Women-centered/gender sensitive response

All police service providers must:

- be non-judgmental and supportive;
- validate what has happened to the victim/survivor throughout the process. Important is that the victim/survivor:
 - is believed
 - her report is taken seriously
 - she is treated as deserving of the best response possible
- treat all women victims of violence respectfully;
 - Including with a view of preventing secondary victimization
 - Including age appropriate
- pro-actively responding to woman's concerns but not be intrusive; and
- ensure the victim/survivor's privacy, and maintain confidentiality of information provided.

1.2 Empowering victims / survivors (right to participate in the justice process)

Note: For the policing summary table, this segment is included in Sec. 2.3 *Ensuring Access to Police*

All police service providers must:

- ensure that a victim/survivor has a sense that her voice is being heard. They must ensure she has the opportunity to:
 - express her story
 - be listened to and have her story accurately recorded
 - have a positive experience working with police
 - be able to tell how the violence has impacted her; and
- ensure the victim/survivor has control:
 - to decide whether to engage in the justice process
 - to have the option of withdrawing from the justice process
 - and is provided with information to make informed decisions.

1.3 Accessibility

All police services must be accessible to all victims/survivors, regardless of where she resides, her socio-economic status or characteristics, or other factors such as literacy, without undue financial or administrative burdens placed on the victim.

All police services must be:

- free of charge or affordable;
- geographically accessible;
- user friendly, with simple procedures; and
- in an accessible language.

1.4 Timeliness

- Police response to cases of violence against women must be considered a high priority

1.5 Tailored to the individual specific needs of the victim / survivor

- Services must be tailored to address needs of a diverse group of victims/survivors, with specific attention paid to services for vulnerable groups.

1.6 Service delivery by capable / trained personnel

All police service providers should:

- receive mandatory training on:
 - cross-cultural understanding, gender and the multiple forms of discrimination faced by women and girls and child sensitivity, on the unacceptability of all forms of violence against women and girls, and on the harmful impacts and consequences on all those who experience such violence;

- all relevant national laws, policies and programmes, as well as international legal instruments related to violence against women and girls;
 - identifying and responding appropriately to the specific needs of women victims of violence; receiving and treating all victims respectfully with a view to avoiding secondary victimization; handling complaints confidentially; conducting safety assessments, managing risk; and using and enforcing protection orders; and
 - appropriate ways to deal with girls (all children), the stages of child development, the process of cognitive development, the dynamics and nature of violence against children, and their specific need.
- All police agencies should:
 - promote the development and use of specialized expertise including the establishment of specialized units and specialized personnel; and
 - ensure appropriate representation of female officers at all levels and in all functional areas.
 - ensure officers investigating violence against minors are educated on the stages of child development, the process of identity development, and the dynamics and nature of violence against children⁴⁸
 - ensure specialization does not replace regular and institutionalized training of all police providers to build their capacity with regard to responding to VAW
 - promote the incorporation of female police service providers into police agencies, with a view to ensuring appropriate representation of female officers at all levels and in all functional areas

1.7 Transparency

All standards, guidelines, and policies for the policing sector should be

- transparent, and readily available to the public;
- disseminated widely (i.e. internet where it is possible); and
- use non-legal language.

1.8 Supervision and accountability

- Police agencies must have in place supervision and accountability mechanisms to ensure:
 - officers deal ethically and professionally with victims/survivors; and
 - investigations are complete and conducted in accordance with the specified procedures;
- All police agencies and individual police officers should be monitored and held accountable for their conduct and responses to violence against women by civil society and the media;
- Police agencies should have internal victim complaint mechanisms that:
 - are accessible and transparent;
 - are provided free of charge;

⁴⁸ Convention on the Rights of the Child A/61/299

- ensure a complaint will not hinder her access to police service; and
- are required to be dealt with in a timely manner;
- External victim complaint mechanisms should be:
 - independent and/or at arm's length from the police;
- Police oversight bodies and relevant professional associations should develop enforceable standards of practice and behaviour and codes of conduct that promote justice and gender equality including safe complaint and referral procedures.

1.9 Coordinated and integrated approach

All police services must be:

- coordinated with other justice sector agencies; and
- coordinated within a multi-sector (non-justice sectors and civil society) response to violence against women.

