



Module 3

JUSTICE AND POLICING

Essential Services Package for
Women and Girls Subject to Violence
Core Elements and Quality Guidelines





MODULE 3

Justice and Policing

The Essential Services Package comprises five Modules:

| Module 1. Overview and introduction | Module 2. Health | Module 3. Justice and policing | Module 4. Social services | Module 5. Coordination and governance of coordination |
|---|--|--|--|---|
| <p>Chapter 1: Introduction to essential services package</p> <p>1.1 Introduction 1.2 Context 1.3 Purpose and scope 1.4 Language and terms</p> | <p>Chapter 1: Introduction to essential health services</p> <p>1.1 Introduction 1.2 Purpose & scope 1.3 Language and terms</p> | <p>Chapter 1: Introduction to essential justice and policing services</p> <p>1.1 Introduction 1.2 Purpose & scope 1.3 Language and terms</p> | <p>Chapter 1: Introduction to essential social services</p> <p>1.1 Introduction 1.2 Purpose & scope 1.3 Language and terms</p> | <p>Chapter 1: Introduction to essential coordination and governance actions</p> <p>1.1 Introduction 1.2 Purpose & scope 1.3 Language and terms</p> |
| <p>Chapter 2 Common principles, characteristics and foundational elements</p> <p>2.1 Principles 2.2 Common characteristics of quality essential services 2.3 Foundational elements</p> | <p>Chapter 2 Framework for essential services package</p> <p>2.1 The overall framework 2.2 Unique features of the framework specific to essential health services</p> | <p>Chapter 2 Framework for essential services package</p> <p>2.1 The overall framework 2.2 Unique features of the framework specific to essential justice and policing services</p> | <p>Chapter 2 Framework for essential services package</p> <p>2.1 The overall framework 2.2 Unique features of the framework specific to essential social services</p> | <p>Chapter 2 Framework for essential services package</p> <p>2.1 The overall framework</p> |
| <p>Chapter 3 How to use this tool</p> <p>3.1 Essential services guidelines framework</p> | <p>Chapter 3 Guidelines for essential health services</p> | <p>Chapter 3 Guidelines for essential justice and policing services</p> | <p>Chapter 3 Guidelines for essential social services</p> | <p>Chapter 3 Guidelines for essential coordination and governance actions</p> |
| <p>Chapter 4 Tools and resources</p> | <p>Chapter 4 Tools and resources</p> | <p>Chapter 4 Tools and resources</p> | <p>Chapter 4 Tools and resources</p> | <p>Chapter 4 Tools and resources</p> |

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CHAPTER 1:

INTRODUCTION TO ESSENTIAL JUSTICE AND POLICING SERVICES

1.1 INTRODUCTION

These guidelines for **essential justice and policing services** aim to provide guidance for the design, implementation and review of quality justice sector and policing service responses for women and girls subject to all forms of gender-based violence. The guidelines have been developed with a focus on low to middle income countries in stable settings but they are also applicable in high income countries.

The guidelines are part of the **Essential Services Package** which aims to provide all women and girls who have experienced gender-based violence with greater access to a set of essential quality and coordinated multi-sectoral services.

The Essential Services Package reflects the vital components of coordinated multi-sectoral responses for women and girls subject to violence and includes guidelines for health services, social services, coordination and governance mechanisms as well as justice and policing services.

The guidelines for essential justice services should be read in conjunction with Module 1: Overview and Introduction which sets out the principles, common characteristics and foundational elements that apply across all essential services. The guidelines are also complementary to the guidelines for health services (Module 2), social services (Module 4), and coordination and governance of coordination (Module 5).

1.2 PURPOSE AND SCOPE

A quality police and justice response is crucial in ensuring that relevant laws against such violence meet international standards: are enforced; keep women and girls safe from violence, including from the re-occurrence of further violence; hold perpetrators accountable; and provide for effective reparations for victims and survivors. Justice systems, and all actors within the system, must be accountable for ensuring that they deliver on their obligations. The purpose of the **Justice and Policing Module** (Module III) in the Essential Services Package is to assist countries ensure the provision of a quality justice response as part of the

holistic, comprehensive and multi-sectoral approach to addressing violence against women.

Despite the progress and improvements to the legal frameworks and justice systems to date, the police and justice sector's response has been notably deficient and is often not functioning at a level required to address the severity, nature and extent of gender based violence; protect the well-being and safety of victims and survivors; and ensure women's access to justice. Studies across the globe illustrate that the vast

majority of perpetrators face no legal consequences.¹ Only a minority of cases of violence against women is ever reported to the police and an even smaller percentage of reported cases result in charges laid against a perpetrator, and in only a small fraction of those cases is there a conviction.² In cases where women choose not to pursue justice through the criminal system, but rather decide to take action under civil, family and/or administrative law, women can face expensive, complicated and lengthy legal processes, limited or no legal aid, and the failure by civil and family courts to take

into account the history of violence when deciding child custody and access³.

In order to respond to all women and girls' diverse needs and experiences, this Module recognizes that a broad range of justice options need to be available to victims and survivors. It covers aspects of the relevant legal domains: criminal law matters, civil law matters (such as personal injury claims / torts), family law matters (such as divorce, child custody and maintenance issues) and administrative law matters (such as state criminal compensation schemes).⁴ It is applicable for countries which have different legal traditions: common law, civil law and religious based justice traditions. Women and girls who experience gender-based violence may also come into contact with the justice system as someone in conflict with the law. The special considerations for victims and survivors of violence against women who have been accused of or charged with criminal offences focus only on women and not girls, as this would involve a review of international standards and norms regarding juvenile justice which is outside the scope of this document.

Essential justice and policing services cover all victim and survivor's interactions with the police and the justice system from reporting or initial contact to ensuring appropriate remedies. The services are grouped according to the broad stages of the justice system: prevention, initial contact; investigation; pre-trial / hearing processes; trial / hearing processes; perpetrator accountability and reparations; and post-trial processes. There are also services that must be available throughout the entire justice system: protection; support; communications; and justice sector coordination.

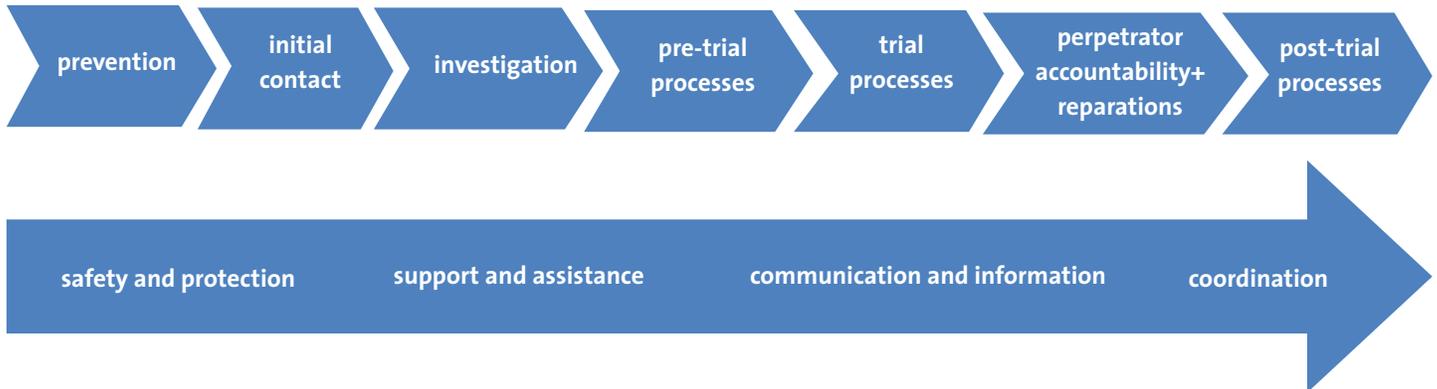
1 Johnson, H., Ollus, N. and Nevala, S. (2008) *Violence Against Women Survey: An International Perspective* (HEUNI) at p. 146; Lovett, J. and UN Women (2013) *Why do some men use violence against women and how we can prevent it? Quantitative findings from the United Nations Multi-country Study on Men and Violence in Asia and the Pacific* (UN Women, UNFPA, UNDP and UN Volunteers).

2 Johnson, H., Ollus, N. and Nevala, S. (2008) *Violence Against Women Survey: An International Perspective* (HEUNI) at p. 146. Generally less than 20% of women reported the last incident of violence they experienced to the police, implying that over 80% of violence against women cases do not even enter the justice system. Physical violence by non-partners is reported at a higher rate than sexual violence (physical assaults ranged from 15% to 27% and sexual violence ranged from 4% to 13%). The likelihood of charges being laid against a perpetrator is between 1% and 7% of all reported incidents. The likelihood that cases will result in a conviction is just 1% to 5%. The latest study on nationally representative studies in 28 European Union countries shows that only 14% of women contacted the police as a result of the most serious incident of violence since the age of 15 years old. See European Union Agency for Fundamental Rights (2014) *Violence against Women: an EU-wide survey* (Luxembourg). See also: Lovett, J. and Kelly, L. (2009) *Different systems, similar outcomes? Tracking attrition in reported rape cases across Europe*. Child and Women Abuse Unit, London Metropolitan University; Triggs, S. Mossman, J.J. and Kingi, V. (2009) *Responding to sexual violence: Attrition in the New Zealand criminal justice system*. New Zealand Ministry of Women's Affairs; and Vetten, L. Jewkes, R. Sigsworth, R. Christofides, N, Loots, L. and Dunseith, O. (2008) *Tracing Justice: The Attrition of Rape Cases through the Criminal Justice System in Gauteng*. Johannesburg: Tshwaranang Legal Advocacy Centre, the South African Medical Research Council, and the Centre for the Study of Violence and Reconciliation.

3 Johnson, H. and Fraser J. (2011) *Specialized Domestic Violence Courts Do They Make Women Safer? Community Report: Phase I* (Department of Criminology, University of Ottawa) and Hudson, V., Lee Brown, D. and Nielsen, P.L. (2011) "What is the Relationship between Inequity in Family Law and Violence against Women? Approaching the Issue of Legal Enclaves" *Politics and Gender* Volume 7, Issue 4, pp 453-492.

