

## Training Modules

Training Module on Child Protection, *Britain (West Yorkshire)*

Training Module on Rape, *Britain (West Yorkshire)*

Training Module on Sexual Offence, *Britain (West Yorkshire)*

Police Training on Violence Against Women and Child Sexual Abuse, *Malta*

Training on Violence Against Women in Relationships, *Canada (British Columbia)*

Family Violence Training Pack, *New Zealand*

Training on Human Rights and Policing, Vulnerable Persons, *South Africa*

Women and Violence: Training Modules for Police Officers, *India*

11.1

# Training module on child protection

Country: Britain (West Yorkshire)

## Introduction

Child abuse can be an emotive issue and the cause of much public concern. Searching questions are often asked of those responsible for its investigation.

- Is the incidence of child abuse increasing, or are we simply more aware of its existence?
- Who identifies that child abuse is occurring and how can we be sure that their decision is reliable?
- Where should the emphasis lie:
  - on investigation
  - bringing the offender to justice
  - or on the long term welfare of the child?

The police service has responded to many of these concerns by increasing training and awareness of the issue. Specialist units have been formed to develop higher professional standards within the service and to work with other agencies in a joint approach to ensure the welfare of the child.

The term child abuse is used to describe the sexual or physical abuse or neglect of children. At this stage in your service it is unlikely that you will investigate an incident or allegation of child abuse on your own. It is, however, essential that you are alert to the problem and are able to recognise the signs and symptoms that may be shown by abused children. You should also know what action to take on discovering or receiving a report of child abuse.

Child abuse may be dealt with by specialists, but early detection of children at risk is a part of your role. During foundation training you will have considered the powers provided by the Children Act to take a child into police protection. In these notes we will examine the causes of child abuse and the role of the police service and other agencies who have the responsibility for the protection of children.

## Recognising the problem

Child abuse is a major social issue. There have been numerous tragic cases that have hit the headlines, but soon faded from the public's memory. Often the enquiries that follow the most notorious of these incidents reveal that there were warning signs that, if acted upon at the time, would have prevented unnecessary suffering.

As you patrol or respond to incidents, your role in recognising and reacting to potential abuse is as important as the role of Social Services, National Society for the Prevention of Cruelty to Children (NSPCC) and specialist units. It is not someone else's job – it's yours!

## The nature of child abuse

We will consider child abuse under the four broad categories of:

- neglect
- abandonment
- non-accidental injury, physical abuse
- sexual abuse.

It may appear that these headings represent an escalating scale of events, although they can all lead to varying degrees of physical or emotional harm to the child and result in serious injury or even death. You are more likely to deal with situations involving neglect, abandonment and physical injury although you must be alert to signs of any form of child abuse.

## Neglect

A definition of neglect is 'the persistent or severe neglect of a child (for example, by exposure to any kind of danger, including cold or starvation) which results in serious impairment of the child's health or development, including non-organic failure to thrive'. The essence of neglect is the failure of the person responsible for the care of the child to take the appropriate action to safeguard health, safety and physical well-being. 'Non-organic failure to thrive' is when a child fails to grow normally and there is no medical explanation for this failure.

## Abandonment

This can be seen as a progression from 'neglect', in that a child is left to its fate when the person responsible for the care of the child does not fulfil their duty to ensure his or her safety and security. This can vary from parents who leave a child unsupervised for a few hours while they go out to work, to 'home alone' cases where a child is left without proper arrangements for its welfare while the parents go away on holiday.

## Physical abuse: non-accidental injury

Physical abuse of children is commonly referred to as 'non-accidental injury' and, although it may be easier to detect than other forms of child abuse, it presents similar difficulties to the investigator. There may be some visible mark, or scar, which makes it obvious that a child has been injured. Unfortunately, what the mark does not generally prove is whether it was caused by an accident or an assault.

A definition of physical abuse used by the professional agencies working for the protection of children is:

**'Physical injury to a child, including deliberate poisoning, where there is definite knowledge, or a reasonable suspicion, that the injury was inflicted or knowingly not prevented'**

This definition does not constitute an offence, but is used to ensure the agencies have a common approach to the problem. You already have considered most of the offences relating to physical assault during your training. All of these offences are, of course, applicable where children are the victims in same way as are adults. The offences and the powers of arrest may be used where the circumstances make it necessary.

There is an offence provided by the **Children and Young Persons Act 1933** which is intended specifically for cases of cruelty or abuse of children.

The offence is committed by any person who is 16 years or over who has responsibility for a child under the age of 16 years and who wilfully assaults, ill-treats, neglects, abandons or exposes the child in a manner likely to cause unnecessary suffering or injury to health (including any mental derangement, as well as physical harm). This offence can also be committed by a person who causes or procures the abuse of a child in the same circumstances. The offence carries a maximum penalty of 10 years imprisonment and is therefore an arrestable offence.

## Sexual abuse

There has for many years been an awareness that sexual abuse of children occurs, although it has only recently become apparent how common these offences are. Organisations such as Childline and Childwatch have prompted increased media attention and have encouraged more people to come forward with their problems, but whether there has been an actual increase in child abuse is obviously difficult to say.

### Why do you think this is?

One reason you may have identified could be ignorance, in that the child may not appreciate that what is happening is wrong. Fear, shame or pressure from the abuser could be others. All these factors mean that child sexual abuse is particularly difficult to detect.

There are many ways in which a child can be sexually abused and the following offences may be considered according to the circumstances:

- rape
- indecent assault
- incest
- buggery
- indecency with children.

### What is your role?

There are measures that you can take to safeguard children and discourage possible offences. Patrolling in the vicinity of your local schools at times when children are arriving or leaving and spending time in parks and play areas where children congregate will build the confidence of children and parents alike and may dissuade the offender from seeking out the vulnerable.

As a beat officer you come into contact with children every day, you have access to where they play, their schools and the home. Your involvement with them may include supervising a school crossing patrol, dealing with them as offenders, missing from home or attending domestic disputes.

Do not underestimate the effect that the presence of an officer in uniform can have. Child abuse often comes to light as a result of a disclosure by the child to someone they trust. This may be a friend, relative, teacher or you!

Be observant and questioning.

'Why does that child always play alone?'

'Why is that child always getting into trouble?'

'Why is that child always running away from home?'

The sharp observer will pick up on these behavioural clues that a child may make. Be prepared to look beyond the obvious.

### Who are the victims?

It is very difficult to gain an accurate picture of who are most likely to be the victims of child abuse. A number of research studies have been carried out which indicate that no particular age groups are more likely to be victims of child abuse. Generally girls are more likely than boys to be victims of child abuse. Perhaps the most significant factor in the research is that abuse is far more common than has been accepted in the past.

There are factors which indicate that some children may be at greater risk. Significant risk factors include:

- children of parents who were themselves abused as children
- children in a family where another child has already been abused, or in which a known abuser remains in the same house.

### Who are the offenders?

While the abuse of children occurs commonly in the home, abuse from strangers accounts for a substantial proportion of known incidents. Offenders come from all sections of society and, although predominantly male, women also offend. It is important not to fall into the trap of stereotyping individuals or groups as the only people likely to commit such crimes. The image of the 'dirty old man' or 'dirty mac brigade' does not reflect an accurate picture of the child abuser.

The term 'paedophile' is used generally to describe people who sexually abuse children. A more specific definition is that paedophilia is essentially a state in which an individual is predisposed to use children for sexual gratification. There is a danger of using this term to classify one type of behaviour as research has revealed that there are many different behaviour patterns. These range from people suffering from a mental handicap or illness whose behaviour may be more readily compared to that of a child and who see children as non-threatening, to very sophisticated and calculating individuals who adopt a lifestyle and position in society that enables them to readily indulge in the abuse of children.

The important point to remember is that there is no easy way of recognising children at risk, victims or offenders. You must be alert to the possibility of child abuse in almost any situation.

### What action should you take?

So what do you do if you suspect that a child has been abused?

It is impossible to provide strict guidelines for action that should be taken if child abuse is suspected. In some circumstances it may be essential that immediate action is taken and you may have to use your power under the Children Act to take the child into police protection. In other cases, it may be more appropriate to pass your suspicions to the specialist department responsible for child safety so that circumstances can be investigated with the help of other agencies.

It is your duty to act in the most appropriate manner according to the situation but remember that the overriding consideration must always be that the **rights and welfare of the child are paramount**.

## The Children's Act 1989: A joint approach

This Act provides the framework for the care and protection of children. The provisions of the Act affect all organisations that have an interest in ensuring the well-being of children, including public bodies such as Social Services, Education, Health and Police, as well as voluntary organisations, particularly the **National Society for the Protection of Cruelty to Children (NSPCC)**.

The legislation establishes a number of concepts and principles, including:

- the welfare of the child is paramount
- parental responsibility is retained even though it may be necessary to establish a court order to ensure the welfare of the child
- all agencies should work together to ensure the best interests of the child are served.

It is the responsibility of every local authority to establish an **Area Child Protection Committee**. This committee consists of representatives of social services departments, the police service, medical practitioners, community health workers, the education service and others who share the common aim to protect a child who is at risk. One of the main roles of this committee is to ensure that all child protection cases are the subject of appropriate and coordinated action by all the agencies involved.

**Child protection conferences** bringing together the family and representatives of the agencies concerned in the care of the child, are held to discuss individual cases. The conferences do not decide whether a child has been abused (that is for a court to decide), but are intended as a forum to exchange information and plan for the future.

A Child Protection Register is kept in each area covered by a social services department and lists the children in the area who are suffering, or likely to suffer, from significant harm. This is not a list of all children who have been abused, but those who are currently receiving the attention of the local agencies. The professional staff who are involved in child protection have access to the register.

## Child abduction

The failure of a relationship can result in children becoming victims of a dispute between parents. This can lead to civil action to establish who should have custody and other rights over the child. There are occasions when these rights cannot be established to the satisfaction of all the people involved and these may lead to disputes or 'tug of love' situations where parents take the law into their own hands. This behaviour can be distressing and disruptive for the child and where abduction takes the child out of the United Kingdom it can be difficult or even impossible to reunite the child and the parent or guardian who has custody rights.

In all cases it is essential to give the worried parent and family as much support and help as possible, but in cases where it is suspected that the child may be removed from the United Kingdom it is essential to act quickly.