Any integrated and coordinated justice response should consider:

- consistent and shared understanding of violence against women and girls;
- shared philosophical framework on response to violence against women and girls among the multiple agencies involved;
- accountability of all agencies involved;
- broad stakeholder involvement;
- clear targets and indicators for ongoing monitoring and assessment of impact; and
- develop methods for sharing information within the legal requirements for privacy and confidentiality

Police should work with other justice related service providers to facilitate victim/survivor access to safety and support services, co-manage cases, cross agency risk assessment, and safety planning that will empower them by providing them with support, services and information which optimize their choices and allows them to regain some control over their situation. Police should:

- identify victim/survivor support service needs;
- identify organizations and individuals who have a role in addressing violence against women and girls, and confirm the services they provide;
- define and achieve agreement on principles and beliefs for joint service provision;
- define joint services to be provided, and the role and responsibility of each service provider involved in ensuring the victim/survivor can access those services;
- determine processes and procedures to be followed, and develop protocols to jointly provide support services for victims
 - information sharing
 - referral mechanisms
 - reporting
 - complaint handling;
- develop and implement accountability and complaint mechanisms; and

- regularly monitor what is working and what requires improvement.

2. Specific standards and guidelines for the different essential services

The following guidelines are specific to each of the essential service and core elements identified for effective police response to violence against women.

2.1 Safety and protection

Gathering intelligence and conducting ongoing risk assessment to identify changes in victim/survivor vulnerability

- To effectively address complaints of violence against women and girls, police should:
 - gather intelligence from multiple sources,
 - conduct ongoing risk assessments to identify changes in victim/survivor vulnerability, and
 - analyze findings and working with other service providers to develop and implement strategies to eliminate or reduce victim/survivor risk

Facilitating appropriate safety planning

- Risk assessment should take into account , where appropriate, risk to the victim/survivor's children and immediate family; and
- As holders of information about victim risks and vulnerabilities, police have an important role in sharing information with other service providers to facilitate safety planning. Dependent on the situation, police should become directly involved in the development, implementation and evaluation of safety planning efforts.

Facilitating implementation of protection strategies throughout the justice continuum

- Ensure the implementation of protection strategies throughout the victim's/survivor's journey along the justice continuum including:
 - removing victims/survivors from the scene of violence;
 - arresting and removing the perpetrator from the scene of violence;
 - facilitating access for victims/survivors of violence against women to legal service providers to file applications for peace bonds, restraining orders, and protection orders or to provide family or civil court services;
 - providing input into refusals for bail applications and/or recommending conditions for bail/release; and
 - enforcing peace bonds, restraining orders, protection orders, barring orders, bail and parole violations.

Enforcing criminal, civil, and family court orders related to the protection of women and girls

- Ensure that police receive copies of all court orders related to protection of victims/survivors
 - are shared with patrol and investigative officers and dispatch staff immediately after they are approved, and

- are posted in an accessible location for all officers.
- Ensure that a police officer is assigned to follow up with the victim/survivor and that the officer
 - maintains regular contact with her; and
 - provides her with contact information for immediate police response in the event of an anticipated or actual breach.
- Ensure that police respond immediately and quickly to any reported breach of an order and
 - detain and arrest the violator,
 - request the magistrate, hearing officer or bail officer to include a no contact condition in any release application, and
 - inform detention facility staff of the breach and request them to closely monitor any external communications to prevent further breaches (e.g. telephone, email).

Developing institutional policies and cultures that are founded in gender equality and responsiveness

- Develop and implement an organizational policy that requires immediate response and action to any breaches of court orders stemming from violence against women complaints.
- Develop and implement educational initiatives to assist officers in understanding gender dynamics, gender issues specifically as they pertain to violence against women and to become more gender responsive.
- Hold members accountable for their action or inaction in enforcing breaches of court orders.

2.2 Crime Prevention

Supporting organizations and initiatives seeking to end violence and increase women's equality

- Police should seek out, establish relationships, and work collaboratively with organizations seeking to end violence against women and to increase women's equality including by
 - engaging key organizations such as educational institutions and specific groups such as men and boys, parents, children, and young people to advocate for, and take action to reduce violence against women.
- Police agencies should ensure the police organization demonstrates
 - gender mainstreaming, that is considering the impacts and implications of policies, procedures and practices have on women and men in the organization,
 - reinforces being gender responsive benefits the organization and the community it serves, and
 - it values women and the contributions they make to the organization.