4 This document articulates four separate legal domains as this might be the situation in some jurisdictions, whereas in other jurisdictions, family law rests within the civil law domain.

DIAGRAM X:
The Justice Continuum



Given the varying cultures, traditions, legal systems and diversity of mandates and tasks of the police and justice sector agencies around the globe, this Module uses the broad term of “justice service provider” as it

focuses task and service activities of the formal justice system as opposed to focusing on the specific agencies or officials who may provide those services.

1.3 LANGUAGE AND TERMS

- **Compensation** means quantifiable damages resulting from the violence and includes both pecuniary and non-pecuniary remedies.
- **Core elements** are features or components of the essential services that apply in any context, and ensure the effective functioning of the service.
- **Essential Services** encompass a core set of services provided by the health care, social service, police and justice sectors. The services must, at a minimum, secure the rights, safety and well-being of any woman or girl who experiences gender-based violence.
- **Formal justice systems** are justice systems that are the responsibility of the State and its agents. They include government supported laws, and institutions such as police, prosecution services, courts, and prisons that have the responsibility to enforce and apply the laws of the State and to administer the sanctions imposed for violations of laws.
- **Gender based violence** is “any act of violence that is directed against a woman because she is a woman or that affects women disproportionately”.⁵
- **Initial contact** includes reporting to police, documentation of the report, registration of a criminal case, advisory services provided by lawyers, civil cases registered, or administrative applications made to state compensation schemes, and applications made for separation, custody, and/or urgent/emergency protection measures through criminal, civil, family courts or administrative bodies/mechanisms.
- **Intimate partner violence** is “the most common form of violence experienced by women globally . . . and includes a range of sexually, psychologically and physically coercive acts used against adult and adolescent women by a current or former intimate partner, without her consent. Physical violence involves intentionally using physical force, strength or a weapon to harm or injure the woman. Sexual violence includes abusive sexual contact, making a

5 CEDAW, General Recommendation No. 19, ¶16, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.

woman engage in a sexual act without her consent, and attempted or completed sex acts with a woman who is ill, disabled, under pressure or under the influence of alcohol or other drugs. Psychological violence includes controlling or isolating the woman, and humiliating or embarrassing her. Economic violence includes denying a woman access to and control over basic resources.”⁶

Investigation includes assessment of the case and investigation, generally conducted in the criminal justice systems. It includes scene management; investigation planning, victim/survivor, and witness interviewing; evidence gathering, processing, and analysis; medico-legal examinations; suspect identification, interviewing, arrest and processing; and documentation of findings and actions taken.

Justice service provider includes State/government officials, judges, prosecutors, police, legal aid, court administrators, lawyers, paralegals, and victim support/social services staff.

Justice continuum extends from a victim/survivor’s entry into the system until the matter is concluded. A woman’s journey will vary, depending on her needs. She may pursue a variety of justice options, ranging from reporting or making a complaint which initiates a criminal investigation and prosecution or seeking protection, and/or pursuing civil claims including divorce and child custody actions and/or compensation for personal or other damages, including from State administrative schemes, concurrently or over time.

Legal aid here follows the similar definition found in the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems* and refers to legal advice, assistance and representation for victims and survivors at no cost for those without sufficient means or when the interests of justice so requires. Legal aid also includes access to legal information.

Legal service is used in the essential services to include legal aid as well as legal services provided by prosecutors to victims, particularly as in some jurisdictions the victim does not have separate standing in criminal proceedings.

Medico-legal evidence is used in this tool as defined by the World Health Organization as “documented extra and ano-genital injuries and emotional state as well as those samples and specimens that are taken from the victim’s body or clothing solely for legal purposes. Such evidence includes saliva, seminal fluid, head hair, pubic hair, blood, urine, fibre, debris and soil”⁷.

Non-partner sexual violence “refers to violence by a relative, friend, acquaintance, neighbor, work colleague or stranger”.⁸ It includes being forced to perform any unwanted sexual act, sexual harassment and violence perpetrated against women and girls frequently by an offender known to them, including in public spaces, at school, in the workplace and in the community.

Post-trial processes include corrections as it relates to protection of the victim/survivor, minimizing the risk of re-offending by the offender, and the rehabilitation of the offender. It also covers prevention and response services for women who are detained in correctional facilities, and for women in detention who have suffered violence against women.

Pre-trial / hearing processes in criminal justice matters include bail hearings, committal hearings, selection of charges, decision to prosecute and preparation for criminal trial. In civil and family matters they include interim child custody/support orders, discovery procedures in civil cases, and preparation for trial or hearing. In administrative law matters, such as criminal injuries compensation schemes, it is recognized that this can be pursued in the absence of or in addition to criminal and/or civil cases and include providing supporting documentation for applications.

6 Report of the Secretary-General, In-depth study on all forms of violence against women, United Nations, A/61/122/Add.1, (6 July 2006) ¶¶ 111- 112, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/No6/419/74/PDF/No641974.pdf?OpenElement>.

7 Du Mont, Janice and D. White (2007), “The uses and impacts of medico-legal evidence in sexual assault cases: A Global Review (WHO: Geneva).

8 Report of the Secretary-General, In-depth study on all forms of violence against women, United Nations, A/61/122/Add.1, (6 July 2006) paragraph 128.

Prevention measures from a justice service provider's perspective refer to those activities that are primarily focused on interventions to stop violence and prevent future violence and to encourage women and girls to report for their own safety.

Quality guidelines support the delivery and implementation of the core elements of essential services to ensure that they are effective, and of sufficient quality to address the needs of women and girls. Quality guidelines provide 'the how to' for services to be delivered within a human rights-based, culturally-sensitive and women's-empowerment approach. They are based on and complement international standards and reflect recognized best practices in responding to gender-based violence.

Reparations means to wipe out, as far as possible, all the consequences of an illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed. Reparations cover two aspects: procedural and substantive.⁹ Procedurally, the process by which arguable claims of wrongdoing are heard and decided by competent bodies, whether judicial or administrative need to be women-centered, available, accessible and adaptable to the specific needs and priorities of different women. Procedures need also to counter the traditionally encountered obstacles to accessing the institutions that award reparations. Substantively, remedies consist of the outcomes of the proceedings and, more broadly, the measures of redress granted to victims. This includes reflecting upon effective ways to compensate victims for harms suffered, including tort law, insurance, trust funds for victims and public compensation schemes and including non-economic losses which generally affect women more negatively than men. There are many forms of reparations, including: restitution; compensation; public acknowledgement of the facts and acceptance of responsibility; prosecution of

perpetrators; restoration of the dignity of the victim through various efforts; and guarantees of non-repetition. While the notion of reparation may also include elements of restorative justice and the need to address the pre-existing inequalities, injustices, prejudices and biases or other societal perceptions and practices that enabled violence against women to occur, there was no agreement as to how to reflect the structural transformative reparations in the essential justice services. Reparations measures should ensure that remedies are holistic and not mutually exclusive.

Restitution is defined as those measures to restore the victim to her original situation before the violence.

Trial / hearing processes include presentation of evidence and verdict or civil judgment, as well as submission of evidence to administrative board and the board's final decision.

Victim / survivor refers to women and girls who have experienced or are experiencing gender based violence to reflect both the terminology used in the legal process and the agency of these women and girls in seeking essential services.¹⁰

Violence against women means "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

9 Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/14/22, 19 April 2010.

10 United Nations (2006) *Secretary-General's In-depth Study on Violence Against Women* A/61/122/Add.1 notes the ongoing debate the terms victim and survivor. Some suggest that "the term "victim" should be avoided because it implies passivity, weakness and inherent vulnerability and fails to recognize the reality of women's resilience and agency. For others the term "survivor" is problematic because it denies the sense of victimization experienced by women who have been the target of violent crime". Therefore, these guidelines use the term "victim/survivor".

11 United Nations 1993, Declaration on the Elimination of all forms of Violence Against Women, United Nations: Geneva, Article 1.

CHAPTER 2:

FRAMEWORK FOR ESSENTIAL SERVICES PACKAGE

2.1

THE OVERALL FRAMEWORK

The Framework for guidelines for the delivery of quality essential justice and policing services incorporates four interlinked components:

- **Principles** which underpin the delivery of all essential services.
- **Common characteristics** which describe a range of activities and approaches that are common across all areas and which support the effective functioning and delivery of services.
- **Essential services** which set out the absolute minimum required services to secure the human rights, safety and well-being of any woman, girls or child who experience intimate partner violence and or non-partner sexual violence
- **Foundational elements** which must be in place to enable the delivery of quality services across all essential services and actions.

Essential Services Package: Overall framework diagram

| | | | |
|------------------------|---|---|--|
| Principles | A rights based approach | Advancing gender equality and women's empowerment | Culturally and age appropriate and sensitive |
| | Victim/survivor centred approach | Safety is paramount | Perpetrator accountability |
| Common characteristics | Availability | Accessibility | |
| | Adaptability | Appropriateness | |
| | Prioritize safety | Informed consent and confidentiality | |
| | Data collection and information management | Effective communication | |
| | Linking with other sectors and agencies through referral and coordination | | |

| | | | |
|--------------------------------|---|---|---|
| Essential services and actions | Health | Justice and Policing | Social services |
| | <ol style="list-style-type: none"> 1. Identification of survivors of intimate partner violence 2. First line support 3. Care of injuries and urgent medical treatment 4. Sexual assault examination and care 5. Mental health assessment and care 6. Documentation (medico-legal) | <ol style="list-style-type: none"> 1. Prevention 2. Initial contact 3. Assessment/investigation 4. Pre-trial processes 5. Trial processes 6. Perpetrator accountability and reparations 7. Post-trial processes 8. Safety and protection 9. Assistance and support 10. Communication and information 11. Justice sector coordination | <ol style="list-style-type: none"> 1. Crisis information 2. Crisis counselling 3. Help lines 4. Safe accommodations 5. Material and financial aid 6. Creation, recovery, replacement of identity documents 7. Legal and rights information, advice and representation, including in plural legal systems 8. Psycho-social support and counselling 9. Women-centred support 10. Children's services for any child affected by violence 10. Children's services for any child affected by violence 11. Community information, education and community outreach 12. Assistance towards economic independence, recovery and autonomy |

| Coordination and governance of coordination | |
|---|--|
| National level: Essential actions | Local level: Essential actions |
| <ol style="list-style-type: none"> 1. Law and policy making 2. Appropriation and allocation of resources 3. Standard setting for establishment of local level coordinated responses 4. Inclusive approaches to coordinated responses 5. Facilitate capacity development of policy makers and other decision-makers on coordinated responses to VAWG 6. Monitoring and evaluation of coordination at national and local levels | <ol style="list-style-type: none"> 1. Creation of formal structures for local coordination and governance of coordination 2. Implementation of coordination and governance of coordination |

| | | | |
|-----------------------|---|---|---------------------------|
| Foundational elements | Comprehensive legislation and legal framework | Governance oversight and accountability | Resource and financing |
| | Training and workforce development | Gender sensitive policies and practices | Monitoring and evaluation |