The **Child Abduction Act 1984** provides two offences that deal with the situation.

The first offence is for the situation where a 'person connected' with a child under the age of sixteen takes or sends the child out of the United Kingdom without the 'appropriate consent'. A 'person connected' with a child is generally a parent, guardian or person with custody of the child and the 'appropriate consent' is that of the other parent, the guardian, person with custody of the child or of a court.

The second offence is where any person, without lawful authority or reasonable excuse, takes or detains a child under the age of 16, either:

- to remove the child from the lawful control of any person having lawful control of the child, or
- to keep the child out of the lawful control of any person entitled to have lawful control.

Both are arrestable offences so you have wide powers to deal with the situation. If the offence has been committed, and you suspect that the child is imminently being taken out of the country, it is possible to use the PNC (police national computer) to broadcast the information to all ports in an attempt to detain the offender. You should contact your supervisor without delay in order to ensure the appropriate action is taken.

There are circumstances when one of the offences above may not have been committed, but there is concern that a child may be abducted and taken out of the country. You may be approached by a

parent or solicitor for assistance. Your force will have procedure whereby the PNC can again be used to broadcast information and intercept a possible abduction. You should pass information to your supervisor without delay.

## Follow-up activity

Identify your local procedures for notifying the appropriate specialist department of a child at risk.

## Further reading

1. Johnson, P. *Child Abuse: Understanding the Problem*, The Crowood Press.
2. Mayers, G M et al. *Child Sexual Abuse: A Review of Literature and Educational Materials*, Scottish Academic Press.
3. Home Office. *Working Together Under the Children Act 1989*, HMSO.

## Training module on rape

Country: Britain (West Yorkshire)

### Introduction

In terms of age, race, occupation and marital status, ANY person can be raped. The appearance of an individual is usually irrelevant; elderly persons, young children and pregnant women can be raped.

The actual offence of rape is a very violent one. Even if no physical injury is inflicted there are many physical and psychological aspects to be considered.

### The offence of rape

A man commits rape if he:

- has unlawful sexual intercourse with a person (whether vaginal or anal) who at the time of the intercourse does not consent to the intercourse **and**
- at the time he knows the person does not consent to the intercourse **or**
- is reckless as to whether that person consents to it.

### Consent

Consent is an absolute defence to rape, but it must be a true consent otherwise the offence will normally be committed.

Consent would not be given if:

- force was used on the victim
- the victim was in fear of immediate bodily harm
- the victim was put under duress, eg, his/her life, or that of a child present, was threatened
- it was obtained by fraud
- the victim was insensible through intoxicants or drugs. If his/her understanding and knowledge of what was happening was such that a rational decision to consent to, or resist, intercourse could not be made, then he/she could not give consent.

A girl under 16 years of age or a boy under 18 years of age cannot in law consent to sexual intercourse, but it is not rape if he/she willingly participates. To understand what offence has been committed in this case, see the chapter on Sexual Offences.

The term 'unlawful' has the common law meaning of 'outside the bonds of marriage'. However there have been some cases in the 1990s in this country of husbands being convicted of raping their wives. Therefore, the word 'unlawful' is no longer of significance in rape.

The nature of the act of rape is difficult to prove and, although in law corroboration is not necessary, in practice corroborative evidence is required in all sexual offences (11.3 below).

This may be provided by medical evidence, forensic evidence, the evidence of a witness or by an admission by the accused.

To prove a charge of rape, sexual intercourse must have occurred. This is defined as penetration of the vagina or anus by the penis. the penetration need only be to the 'slightest degree'. Ejaculation is not necessary to prove the offence.

## Penalty

The maximum penalty for rape or attempted rape is life imprisonment. It is a serious arrestable offence.

Until 1994 'rape' could only be committed by a man upon a woman, but now 'male rape' (ie, penetration of the anus by a man upon another man) is recognised in law. The possibility of a woman raping a man is not recognised in law in Britain. Anal intercourse between a consenting man and woman is now legal.

For the points to prove and police powers, see the Sexual Offences chapter (11.3).

## Myths and realities of rape

- Why is rape different from any other crime?
- How do others view rape?
- Why do certain victims react differently from others?

Here are some typical myths about rape.

*Myth* Rape is usually committed by a stranger.

*Reality* Most victims know their assailant. A study of rapes recorded by the police in six countries found that 60 per cent of the victims could name their assailant as a friend, neighbour, work colleague, relative etc. Two-thirds of those cases involved relationships that could be described as 'close' and for the remainder, the parties were briefly or superficially acquainted.

This is based upon rapes reported to the police, but acquaintance rapes are less likely to be reported and therefore it is likely that the proportion could be even higher. Why are acquaintance rapes less likely to be reported to the police?

Some reasons could be that the victims suspect that they will not be believed, or that giving evidence in court may be more harrowing if the defendant is known to them.

*Myth* Rape is impossible without the use of severe physical force.

*Reality* Although most rapes involve the use of physical force to some degree, many people respond to threats of violence, whether explicit or implicit, by freezing and becoming unable to defend themselves. This does not make them willing partners. The view that it is impossible to have sex with another person who does not want to is totally inaccurate when fear is introduced into the situation. Fear of being hurt or killed reduces most people to a state of complete helplessness and takes away their ability to think or act rationally.

*Myth* If an individual really has been raped, the first thing she/he will do is tell somebody about it.

*Reality* Various studies have shown that rape is a very under-reported offence. Estimates suggest that only a small proportion of people who have been raped report it to the police.

There are many reasons why a person may choose not to tell anyone, least of all the authorities, that she/he has been raped. Some are too upset to consider it; others feel too embarrassed about discussing intimate details; some feel it will be easier to forget if they don't tell; some may have been threatened. There is also the fear of going to the police and not being believed, particularly when they have been raped by someone they know or have not been physically injured. Some heterosexual men who have been raped may feel that if

they report it to the police, they will be thought of as homosexuals. Considering the current stigmatisation of homosexuality in our society, this is a concern to many men.

Likewise, some homosexual men who have been raped may be unwilling to report the offence because they believe homophobic attitudes will be displayed towards them by the police. Research into this crime is limited due to the fact that some men may feel embarrassed about having been raped and believe that to disclose an offence of this nature may lead others to question their sexual orientation. Although the research into rape trauma syndrome (described below) was conducted with female victims of rape, it is professional practice to treat the male victim with the same care, respect and understanding.

*Myth* Rape is primarily motivated by sexual needs.

*Reality* Existing research, with both victims and convicted offenders, strongly suggests that aggression and power, rather than sexual needs, are the motives for rape. This does not mean that sexuality plays no part in offences of this kind. The fact that the offender chooses sex rather than any other form of violence to express his feelings is clearly of some relevance.

*Myth* Victims enjoy rape.

*Reality* Rape is a crime of sexual violence and humiliation. Most rapes involve some degree of physical force.

Rape is often experienced as a life-threatening event. Men can use the threat to kill to ensure the other's submission and silence. It is a brutal, terrifying act. How can it be compared with sex within a consenting, loving relationship?

## Rape Trauma Syndrome

### What is Rape Trauma Syndrome?

In the 1970s research was conducted into the feelings and reactions of 92 adult female victims of rape. The findings became known as Rape Trauma Syndrome.

### Why will this help me?

It is possible that you will be the first police officer to arrive at the scene of a rape or serious sexual assault.

An understanding of Rape Trauma Syndrome may be of benefit to victims in ensuring that they are dealt with in a way which will not increase trauma and which may assist recovery, help to gain victims' confidence in police and encourage a willingness to participate as witnesses during investigations and subsequent court cases.

## Victims' reactions to assault

The immediate responses to sudden and unexpected violence are normally shock and disbelief. The vast majority of victims then experience fright which can border on panic. This response is especially true when victims feel that their lives have been in imminent danger. In some crimes, particularly where there is prolonged contact with the criminal, the feeling of impending peril is often deliberately encouraged by the criminal. The reaction may be that all victims can think about is relief at having survived the assault.

Many police officers expect the average person to resist physically. However, a major study revealed that only a quarter of rape victims struggle with their attackers. When victims realise they cannot escape even those who do initially struggle cease to do so. This response can confuse everyone, even victims. This reaction is based on profound primal terror resulting in a frozen fright response. Victims submit in order to avoid being killed but this can be wrongly interpreted as consent.

## The phases of Rape Trauma Syndrome

The reactions and recovery pattern of the victim can be broken down into phases. Each phase consists of physical, psychological and behavioural symptoms.

### Crisis Symptoms

The immediate response of victims after assaults are shock and disbelief- 'This can't have happened to me', or 'Rape only happens to other people!'

The victim goes through three phases:

- the acute phase
- the adjustment phase
- the integration/resolution phase.

Victims may be experiencing the acute phase at the time of a report to the police. For this reason this phase will be described, but not the others. Further training will be available at a later stage concerning the other two phases.

### The acute phase

Victims may exhibit two responses in order to cope with their emotions:

*Expressive* (visibly upset) where victims show their feelings quite openly. They will reveal these feelings by crying or by tearful sobbing. Their fear, anger and anxiety can be seen in their becoming visibly tense or restless. They may be subject to inappropriate laughter or smiling.

*Controlled* (hidden emotion) where victims may move from one coping strategy to the other. This phase may last for a few days after the assault or for several weeks.

Reaction during this phase are wide-ranging.

### Physical symptoms

Victims may have soreness in the area of the body which was the focus of the assault, such as arms, throat or chest.

Victims forced to have vaginal sex may complain of vaginal discharge, itching, a burning sensation during urination or generalised pain.

Victims subjected to anal sex may suffer from rectal pain and bleeding.

Victims forced to have oral sex may describe irritation to the mouth and throat.

Some victims will ache all over. This is a typical shock reaction.

Many may suffer from general gastric disorders, often resulting in a decrease in appetite. They may complain of stomach pains or that food consumed does not taste right. Some may experience a feeling of nausea when thinking about the assault.

### **Psychological symptoms**

The most prevalent symptoms suffered by victims are those of helplessness, powerlessness and disbelief.

They may feel humiliated and that their bodies have been violated. They cannot believe that this has happened to them. The refusal to accept what has happened and the overriding fear that no-one will believe them may culminate in denial.