Supporting efforts to raise awareness of violence against women;

- Police contribute to developing and implement strategies:
 - to create and enhance public awareness about violence against women, human rights, gender roles, the impacts of violence and how to contribute to eliminating violence against women; and

- that provide information and assistance to women on human rights, laws, and access to justice.

Gathering intelligence that supports early identification of trends;

- Police should ensure they maintain accurate records of incidents of violence perpetrated against women or girls
 - to assist in the early identification of trends that can lead to increased rates of violence or escalation in the level or severity of violence.
- Police should play a proactive role in
 - assessing victim/survivor vulnerability and risk for further violence,
 - ensuring victim/survivor protection, and
 - assisting and supporting safety planning efforts.

Encouraging women and girls to report violence perpetrated against them

- Police should actively encourage reporting of violence against women and girls by:
 - providing information to the community on police responses to violence against women;
 - ensuring women can contact police 24/7, 365 days a year; and
 - working with other service providers to increase reporting access points
 - directly to police,
 - to hospitals or medical facilities,
 - to NGOs, and
 - other service providers.
- Police should strive to increase women's confidence to report by responding quickly and appropriately to reported acts of violence against women.
- Police policies should acknowledge that the victim/survivor should have input into determining whether to proceed with an investigation or court process.

Stopping violence or preventing future violence against women and girls

- Police should work to violence and preventing future violence
 - through early intervention and quick response to reports of violence against women,
 - by conducting risk assessments and making recommendations to prevent or mitigate risk,
 - by removing victim/survivor from the scene of violence,
 - by arresting and removing the perpetrator from the scene of violence,
 - by facilitating access to legal services so women can obtain peace bonds, restraining orders, and protection orders to prevent future violence,
 - by providing input into refusals for bail applications and/or recommending conditions for bail or probation or parole release, and
 - by enforcing protection and restraining orders, and arresting perpetrators in breach of the orders.
- Police must ensure protective measures are implemented for children at risk

- By work closely with child protection authorities and other relevant providers to ensure the immediate health and safety of children are addressed
- longer term plans for the child's care are developed and implemented

2.3 Access to police for all victims/survivors

Availability

- All police services must be available to all victims/survivors, regardless of
 - whether she resides in a remote, rural, or urban area,
 - her socio-economic status, health status or characteristics,
 - whether she is literate,
 - the language she communicates in, or
 - whether or not she is sight or hearing impaired or as other physical or mental limitations.
- Police must ensure adequate and timely information on available services are provided in a manner that considers the need of various target groups.

Accessibility

- Access to police must be
 - available 24/7 365 days/year,
 - geographically accessible,
 - user friendly, with simple procedures
 - procedures and directions are available in multiple formats (e.g. electronic, written, oral, or via media)
 - signage meets needs of various target groups (e.g. illiterate, immigrants etc.), and
 - delivered as far as possible, in a way that considers the language needs of the user.
- Police services must be free of charge including that:
 - Accessing service must not place undue financial or administrative burdens on the victim; and
 - Financial support should be available to ensure all victims/survivors of violence against women have access to needed "for fee" services (e.g. medical examinations, psychological support services).

Taking reports and instituting action on reports of violence against women

- Police must take written reports and institute immediate action when women and girl victims/survivors report incidents of violence to them.
- Reporting services should be available to a complainant at any time, and at a location that is mutually agreeable to the victim/survivor and police.
- All police service providers meeting a victim/survivor must:
 - be non-judgmental and supportive;

- validate what has happened to the victim/survivor throughout the process including that the victim/survivor
 - is believed,
 - her report is taken seriously, and
 - she is treated as deserving of the best response possible;
- treat all women victims of violence respectfully including
 - with a view of preventing secondary victimization, and
 - age appropriate;
- pro-actively respond to woman's concerns but not be intrusive; and
- ensure the victim/survivor's privacy, and maintain confidentiality of information provided.
- All police service providers must ensure:
 - that a victim/survivor has a sense that her voice is being heard. They must ensure she has the opportunity to
 - express her story,
 - be listened to and have her story accurately recorded,
 - have a positive experience working with police, and
 - be able to tell how the violence has impacted her; and
 - the victim/survivor has control
 - to decide whether to engage in the justice process,
 - to have the option of withdrawing from the justice process, and
 - is provided with information to make informed decisions

Working as part of an integrated/coordinated multi-sectoral service system to ensure access for all victims/survivors

- It is critical that police participate with other service providers to
 - identify barriers to access,
 - develop strategies to reduce and eliminate barriers to access, and
 - support and promote development and dissemination of access related information.