2.2

UNIQUE FEATURES OF THE FRAMEWORK SPECIFIC TO ESSENTIAL JUSTICE AND POLICING SERVICES

Principles

In applying the overall principles, justice service providers, should keep in mind:

- The dynamics of inequalities between women and men create gender specific vulnerabilities, such as economic and legal dependency, which among other things, impact on women's use of justice services, create obstacles to accessing justice and even result in some justice remedies negatively impacting women (i.e. fines in intimate partner violence cases).
- Justice and policing services should not compromise the rights of women and girls, be non-coercive and be grounded in a gender transformative approach.
- A women-centred approach to justice and policing service delivery puts the needs and realities of women and girls at the core of any justice service rather than the goals of the justice institutions. This means prioritizing women safety, empowerment and recovery; treating every woman with respect; supporting and keeping them informed throughout the justice process.
- Holding perpetrators accountable requires justice and policing services to support and facilitate the victim's and survivor's participation with the justice process, promote her capacity of acting or exerting her power (woman's agency), while ensuring that the burden or onus of seeking justice is not placed on her but on the state.

Common Characteristics

In applying the overall principles, justice service providers, should keep in mind:

- Failure to continually and consistently consider issues of protection and support, throughout the whole justice process can lead to catastrophic results.
- Systematic, timely, clear and effective communication, coordination of services, referral networks and mechanisms between justice and other service

providers are key to maintaining victim safety and protection, and ensuring the victim/survivor receives the services and supports she deserves.

Foundational Elements

In applying the overall principles, justice service providers, should keep in mind:

- A criminal law framework that criminalizes all forms of violence against women, as well as criminal, civil, family and administrative law frameworks that ensure effective prevention, protection, prosecution, adjudication and provision of remedies in accordance with international standards.
- Regarding training and workforce development, conducting investigations, prosecution and adjudication of violence against women are often complex and require specialist knowledge, skills and abilities. Justice services should consider delivery through specialized and multi-disciplinary units within the justice sector (i.e. specialized domestic violence courts, gender based violence prosecution units, domestic violence units within police forces which include police officers and social workers).

CHAPTER 3:

GUIDELINES FOR ESSENTIAL JUSTICE AND POLICING SERVICES

| ESSENTIAL SERVICE: 1. PREVENTION | |
|---|---|
| <p>It is important that justice service providers strongly support initiatives and organizations that seek women’s equality; raise public awareness about violence against women, its causes, and the consequences to women, their families and communities as well as punishment that perpetrators will face; and ensure that information about services and how to access them is readily available to all. The development and promotion of institutional cultures founded on gender equality and gender responsiveness and service delivery is crucial to prevention.¹</p> | |
| CORE ELEMENTS | GUIDELINES |
| <p>1.1 Promotion and support of organizations and initiatives seeking to end violence and increase women’s equality</p> | <ul style="list-style-type: none"> • Seek out and establish relationships, and work collaboratively with organizations on long term strategies that seek to end violence and increase the equality of women: <ul style="list-style-type: none"> • engage key organizations (such as educational institutions), specific groups (for example, women’s groups, men and boys, parents, children, and young people) and the media to advocate for, and take action to reduce violence against women and girls. • Demonstrate gender responsiveness: <ul style="list-style-type: none"> • consider the impacts and implications of policies, procedures and practices on women and men in the organization and women, men and children in the community • reinforce the benefits of gender responsiveness to the organization and the community it serves • demonstrate that women are valued employees of the justice system and that the contributions they make to the organization are important for the delivery of quality services. • Ensure there is in place and enforce a zero tolerance policy against violence committed against any person, including victims/survivors of violence against women for all employees of the organization: <ul style="list-style-type: none"> • define sanctions for non-compliance with this policy and ensure training and establish processes to ensure implementation of the policy. |
| <p>1.2 Support efforts to raise awareness and promote the unacceptability of men’s and boy’s violence against women</p> | <ul style="list-style-type: none"> • Contribute to developing and implementing strategies to challenge cultural and social norms, attitudes and behaviours that contribute to the acceptability of violence against women and girls: <ul style="list-style-type: none"> • use all available resources, including the media and champions if appropriate, to deliver the message that violence is unacceptable and unjustified. • Affirm that men and boys are a significant part of the solution to addressing violence against women and girls. • Work with others to increase public confidence in the ability of the justice system to respond effectively to violence against women: <ul style="list-style-type: none"> • publically reinforce and demonstrate commitment to a victim/survivor centered approach that has at its core the safety, protection, support, privacy, and confidentiality of the victim/survivor, her family and relevant others, and perpetrator accountability. |

| | |
|---|---|
| <p>1.3 Stopping violence and prevent future violence against women</p> | <ul style="list-style-type: none"> • Maintain accurate records and analyze records of reported incidents of violence perpetrated against women to identify trends of reporting to police services. • Promote and implement collection of data to assist in understanding the prevalence of various types of violence against women in the country, and in local jurisdictions. • Analyze national representative data on violence against women (if available) to more fully understand the levels of violence in society. This can be compared to the rates of violence reported to police and other services to aid understanding and response to under-reporting to services. • Based on analysis, take action to prevent further violence through: <ul style="list-style-type: none"> • early intervention • quick response and removal of the victim/survivor and relevant others from violence, and • arrest and removal of the perpetrator from the scene of violence. |
| <p>1.4 Encouraging women to report violence perpetrated against them</p> | <ul style="list-style-type: none"> • Actively encourage reporting of violence: <ul style="list-style-type: none"> • through provision of information to the community on police commitment to effective response to violence against women and girls • by ensuring police can be contacted 24 hours a day, 365 days a year • by working with other service providers and the community to ensure the first door is the right door for reporting incidents of violence, regardless of whether those reports are made: <ul style="list-style-type: none"> - directly to police - to health service providers - to social service providers - to court officials. • Strive to increase women's confidence to report by responding quickly and appropriately to reported acts of violence against them. <ul style="list-style-type: none"> • Ensure policy and practice reflects that the victim/survivor has input into determining whether or not to proceed with an investigation or court process. |

ESSENTIAL SERVICE: 2. INITIAL CONTACT

A positive initial contact experience with the justice system is crucial for victims/survivors of violence. Services must be available and accessible to all women. But most importantly, the initial contact must demonstrate to the victim/survivor that the justice system, and the justice service providers in the system are committed to her health and safety, take her complaint seriously, and want to ensure that she is well supported on her journey through the justice system.²

| CORE ELEMENTS | GUIDELINES |
|------------------------------------|--|
| <p>2.1 Availability</p> | <ul style="list-style-type: none"> • Ensure justice and policing services are available to every victim/survivor regardless of her place of residence, nationality, ethnicity, caste, class, migrant or refugee status, indigenous status, age, religion, language and level of literacy, sexual orientation, marital status, disabilities or any other characteristics that need to be considered. |

| | |
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| <p>2.2 Accessibility</p> | <ul style="list-style-type: none"> • Ensure access to police services is: <ul style="list-style-type: none"> • available 24 hours per day, 365 days per year • geographically accessible, and where not geographically accessible, there is a mechanism in place that enables victims/survivors to safely contact/access police services through other available means • user friendly, and meets the needs of various target groups including, for example, but not limited to those who are illiterate, visually impaired, or do not hold citizen or resident status <ul style="list-style-type: none"> -procedures and directions are available in multiple formats to maximize access (for example, written, electronic, oral, via media, via telephone) • signage meets the needs of different target groups • delivered as far as possible, in a way that considers the language needs of the user. • Ensure justice premises are safe and have women and child friendly spaces. • Ensure police services are free of charge and that : <ul style="list-style-type: none"> • accessing service does not place undue financial or administrative burdens on the victim/survivor • all steps are taken to ensure victims/survivors have access to needed "for fee services" (such as, medical examinations, psychological support services). |
| <p>2.3 Responsiveness</p> | <ul style="list-style-type: none"> • Ensure a victim/survivor can make a report at any time, and at a location that is safe, private, and agreeable to her: <ul style="list-style-type: none"> • efforts are made to limit the number of people a victim/survivor must deal with, and to minimize the number of times a victim/survivor has to relay her story, and thereby reduce secondary victimization³ • the victim/survivor and/or the parent/guardian/legal representative in the case of a girl: <ul style="list-style-type: none"> - has the opportunity to decide whether to engage in the justice process - is provided with information to make informed decisions - is not punished for failing to cooperate when her safety cannot be guaranteed or secondary victimization cannot be prevented. • Ensure trained service providers are available to assist and support the victim in filing her complaint. • Ensure all reported incidents of violence against women are documented, whether or not they are a crime: <ul style="list-style-type: none"> • all information obtained and reports made are kept confidential and are stored in a secure location. • Ensure immediate action is instituted when a victim/survivor reports an incident of violence against her. • Ensure justice service providers meeting a victim/survivor: <ul style="list-style-type: none"> • are non-judgmental, empathetic and supportive • proceed in a manner that <ul style="list-style-type: none"> -considers and prevents secondary victimization -responds to the victim/survivor's concerns but is not intrusive -ensures the victim/survivor's privacy is maintained. • Ensure the victim/survivor has the opportunity to <ul style="list-style-type: none"> • tell her story, be listened to, and have her story accurately recorded • be able to tell how the violence has impacted her. • Ensure that girl victims/survivors are able to express their views and concerns according to their abilities, age, intellectual maturity and evolving capacity. |

ESSENTIAL SERVICE: 3. INVESTIGATION

It is crucial that investigations of crimes of intimate partner and sexual violence against women are started in timely fashion, are conducted in a professional manner, meet evidentiary and investigative requirements, and that all available means to identify and arrest the suspect are exhausted. Throughout, the woman's safety, security and dignity are carefully considered and maintained.