They can become very irritable and depressed or even anxious that they may be pregnant or have contracted a sexual disease. Fear of retaliation from their attacker or member of the attacker's family may become a concern. This may be particularly so if the offender made threats of violence upon the victim, or upon the victim's family, in the event of the incident being reported to the police.

### **The needs of victims**

As a result of this range of feelings, victims will have special needs at this time. A significant fear is that no-one will believe them. This is often one of the reasons which causes victims to delay the reporting of assaults and it is therefore important to make them feel they are believed. This will encourage them and help them to feel that they are believed, being heard and understood.

At the time of the assault they may have been, or may have felt, that they were powerless and may consequently be feeling extremely vulnerable with very low self-esteem. They will need reassurance that they handled the attack in the best possible way and that they are now safe because the rape may have taken away any feeling of control over events.

By offering victims choices at this stage, for example information about available medical care, counselling, professional agencies or police procedures involved, you can help to make them feel they are regaining control over what happens to them. But remember that all of the information may not be used or even absorbed at the time. It should, therefore, be made available again when victims are more able to make decisions.

### **A report of rape**

Most forces have specialist departments which are called out to deal with such reports. It is unlikely, although not impossible, that you will be the first person to speak to a victim of rape. You must ensure that your supervisor is aware of the nature of the incident to which you have been called.

You may, or may not, be able to question the victim. You should recognise when it may be better to leave questioning to the specialists who will arrive soon.

Remember a traumatic incident has taken place and deal with the victim and, where necessary, any family with tact, consideration and understanding.

It may often be the case that the victim has been threatened with serious injury or even murder and may have an overwhelming fear of insecurity. It is vital to give reassurance about safety.

### **Practical guidance**

Many victims of rape are anxious to wash themselves and change their clothes. This should be avoided in order to preserve forensic evidence which may be the only corroborative evidence available.

Make a note in your pocketbook of the victim's manner and appearance.

The timing of the complaint can also be useful. This is considered to be evidence of 'early complaint'. Although it is not corroboration, it is regarded as evidence of the consistency of the victim's allegations. The whole issue of 'early complaint' is one where the law perpetuates the myth that all victims will report the offence (see the section on myths and reality).

If you have dealt with the victim in any way, for example, visited them at home or transported to or from any location:

- do not return to the scene of the offence **and**
- do not become involved with the offender.

This is because of a fundamental principle of forensic science, the Exchange Principle: 'Whenever two objects meet, there is an exchange of material from each to the other'. Therefore allowing an officer who has been in contact either with the victim or suspect could lead to a contamination of evidence. This could also happen if the suspect and victim are transported in the same vehicle.

Bear in mind that a victim has been physically assaulted without consent. In order to show sensitivity and to aid recovery, it is important not to initiate physical contact yourself. If the victim lays her/his head on your shoulder, or grasps you by the arm, you may respond appropriately but avoid offering more comfort than is called for. This may be difficult for you to resist, as it can be a natural feeling to want to hug someone who is visibly upset.

## Follow-up activities

Find out how many rapes and sexual offences have been reported in your division in the last year.

Speak to some of the investigating officers and ask them about the problems they encounter when dealing with incidents.

11.3

## Training module on sexual offences

Country: Britain (West Yorkshire)

### Introduction

Dealing with sexual offences is not an easy task, either for you or, more importantly, for the victim. Why is this?

We live in a society where certain types of sexuality appear to be flaunted on a daily basis. Hard porn sex magazines and videos are freely available to adults. Sexually explicit plays and films are a common feature on television and in the cinema. Popular newspapers also play their part in highlighting our awareness by frequently sensationalising sex and crime with newspaper-selling headlines.

So, are we affected by all this? Are we objective and rational in our thinking and feelings towards victims of sexual assaults? It is easy to feel a sense of disgust and outrage when reading of how a young child or respectable 'girl-next-door' victim was brutally raped or assaulted. But how clear-cut are we in our feelings when hearing of other cases?

Consider these statements:

*'Men can't be expected to resist a provocatively dressed woman.'*

*'What does she expect when she goes drinking with the lads?'*

*'Most women say no when they mean yes. They shouldn't lead men on.'*

Can you identify with any of these statements?

In these notes we will look at these issues and ways in which we may better deal with victims. We will also look at the practical problems you may face and at the law in relation to sexual offences.

### Dealing with the victim

It is important that we are able to come to terms with our own inhibitions and feelings before we can empathise with the emotions of a victim of a sexual attack. So what can we do to make the trauma of disclosing intimate details easier?

Imagine things you have done, or things that have happened to you, that you would rather others did not know about. How would you feel if you had to disclose the details to someone you didn't even know?

Some people may feel afraid of being ridiculed or of the intimate details being disclosed to everybody, or even of not being believed. Telling in detail what has happened to them is what we, as police officers, sometimes require of a victim.

What behaviour from a police officer would you find most disturbing? Remember, not all victims will react in the same way. Some will react with feelings of shame, anger, embarrassment. Others will not show it. Your notes dealing with rape describe the emotional effects upon a victim who has been sexually attacked.

## Your role

The nature of dealing with sexual offences places a high demand upon your sensitivity, your ability to empathise with the victims and your ability to investigate the offence.

It is not easy. Be prepared to seek the assistance of your supervisors or a member of your Specialist Unit.

Bear in mind how the victim may feel after your investigations are complete. How will your victim cope afterwards, what advice can you offer? You should be aware of what other agencies exist to offer this help and support and where their point of contact is.

Bear in mind, also, that the victim's family may be deeply affected by what has happened to a member of their family. These people may need specialist help in expressing their feelings and may feel guilty or resentful if the victim appears to be the focus of police attention.

Do you know where your local Victim Support Agency is based?

Could Criminal Injuries Compensation be of help to the victim?

## Indecent assault: Sexual Offences Act 1956

**Section 14:** It is an offence for a person to make an indecent assault on a woman.

**Section 15:** It is an offence for a person to make an indecent assault on a man.

On summary conviction, the maximum penalty is 6 months' imprisonment.

On conviction to indictment, the maximum penalty is 10 years' imprisonment.

On your foundation course you covered the subject of assaults. Before we look at the offence of indecent assault, it is worth looking at the subject of assaults again. You may remember that:

An assault includes the intentional - or reckless- application of force to the person of another without their consent, or has the threat of such force by any act or gesture if the person threatening has, or causes the person threatened to believe that they have, present ability to effect their purpose.

An assault is battery if the force is actually applied.

The reckless element of the offence is best explained as follows:

'A person who recklessly applies physical force to the person of another' was deemed guilty of assault in (R v VENNA 1975).

### Indecency

The assault element of the offence is now covered, so let's look at the indecent aspect of the offence.

If an assault occurs accompanied by circumstances of indecency, then the offence is complete.

The element of indecency is objective, ie if an average person thinks that the circumstance are indecent, then the indecent aspect is complete.

Examples:

*A man walks up to a woman in the street and squeezes her breasts. She thinks he is rather childish in this behaviour, but says nothing and does not report it to the police.*

In this case, an assault has taken place, ie the squeezing of her body, accompanied by an indecent aspect, ie the fact that her breasts were squeezed would be considered indecent by an average person. Therefore, the offence of indecent assault is complete.

*A woman walks past a man in a queue at a bank counter and deliberately rubs her bottom against his thighs. The man is embarrassed and shocked and moves away from the queue in order to get away from her.*

In this case, bodily contact has taken place and there are accompanying indecent circumstances, ie the buttocks being pressed against the man's body. The offence of indecent assault is complete.

*A man gets sexual gratification from women's shoes which have been recently worn. In order to satisfy himself, he accosts a woman in the street, pushes her over and steals her shoes. The woman is terrified and upset.*

There has been an assault, in that the man touched the woman's legs and feet in pushing her over and taking her shoes. But an ordinary person would not say that the circumstances were indecent and so the offence of indecent assault is not complete. The circumstances of this case are of a stated case R v COURT 1989.

*A woman is sitting in a park reading a book. Another woman walks up to her and kisses her on the mouth against her will, saying 'let's go to bed together and make love.' The woman is shocked and does not want to do this.*

All the elements of the offence are complete here and it shows that a person of either gender can indecently assault a person of either gender.

### Consent

Consent cannot be a defence to indecent assault under the following circumstances:

- The person assaulted is under 16 years of age.
- The person assaulted is known to the assailant to be mentally defective.
- The assault consented to was intended or likely to cause bodily harm.
- The consent was obtained by fraud.

Examples:

*David, 17, asks Jane, 15, if he can fondle her breasts. She agrees and the fondling takes place.*

This is an indecent assault because Jane cannot lawfully consent, being under 16. Had David genuinely and reasonably believed Jane was over 16, it would have been no offence.

*Stephen knows his neighbour, Julia, to be mentally defective. He asks her if he can feel inside her vagina with his fingers. Julia agrees.*

This is indecent assault. As Julia is a mental defective, she cannot in law give consent. The prosecution would have to prove that Stephen knew or had reason to suspect that Julia was a defective.

*Harry and Susan, both 30, are married. Harry asks Susan to tie him up and beat him on the buttocks with a leather belt for their mutual sexual gratification. Susan agrees and they do this, both enjoying the experience. As a result, Harry has bruises round both his wrists and swollen, red welts on his buttocks.*

This is an indecent assault, as bodily harm was caused to Harry.

*Gillian, 17, goes to the doctor as she has a bad cough. Her doctor informs her that there is a new procedure in force which cures coughs. This involves Gillian sucking the doctor's penis. Gillian agrees to do this.*

This is an indecent assault, as the consent has been obtained by fraud.

### **Indecency with children**

Now consider these examples.

1. *A man is taking indecent photographs of a 13 year old boy. He touches the boy's arms and legs to position him for the photograph. Has an indecent assault taken place?*
2. *A man is masturbating in front of some young children. He is aware the children are present and is deriving gratification from them watching him. Has he indecently assaulted them?*
3. *A man invites a child of 8 to touch his erect penis. The child does so and is unafraid. Is this an indecent assault?*
4. *A man encourages two young children to touch each other indecently. He touches neither child, nor does he use force to threaten them. Is this an indecent assault?*

In example 1 a court decided that the touching of the boy was to position him, so the touching did not amount to indecent assault. In other words, the touching was not in itself of a sexual nature.

In example 2 the man has simply exposed himself, there is no touching, no assault or attempt to do so and therefore, there can be no indecent assault.