Maintaining ongoing communication with the victim/survivor

- Police should ensure the victim/survivor can readily access an investigator to assist and support her after filing her complaint.

2.4 Attending incidents and conducting preliminary investigations

Cases involving violence against women and girls must be given high investigative priority

- The police agency must have a policy in place that requires officers receiving a report of violence against women to
 - immediately commence a victim sensitive investigation, and
 - ensure that reports are forwarded immediately to investigators for required follow-up investigation and action.

- Victims/survivors should not be put on hold, asked to wait to make a report, or be in any other way impeded in their effort to bring their case to the attention of police authorities.

Ensuring safety and protection of the victim/survivor

- Initial police efforts must focus on the health and safety needs of the victim survivor including
 - medical and psychological needs
 - to be immediately addressed by a professional, and
 - can include facilitating transfer to a medical facility.
 - safety considerations include
 - preliminary safety assessment conducted,
 - victim/survivor and her children are removed from immediate danger; and
 - making referrals and facilitate transportation to ongoing care and service providers
 - the victim/survivor is linked or referred to needed services and supports.

Obtaining all relevant information and evidence from the victim

- Police must take a victim centered approach to obtaining information about the incident and ensure actions they take do not cause further harm. They must
 - consider victim/survivor's history, the physical and mental trauma she has experienced, and the potential impacts her act of reporting may have, and respond accordingly respectfully, in a manner that maintains her dignity, and
 - explain the investigative and criminal justice process, her rights and the services available to her during the complaints process.
- Women and girl victims/survivors reporting an incident of violence must be provided with a private, safe environment in which to make their report including that:
 - Arrangements can be made for her to report at a location other than a police facility;
 - efforts are made to minimize the number of times a victim/survivor has to relay her story, and thereby reduce secondary victimization;
 - a medico-legal examination is arranged, if required;
 - any information obtained is kept confidential and in a secure location; and
 - evidence collection is done in a respectful manner that maintains the dignity of the victim/survivor.
- Police must take a victim statement that is
 - prompt, professional non-judgmental, and victim sensitive,
 - taken verbatim rather than being interpreted,
 - taken once to minimize impact on victim and prevent revictimization,
 - confidential and private (privacy must be maintained at all times), and
 - provided to the victim/survivor and she is informed of next steps, and is connected with support services.
- When working with minors, police must tailor their approach to the unique requirements of this age group. This includes:
 - child sensitive interviews and child friendly interview room;
 - parent or guardians kept up to date on all actions contemplated or taken; and
 - medical, psychological, and victim support services must be child oriented.

Attending, securing, and protecting the scene of the incident for investigation

- To conduct a thorough investigation requires that police attend the scene of the incident to secure and protect the scene for investigation
 - to obtain contextual information,
 - preserve evidence, and
 - if investigative response will not be available, a guard is posted to maintain security.

Completing and processing the initial report for use by the follow-up investigator and other service providers as required

- The responding police officer must ensure she/he takes good notes of findings and investigative activities undertaken and prepares a preliminary information report that includes
 - information about when and where the incident took place,
 - who was involved,
 - what happened,
 - the victim's statements,
 - evidence collected, and
 - actions taken by the responding officer(s) .
- The report must be reviewed by a senior officer or supervisor and a copy is provided to the officer conducting the follow-up investigation

2.5 Investigation and Evidence Gathering

Ensuring the safety of the victim and her children

- Police must continue to monitor and assess risk to the victim/survivor and her children, and take the necessary actions to eliminate or mitigate risk
 - conduct safety and risk assessments,
 - update safety plans, and
 - update police response and action plans

Timely attendance and examination of the crime scene

- Ensure the investigator reviews known facts with the officer who took the initial report, and attend the crime scene as soon as practicable.
- At the crime scene ensure the officer
 - confirms contextual details provided by the receiving officer
 - uses all available investigative techniques to gather evidence of what occurred
 - takes photographs or makes diagrams of the scene

Gathering and processing evidence

- Ensure that all evidence is gathered in an appropriate manner
 - inserted into appropriate containers to prevent contamination,
 - sealed and containers are signed, and
 - stored and processed in accordance with chain of custody requirements.
- Make arrangements for evidence analysis.
- Review evidence analysis reports when complete and determine implication of findings for the investigation.