These guidelines are complemented by Essential Health Service number 6 – Documentation (medico-legal) detailed in the Health Module, particularly 6.2 Collection and documentation of forensic specimens and 6.3 Providing written evidence and court attendance.

| CORE ELEMENTS | GUIDELINES |
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| <p>3.1 Cases of violence against women are given high investigation priority</p> | <ul style="list-style-type: none"> • Ensure there is a policy in place that requires justice service providers receiving a report of violence to: <ul style="list-style-type: none"> • explain to the victim/survivor the investigative and justice processes, her rights, and the services available to her throughout the justice process • immediately commence a victim sensitive investigation • ensure that reports are immediately investigated and followed up. • Ensure justice actions taken do not cause further harm. Consider: <ul style="list-style-type: none"> • the victim/survivor's context • the physical and mental trauma she has experienced • potential impacts her act of reporting may have on her, her family and relevant others. • Ensure victims/survivors are not deferred or delayed, 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 justice authorities. • Ensure that suspects are arrested as soon as practicable. • Ensure suspects are required to submit to measures implemented for the protection of victims. |
| <p>3.2 Victim / survivor medical and psycho-social needs are addressed</p> | <ul style="list-style-type: none"> • Ensure justice response during investigation focuses on the victim/survivor's needs, keeping in mind the victim/survivor's context, the physical and mental trauma she has experienced, and her medical and social needs: <ul style="list-style-type: none"> • justice service providers respond appropriately to problems that require immediate medical response • medical and psychological needs are addressed by medical and mental health professionals • justice service providers facilitate access to medical assistance and medico-legal examinations. |

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| <p>3.3 Relevant information and evidence is collected from the victim/survivor and witnesses</p> | <ul style="list-style-type: none"> • Ensure a victim statement is taken: <ul style="list-style-type: none"> • promptly, and in a professional, non-judgmental, and victim sensitive manner • recorded accurately, read back to the victim/survivor, and the content is confirmed by the victim/survivor • once only to minimize the impact on the victim/survivor and to prevent secondary victimization • Ensure a medico-legal examination is arranged if appropriate.⁴ Ensure that the medico-legal examination is conducted and documented: <ul style="list-style-type: none"> • in timely fashion • in a gender sensitive manner that takes into account the unique needs and perspectives of the victim/survivor, respect her dignity and integrity and minimize intrusion while abiding by standards for the collection of forensic evidence • where possible, ensure a justice service provider accompanies the victim/survivor to the medical facility for the examination. • Ensure all available evidence that can lend credibility to the allegation is collected, and that it is collected in a respectful manner that maintains the dignity of the victim/survivor. This includes: <ul style="list-style-type: none"> • promoting evidence building that focuses on the credibility of the allegation rather than the credibility of the victim/survivor • consider whether forensic examinations are required and if so they are done in a timely manner. • Ensure the scene is visited in timely fashion: <ul style="list-style-type: none"> • scene is viewed and protected to preserve evidence • if scene viability is confirmed, a thorough crime scene examination is undertaken: <ul style="list-style-type: none"> -evidence is gathered, stored, and processed to meet chain of evidence requirements -arrangements are made for scene and victim evidence analysis -evidence analysis reports are reviewed and used to determine next steps • based on findings, follow-up investigations are conducted and actions taken to conclude the case. • Ensure when working with girl victims/survivors that services are tailored to the unique requirements of the age of the girl, and ensure: <ul style="list-style-type: none"> • interview rooms and interviews are child friendly • procedures are child sensitive • the non-offending parent, guardian, legal representative or appropriate child assistance authority is involved and participates in all actions contemplated or taken • medical, psycho-social, and victim support services are age appropriate, and • confidentiality is maintained and disclosure of information related to the girl is restricted. • Ensure witnesses and other persons who may have relevant information are identified and interviewed as soon as practicable: <ul style="list-style-type: none"> • make every attempt to corroborate the victim/survivor's statement, and • document interviews and findings. |
| <p>3.4 A thorough investigation is conducted</p> | <ul style="list-style-type: none"> • Ensure the suspect is identified, interviewed and when appropriate, arrested. • Ensure a thorough and well documented report that details investigations conducted and actions taken is completed and reviewed: <ul style="list-style-type: none"> • reports are reviewed by a senior officer or supervisor to ensure all necessary steps have been taken and recorded • a copy of the report is provided for use by any follow-up investigators and prosecutors • a copy of the report is shared with other relevant service providers. |
| <p>3.5 Professional accountability is maintained throughout the investigation</p> | <ul style="list-style-type: none"> • Ensure organizational accountability is established and maintained throughout the investigation process: <ul style="list-style-type: none"> • a senior investigator or supervisor: <ul style="list-style-type: none"> - ensures the case is properly assessed, an investigation plan is developed and implemented, investigations are appropriately coordinated, and actions and findings are monitored and evaluated on an ongoing basis - holds investigators accountable for their actions throughout the investigative process • the organization ensures that someone is assigned to: <ul style="list-style-type: none"> - conduct ongoing crime analysis to identify any signs of increasing violence, and that history and trends in violence are included in the report - ensure investigations are thorough and meet evidentiary requirements - ensure services are delivered to meet the victim / survivor's needs • a transparent and accountable complaint management system is in place to address service complaints: <ul style="list-style-type: none"> - the system is easily accessible and readily available to all victims/survivors, and is monitored on an ongoing basis. |

ESSENTIAL SERVICE: 4. PRE-TRIAL PROCESSES

Criminal, civil, family and administrative pre-trial/hearing processes that are non-biased and sensitive to the specific needs of victims and survivors of intimate partner violence and sexual violence are essential to guaranteeing their right to justice. Essential pre-trial criminal justice services reflect the international obligation on the state and its justice service providers in exercising primary responsibility for investigation and initiating prosecution while balancing the importance of empowering victims and survivors to make informed decisions regarding their interactions with the criminal justice system. Essential pre-trial/hearing civil, family and administrative justice services emphasize the importance of timeliness, affordability and simplified and easy to use procedures.

| CORE ELEMENTS | GUIDELINES |
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| <p>4.1 Coordinated and integrated approaches to criminal, civil, family and administrative law cases</p> | <ul style="list-style-type: none"> • Pro-actively seek information on any other on-going justice procedure (criminal, civil, family, administrative matters) that is relevant. • Check for any outstanding protection and support orders and provide such information to the courts. • Share and utilize information from other proceedings as appropriate within the justice system. |
| <p>4.2 Primary responsibility for initiating prosecution</p> | <ul style="list-style-type: none"> • Ensure the primary responsibility for initiating prosecution rests with the justice service provider and not with the victim/survivor. • Ensure prosecution policies allow for victim agency. This means: <ul style="list-style-type: none"> • informing the victim/survivor of any decisions concerning prosecution, unless she indicates that she does not want this information • providing the victim/survivor with an opportunity to express her story and be listened to before any decisions concerning prosecution are made. • Consider pro-prosecution policies. • Ensure the collection of all available evidence when reviewing the merits of the case for the decision to prosecute. This means: <ul style="list-style-type: none"> • promoting evidence building that focuses on the credibility of the allegation rather than the credibility of the victim/survivor • ensuring that the collection of medico-legal and forensic evidence is done in a timely manner in appropriate cases • ensuring that any decision not to proceed is not based solely on the fact that there is no medico-legal report or that the report is inconclusive, and • referring to complementary guidelines in the Health Module (essential service no. 7). • Ensure experienced prosecutors/judges make all discontinuance decisions. • Reduce barriers that place undue pressure on the victim/survivor to withdraw charges. This means: <ul style="list-style-type: none"> • appreciating and responding to the potential conflict between goals of the criminal justice systems and the wishes of victim/survivor • giving substantial weight to the victim/survivor's views in criminal proceedings. |
| <p>4.3 Correct charge and approval of the charge made quickly</p> | <ul style="list-style-type: none"> • Ensure a decision regarding the correct charge and approval of the charge is made quickly and is based on the application of fair procedures and evidential standards: <ul style="list-style-type: none"> • all required follow-up investigations are completed to substantiate charges • the decision is communicated and explained to the victim/survivor and/or to parents/guardian/legal representative in the case of the girl victim. • Ensure a decision regarding the charge reflects the gravity of the offence. • Regard violence against women as an aggravating or decisive factor in deciding whether or not to prosecute in the public interest. |

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| <p>4.4 Accessible, affordable and simplified procedures to access justice</p> | <ul style="list-style-type: none"> • Ensure accessibility of civil, family and administrative law procedures (family court, tort claims, pre-trial discovery procedure). At a minimum this means: <ul style="list-style-type: none"> • civil, family and administrative law procedures are affordable • procedures are simple and easy to use • providing for a broad range of free legal aid in civil, family and administrative law matters where the plaintiff/applicant is the victim/survivor of violence against women (legal information, legal advice, legal assistance and legal representation) • expansive interpretation of eligibility regarding legal aid (for example, if the means test for legal aid is calculated in the basis of the household income of a family, and the alleged perpetrator is a family member or the victim/survivor does not have equal access to the family income, only the income of the victim/survivor applying for legal aid is used for the purpose of the means test) • gender-, survivor- and child-sensitive procedures (for example, not allowing unrepresented perpetrator to question a victim/survivor plaintiff in examination for discoveries). • Ensure that all family law cases are scanned for domestic violence concerns and treated in a distinct manner. |
| <p>4.5 Prioritization of cases</p> | <p>In criminal justice matters,</p> <ul style="list-style-type: none"> • Develop fast track procedures that can identify cases involving violence against women and prioritize them in court dockets, including bail hearings, committal hearings and for trial. • In cases of girl victims, trials are to take place as soon as practical, unless delays are in the child's best interest. <p>In civil, family law and/or administrative matters,</p> <ul style="list-style-type: none"> • Ensure timeliness of procedures to ensure timely pre-trial process and trials: <ul style="list-style-type: none"> • cases involving violence against women need to be fast tracked • prioritize cases in the court dockets. |
| <p>4.6 Application of fair procedures and evidential standards in all pre-trial processes</p> | <p>In criminal justice matters,</p> <ul style="list-style-type: none"> • Apply fair burden and evidentiary standards. • Complete all basic evidence collection before any decisions are made about the case: <ul style="list-style-type: none"> • ensure there is a clear and complete a statement from the victim as possible • review all other evidence. • Reduce delay at all stages of the decision-making in the prosecution: <ul style="list-style-type: none"> • limit the number of case continuances/adjournments • allow only reasonable delays, taking into account the impact on the victim/survivor. <p>In civil, family law and/or administrative matters,</p> <ul style="list-style-type: none"> • Pre-trial case management procedures ensure that all relevant information has been gathered. This could include: <ul style="list-style-type: none"> • the psycho-social context of the violence • medical, forensic and other relevant reports and information. |