No offence of indecent assault has occurred in example 3.

The answer in example 4 is that no offence of indecent assault has been committed by the man.

For an assault to be an indecent assault, there must first of all be an assault or hostile act. This can either be by touching or by moving towards and approaching the victim. Mere invitations to touch are not enough.

It was to close these obvious gaps in the law and clear up uncertainty that the Indecency with Children Act 1960 was passed.

Section 1 of that Act states that it is an offence for any person: 'To commit an act of gross indecency with or towards a child under the age of 14, or to incite a child under that age to such an act with them or another.'

Acts of 'gross indecency' can include masturbating in front of children, exposure of private parts to children and the gentle caressing of children in an indecent manner, even if the child does not feel upset or frightened by it.

Now applying this definition, has an offence of indecency with children been committed in examples 1 to 4?

**Police powers**

Indecency with children is not an arrestable offence. However, the general power of arrest under Section 25 Police and Criminal Evidence Act 1984 applies and it may be that one or other of the following conditions are met in such cases:

- protection of the child from the suspect
- preventing the suspect from committing an offence against public decency
- preventing the suspect from causing physical harm to some other person
- preventing the suspect suffering physical harm.

If none of these or the other general arrest conditions apply, then you should report for summons.

**Unlawful sexual intercourse**

Think back to your notes on Indecent Assault. Who cannot give consent to such an assault?

A person aged under 16 cannot give any true consent to an indecent assault. In the same way, a girl under the age of 16 cannot give any true consent to sexual intercourse. There are two offences in respect of this:

Section 6, Sexual Offences Act 1956: 'It is an offence (subject to a defence that is explained below) for a man to have unlawful sexual intercourse with a girl under the age of 16'.

**Police powers**

Unlawful Sexual Intercourse (USI) with a girl over 13 years, but under 16, is not an arrestable offence.

There is a power of arrest available however, as, where an offence of USI is committed there will also be an offence under Section 14 of the Sexual Offences Act 1956 (Indecent Assault) which is an arrestable offence.

Section 5, Sexual Offences Act 1956: It is an offence for a man to have unlawful sexual intercourse with a girl under the age of 13.

**Police powers**

This offence is punishable by up to life imprisonment. It is a Serious Arrestable Offence.

**Explanatory note**

The offence of USI covers situations where the girl has, in fact, given personal consent, but the law seeks to protect such under age girls by ruling that they can give no true consent. If the girl gave no consent to intercourse, the offence of rape has been committed.

Let's first look at what some of the phrases within the definition mean.

**Unlawful sexual intercourse**

This phrase is used in several places in the Sexual Offences Act 1956. It means any intercourse outside marriage. However, such intercourse does not become an offence unless there are other factors involved, such as an underage girl, or a lack of consent.

To prove the 'intercourse' it is necessary to show that there was penetration, no matter how slight, of the vagina by the penis. In practice, evidence would be obtained by interviewing the victim and

from a medical examination. You should refer to the separate notes on rape for a fuller account of the forensic evidence that is required.

Offences of unlawful sexual intercourse under Section 6 are quite common, usually coming to light as a result of worried parents suddenly discovering that their daughter is pregnant, or after interviewing girls who have been missing from home. This can be very distressing for both the parent and child, not only in relation to the offence itself, but also in having to disclose the details in front of their parents. What can you do to ease this distress?

### **Statutory defences:**

There is no statutory defences under Section 6 where:

1. The couple are 'married', but the marriage is invalid because the girl is under 16 years, the man will not be guilty of an offence if:

he believed the girl to be his wife, AND

he had reasonable grounds for the belief, eg, where a girl, who appeared to be over 16, gave false details to her 'husband' and officials, who then believed her to be over 16.

2. A man will not be guilty of committing this offence with a girl under 16 years if:

he is under 24 years, AND

he has not been charged before a court with a like offence before, AND

he believed the girl to be 16 years or over, AND

he had reasonable grounds for the belief, eg, when a man of 18 years who believed that a girl of 15 years, who appeared older, was over 16, had intercourse with the girl, he could use this defence had he not in the past been charged in a court with a 'like' offence. A 'like' offence is one of unlawful sexual intercourse or attempted unlawful sexual intercourse under Section 6 or Section 5.

## **Incest**

The law of incest prohibits sexual relations between blood relatives.

### **Incest by a man**

Section 10: It is an offence for a man to have sexual intercourse with a woman whom he knows to be his granddaughter, daughter, sister (includes half-sister) or mother.

### **Incest by a woman**

Section 11: It is an offence for a woman of the age of 16 or over to permit a man whom she knows to be her grandfather, father, brother (includes half-brother) or son to have sexual intercourse with her by consent.

### **Incest is an arrestable offence**

The offence is still complete regardless of whether the relatives are born inside or outside marriage. This crime remains fairly common and is openly talked about in the press. Children's charities and telephone helplines have encouraged an open, approachable attitude towards discussing this offence. If you attend the scene of such an offence, it is unlikely you will be left alone without supervision for any length of time. Always seek advice if you receive a report of this offence.

## Gross indecency

Section 13 of the Sexual Offences Act 1956: It is an offence for any male person to be any way concerned with an act of gross indecency between males.

### Explanatory notes

'Gross Indecency' is not defined, but is suggested that it includes masturbation between men, physical connection involving the sexual organ or oral intercourse, but not buggery as that is a separate offence. Physical contact is not necessary as the act may be 'against' or 'directed' towards the other male.

### Police powers

If a man over 21 commits an act of gross indecency with a man or boy under 21 it is an arrestable offence. If an offence is committed in any other circumstance your general conditional powers of arrest may be used.

As a patrol officer, you may encounter this type of behaviour on your beat and you will need to know how to deal with it. If you receive information which suggests that further investigation and observations to gather evidence are necessary, you should seek advice from your supervisor.

## Buggery

Section 12 Sexual Offences Act 1956: It is an offence for a person to commit buggery with another person or with an animal.

**Buggery** is a term which incorporates sodomy and bestiality.

**Sodomy** is sexual intercourse per annum with any man or woman. Buggery with a man or woman is not an offence if it takes place in private and both parties have attained the age of 18 years (See also Lawful Homosexual Acts).

**Bestiality** is sexual intercourse per annum or vagina by a man or woman with an animal.

## Lawful homosexual acts

Under certain circumstances it is lawful for men to engage in homosexual acts. The circumstances are defined by Sexual Offences Act 1967, Section 1, and are that:

- the act takes place in private
- only two persons are present
- both parties are over 18 years
- both parties consent to the act.

The word 'private' is not defined; however, a locked cubicle in a public lavatory is not private.

## Fair treatment

It is vital to appreciate everyone's rights. Lesbians and gay men are assaulted, terrorised and abused by homophobic people seeking to express their prejudice through violence and abuse. Many of the victims of such crimes are reluctant to report these offences to the police. Treating somebody less favourably due to their sexual orientation is just as unprofessional as treating somebody less favourably due to their ethnicity or gender.

The Home Affairs Select Committee Report on Police Complaints Procedures of 26 February 1992, stresses the need for sensitive and fair treatment of lesbians and gay men.

'It is quite possible that homosexuals are reluctant to complain of unfair treatment they receive from the police because they are not confident that their complaints will be taken seriously. There is a clear need for an improvement in communication and mutual understanding between the police and the homosexual community.

We recommend that all police forces, as well as the Police Complaints Authority itself, make special efforts to gain the support and trust of the gay community'.

Most forces now include sexual orientation in their equal opportunities policies.

There are obvious links between equal opportunities within the service and public confidence in the police.

## **Summary**

Discussing sexual matters with others requires sensitive handling. When dealing with victims we must show this sensitivity and awareness for their feelings.

Consideration should also be shown to offenders. This is necessary to show an understanding of their situation and respect for their feelings. As a professional police officer it is vital not to show embarrassment or awkwardness towards them.

At this stage of your service it is unlikely you will be left alone to deal with an allegation of this nature and will almost certainly have a more experienced officer to guide you.

## **Follow-up activity**

Contact a local lesbian and gay support group in your area and find out what kind of contact they have with the local police.

11.4

## Police training on violence against women and child sexual abuse

Country: Malta

### Training of police officers

Police officers in Malta get basic and theoretical training on violence against women during their recruitment and in-service refresher courses. The training is conducted during one session, by members of the Domestic Violence Unit, a government funded agency, which falls under the responsibilities of the Minister for Social Welfare.

The curriculum of the ongoing police in-service training consists of the following:

- an introduction on the Domestic Violence Unit and on social work
- definition of domestic violence
- the importance of helping victims of domestic violence
- dispelling myths on domestic violence
- reasons why abused women stay in their relationship
- effects of abuse, especially on children
- best ways of handling domestic violence.

In July 1997, two senior officers from the London Metropolitan Police conducted a week-long training programme, with the aim of creating greater awareness of domestic violence among police officers, and to help them identify ways to support victims.

The police officers attending the training programme included junior police inspectors and members of the Victim Support Unit, within the Police Vice Squad.

The training programme was carried out on the initiative of the Unit on Domestic Violence in conjunction with the Malta Police Academy. While in Malta, the two Metropolitan Police officers addressed another seminar, for social workers and other professionals working on the elimination of domestic violence.

### Guidelines for police

During the Seminar organised for police officers, the conclusion was reached that the Police needed clear guidelines for effective intervention in situations of domestic violence. Thus, the officers present proposed the following guidelines for police.

#### Person who reports by phone that she is being abused:

1. Caller's particulars must be noted such as name, address, date of birth, identity card number.
2. Any observations should be recorded, eg, background noise.
3. Explore whether caller can speak freely. Direct questions should be asked, 'Is aggressor next to you?', 'Can you speak freely?'
4. Ask caller what is going on?
5. Ask closed questions: are you safe? Yes No

6. Empathise, support and show understanding to caller.
7. Ask if person requires medical assistance, ambulance.
8. Assess danger of situation.
9. Safety advice, for example, if caller is in the kitchen ask her to move to another room where there aren't any knives or other things that can easily be used to harm the person. Ask person and children to move away from aggressor.
10. Try to calm person down.
11. Send officer immediately.
12. Advise officer of risk to self.