Conducting interviews

- The investigator should continue the investigation until it is concluded by charge or other means by
 - conducting follow-up interviews with the victim/survivor as required,
 - interviewing witnesses and take witness statements, and
 - reviewing findings and analyses and determine action to be taken.

Taking action based on findings

- Actions taken must be analyzed to consider the best options for moving forward
 - take action based on findings by
 - conducting further investigations - could include surveillance, one party consent telephone calls, re-interviewing of witnesses etc.
 - interviewing and arresting suspect(s), seize evidence from suspect, and process arrest, and
 - ensure the investigator completes a report that details how the investigation was conducted, conclusions reached, and the evidence that is available to substantiate a charge or otherwise conclude a file.
- Internal accountability must be established and maintained throughout the investigation process
 - a senior investigator or supervisor manages the case to ensure:
 - proper case assessment, planning, implementation, coordination, monitoring, and evaluation,
 - timeliness of investigations,
 - completeness and accuracy of analysis and reports, and
 - the service delivery meets victim needs.
- A complaint monitoring system is in place to address service complaints
 - information on how to complain is readily available to all victims/survivors, and
 - complaint processes are transparent and accountable.

Maintaining communication with the victim/survivor

- Police should maintain regular communication with the victim/survivor
 - victim/survivor risk and need will define the type and amount of communication required
 - voice or in person contact is required when there is

- any change in the level of risk she is exposed to identified,
 - the suspect has been apprehended, has escaped, is being considered for release, or has been released, and
 - a court date has been set or changed;
- regular progress reports on her case; and
- ensure victim has been able to access required support services.
- Ensure there is a mechanism in place to provide police reports to victim/survivors and/or their legal team, as appropriate to facilitate action in related legal matters.

2.6 Preparing the case for charge

Preparing, processing and submitting reports

- Police must ensure that reports provide accurate information about the investigation and are submitted in timely fashion
 - Reports must be objective, accurate and complete and should
 - detail the complaint,
 - detail the investigation,
 - provide analysis of findings, and
 - detail actions taken
 - arrest, warrant request
 - preparation of charge sheet or information for charge
 - file concluded without charge, including reasons for being so concluded
 - Reports must identify next steps in the investigative process.
- Police must ensure supervisory accountability for report submission. Senior officers and/or supervisors must ensure that
 - reports are promptly submitted for supervisory review at each stage of the investigation;
 - supervisors manage the investigation and hold investigators accountable for their actions throughout the investigative process;
 - supervisors and managers are responsible for ensuring investigations are thorough and meet evidence requirements before authorizing a charge to be laid; and
 - supervisors follow up to ensure follow-up investigations are conducted as required and that charges are laid in a timely fashion.

Providing support to the prosecutor

- To ensure a streamlined investigative and court process, police must work with prosecutors to:
 - conduct required follow up investigations to support substantiation of charges;
 - locate victims, witnesses, and suspects/ and all accused;
 - ensure statements, analyses, and evidence is available for court; and

- facilitate access for victim/survivor to victim support, court familiarization, and court preparation services.

Presenting evidence in court

- Ensure police officers are competent to present evidence in court in an ethical, objective, professional manner.

PART 4: INSTITUTIONAL AND ORGANIZATIONAL REQUIREMENTS AND ENABLERS FOR QUALITY POLICE SERVICE DELIVERY

1. Gender equality and women's empowerment mainstreamed into policies and procedures

An essential enabler for effective police response to violence against women and girls is that the police agencies have policies in place that are founded in gender equality and responsiveness require:

- applicable provisions of laws, policies, procedures, programmes and practices related to violence against women are consistently and effectively implemented⁴⁹;
- police to be an active participant in comprehensive, multidisciplinary, coordinated, systematic and sustained response to violence against women in order to increase the likelihood of successful apprehension, prosecution and conviction of the offender, contribute to the well-being and safety of the victim and prevent secondary victimization⁵⁰;
- commitment that police will ensure coordinated, consistent and effective responses to violence perpetrated against women by personnel within the agency and will ensure that attitudes of criminal justice officials that foster, justify or tolerate violence against women are held up to public scrutiny and sanction⁵¹;
- the investigation and collection of evidence that takes into account the unique needs and perspectives of victims of violence, respect their dignity and integrity and minimize intrusion into their lives while abiding by standards for the collection of evidence⁵²;
- participation with justice officials and victims' advocates to conduct risk assessments that indicate the level or extent of harm that victims may be subjected to based on their vulnerability, the threats to which they are exposed, the presence of weapons and other determining factors⁵³;
- procedures and practices pertaining to decisions on the arrest, detention and terms of any form of release of the perpetrator take into account the need for the safety of the victim and others related through family, socially or otherwise and that such procedures also prevent further acts of violence⁵⁴;

⁴⁹ UN A/RES/75/228 IV16.a

⁵⁰ UN A/RES/75/228 IV16.b

⁵¹ UN A/RES/75/228 IV16.d

⁵² UN A/RES/75/228 IV16.