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| <p>4.7 Victim / survivor centered, empowerment oriented and rights based pre-trial processes</p> | <ul style="list-style-type: none"> • Ensure all service providers are non-judgmental and supportive. • Ensure victims/survivors have a safe and friendly environment when dealing with justice service providers. • Ensure victims/survivors have the opportunity for full participation. • Ensure pre-trial processes validate what has happened to the victim/survivor: <ul style="list-style-type: none"> • victim/survivor feels that her report of violence is taken seriously • her complaint is regarded as credible and valid unless the contrary is clearly indicated • the focus is on the credibility of the allegation rather than the credibility of the victim/survivor. • Ensure all victims/ survivors are treated respectfully. This includes treatment that: <ul style="list-style-type: none"> • prevents secondary victimization • is age appropriate. • Ensure pre-trial processes take into account the unique needs and perspectives of victims/survivors, respect their dignity and integrity and minimize intrusion into their lives. • Ensure that victims/survivors have a sense that their voices are being heard: <ul style="list-style-type: none"> • she has the opportunity to express her story, be listened to and be able to tell how the violence has impacted her, if she wants to do so • provide the environment that is safe where the victim/survivor can give her full account in privacy/in confidentiality and with dignity. • Ensure that the victim/survivor has control to decide whether to engage the justice process and be provided with information to make informed decisions, and has the option to withdraw from the justice process. • Pre-trial release/bail hearings must take into account the risk to the victim/survivor and consider her safety: <ul style="list-style-type: none"> • where there is sufficient risk of violence or concerns that the suspect will not obey imposed release conditions, detention pending trial should be considered • the victim/survivor is informed of any pre-trial release or bail conditions and who to contact if any conditions are breached. |
| <p>4.8 Readiness for trial</p> | <ul style="list-style-type: none"> • Ensure coordination of all key service providers (police, health care providers, etc). • Ensure attendance of critical witnesses. This includes ensuring: <ul style="list-style-type: none"> • victims, witnesses, and suspects are located and served with notices to attend court. • Ensure statements, analyses, and evidence is collected, compiled and is available for court and any additional statements are secured. • Ensure justice service providers are competent to present evidence in court in an ethical, objective, professional manner. • Promote evidence building to ensure credibility of the allegation rather than only focusing on the credibility of complainant. • Ensure access for victim/survivor support, court familiarization and court preparation services is appropriately facilitated. |
| <p>4.9 No forced mediation, alternative dispute resolution in cases involving violence against women</p> | <ul style="list-style-type: none"> • Only allow mediation or restorative justice where procedures are in place to guarantee no force, pressure or intimidation has been used.⁵ Minimum requirements include: <ul style="list-style-type: none"> • the process must offer the same or greater measures of protection of the victim/survivor's safety as does the criminal justice process • the perpetrator has accepted responsibility • the justice service provider approves • the mediators are trained and qualified • a validated risk assessment has determined that the woman is not at high risk • the victim/survivor is fully informed of the process and she approves of the mediation • the victim/survivor consents to participate |

**4.10
Special
considerations for
victims / survivors
who are suspected
or accused of
criminal behaviour**

- Ensure at the time of initial response and evidence gathering, where there are signs that the suspect may be a victim/survivor of violence against women:
 - specific vulnerability of the female accused is recognized and considered when interviewing suspect and before any decisions are made regarding arrests and detention
 - gathering evidence and case building that appreciates the context of the violence she has experienced, for example, evidence that may support a self-defence claim
 - a contextual analysis is conducted, including examination of the entire relationship between the accused and the complainant and the accused's motive and intent in using violence
- Recognizing that violence against women is a continuum and an episode of violence committed by the victim/survivor requires investigation into the circumstances around the aggression, the elements and circumstances of the continuum of such violence, the emotional and psychological impact on the victim/survivor suspect and how these features can affect her behaviour, consider:
 - performing a psychological examination to determine the mental state of the suspect and what factors could be related to the violent behaviour, such as previous violent incidents
 - performing a risk assessment to detect if there are risk factors in the suspect, to see if the aggression was reactive to some circumstances close to the aggression or if the aggression was part of a mental idea built through time.
- In jurisdictions where dual charges are allowed and both parties of domestic violence may be charged with a crime, analyze which party is the predominate aggressor⁶. Consider:
 - offensive and defensive injuries
 - threats made by a party against the other or a family member
 - any history of domestic violence between them, including previous calls to police, charges, protection orders.
- Ensure at the bail hearing the following considerations:
 - the court has all relevant information including the context in which the accused victim/survivor of violence against women has committed the violence
 - when considering the conditions of bail, such conditions do not prejudice the victim/survivor in any civil and family court proceedings, for example impacting on status quo relating to child custody considerations
 - when considering bail conditions, need to ensure that the bail conditions do not expose the accused victim/survivor to further violence.

ESSENTIAL SERVICE: 5. TRIAL / HEARING PROCESSES

Victims and survivors of intimate partner violence and sexual violence who are involved at the trial stages in criminal and civil justice processes can feel vulnerable, overwhelmed by the unfamiliarity of the justice system or re-victimized through the insensitive or discriminatory treatment of justice service providers. International norms and standards call for measures to prevent further hardship and trauma that may result from attending the trial itself and to ensure that trial processes maximize the survivor's cooperation, promote her capacity to exert agency during the trial stage while ensuring that in criminal matters, the burden or onus of seeking justice is on the State. The justice services that are considered essential during the trial processes reflect internationally agreed upon model strategies, including friendly and enabling court environments for survivors to feel safe and comfortable recounting what they have experienced; procedures to minimize re-victimization; and the application of evidentiary rules in a non-discriminatory manner.

| CORE ELEMENTS | GUIDELINES |
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| 5.1 Safe and friendly court room environment | <ul style="list-style-type: none"> • Permit a support person such as family member, friend or professionally trained support person to be with the victim/survivor during the trial process. In the case of the girl victim, measures should be taken to appoint specialists and family members to accompany the girl, and a guardian to protect the girl's legal interests. • Provide for user friendly and fit-for-purpose court environments, including waiting areas. • Remove all unnecessary persons, including the alleged offender, whilst the victim/witness gives her evidence. • Take appropriate measures to ensure no direct contact between victim/survivor and accused, using court-ordered restraining orders or ordering pre-trial detention. • Notify appropriate authorities in the case of or suspicion of the victim/survivor being harmed or at risk of being harmed during the trial or hearing process. |
| 5.2 Protection of privacy, integrity and dignity | <ul style="list-style-type: none"> • Apply for available measures that can protect the victim/survivor's privacy, integrity and dignity, including: <ul style="list-style-type: none"> • limit or ban public present at the trial, for example, in-camera trials or closed trials • limit or restrict media publishing of personal information of victims/survivors. • Object to or disallow any misstatements or attempts to intrude too far on the witnesses' safety (such as matters that could tend to reveal the witnesses' identity). • Remove any identifying information such as names and addresses from court's public record or use a pseudonym for the victim/survivor. • In the case of the girl victim take appropriate measures to: <ul style="list-style-type: none"> • maintain confidentiality and restrict disclosure of information relating to the girl's identity and involvement in the process • exclude public and media from courtroom during the girl's testimony, where permitted by national law. |
| 5.3 Opportunity for full participation | <ul style="list-style-type: none"> • Apply for and/or where possible allow for available measures that can facilitate the victim/survivor's testimony in trial/hearing: <ul style="list-style-type: none"> • measures that permit the victim to testify in a manner that allows her to avoid seeing the accused, for example screens, behind closed doors, closed circuit television (CCTV). • Adopt case management approaches that ensure the victim/survivor has an opportunity to fully participate in the proceedings with the least amount of secondary victimization: <ul style="list-style-type: none"> • reduce unnecessary delays • promote practices that issues not in dispute are agreed upon and admitted at the start of the trial/hearing. • Undertake approaches and ways to reduce the victim/survivor's stress: <ul style="list-style-type: none"> • limit her evidence to relevant evidence • allow for short recess when she is too distressed to proceed • identify options to avoid or minimize direct examination of the victim/survivor by the defendant, where possible • if allowed, have the examination conducted through an intermediary • if allowed, use video-recorded interview as evidence in chief. • In the case of the girl victim, use child-sensitive procedures, including interview rooms, modified court environments and take measures to ensure hearings and interviews are limited and are scheduled at times of the day appropriate to the age of the girl and separate from the accused. |