**Person who reports abuse at police station:**

1. Ensure privacy so that person making report feels comfortable to talk about his/her situation.
2. Police should be sensitive.
3. Police need to listen to person making report.
4. Validate and show understanding to person's experience.
5. Police should determine whether person needs medical assistance and if necessary should help him/her to access medical services.
6. Person should be helped to calm down.
7. Listen to person and write accurate and detailed report. It may help first to listen to person and then to write report. It is important to check that the final written report is true to her verbal report.
8. Verify complaint, ie speak to aggressor and investigate facts.
9. Ask complainant what actions she would like police to take.
10. Provide referrals where appropriate.
11. Provide necessary arrangements if she wants to leave home.
12. Escort person to her home to collect her clothes if she is at risk.
13. Escort person to shelter if necessary.
14. Consider a female officer being present during interview.

**Police intervention at scene of domestic violence:**

1. Separate parties.
2. Ensure safety of person reporting abuse and children.
3. Explore whether medical attention is necessary.
4. Remove aggressor from home.
5. Interview victim in suitable place.

6. Help person consider options - referral to other agencies as appropriate.
7. Address longer term safety.
8. Carry out complete investigation, including speaking to neighbours if necessary.
9. Ensure officer's safety.
10. Insist on entering the household if there is reasonable suspicion that a crime will occur or that someone is in danger.

11.5

## Training on Violence Against Women in Relationships (VAWIR)

Country: Canada (British Columbia)

The Royal Canada Mounted Police (RCMP), Municipal Police, Crown Counsel, corrections workers and victim service workers receive training on the VAWIR Policy. An emphasis is placed on the proactive charge and prosecution aspects of the policy, plus the dynamics of power and control that are inherent in crimes of violence against women in relationships. Victim safety, offender accountability and the dynamics of violence are emphasised in all training. Training is provided both at a basic and at an enhanced level.

Basic training emphasises awareness and knowledge and is sector specific (ie, designed for delivery to either police, Crown Counsel, corrections and victim services).

Enhanced training emphasises both knowledge and skills. It is designed for more experienced justice personnel and delivered on an interdisciplinary basis (ie to police, Crown Counsel, Corrections and victim services). A team approach to case management is emphasised.

**Basic 'core' training:** All Justice personnel are encouraged to review the video *It's a Crime* which highlights the policy content and rationale and is used in basic training. The Basic Core Training Curricula for Violence Against Women in Relationships consists of individual learning modules for Victim Service Workers, police, Crown and corrections. Training is delivered by experienced justice personnel. Basic Core training was offered to all justice system personnel in 1993 as part of a travelling 'roadshow'. This training is repeated in six regional interdisciplinary training sessions.

**Victim service worker training:** *It's A Crime* video and curriculum includes rationale for the policy and revisions, highlights changes to policy, impact on service provision, reluctant witnesses, victim impact statements and safety of victim.

**Municipal police training:** All police are encouraged to review the video *It's a Crime* during roll-call training. Individual detachments manage their own training and development utilising available curricula and local resources. Detachments produce training bulletins which members are advised to read, eg, Vancouver Police Department's *Training Bulletin on Spousal Violence and Intimidation*.

**Corrections training, probation officers and Family Court counsellors:** The Corrections Module on the VAWIR policy addresses the following:

- policy highlights and implications for corrections
- community coordination
- interagency approach to resolving the problem of violence in relationships – the dynamics, its effect on the victim, interviewing skills and ability to screen for violence
- diversion
- victim notification
- sentencing
- parole hearings
- supervision
- counselling and treatment for assaultive men
- breaches of court orders
- pre-sentence reports
- role of Family Court counsellors
- impact of violence on children.

**Probation: spousal assault risk assessment training:** All probation officers receive training in the use of the Spouse Assault Risk Assessment Tool (SARA). This tool assists Probation Officers with case management and facilitates the identification of risk factors related to violent behaviour. (see pages 35-36)

**Crown professional development:** In 1993, the Criminal Justice Conference focused on Violence Against Women in Relationships and included:

- an overview and rationale for the policy
- dynamics on violence against women in relationships
- impact on children and effectiveness of proactive policy to arrest and charge
- offender profiles and effectiveness of treatment
- re-victimisation of the victim
- power and control/cycle of violence
- safety of victim
- Section 810 of Criminal Code
- importance of coordination and use of protocols
- witness management and reluctant witnesses
- trial preparation; and
- sentencing and probation.

**Crown interviewing and preparing reluctant victims and witnesses:** In 1995 a Video and Self-Study Guide were produced to provide Crown with techniques and strategies to deal effectively with reluctant victim/witnesses during the interview process and at the trial stage. A video dramatisation demonstrates an interview, direct examination and cross-examination of a victim/witness who is reluctant to testify against her spouse. Copies of the video and self-study guide are made available to all Crown throughout the Province.

**Enhanced investigating and interviewing skills in violence against women in relationships (interdisciplinary):** A two-day skill-based workshop for senior police and Crown counsel who are involved in investigations and prosecutions related to violence against women in relationships. This training builds on existing knowledge of the psychological and behavioural dynamics of violence against women in relationships and addresses key social, legal and psychological issues that influence or impact upon the victim interview process. Specific approaches to work with traumatised, resistant and special needs victim/witnesses are practised.

Upon successful completion of the training, participants will be able to:

- build on existing knowledge about psychological and behavioural dynamics of violence against women in relationships
- apply the changes to the VAWIR policy to their current work
- use improved and enhanced investigative and interview skills to respond to reluctant and resistant witnesses
- apply threat assessment approaches to increase the safety of women and children
- incorporate new approaches to support witnesses from diverse cultures.

**Criminal harassment training (interdisciplinary):** A one-day interdisciplinary training curricula developed for police, Crown Counsel, corrections and victim services. Training focuses on legislation (Section 264 amendment to the Criminal Code on Criminal Harassment), investigation (case management and threat assessment), prosecution, victim support and offender typology, using short lectures, case studies and small group discussions.

Upon successful completion of the training, participants will be able to:

- describe the history of criminal harassment legislation in Canada
- identify and describe the essential elements necessary to prove a charge of criminal harassment

- describe investigative strategies and techniques to be used in criminal harassment investigations
- describe the effects of criminal harassment on the victim
- describe statistics relevant to criminal harassment, offender typologies and victim-offender profiles
- identify safety tips for victims so that they can incorporate changes into their lives
- explain why some victims may be unwilling to report or proceed with charges
- explain some of the dynamics involved when investigating criminal harassment occurring against people of diverse cultures, people with disabilities and between people of same gender.

**Dispatch/communications/first-line responders training:** A one-day workshop for first responders (police, communications operators, dispatchers and front line desk staff) to inquiries and requests for service. Building on the existing knowledge and experience of first responders, the workshop skill building opportunities and knowledge of the services needed by women and others facing violence in current and former relationships. The workshop focuses on the dynamics of violence, power and control, and the needs of victims.

**RCMP training: recruit/basic training (103 hours):** Includes awareness of the dynamics of violence against women in relationships, domestic violence, elder abuse, criminal harassment, cycle of violence, spousal assault (RCMP Policy), spousal assault – collaborative approach.

**Individual Instruction Modules (Funded by Ministry of Attorney General):** Home study course on violence against women in relationships. The course is made up of three modules and covers the law, history and policy, procedures and practice unique to violence against women in relationships cases:

Module 1 reviews dynamics of violence within families and between people in close relationships; policies developed to deal with conflicts, serious nature of the problem and changes that have occurred to the Criminal Justice System.

Module 2 covers the law.

Module 3 provides guidelines to support the policy and the law, including interaction with different agencies and the value of a team approach to investigation.

**Field coach programming:** Once assigned to their postings, cadets are assigned a Field Coach for six months for on-the-job training. The Field Coach ensures that the cadet is fully orientated to operational policies including VAWIR Policy.

**RCMP advanced training:** At the three to five year mark of their careers, RCMP investigators are scheduled to attend an in-service 'Investigator Course'. This is a two-week session held at the Vancouver Headquarters and covers:

- one half-day on VAWIR and Family Violence presented by Dr. Steve Hart from UBC
- one half-day on Criminal Harassment
- one half-day on mentally disturbed offenders
- one half-day on human behaviour.

**CD-Rom training package:** The RCMP Ottawa training Branch have developed a CD-Rom *Family Violence-Not a Private Problem*, which includes issues related to family violence. The CD Rom has been distributed to all RCMP detachments and includes indicators of violence such as recent separation, custody and access of children.

**Interdisciplinary training and 'road shows':** In 1993, a travelling 'road show' comprising senior staff from RCMP, Crown Counsel and Victim Services, held regional workshops throughout the Province on the VAWIR Policy.

## Monitoring the effectiveness of training

Individual police detachments or departments monitor their own members training to ensure that it is accessible and completed by individual officers. Quality assurance is the responsibility of detachment commanders and includes basic training on Violence Against Women In Relationships Policy.

As of 1 April 1997, all detachment commanders monitor centrally and priorities will be reviewed as they arise. Senior RCMP and police personnel participate on the provincial VAWIR policy implementation committee and are involved in identifying training priorities for RCMP and municipal police in conjunction with justice system personnel.

Local Violence Against Women in Relationships Coordination Committees are instrumental in ensuring that a coordinated approach to violence against women in relationships is followed. Local committees include representatives from the RCMP and/or municipal police. They address issues of accountability to the VAWIR policy as well as promoting initiatives to educate committee members, justice system personnel and the public.

## Continuum of key initiatives

### Policy directives

20,000 copies of the Violence Against Women in Relationships Policy Updates distributed, due to new federal provincial legislation to clarify operational procedures. (1996)

Development of an Information Bulletin to assist police in responding to calls involving violence against women in relationships and criminal harassment. It also includes consideration of calls that relate to the victim's family members, friends or supporters. (1997)

Established a 24-hour Registry of Protection Orders for use by police to check for current protection orders and gun registration. (1995)

Senior level committee on Violence Against Women in Relationships meets on a regular basis to discuss issues related to policy and address dysfunctions in flow of services to abused women (ongoing).

Established Electronic Legal Information Project for prosecutors with cases involving violence against women and children who require sources of information to assist in case preparation and resource with access to current law and policies (ongoing).