⁵³ UN A/RES/75/228 IV16.f

⁵⁴ UN A/RES/75/228 IV16.g

- the establishment of a registration system for judicial protection, restraining or barring orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force⁵⁵; and
- empowers and equips police, prosecutors and other criminal justice officials to respond promptly to incidents of violence against women, including by drawing on a rapid court order, where appropriate, and by taking measures to ensure the fast and efficient management of cases⁵⁶.

But policies alone, unless implemented, monitored and evaluated to determine if they are effective and if they are having the desired impacts will not help police agencies achieve their goal of improving the delivery of services to women and girls who are victims/survivors of violence. Making a public commitment that the institution is a gender response organization and demonstrating that crimes of violence against women are expediently and thoroughly addressed can also assist in reinforcing that the message that police care and can be trusted to deliver quality responses to violence against women and girls, but perhaps more importantly that they are willing to hold themselves publically accountable for keeping their promise.

2. Accountability and Monitoring and Evaluation

Without oversight and regulation of policing, it is unlikely that police will deliver quality services in general, and even more so, given inequalities and lack of empowerment, for women and girls who are victims of violence or vulnerable to violence. In order to be effective that external oversight must not only be in place, but must be functioning.

Accountability is an important component of all core service elements identified. To be effective, a response to violence against women and girls requires that the exercise of powers by police is undertaken according to the rule of law and codes of conduct and those officials are held accountable for any infringement thereof through appropriate oversight and accountability mechanisms⁵⁷. Oversight structures, good legislation, and policies are also needed to identify and mitigate the damage done by corrupt police practices in investigation cases of violence against women (e.g. bribery to complete cases, bribery that permits early release of suspects, negotiating settlements)⁵⁸.

States hold responsibility for public safety and legal supervision of police to provide lawful policing in keeping with human rights principles. This accountability extends to how police organizations are governed, managed and administered. One of the basic tenets of accountability is that those organizations, groups or individuals conferring accountability on must hold the organizations, groups, or individuals on whom accountability is conferred accountable for performance, results and efficiency. This should hold true for how police institutions address violence against women and girls, but this appears often not to be the case. Although related legislation in many countries may be inadequate,

⁵⁵ UN A/RES/75/228 IV16.h

⁵⁶ UN A/RES/75/228 IV16.i

⁵⁷ UN A/RES/75/228 IV16.j)

⁵⁸ Muganyizi, Nyström, Axemo and Emmelin , *Managing in the Contemporary World: Rape Victim's and Supporter's Experiences of Barriers within the Police and Health Care System in Tanzania*. Journal of Interpersonal Violence. 2011 26: 3187 p 3200.

even holding police to account for using and enforcing those laws that are available to them could make a significant difference in many women's and girl's lives.

Internal and external mechanisms must be in place to provide for service complaints against police. In some countries policies and directives provide clear guidance about acceptable police behaviour, how to file a complaint about unacceptable police behaviour and actions, applicable disciplinary and criminal sanctions and remedies available to persons affected by police crime or misconduct⁵⁹. Also critical is a mechanism for dealing with violence perpetrated by members of the police force, especially as it relate to intimate partner violence or sexual violence. Women reporting such incidents are at significant risk.

Finally, that which gets measured gets done. Ongoing monitoring and assessment of the impacts of policies and practices on women and men within the organization and to women and girls, and men and boys to whom services are delivered is key to ensuring that police understand and continue to promote gender and victim sensitive practices. Data, programs and responses to violence against women must be monitored and evaluated. Data must be collected, analyzed, and results used to develop a strong evidence base to respond and adjust responses to violence against women, to address structural and underlying causes and risk factors, and to increase awareness and prevention efforts. Many of the issues concerning accountability, oversight and measurement are further discussed in the paper developed by UNDP which will be presented separately.