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| <p>5.4 Opportunity to give details of the impact of the crime</p> | <ul style="list-style-type: none"> • Allow the victim/survivor the opportunity to give details of the impact of the crime if she wishes to do so. • Provide different options for her to submit this information at trial. |
| <p>5.5 Non-discriminatory interpretation and application of evidentiary rules</p> | <p>In criminal justice matters,</p> <ul style="list-style-type: none"> • Ensure all relevant evidence is brought before the court: <ul style="list-style-type: none"> • consider allowing expert witnesses with appropriate experience to provide information about the dynamics and complexities of violence against women and girls. • Complaints are regarded as credible and valid unless contrary is clearly indicated. • Take steps to mitigate the potential impact of existing discriminatory evidentiary rules and procedures: <ul style="list-style-type: none"> • object to or disallow any unfair, unnecessarily repetitive, aggressive and discriminatory questioning by defence • object to or disallow any questioning that relies on myths and stereotyping • object to or disallow questions about the victim /survivor’s sexual history when it is unrelated to the case. • Do not allow any adverse inference to be drawn solely from a delay in reporting or lack of reporting. • If the defence applies to introduce what appears to be highly prejudicial evidence, ensure the following steps are taken: <ul style="list-style-type: none"> • request the defence’s application to be made in writing • ensure such request is made at pre-trial and only allow during trial if defence can show exceptional circumstances (such as they had not been aware of the information until trial) • provide the victim/survivor the opportunity through representation to voice her concerns and arguments against the discriminatory evidence. • Ensure the application of the rules (in particular gender-based cautionary rules) and principles of defence do not discriminate against women or be interpreted in ways that allow perpetrators of violence against women to escape criminal responsibility. <p>In civil, family law and/or administrative matters,</p> <ul style="list-style-type: none"> • Ensure that the civil and family courts have all relevant information before them, including: <ul style="list-style-type: none"> • the psycho-social context of the violence • consider calling an expert witness. • Ensure that civil and family courts do not draw adverse inferences with respect to the victim/survivor’s decisions to avoid further violence or ensure the best interest of the child, for example: <ul style="list-style-type: none"> • in cases of child custody, ensure that the behaviour of the victim/survivor is understood in the context of intimate partner violence. For example, the woman’s decision to flee the home or take other protective measures should not prejudice her civil proceedings • ensure that the impact of the intimate partner violence, such as the victim/survivor’s suicidal thoughts, do not adversely affect her civil and family law case • ensure that the testimony of children in child custody hearings is understood in the context of children witnessing the intimate partner violence of their mother and that any allegation on behalf of the father that the mother is causing the parent-child relational problem be considered in this context. |
| <p>5.6 Special considerations for victims / survivors who have been charged with criminal offences</p> | <ul style="list-style-type: none"> • Ensure at criminal trials, the following considerations: <ul style="list-style-type: none"> • the court has all relevant information, including the social context in which the accused victim/survivor experienced the violence • any claims of self defence by women who have been victims/survivors of violence • sentencing the accused victim/survivor should consider the impact that violence against women has had on the accused. • Take steps to mitigate the potential impact of existing discriminatory evidentiary rules and procedures: <ul style="list-style-type: none"> • object to or disallow any unfair, unnecessarily repetitive, aggressive and discriminatory questioning by the prosecution. |

ESSENTIAL SERVICE: 6. PERPETRATOR ACCOUNTABILITY AND REPARATIONS

The vast majority of perpetrators of intimate partner violence and sexual violence face no legal consequences. When they are held accountable, too often the sanctions, whether criminal, civil, or administrative, are very low. In addition, the reparations that women receive from the perpetrator and/or the state following the violence often do not reflect the realities of the harm suffered by women and girls, particularly the patterned use of coercion, intimidation and the use or threat of violence. From a survivor's perspective, accountability and reparations can mean many things, from a criminal sentence, civil damages, state compensation and public condemnation of the violence, as well as including redress for the state's failure to provide essential justice services. The essential services relating to accountability and reparations reflect the international obligation of due diligence of imposing appropriate sanctions to hold perpetrators accountable for their actions and providing for just and effective remedies to the survivors for the harm or loss suffered by them.

| CORE ELEMENTS | GUIDELINES |
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| <p>6.1 Justice outcomes commensurate with the gravity of the crime and focused on the safety of the victim/survivor</p> | <p>In criminal justice matters,</p> <ul style="list-style-type: none"> • Provide for sentencing policies that ensure consistent sentences commensurate with the gravity of the crime and meet the goals of: <ul style="list-style-type: none"> • denouncing and deterring violence against women • stopping violent behaviour • promoting victim and community safety • taking into account impact on victims/survivors and family. • Consider aggravating factors for sentencing purposes, for example, repeated violent acts, abuse of a position of trust or authority, perpetration of violence against a spouse or a person in a close relationship with the perpetrator and perpetration of violence against a person under 18 years of age. • Inform victims/survivors of any release of the offender. <p>In civil, family law and/or administrative matters,</p> <ul style="list-style-type: none"> • Ensure that court decisions of family law cases that involve violence against women take into account the impacts to the victim/survivor and her family, particularly on the victim's children, and on other relevant persons. • The rules for the assessment of harm in civil judgments are to be interpreted in a non-discriminatory manner. • Avoid, where possible, the application of overly strict or inadequate rules and interpretations of the causality link in the assessment of harms and inadequate evidence standards and procedures for quantifying damages which may have a negative disparate impact on women and girls. • Ensure timely, effective, gender sensitive and age appropriate civil remedies for the different harms suffered by women and girls. |
| <p>6.2 Participation of victims / survivors at sentencing hearings, in applicable jurisdictions</p> | <ul style="list-style-type: none"> • Provide the opportunity for victims/survivors to tell the court the physical and psychological harm and the impact of victimization at the sentencing hearing. • Allow victims/survivors a role in sentencing through a broad range of methods that suit individual needs (for example, written or oral victim impact statements, victim impact reports done by experts such as social workers). • Ensure procedures are simple, accessible and free. • Adapt the timing of the process to the needs of the victim and her recovery. • In the case of girl victims, ensure the procedures are child-sensitive. |

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| <p>6.3 Available and accessible options for reparations</p> | <p>In criminal justice matters,</p> <ul style="list-style-type: none"> • Where applicable, ensure reparations are considered in criminal cases: <ul style="list-style-type: none"> • restitution is considered part of the sentencing hearing • restitution and financial compensation for harms done to the victim/survivor is prioritized ahead of fines and penalties and should not preclude the victim in pursuing civil or other remedies • restitution and financial compensation are not used as a substitute for custodial sentences. <p>In civil, family law and/or administrative matters,</p> <ul style="list-style-type: none"> • In jurisdictions where permitted, provide for compensation by the State, independent of any criminal process. The compensation schemes are to: <ul style="list-style-type: none"> • provide timeliness of compensation to the victim/survivor • have simple application procedures • ensure no fee is charged for application to compensation • make available, where possible, legal aid and other forms of legal assistance. • Existing civil law and other non-criminal remedies are to be affordable and accessible: <ul style="list-style-type: none"> • the application or action for civil suits or other non-criminal applications are to be as simple and easy to use as possible • where possible, legal aid and other forms of legal assistance is made available. |
| <p>6.4 Reparations that cover consequences and harms suffered by victim/survivor</p> | <ul style="list-style-type: none"> • Ensure that the calculation of the victim/survivor’s damage and costs incurred as a result of the violence are as expansively defined as possible and aim to be transformative rather than simply returning them to the position they were in prior to the violence but also redressing inequalities that made them vulnerable to violence. • Consider: <ul style="list-style-type: none"> • assessing physical and psychological harm or damage, including to reputation or dignity, pain and suffering and emotional distress, loss of enjoyment of life • lost opportunities including employment, pension, education and social benefits, including loss of earning potential • assessing damages that take full account of the victim’s unremunerated domestic and caring activities • assessing damages that take full account of the situation of the girl victim, including costs of social and educational recovery/reintegration • expenses for legal, medical, psychological and social service • actual costs of seeking justice and other services as a result of or related to the violence experiences, including transportation. |
| <p>6.5 Enforcement of remedies</p> | <ul style="list-style-type: none"> • Ensure remedies decided upon are effectively enforced. • Adopt measures to monitor the effective enforcement of remedies. |
| <p>6.6 Redress when essential justice services are denied, undermined, unreasonably delayed, or lacking due to negligence</p> | <ul style="list-style-type: none"> • Provide for broad range of damages caused by the denial, undermining or unreasonable delay of justice: <ul style="list-style-type: none"> • damages for lost wages, livelihoods and other expenses caused by the denial or delay • damages for emotional, psychological harm and loss of enjoyment of life caused by the denial or delay • actual expenses in seeking such redress, including transportation. • Provide for damages for additional violence suffered by the victim/survivor as a result of the State’s denial or unreasonable delay. • The process for claiming redress against the State is to be simple, free and safe: <ul style="list-style-type: none"> • ensure a complaint will not hinder a victim/survivor’s access to justice services • complaints must be dealt with in a timely manner. |

ESSENTIAL SERVICE: 7. POST TRIAL PROCESSES

The justice system can play an important role in preventing future violence, both by sending a strong message to the community that violence against women will not be tolerated but also in its role in ensuring the accountability and rehabilitation of perpetrators and reducing recidivism. The international norms and standards urge States to develop and evaluate treatment and reintegration / rehabilitation programmes for perpetrators that prioritize the safety of the victims as well as to ensure that compliance is monitored. These standards also urge States to ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason.

| CORE ELEMENTS | GUIDELINES |
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| <p>7.1 Interventions that prevent re-offending focus on victim / survivor safety</p> | <ul style="list-style-type: none"> • When ordering rehabilitation treatment for perpetrators, ensure that the treatment programme reduces recidivism and promotes victim/survivor safety.⁷ • Ensure perpetrators are assessed for suitability prior to acceptance into a rehabilitation programme and that there is on-going risk assessment with the safety of victim/survivor the priority. This means: <ul style="list-style-type: none"> • consulting the victims/survivors at the time the assessment is done when the options for rehabilitation are being considered as well as for the on-going risk assessments • informing the victims/survivors of all post-trial decisions. • Ensure that rehabilitation is part of a conviction rather than an alternative to criminal record. • Ensure supervision of rehabilitation programmes. • Provide for appropriate consequences for perpetrators who do not satisfactorily complete their programmes. |
| <p>7.2 Prevention of and response to violence of women who are detained for any reason</p> | <ul style="list-style-type: none"> • Ensure services are in place to respond to and prevent violence against women who are detained for any reason. • Ensure services are in place for women in detention who experienced violence against women prior to detention. • Identify and prevent further victimization of female prisoners during visits by abusive intimate or former intimate partners. • Ensure preventive measures by correctional authorities: <ul style="list-style-type: none"> • periodic inspections of prisons are carried out by arms-length body which should include women members • personal searches of female inmates are carried out only by female staff • facilitate contact with outside world, family and/or children, if she chooses to do so • segregation of prison population based on sex and adult/juveniles. • Ensure special measures to protect women who are detained with their children. • Ensure accessible support and measures for redress for violence occurring during detention: <ul style="list-style-type: none"> • information about the victim/survivor's right to make a complaint and the steps and procedures to be taken • the complaint process is simple, safe and confidential • access to legal assistance • immediate and long term protection from any form of retaliation • access to psychological support or counseling • investigate all reports of violence by prisoners by competent and independent authorities, with full respect for the principle of confidentiality. |
| <p>7.3 Reduction of exposure to violence of female offenders in detention and post detention services</p> | <ul style="list-style-type: none"> • Ensure detention and post detention services are provided for female offenders to reduce their exposure to violence. • Rehabilitation and re-integration programmes to include skills programmes, vocational training and capacity building to ensure female offenders who have been victims of violence can avoid past abusive environments. • Ensure specifically tailored probation and other services providers are aware of dynamics of gender based violence. • Coordination and integration of services to support women who are released from detention. |