### Monitoring and review

Completed a review on the effectiveness of violence against women in relationships implementation strategies. (1995)

Report completed on *Survey of Spousal Assaults Reported to Police in B.C. 1993-1994*. (1996)

Provided funds for Vancouver Police Department to conduct a file survey of spousal assault and firearms cases. (1996)

Corrections established a review process to assess all Assaultive Men's Treatment Programmes for compliance with the Guiding Principles for AMT. (1994)

Conducted an exploratory research pilot project on the impact of violence against women in relationships policy for victims and to determine how the policy is being implemented by different components of the criminal justice system. (1997)

## **Training**

Trained police, Crown, corrections and victim service staff on VAWIR policy. (1993)

Core curriculum on VAWIR and dynamics of abuse for crown, police, corrections and victim services. (1993)

*It's A Crime* video – VAWIR video and manual for justice system personnel. (1993)

Interviewing reluctant witnesses and victims video and instructional guide for crown prosecutors. (1993)

Funds for conferences to bring in experts from other jurisdictions such as the London coordinating Committee to End Violence Against Women and Duluth Abuse Intervention Programme. (1993)

Advanced skills training for investigation, prosecution and interviewing. (1997)

Criminal harassment interdisciplinary training for justice system personnel. (1996-97)

Advances training for crisis responders to violence against women and children. (1997)

## **Community coordination**

Fund seven community coordination programmes to coordinate justice system, health and social services responses to VAWIR. To improve protection of women and implement VAWIR policy. (1989 to present)

Creation of Framework Document of Community Coordination to support policy implementation, protocol development and enhance local accountability. (1993)

Protection strategies research which involved interviewing 100 abused women on their experiences with the justice system, and the development of guiding principles on women's safety.

Planning a 'Moving Coordination Forward' Forum to review what has worked to support implementation of the Violence Against Women in Relationships Policy and regional networking. Developing a start up kit with sample protocols for participants. (1997)

## **Public education and awareness**

Media campaign-wife assault, *It's a Crime* video, TV, radio and public information. (1992)

Pamphlets:

- *Information on Your Rights* (1986)
- *Peace Bonds and Restraining Orders* (1986); revised (1995)
- *Protection Order Registry* (1995)

Poster campaign: *Working Together to Stop Violence Against Women*. (1994)

Working on public education campaign on criminal harassment. (1996)

Provided funds to support community driven public education programmes and video production called *One Hit Leads to Another*.

Contributed funds to support the Immigrant Information Programme which provides information and referrals to victims/witnesses at Vancouver courthouse in Chinese/Spanish/Vietnamese and at Surrey courthouse in Punjabi. (1995-96)

### **Victim services**

Sixty-three police-based victim service programmes serving victims of all types of crime.

Forty-six community-based victim service programmes specialising in supporting women and children who are victims of family and sexual violence, including 19 sexual/woman assault centres.

Seven community-based aboriginal victim services programmes.

Twenty-four Crown-based victim/witness services which work with Crown prosecutors to serve victims of serious crime as they go through court.

Seventy-nine counsellors to work with women who are victims of violence.

Transition houses and safe homes in more than 70 communities to provide shelter to women and children who are assaulted/threatened by the woman's partner or ex-partner.

Forty-nine programmes to support children who witness violence against their mothers.

Victim notifiers who work in 15 Provincial Correctional Centres to keep women victims of violence in relationships informed about the offender's court-ordered conditions and release.

A Victim Information Line which is a province-wide, toll-free information service available to victims of crime.

Criminal Injuries Compensation funds for pain and suffering.

Victims of Crime Act proclaimed. (1996)

### **Assaultive men's intervention**

Forty-four programmes for assaultive men who are court ordered offenders; several non-government funded voluntary programmes exist for men. (1993 - present)

Guiding principles for assaultive men's treatment and intervention to be used by all programmes. (1992 and revised for institutions in 1995)

Some communities assign specialised probation officers to VAWIR cases. (1994)

Risk assessment tool for offenders - funds to BC Institute of Family Violence to develop and test. (1995)

Safety assessment strategies being reviewed to prevent risk escalation, manage safety, reduce isolation and increase collaboration. (1997)

### **For further information contact:**

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11.6

# Family violence training pack

Country: New Zealand

## Introduction

Family violence is not a new problem in New Zealand. Changing attitudes in society have seen law changes that have empowered victims of family violence who are in or have recently left violent relationships.

The Domestic Protection Act 1982 introduced new measures in dealing with family violence. However, this Act did not cover all the relationships that are now recognised within society. The orders that exist within this Act (Non-Violence, Non-Molestation) are still valid, although where required further tools are available to protect victims and hold offenders accountable for family violence.

The New Zealand Police have developed a more positive approach when dealing with family violence. Victims of violence are provided with appropriate and timely support and offenders are arrested. Prior to this policy change, the police endeavoured to mediate between the parties and reconcile interests. This mediation approach was short-term and did not challenge the underlying causes of family violence.

The Domestic Violence Act 1995 has been designed to provide greater protection for victims of family violence. This legislation, along with the Police Family Violence Policy Guidelines, promotes and acknowledges that the protection of the victim is paramount.

This package has been designed as a training resource to enable trainers to deliver sessions focusing on the positive and practical applications of the Domestic Violence Act 1995 and the Family Violence Policy Guidelines. The PHRIS coding for persons who complete this training is 1616.

## How to use the training pack

The Domestic Violence Act 1995 and the Family Violence Policy Guidelines training pack has been designed to provide the material for a four-hour presentation.

The training pack can be presented by the district trainer, or the district family coordinator. The family violence coordinator should be present during the training to answer any questions on areas not covered in this package, and to advise on what measures the District has taken in relation to policy implementation.

District trainers should be aware that there are outside agencies who have an interest in family violence incidents and who are prepared to assist with this training in order to get across the family violence message. A list of these agencies can be obtained from the District Family Violence Coordinator.

The training pack is designed to be presented in three parts.

**Part One** deals with the Domestic Violence Act 1995. The relevant sections that relate to frontline policing have been identified.

**Part Two** deals with the Family Violence Policy Guidelines. These guidelines are due to be signed off by the Commissioner. The guidelines have been broken down into areas that also relate to frontline policing and police administration.

**Part Three** deals with the video Domestic Protection Orders. A video on how to use court orders for protection orders against family violence is included. This is an educational presentation that ties in the new Domestic Violence Act 1995. This session should also include a presentation from a family violence support agency. The district family violence coordinator should be able to assist with a list of suitable agencies and speakers.

## Domestic Violence Act 1995: Family Violence Policy Guidelines

### Objectives

At the end of this training session, the trainee shall be able to:

- outline the relevant section of the Domestic Violence Act 1995 as it relates to:
  - powers of arrest, detection and bail
  - protection orders
  - police responsibilities relating to firearms
- outline the Family Violence Policy Guidelines relating to:
  - family violence issues
  - victims
  - reporting family violence offences
  - arrest, bail and case disposition.

## In-service training: Domestic Violence Act 1995

**Part One:** sample lesson plan

Duration: 60 minutes

Duration	Training section	OHP transparency numbers
5 minutes	Introduction Self and topic: domestic violence legislation. Brief history on family violence. Focus on a positive attitude	
5 minutes	Definitions	1-8
5 minutes	Protection orders	9 -12
5 minutes	Powers of arrest, detention and bail	13
5 minutes	Protection orders and weapons	14-18
5 minutes	Firearms, and service of protection orders	18
5 minutes	Police responsibilities	19-21
20 minutes	Practical exercise (syndicate exercises)	
5 minutes	Summary Stress importance of a positive attitude and perspective and professional action based upon the intention of the Act.	

## In-service training: family violence policy guidelines

**Part two:** sample lesson plan

Duration: 75 minutes

Duration	Training section	OHP transparency numbers
1 minute	Introduction Topic: Family Violence Policy Guidelines Focus on a positive attitude	
5 minutes	General principles, Multi-agency approach	22
5 minutes	Children and effects of family violence	23
5 minutes	Support and information for victims, privacy	24 – 25
5 minutes	Protection orders and Arms Act responsibilities	26
5 minutes	Reporting family violence offences	27
5 minutes	Recording protection orders	28
5 minutes	Investigation practices, arrest, diversion, police bail and custody	29 – 34
5 minutes	Firearms, standard action	35
5 minutes	Case disposition	36
5 minutes	Firearms and members of police as respondents	37 – 38
20 minutes	Practical exercise (syndicate exercises)	
5 minutes	Summary Handout: Family Violence Policy Guideline in-service training: family violence training	

## In-service training: family violence training

Part three: sample lesson plan

Duration: 75 minutes

Duration	Training session
34 minutes	<p><b>Video:</b> A video on Domestic Violence Protection Orders is included as part of the package.</p> <p>The video explains what domestic violence protection orders are, how they can be obtained and how they shall be enforced.</p>
40 minutes	<p><b>Support Agency:</b> A presentation from a domestic violence support agency should be included as part of the training. The District Family Violence Coordinator should be able to assist with a list of suitable agencies and speakers.</p>

11.7

## Training on human rights and policing, vulnerable persons

Country: South Africa

This booklet forms part of the Human Rights and Policing training package, which is a Reconstruction and Development Programme (RDP) project launched at National level on 27 March 1998. In turn, the project will be launched in the provinces on the first day of Constitutional week. Workshops will be provided to all functional police officials.

The Human Rights and Policing training package will be provided to all South African Police Service (SAPS) trainers, SAPS legal advisors and to all the police stations of the SAPS. It will also be sent to NGOs and international organisations involved in education and training in human rights in the SAPS. The programme was developed in line with the South African Constitution 1996 (Act No 108 of 1996), the South African Criminal Procedure Act, the Universal Declaration and other International Human Rights Instruments. The package is available in English and the SAPS is in the process of negotiations with foreign donors for translation into the other official languages in South Africa. The training package consists of the following:

The Resource Manual for Trainers or Human Rights and Policing module will serve as the source document for trainers, facilitators and educators during workshops and work sessions. The manual contains the theoretical basis for the training programme on Human Rights and Policing.

The Presenters' Guide for Trainers will provide assistance to trainers, facilitators and educators during workshops and work sessions. The presenters' guide contains guidelines on the presentation of workshops and work sessions, lesson plans, goals and objectives, case studies and other information necessary to present workshops and work sessions.