3. Organizational Structures

Delivering quality services to women and girls who have been victims of violence requires that the organization is structured and staffed to ensure it can meet or exceed the quality guidelines developed, base on the services and core elements of essential quality services outlined in Section 2. If, for example, the police organization makes it a priority to work with victims/survivors of interpersonal violence to ensure they have a regularly updated safety plan, police officers must be authorized and willing, and capable of working with NGOs, other government departments and the victim/survivor on an ongoing basis to maintain updated risk assessments, and make the necessary adjustments to the victim/survivor's safety plan to ensure she remains safe. If there are not structures in place that permit and encourage these actions, the commitment cannot be achieved.

Each service and core element will need to be carefully reviewed to determine the structures and resources that must be in place to ensure quality service delivery. These can range from physical structures such as police stations to private interview rooms to reporting and accountability structures that must be in place to ensure all victims/survivors of violence against women can access police, can have their privacy and dignity maintained, and can be assured that progress is being made in their case.

Soft law norms provide the following as guidelines for effective service delivery to women and girls who are victims/survivors of violence:

⁵⁹ Osse, A. *Understanding Policing, A resource for human rights activists*. Amnesty International, Netherlands. 2006, p.185.

- has gender-equitable representation in the police force , particularly at the decision-making and managerial levels⁶⁰;
- provides victims of violence, where possible, with the right to speak to a female officer, whether it be the police or any other criminal justice official⁶¹;
- provides adequate psychological support to police, prosecutors and other criminal justice officials to prevent their vicarious victimization⁶²;

Having a sufficient number of trained, capable receiving officers, investigators, forensic specialists and support staff is critical to effective service delivery. Support staff can range from administrative staff, to records managers, finance and payroll officers, human resource officers, educators, and victim/survivor support services. If sufficient support workers are not in place, investigators and specialists may not be able to function.

The police executive must determine how/if it can allocate dedicated resources to addressing violence against women and girls. If a decision is made to create a new organizational unit within the existing human resource, infrastructure, and equipment parameters, the executive must determine where the additional resources will be coming and make a clear case for why this unit is critical. Alternatively, if new funds will be sought to accommodate the change, proposals must be developed and presented. In each case reporting relationships, spans of control, and decision making authorities must be clearly defined. Resources must be competent and participate in ongoing professional development.

Police must ensure that a gender perspective is mainstreamed into organizational policies, practices and resource allocation and demonstrate that efforts are being made to ensure a gender-equitable representation in the police force, particularly at the decision-making and managerial levels. Also, the police agency must strive to meet its staffing commitments. For example, if the agency has a policy that a female officer must be available 24/7 to work with victims/survivors if specifically requested to do so, steps must be taken to ensure that policy requirement can be filled. If not, the optics are that the police agency does not care about women and girls who have been victimized.

Gender equitable representation on the police force is desirable, however, unless there is lateral entry into the police agency at the officer level, it is unlikely that gender equitable representation can be developed within a short time frame. There are police organizations who have made the difficult decision to bulk hire female police recruits , however, to this point have not realized the desired benefits as none of the women are yet deemed to have sufficient experience and expertise to work with victims/survivors of interpersonal and sexual violence. The challenges experience highlight and reinforce the need for police to develop male and female officers at all levels who can deliver services to these women and girls effectively. Proceeding in this manner, with adequate supervision and guidance, also builds depth, expertise and commitment across the organization.

⁶⁰ UN A/RES/75/228 IV16.k

⁶¹ UN A/RES/75/228 IV16.l

⁶² UN A/RES/75/228 IV16.n

⁶² UN A/RES/75/228 IV16.l

⁶² UN A/RES/75/228 IV16.n

Police must examine the opportunities, value, and drawbacks of broad consultation and cooperative efforts with multiple stakeholder groups and multi-disciplinary, integrated responses and make an organizational commitment that specifies the type of efforts they will collaborate in and the benefits they desire to achieve in their efforts to improve prevention, accessibility, investigations, and support and protection for victims/survivors of violence against women.

Police must work to ensure their workplaces are free of discrimination, exploitation, violence, sexual harassment, bullying and that there are measures in place to protect women and girls in the organization from violence and harassment.

Police must develop and implement processes and procedures to facilitate record keeping, streamlined processing of reports, and develop mechanisms to ensure needed reports are provided to the courts.

Above all, the executive needs to demonstrate leadership and commitment to improving the delivery of services for victims/survivors of interpersonal and sexual violence. That commitment must be reinforced with resources and financial support, and recognition of staff who are making the effort assist the organization in achieving its goals.