ESSENTIAL SERVICE: 8. SAFETY AND PROTECTION

Protection measures for women who have experienced intimate partner violence and sexual violence are critical to stopping the violence and preventing reoccurrence, escalation and threats of violence. Women have the right to live free of violence and free of the fear of violence. This means that protection measures need to be available independent of any initiation of a criminal, civil or family law case and be designed to empower women in their access to justice and enable them to stay safely engaged with the justice process.

| CORE ELEMENTS | GUIDELINES |
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| <p>8.1 Access to immediate, urgent and long term protection measures</p> | <ul style="list-style-type: none"> • Ensure immediate and urgent protection measures⁸ are accessible to all victims/survivors: <ul style="list-style-type: none"> • available free of charge • application procedures are simple and user friendly • justice service providers are obligated to assist in completing the application • courts are accessible after hours • ex parte orders are allowed, where necessary • there is fast track / rapid access to appropriate courts. • Ensure protection is specifically tailored to meet the needs of the victim/survivor, her family and other relevant persons: <ul style="list-style-type: none"> • justice service providers consider the broadest range of protection measures available to them. • Ensure that protection measures are not dependent on initiation of criminal, civil or family law proceedings. • Ensure evidentiary rules in protection hearings are not interpreted in a restrictive or discriminatory manner. • Ensure prompt service of protection orders. • Ensure any modification of protection measures prioritize the safety of the victim/survivor. |
| <p>8.2 Enforcement of protection measures</p> | <ul style="list-style-type: none"> • Ensure roles and responsibilities for enforcement of protection measures (such as protection and related court orders against and/or conditions for release/bail for perpetrators) are clearly defined: <ul style="list-style-type: none"> • protection measures are effective immediately • copies of protection measures are sent by courts to the police • copies of protection measures are shared with and are retained for easy access by frontline officers and dispatch staff. • Ensure appropriate monitoring of protection measures: <ul style="list-style-type: none"> • in situations where the suspect is detained, inform detention facility staff of protection measures and request them to closely monitor any external communications to prevent breaches (for example, telephone, email). • Ensure that any breach is responded to immediately and quickly: <ul style="list-style-type: none"> • the violator is arrested and brought before the courts • breaches of orders are taken seriously, charged criminally where possible, and appropriately sanctioned by the courts • victim/survivors are never held in breach of protection orders, as it is the perpetrator who is the subject of the order. • Hold justice service providers accountable for their action or inaction in enforcement of protection measures. |

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| 8.3 Risk assessment | <ul style="list-style-type: none"> • Ensure risk assessment is supported by timely gathering of intelligence: <ul style="list-style-type: none"> • gather intelligence from multiple sources • seek victim/survivor perspective on potential threat • develop and implement strategies to eliminate or reduce victim/survivor risk. • Ensure ongoing risk assessments identify changes in victim/survivor vulnerability and that appropriate measures are taken to ensure the victim remains safe. • Ensure risk assessments are shared with relevant justice service providers for use in decision making. • Ensure risk assessments include at a minimum, an assessment of: <ul style="list-style-type: none"> • lethality risk and risk of repeated violence • level or extent of harm to the victim/survivor, her family or other relevant persons • prior victimization • the threats to which she is exposed and the presence of or threat to use weapons • evidence of escalating violence or intimidation • the status of the relationship. |
| 8.4 Safety planning | <ul style="list-style-type: none"> • Ensure timely development, implementation and evaluation of appropriate safety plans: <ul style="list-style-type: none"> • safety plans are based on risk assessment. • Work with the victim/survivor to: <ul style="list-style-type: none"> • identify the options and resources available • plan how she will protect herself and her family and relevant others in a variety of settings and circumstances. • Safety plans are reviewed and updated on an on-going basis. |
| 8.5 Prioritization safety concerns in all decisions | <ul style="list-style-type: none"> • Maintaining the safety of the victim/survivor, her family and relevant others is the primary focus of all justice actions. • Ensure all necessary information, including the risk assessment, is in hand before making any decisions pertaining to the arrest, detention, terms of release, probation or parole, of the perpetrator. Relevant information includes: <ul style="list-style-type: none"> • whether there is a history of violence • victim/survivor's fear of future violence and the basis for that fear • victim/survivor's opinion on the likelihood that the abuser will obey the terms of release • any threats of and/or escalation of violence. • Any decision concerning the release of the suspect or offender must take into account the risk to the victim/survivor and consider her safety: <ul style="list-style-type: none"> • where there is sufficient risk of violence or concerns that the suspect will not obey imposed release conditions, detention pending trial should be considered. |
| 8.6 Coordinated protection measures | <ul style="list-style-type: none"> • Where other justice proceedings have been initiated, protection measures need to be coordinated between criminal, civil, family law and/or administrative proceedings: <ul style="list-style-type: none"> • consider creating a registration system for protection orders to ensure all justice service providers have quick access to the relevant information • ensure information can be exchanged legally and safely, protecting confidentiality of the victim/survivor |
| 8.7 Coordinated protection and support services | <ul style="list-style-type: none"> • Work with other service providers to develop and implement integrated protocols and effective referral networks to: <ul style="list-style-type: none"> • arrange and supervise emergency measures • institutionalize coordinated efforts • develop standards for referral services. • Ensure support measures such as child support or alimony are available to assist the victim/survivor to safely rebuild her life. |

ESSENTIAL SERVICE: 9. SUPPORT AND ASSISTANCE

A crucial element in guaranteeing access to justice for all women is the provision of support and assistance services during the justice process. The international norms and standards refer to the importance of legal assistance, practical, accurate and comprehensive information, victim and witness support services and the need for support from outside the justice sector (such as, health, shelters, social services, counselling).⁹ These services can empower women, allowing them to make their own informed decisions based on knowledge of their rights and justice options.

| CORE ELEMENTS | GUIDELINES |
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| <p>9.1 Practical, accurate, accessible and comprehensive information</p> | <ul style="list-style-type: none"> • Ensure a broad range of information, including, at a minimum: <ul style="list-style-type: none"> • a clear description of justice processes in various languages and formats to meet the needs of different groups of women • the roles and responsibilities of relevant justice sector actors • relevant information on rights and remedies, including restitution and compensation • information on how and where to access legal assistance and advice • information about the types of available support services and service providers and how to access them • available protection measures. • Ensure timely information about victim/survivor’s case is available to her. This includes: <ul style="list-style-type: none"> • her role and opportunities for participating in the proceedings • the scheduling, progress and ultimate disposition of the proceedings • any orders against the suspect/offender. • Ensure that signage at all justice sector offices meets the needs of various target groups. |
| <p>9.2 Legal services</p> | <p>In criminal justice matters,</p> <ul style="list-style-type: none"> • In jurisdictions where the victim/survivor does not have standing in criminal cases, legal services are provided by the prosecution office. • In jurisdictions where a victim/survivor has standing in criminal cases, legal services are affordable and for those without sufficient means or when the interests of justice so requires, legal services are provided at no cost (legal aid): <ul style="list-style-type: none"> • legal services can include legal information, legal advice, legal assistance and legal representation • administrative processes to obtain legal aid are free and simple • if the means test for legal aid is calculated on the basis of the household income of a family, and the alleged perpetrator is a family member or the victim/survivor does not have equal access to the family income, only the income of the victim/survivor applying for legal aid is used for the purpose of the means test. <p>In civil, family law and/or administrative matters,</p> <ul style="list-style-type: none"> • Ensure legal services are affordable. • Provide for a broad range of legal services: legal information, legal advice, legal assistance and legal representation. • Ensure that the administrative processes to obtain legal aid are free and simple. • If the means test for legal aid is calculated in the basis of the household income of a family, and the alleged abuser is a family member or the victim/survivor does not have equal access to the family income, only the income of the victim/survivor applying for legal aid is used for the purpose of the means test. <p>In situations where victims/survivors have been accused of, or charged with a criminal offence:</p> <ul style="list-style-type: none"> • Ensure the accused victim/survivor has access to legal aid from the initial point of contact with the criminal justice system. • Ensure the victims/survivors accused of violence and who are involved in civil /family law matters have access to legal aid. |

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| <p>9.3 Victim and witness support services</p> | <ul style="list-style-type: none"> • Ensure a broad range of support services are available to victims/survivors. Such services can include: <ul style="list-style-type: none"> • information and advice • emotional and psychological support • practical assistance (for example, transportation to and from court) • court preparation and support • protection from secondary victimization. • Ensure support services are accessible and available: <ul style="list-style-type: none"> • support service free of charge • support services are geographically available and where not geographically available there is a mechanism in place to enable victims/survivors' to access resources using alternative methods. • Ensure timely provision of support services throughout the justice continuum. • Ensure support services are tailored to individual victim/survivor's needs. • Ensure child friendly support services for both girl victims and for women victims who have children with them when accessing support services. • Ensure that support persons are professionals or are volunteers trained in the complexity of violence against women and justice systems. |
| <p>9.4 Referrals to health and social service providers</p> | <ul style="list-style-type: none"> • Work with other service providers to develop and implement integrated protocols and effective referral networks to: <ul style="list-style-type: none"> • link victim/survivors with needed health and social services (for example, shelters, medical and psychological care) • institutionalize coordinated efforts • develop standards for referral services. |