The Information Book/Workbook on Human Rights and Policing forms the basis for the education programme. The booklet is a full colour photo story with theoretical explanations and questions on some relevant human rights issues. The book is written in a language that is easy to understand and yet detailed enough to explain some of the skills and knowledge needed for Police officials to fulfil their usual daily activities. The booklet will be used as an information booklet (500,000 copies were printed) and will be provided to all the members of the South African Police Service, reservists and to members of the community through the Community Police Forums (CPFs). The booklet will also serve as a workbook during human rights workshops for police officials.

Six videos of approximately 10 minutes each, were developed to serve as an extra tool during workshops. The videos contain case scenarios/role plays and theory on relevant issues relating to human rights and policing.

A set of five posters was developed, the topics of which are:

- arrest
- rights of detained persons
- good policing
- community policing; and
- equality.

Each SAPS police station and training facility will receive a set of the five posters. The posters will be used to provide basic information on each of the topics and can also be used as a training tool during the workshops.

11.8

# Women and violence: training module for police officers

Country: India

## Target group

Police inspectors and sub-inspectors

## Duration

Five days

## Recommended composition of the target group

Thirty police officers (equal number of male and female officers if possible) drawn from rural and urban police stations. Minimum experience: five years service.

## Contents

Course outline – objective, sub-objectives, contents, sessions and methods

Briefing Notes

Objective I: Part 1 – Status of women in India; Part 2 – Gender relations

Objective II Violence and women – gender relations framework analysis

Objective III Legal provisions for handling violence against women

Objective IV Developing skills to handle women victims of violence

Objective V Support services and women's organisations

Bibliography

Annexures I + XI

## COURSE OUTLINE: OBJECTIVES, SUB-OBJECTIVES, CONTENTS, SESSIONS AND METHODS\*

### Objective I

To sensitise participants to Gender Relations.

### Sub-objective 1

Assessment of the present socio-economic status of women with three key variables of health, education and employment.

#### Contents

1. Comparative study of: (gender/year-wise):  
sex ratio, infant mortality rate, nutrient intake, maternal mortality ratio, life expectancy, education, literacy, enrolment, higher education, employment, workforce, female employment in household and non-household industry, sex-wise distribution in different professions, sex-wise earnings of wage labourers, membership of trade unions.

2. Analysis and inferences from the data as above, with regard to status of women.

### **Sessions**

Two (90 minutes each)

### **Methodology**

1. 1st Session
  - Introduction (15 minutes)
  - Short exercise: Perception of status of women with regard to health, education and employment (30 minutes)
  - Discussion (45 minutes)
2. 2nd Session: Lecture/discussion (90 minutes)

## **Sub-objective 2**

To study the existing situation in gender relations (roles, power relations, discrimination, access to resources) with specific reference to the institutions of family and market (work place).

### **Contents**

1. Gender relations in the household in the following manner:
  - 1.1 Practices – lineage, birth ceremonies, feeding practices, female infanticide and amniocentesis, dowry, puberty, marital arrangements, sexual division of labour within the household, cultural practices, inheritance, practices of community bodies, panchayats.
  - 1.2 Rules underlying each of these practices.
  - 1.3 Implications for women's access to resources.
2. Gender relations in the work place:
  - 2.1 Practices
    - entry of women in the labour market – restrictions on.
    - nature of employment and work for women (side jobs).
    - organised/unorganised segments of labour market (biased in favour of man).
  - 2.2 Rules underlying each of these practices.
  - 2.3 Implications for women's access to resources.

### **Sessions**

One (90 minutes)

### **Methodology**

1. Short exercise: Their perception of gender difference, inequalities as evidenced in the household and work place (30 minutes)
2. Presentation and discussion (60 minutes)

## **Sub-objective 3**

Introduction to Biological Determinism. Social relations theories. Bargaining with patriarchy.

### **Contents**

1. Continuance/justification of practices/rules/reasons/implications in sub-objective 2 by employing the arguments of biological determinism and patriarchy – as it is done to maintain status quo.
2. Looking at the underlying assumptions of these arguments and examining their viability.
3. Bringing out the fallacies of the assumptions made.
4. Introduction to the social relations theory.

**Sessions**

Two (90 minutes each)

**Methodology**

Lecture and discussion

## Objective II

To critically examine violence against women through the gender relations framework.

### Sub-objective

Unpacking through institutional framework (ideal and real) in household, community, market and state.

**Contents**

1. Ideology and practice with regard to family, community, market and state.
2. Locating violence in the four institutions.
3. Analysing institutional factors that cause/support/enable/perpetuate violence.

**Sessions**

Three (90 minutes each)

**Methodology**

1. Group exercise regarding ideology and practice in the four institutions (30 minutes)
2. Presentation and discussion (60 minutes)
3. Lecture and discussion (180 minutes, extendable by 45 minutes)

## Objective III

To understand the legal provisions for effective handling of violence against women.

### Sub-objective

To discuss law on domestic violence and sexual harassment/rape.

**Contents**

1. History, provisions, critique of the following laws:
  - dowry law
  - laws on domestic violence
  - laws relating to rape
  - Indian Penal Code, Criminal Procedure Code and Evidence Act.

**Sessions**

Four (90 minutes each)

**Methodology**

Session 1 and 2: Introduction to domestic violence

Sessions 3 and 4:

1. Lecture
2. Case studies
3. Lecture on laws regarding sexual assault
4. Case studies

## Objective IV

To develop skills of handling women victims of violence.

### Sub-objectives

- To understand the physical and mental state of women victims and their needs.
- To learn communication skills of working with people.
- Role of police in handling women victims of violence.

### Contents

1. Theory of violence cycle
2. Theory of learned helplessness
3. Emotional and physical needs of violated women
4. Principles of the helping relationship
5. Communication skills
6. Pointers for crisis interventionist role
7. Interview skills with special reference to sexual assault victims

### Sessions

Four (90 minutes each)

### Methodology

1. Introduction to the theories through lecture/discussion (90 minutes).
2. Role play on domestic violence and sexual assault case followed by discussion (90 minutes).
3. Communication skills and theories of helping relationship. Lecture and discussion (90 minutes).
4. Replay of roles after learning skills and discussion (90 minutes).

## Objective V

To familiarise participants with women's organisations and relevant support systems.

### Sub-objective

- To reiterate the need for government and social organisations to unite in working with violence against women
- To appraise the police of the existing support systems available

### Contents

1. A brief history of the women's movement in India, specifically Maharashtra.
2. The influence of international agencies and the women's movement.
3. An introduction to women's organisations working in the field and their contribution to policies, laws, support services and consciousness raising in women and the society at large.
4. Responses of the government to the demands of the women's movement.

### Sessions

Two (90 minutes each)

### Methodology

1. Exercise to assess (a) the information available to police on existing services and (b) images of activists and women's organisations in the minds of the police.
2. Lecture and discussion.
3. Dialogue (open forum) with women's organisations.

## BRIEFING NOTES (Objective II)

### Violence against women: gender relations framework

The social institutions of the family, the community, the market and the state are not usually as perfect as we would like to believe. The ideal concept of the Indian state, for example, is that of Ram Rajya, where everyone is free, equal, prosperous and happy – a land of plenty. This vision is of course far removed from reality. Likewise, the 'perfect' community or family does not exist in reality, much as we would all like to believe that it did.

The following exercise will help us to identify the qualities attributed to these institutions in an ideal world, and the way they are in reality.

#### Family

Official picture	Unofficial picture
<ul style="list-style-type: none"> <li>• based on principles of cooperation</li> <li>• sharing, trust</li> <li>• give and take</li> <li>• warmth</li> <li>• caring, affection</li> <li>• haven, sacrosanct</li> <li>• loyalty, security</li> <li>• freedom to let hair down .</li> <li>• protected place</li> <li>• unity, through blood ties</li> <li>• pulled resources for members</li> <li>• space for the weak and disabled</li> <li>• acceptance</li> <li>• sacrifice for the good of the family</li> <li>• provides good citizens</li> <li>• nurture children for tomorrow</li> <li>• complementarity</li> </ul>	<ul style="list-style-type: none"> <li>• tensions over money, affection tasks, roles, space</li> <li>• scapegoats</li> <li>• jealousy, suspicions, competition</li> <li>• unequal distributions and access to resources</li> <li>• dominance and submission</li> <li>• physical and mental abuse, cruelty, battering, child abuse, incest, marital rape</li> <li>• creates powerlessness</li> </ul>

#### Community

Official picture	Unofficial picture
<ul style="list-style-type: none"> <li>• support to family and individual</li> <li>• fair</li> <li>• socially supportive systems such as panchayats, common training grounds, welfare</li> <li>• common sharing</li> <li>• brotherhood!</li> <li>• collective good – united against threats from outside the community</li> <li>• sanction</li> <li>• creator norms, rules, a kind of culture and identity protector</li> <li>• kinship ties</li> </ul>	<ul style="list-style-type: none"> <li>• ostracisation</li> <li>• intolerance of deviance</li> <li>• rigid</li> <li>• maintains status quo</li> <li>• imposes sanctions</li> <li>• side of the powerful</li> <li>• rape, sexual harassment, teasing, molestation, sati, dowry</li> <li>• composition of committees, etc</li> <li>• mobility</li> </ul>

## Market

Official picture	Unofficial picture
<ul style="list-style-type: none"> <li>• trading, production of goods and services</li> <li>• neutral, just, equitable distribution of resources</li> <li>• opportunity for growth</li> <li>• best use of resources of the community</li> <li>• equal opportunities to generate profits</li> <li>• based on the principle of demand and supply</li> </ul>	<ul style="list-style-type: none"> <li>• gender blind working environment, trade unions, closed shop</li> <li>• monopoly, hoarding, cartels</li> <li>• unfair practices</li> <li>• 'may the best man win' mentality</li> <li>• survival of the fittest</li> <li>• decisions taken by the powerful</li> <li>• MNTs controlled by the powerful</li> <li>• competition</li> <li>• creates inequitable distribution of resources</li> <li>• manipulation</li> <li>• non-starter for women, limited access to resources</li> <li>• based on unequal terms</li> <li>• segregated nature of market</li> <li>• entry only if basic capital present</li> <li>• amniocentesis, rape, pornography, prostitution, commodification, sexual harassment</li> <li>• protective laws</li> </ul>

## The State

Official picture	Unofficial picture
<ul style="list-style-type: none"> <li>• well-being of individual communities</li> <li>• impartial, unbiased</li> <li>• collective good</li> <li>• policy and programmes for the needy and 'under dogs'</li> <li>• equality, justice, opportunity</li> <li>• freedom, protection of rights</li> <li>• empower people</li> <li>• duty-bound</li> <li>• create infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• rule-bound, monolithic</li> <li>• gender-blind policies and programmes</li> <li>• powerful</li> <li>• overriding</li> <li>• hierarchical</li> <li>• custodial rape, gender-blind laws, capital punishment, violation of civil liberties</li> <li>• repression through physical force, institutions, such as the police, the army</li> <li>• rules/laws rigid and not conducive to change</li> <li>• trial</li> </ul>

Since the official versus the unofficial picture shows the existence of violence in each of the institutions, we may now question why there is violence in these institutions. Who commits the violence? What are the resources that aid and abet violence?