4. Training and workforce development

In order to ensure that they are delivering effective service police must acknowledge and demonstrate that they understand that the inequality of women and men, the risks of sexual violence girls face, the dynamics of gender violence, human rights, gender roles and the impact of violence, and that they can sensitively and professionally work with women and girl victims/survivors of interpersonal violence and sexual violence. Sadly in the majority of policing contexts this is not the case.

Educating police on these topics is one key to achieving this goal. Consistently holding them accountable for their actions is another. Education is not only about training and formal professional development. It is also about learning through interaction with other services, through cooperation with other service providers, through supporting officers as they try new approaches, methods and techniques. It is about helping officers to understand the often long term damages that biases, discrimination, and poor attitudes cause, not just to victims/survivors of violence against women and girls; it is about demonstrating on an ongoing basis the value and long term benefits of addressing violence against women and girls holistically, from multiple perspectives, and contributing to helping them get redress for the wrongs they have suffered, and moving on with their lives.

Training and development needs to go beyond gender sensitization, cross cultural training and training on laws and norms that speak to violence against women and girls. Intimate partner violence and sexual violence investigations are often complex and require officers who have specialist knowledge, skills and abilities. Competencies can include, but are not limited to critical thinking, planning, investigation, demonstrated cooperation with other agencies to safeguard women and children, interviewing of child victims, conducting victim sensitive interviews of victims/survivors of intimate partner and sexual violence, conducting sophisticated suspect interviews, conducting and evaluating investigations, and

managing referrals to other agencies. Competency should be monitored and evaluated on an ongoing basis.

The executive holds key responsibility for the professional development of its membership. This includes identifying high potential investigators, supervisors, and managers and preparing them for advancement to more senior positions where they can provide leadership on these issues within the organization. Effective supervisors and middle managers are also critical to ensuring front line officers can build personal and investigative capabilities to provide quality services to women and girl victims/survivors of violence. They can provide advice, coaching, and hold investigators accountable for their actions and for making progress on investigations. They can encourage officers to try new approaches and work with them to build their expertise and confidence.

There are a number of soft law norms that speak to steps police agencies can take to ensure effective responses to violence against women and girls. They include but are not limited to the agency:

- establishing a specialized unit or personnel to ensure that all police officers, receive regular and institutionalized training to sensitize them to gender and child-related issues and to build their capacity with regard to violence against women⁶³;
- providing for or encouraging mandatory cross-cultural gender training modules for police, criminal justice officials on the unacceptability of all forms of violence against women and on their harmful impact and consequences on all those who experience such violence⁶⁴ ;
- ensuring that police receive adequate training and continued education on all relevant national laws, policies and programmes, as well as international legal instruments⁶⁵;
- ensuring that police, criminal justice officials and other relevant authorities are adequately trained to identify and respond appropriately to the specific needs of women victims of violence, including victims of trafficking; to receive and treat all victims respectfully with a view to avoiding secondary victimization; to handle complaints confidentially; to conduct safety assessments and risk management; and to use and enforce protection orders⁶⁶; and
- participating in the development of new or improved existing model procedures and resource material and disseminates such procedures and material, to help criminal justice officials to identify, prevent and deal with violence against women, including by assisting and supporting women subjected to violence in a manner that is sensitive and responsive to their needs⁶⁷.

5. Resources

In order to perform their functions a police force needs financing. Regardless of whether police financing is a national, state/provincial, or municipal responsibility, justice and corrections sectors also need to have predictable financing arrangements in place. Without adequate provisions for courts and

⁶³ UN A/RES/75/228 IV16.c

⁶⁴ UN A/RES/75/228 VIII.20.a

⁶⁵ UN A/RES/75/228 VIII.20.b

⁶⁶ UN A/RES/75/228 VIII.20.c

⁶⁷ UN A/RES/75/228 IV16.m

prisons, health, and social systems police cannot do their job. To effectively deliver services to women and girl victims/survivors of violence requires that sufficient funding can be allocated for the provision of those services.

Infrastructure and equipment resources are also critical. If there are no buildings or offices that can accommodate the private interviewing of victims/survivors of violence or interviewing of children, again it will be difficult for investigators to function effectively. If investigators do not have equipment to gather evidence, desks at which to do their work, and computer and communications equipment, the challenges of their jobs will be significantly intensified.