ESSENTIAL SERVICE: 10. COMMUNICATION

Communication is a key theme throughout the justice system. The victim / survivor needs to know that she is being listened to and that her changing justice needs are being understood and addressed. Information and the way it is communicated can empower the victim to make informed decisions regarding her engagement with the justice system. Information and communication management amongst the various justice service agencies and non-justice sectors, particularly prioritizing confidentiality and privacy, can contribute to the minimization of the risks victims face when seeking justice.

| CORE ELEMENTS | GUIDELINES |
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| <p>10.1 Simple and accessible information about justice services</p> | <ul style="list-style-type: none"> • Ensure adequate and timely information on available services is provided in a manner that considers the needs of various target groups. Information could include: <ul style="list-style-type: none"> • a clear description of justice processes • a clear description of the respective roles and responsibilities of relevant justice sector actors • available justice mechanism, procedures and remedies • information about the victim/ survivor's specific case. • Ensure information is delivered in a way that considers the needs of various target groups: <ul style="list-style-type: none"> • is available, as far as possible, in the language of the user • is available in multiple formats (for example, oral, written, electronically) • is user-friendly and in plain language. • Ensure that signage at all justice sector offices meets the needs of various target groups. |

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| <p>10.2 Communications promote the dignity and respect of victim/survivor</p> | <ul style="list-style-type: none"> • Ensure all communications between justice service providers and the victim/survivors and/or parents, guardian and legal representative: <ul style="list-style-type: none"> • are non-judgmental, empathetic and supportive • validate what has happened to the victim/survivor throughout the process. It is important that: <ul style="list-style-type: none"> - the victim/survivor feels that her report of violence is taken seriously - her complaint is regarded as credible and valid unless the contrary is clearly indicated - she is treated with respect, and as deserving of the best response possible • are respectful • do not contribute to secondary victimization • are age appropriate. • Ensure that a victim/survivor has a sense that her voice is being heard. This means she has an opportunity to: <ul style="list-style-type: none"> • express her story • be listened to and have her story accurately recorded • have a positive experience working with justice service provider • is able to tell how the violence has impacted her. • Ensure communicators use plain language that is patiently explained. • Ensure the victim/survivor's privacy is maintained. • Ensure the confidentiality of all information provided is maintained and restrict disclosure of information relating to the identity and involvement of the victim in the process. |
| <p>10.3 Ongoing communication with the victim/ survivor</p> | <ul style="list-style-type: none"> • Ensure regular communication is maintained with the victim/survivor throughout the justice process, keeping in mind that she may be at significant risk for continuing violence by the perpetrator: <ul style="list-style-type: none"> • victim/survivor risk defines the type and amount of communication required • voice or in-person contact is required when there is: <ul style="list-style-type: none"> - 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 is on bail or parole - a court date has been set or changed • confirm the victim/survivor has been able to access required support services. • Ensure that a justice service provider is assigned to follow-up with the victim/survivor and provides her with contact information for immediate response in the event of anticipated or actual violence or breach of protection order. • Ensure there is a mechanism in place to provide police reports to victim/survivors and/or their legal team to facilitate action in related legal matters. |
| <p>10.4 Regular and effective communication between justice agencies</p> | <ul style="list-style-type: none"> • Ensure effective information sharing amongst justice service providers: <ul style="list-style-type: none"> • information is shared within privacy and confidentiality requirements • disclosure of information is for the purpose for which it was obtained or compiled or for a use consistent with that purpose • informed consent for disclosure of information is sought from the victim/survivor and/or parents/guardians and legal representative, wherever possible. • Promote the effective flow of information: <ul style="list-style-type: none"> • develop protocols and referral mechanisms/pathways that promote timely and efficient flow of information amongst justice service providers. |
| <p>10.5 Communication by justice agencies with other agencies</p> | <ul style="list-style-type: none"> • Ensure that information is shared within privacy and confidentiality requirements. • Informed consent for disclosure is sought from the victim/survivor wherever possible. |

ESSENTIAL SERVICE: 11. COORDINATION AMONG JUSTICE AGENCIES

Given the different mandates of each justice agency and the various tasks of different justice service providers, a coordinated response is essential to ensuring that essential justice and policing services are delivered in a quality and effective manner and delivers the best outcome for victims/survivors. Coordination sets transparent standards and expectations from each justice agency and contributes to better communications and linkages between the different justice agencies and service providers. From the perspective of a victim / survivor, coordination of essential services means that she will be met with the same understanding of her rights and her situation and receive the same, high quality response from all justice service providers.

Justice service providers are valuable members of multi-disciplinary coordination mechanisms, which have discussed in Module 5 on Coordination and Governance.

| CORE ELEMENTS | GUIDELINES |
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| 11.1 Coordination amongst justice sector agencies | <ul style="list-style-type: none">• Ensure integrated and coordinated justice responses incorporate:<ul style="list-style-type: none">• broad stakeholder involvement• a consistent and shared understanding of violence against women• shared philosophical framework on violence against women response amongst multi-agencies involved• accountability of all agencies involved<ul style="list-style-type: none">- clear targets and performance indicators- on-going monitoring and assessment of impact• methods for sharing information, within the privacy and confidentiality legal requirements.• Ensure that the goal of coordination is to obtain the best outcomes for victims/survivors.• Ensure a consistent and coordinated approach to:<ul style="list-style-type: none">• case management• risk assessment• safety planning. |

CHAPTER 4:

TOOLS AND RESOURCES

- UNODC, *Strengthening Crime Prevention and Criminal Justice Response to Violence against Women*, available at www.unodc.org/documents/justice-and-prison-reform/Strengthening_Crime_Prevention_and_Criminal_Justice_Response_to_Violence_against_Women.pdf.
- UNODC, *Handbook and Training Curriculum on Effective Police Responses to Violence against Women*, available at www.unodc.org/documents/justice-and-prison-reform/hb_eff_police_responses.pdf.
- UNODC and UNICEF, *Handbook for Professionals and Policymakers on Justice in matters involving child victims and witnesses of crime*, available at www.unodc.org/documents/justice-and-prison-reform/hb_justice_in_matters_professionals.pdf.
- UNODC, *Handbook on effective prosecution responses to violence against women and girls*, available at https://www.unodc.org/documents/justice-and-prison-reform/14-02565_Ebook_new.pdf.
- UN Women, *Handbook for National Action Plans on Violence against Women*, available at www.un.org/womenwatch/daw/handbook-for-nap-on-vaw.pdf.
- UN Women, *Handbook for Legislation on Violence against Women*, available at www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf.
- UN Women, the various modules and information in the Virtual Knowledge Centre to End Violence against Women, available at www.endvawnow.org.
- Cusack, S. *Eliminating judicial stereotyping: Equal access to justice for women in gender-based violence cases*, available at www.ohchr.org/EN/ISSUES/Women/WRGS/Pages/Documentation.aspx.

(Guideline Endnotes)

- 1 The essential services relating to prevention build upon the model strategies on crime prevention agreed to by the UN General Assembly in the Updated Model Strategies and Practical Measures on the *Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 65/228, annex) as well as the United Nations Guidelines for the Prevention of Crime* Economic and Social Council resolution 2002/13, annex.
- 2 The essential services and guidelines that relate to girl victims build on the international standards and norms agreed to by the United Nations Economic and Social Council in the *Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime* (ECOSOC Resolution 2005/20).
- 3 “Secondary victimization” is victimization that occurs not as a direct result of a criminal act but through the inadequate response of institutions and individuals to the victim.
- 4 The World Health Organization has developed [guidelines for medico-legal care for victims of sexual violence](#) WHO (2004) *Guidelines for medico-legal care for victims of sexual violence*. (Geneva). Over-reliance on medico-legal evidence should be avoided as not all cases involving intimate partner violence and sexual violence produce conclusive findings. Such cases include delayed reporting; victim/survivor compromising evidence with washing, or the form of violence, such as psychological intimate partner violence may not produce forensic evidence.
- 5 The use of mediation or restorative justice practices to address issues of violence against women is complicated for many reasons but mainly because there is already an unequal power relationship between the victim/survivor and the perpetrator which is often further perpetuated and exploited in such processes. Whilst guidelines have been provided in relation to this process, its use should be carefully considered taking into account the dynamics of intimate partner violence, issues of power and safety concerns.
- 6 A predominant aggressor analysis means an analysis conducted to identify the party who is the most significant or principal aggressor. Domestic violence often involves a series of controlling and intimidating tactics used by the abuser to attain power and control over the victim and may or may not include physical violence. Victims of domestic violence may be aware of, and react to, subtle behaviour indicators of the abuser’s pending violence and therefore, react so that in some domestic violence situations, the predominant aggressor may not be the first party to use violence in a specific incident. The challenge in evaluating these precursors to violence is that they often do not rise to the level of physical violence.
- 7 The global consultation meeting discussed the characteristics to consider when designing rehabilitation / intervention programmes for the prevention of re-offending and prioritization of victim safety. The consensus was not to go into such detail in the essential services but to refer to the work done by UN Women in its Handbook on *National Action Plans and UNODC in its Blueprint for Action: An Implementation Plan for Criminal Justice Systems to Prevent and Respond to Violence against Women and Girls*. Such characteristics for these programmes include: adequate funding; trained staff to ensure timely monitoring and immediate enforcement; accredited with an organization that supports victim feedback as to whether the violence continues; committed to working within a gendered structural analysis of violence against women as opposed to a simplistic or individualized anger management paradigm; and commitment not to engage in any relationship or mediation.
- 8 Protection measures are described as being emergency, urgent or longer term. Emergency measures refer to those measures that can be obtained ex parte, without notice to the perpetrator, not requiring gathering of full evidence and decided on a balance of probabilities. Urgent measures are those that go to court without delay, such as through fast track procedures, but decisions are based on a full hearing of the evidence. Emergency measures are generally for shorter term protection measures whereas urgent protection measures are usually for longer period of time. Longer term protection measures usually require a full hearing allowing the perpetrator to be heard.
- 9 The *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (GA res 67/187, annex), the Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice and the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (GA res 40/34, annex)*. In addition to these international standards, the *United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime* are of particular importance when dealing with girl victims (ECOSOC res 2005/20).