## Revisiting gender relations

It is evident from the gender analysis framework and statistical data that subordination of woman exists in our society. As paraphrased by Marx and Rubin, 'What is a domesticated woman? A female of the species. The one explanation is as good as another. A woman is a woman, she only becomes domestic, a wife, a chattel, a play-boy bunny, a prostitute or a human dictaphone in certain relations. Torn from these relationships she is no more the helpmate of man than gold: in itself is money...' It must be reiterated that a woman can not be viewed in isolation.

Let us now define the scope of violence for the purpose of our present session, looking at mental, physical, and fear/threat of violence. As well as violence, there exists dominance and subordination, the powerful exploiting the weak, and an uneven distribution of resources and authority.

We have seen the forms of violence that can take place in a family. A closer look at the institution of the family and the general beliefs surrounding it is required if we are to understand how violence is caused, supported, enabled and perpetuated within the family.

The family is considered society's basic unit. Be it the common man or the Government, when it comes to development or any other welfare measure, the smallest unit considered is the household. It is this way of thinking that leads to the notion that the household is a castle – whatever happens within is not anyone else's problem.

Within the family, since the male is the normally the main breadwinner, it is he who tends to control the money and resources. Other family members depend on him for their survival, which in turn gives him considerable power over them. Since he decides how money is spent, he also indirectly decides what each one of them can or cannot do, by giving them money or withholding it.

But it is not only economic power that the male wields over the family members. His role as the breadwinner also makes him the head of the family, giving him the power to physically control and chastise his subjects. He may choose to spend all his earnings on drinking or gambling and not give anything to the family, or he may decide not to pay for his children's education, or a family member's medical treatment. Because male children are seen as the future breadwinners, they tend to get priority over food, nutrition, health care, and education. Total control of resources also gives the male total control over other family members. He can treat them as he chooses, can be violent, and this would be seen as the family's private affair.

Male dominance is explained and supported by biological differences. Men are physically stronger and therefore are expected to go out and hunt (now work) whereas women are expected to stay at home and tend to the household chores and rear children. Because labour has always traditionally been divided, with certain tasks performed by men and others by women, the qualities required for these roles have become attributed to either of the two sexes. Men are therefore perceived as strong, thinkers, managers, fighters, good at finances, disciplinarian. Women are seen as weak, caring, nurturing, emotional, sentimental and not capable of decision-making. These misconceptions are used to support and perpetuate male dominance.

Violence against women in the home can range from verbal abuse to physical violence and murder. The reasons are many – it could be that the woman has not been obedient, her fidelity is under suspicion, she has brought insufficient dowry into the marriage, her husband has come home drunk and she has objected, or simply because he needs a punching bag to take out his frustrations.

Wife beating was not recognised as a social problem until the early 1960s when it was brought out 'into the open' by the women's movement and feminist activists. Wife battering is still considered a family matter, often by women themselves, who see it as a fault in their own behaviour which invites violence as a disciplinary action. A belief ingrained through the process of acceptance of subordination, wife beating is just one more example of unequal relations between women and men in public and husband and wife within the home.

A female child born into the family is seen as a drain on household resources. Female infanticide appears to have direct relation to the practice of dowry. Posters advertising amniocentesis can be found in many cities and towns – 'Spend Rs.500/- now and save Rs.50,000 in the future.'

## In the community

Family relationships are determined by the community's ideal of the family. It is in fact the community's acceptance of patriarchy, the male dominant role, and the division of labour between men and women in the household that gets translated into their different roles in the family. If, therefore, the woman is considered the property of her husband, by the community, the men naturally have the community's sanction to treat them as they wish.

If a woman faces injustice, or degrading treatment or violence at home, she can only turn to the community for relief until recently. (Now, of course, the state intervenes in some cases on behalf of the woman, but that will be discussed later.) If the community, however, has the same values as the man, there is no chance of the woman getting any relief. She would not only be pressurised to accept her situation but may in fact be censured for trying to transgress the accepted norms. Practices such as dowry, which leads to a lot of violence against women, and sati, can continue in spite of the law against them only because of the community's tacit acceptance of these customs.

## In the market/work place

The assumption that a woman's major role lies with the household affects her entry into the job market. She is seen to have marginal value in the labour force and a supplementary earner, with the male being the main breadwinner. And yet studies have shown that while all of a woman's earnings go towards running the home, men generally contribute less than 50 per cent of their wages.

Women mainly find work in 'unorganised' sectors, such as seasonal or domestic labour, or when the job has (often biologically defined) requirements such as nimble fingers, patience and perseverance, ie, monotonous and routine jobs not requiring great skill.

To keep their jobs, women have often to combat sexual harassment. This can range from verbal abuse with suggestive overtones or physical manhandling and fingering, to accidental jostling. Even teasing makes out sexual harassment to be an innocent or a frivolous activity.

Sexual harassment is a display of power used to coerce and degrade women. Employers, bosses and co-workers usually make sexual advances to women below them in the hierarchy (or in the unorganised sector where there is no security of work). Others in the hierarchy and the trade unions do not help them because, since the woman has dared to enter the workforce, she should be able to handle these problems. This, in turn, restricts their entry into the work place, making them fearful and frustrated and often inefficient. Sexual harassment has also been called 'psychological rape'.

The idea that women are a sexual property, to be bought or sold or taken by force – a tradable commodity – is reinforced by their economic powerlessness. Although women are often forced into prostitution by poverty, it is mostly men who benefit from it. The pimp takes her money, controls her movements and usually gives hardly any protection from her violent clients. Devdasi, a form of

prostitution, has the sanction of religion, the community and the family – an example of all the institutions combining to be a powerful force for the woman to reckon with.

'Pornography is at the extreme end of the range which begins with obscene advertisements. It is the use of words, visuals and sounds to show women in explicit sexual situations that are degrading, violent and abusive'. Films, TV, theatre and beauty contests all reinforce and perpetuate sexual stereotyping of women by highlighting physical beauty, devaluing women's individuality and intellect (mindless), exploiting women commercially (female figure for promoting products), thus portraying her yet again as a commodity.

## The State

When we talk of the role of the state in violence against women, what is meant is:

- that the state does not intervene or do enough to prevent violence against women
- the guilty do not get punished
- that the state machinery may be unsympathetic to women victims and may not give them the justice and support required
- some of the state functionaries (in authority) themselves may commit acts of violence against women.

The state and its agencies have always been reluctant to interfere in what are considered 'family affairs'. The violence in households, escapes unpunished because it was considered a private affair, and the state kept out of it.

Recently, however, in response to demands from various women's movements and humanitarian organisations worldwide, the state has stepped into the sacrosanct domain of the household and has taken upon itself to intervene in cases of domestic violence, particularly those of a serious nature. Other social customs such as dowry, etc, have also been considered serious enough to require state intervention because of the gross misery that these customs have caused.

While there have been changes to the laws relating to violence against women, nothing much has been done to address the social structures that enable, justify, support, and perpetuate violence. The basic power inequality in the household and totally unequal distribution of resources that enables violence and causes its unchallenged acceptance by the victim, are not being addressed.

Even in the application of the existing laws, the state agencies sometimes take a very unsympathetic view, thus defeating the purpose of the legislation. The courts require independent corroboration, which in cases of domestic violence is hard to find since the violence very often takes place in private. This means that cases of violence all too often get acquitted, the accused go unpunished, and violence continues. If the laws are to work, rules of evidence need to be changed.

Both during police investigations and at a judicial trial, the woman has to relive the trauma of being violated. In attempting to prove violence against her, the woman experiences new instances of violence. The victimisation process continues, with the first assailant being her 'near and dear ones', ie, family members, and the second assailant being the state and the criminal justice system.

It is necessary, in addition to the legislation, that the state provides support systems for the victims. The victims cannot take their husbands/other accused to the criminal justice system since in most cases they do not have any other place to go or anyone else to support them. If they want the accused to help them or continue to support them financially, they often have to compromise and withdraw the case. Unless the state provides support systems, where victims of violence can take shelter and get sustenance, enacting laws alone would be a pointless exercise.

## Conclusion

We began with the basic insight that violence against women is inherent in all social institutions (family, market, community, the state). Class, caste, religion, ethnicity also contribute to violence against women. Throughout we have seen the social relations between men and women as ascribed by society.

The position, status, power and powerlessness of women derive from both socially and biologically determined factors. This, in turn, influences the rules and ideologies, practices and access to resources. Women are subjected to violence because of their lack of resources and their economic and emotional dependence. Thus, this analysis helps us to understand that women are not the problem and thus the only solution. Seeing it through the gender 'lens' sharpens focus that inequality is not only between men and women.

## Women in the police structure

### An example of women in the police structure

Let us now see how does all our discussion up to now translate into our daily work life. We shall take the police structure and examine it in the light of the gender relations framework and see if a similar situation is to be found here.

In which departments of the police are women found? The answer is Juvenile Aid Police Unit (JAPU), women's VIP duty, law and order, escorting women, criminals, traffic, wireless, airport security, missing persons bureau, women's cells and a few in the police stations doing the above mentioned jobs. None of these jobs are part of mainstream policing. Here again, the jobs assigned are a continuation of what women are considered best at in the household – carers, nurturers, of the young and the old. Their primary role being in their family, the postings are mainly in departments that keep 9am to 5pm hours. Thus, what we find is restricted entry and female segmented jobs (biologically determined).

Women's restricted access to household and community resources for education in technical skills, means they qualify mainly for jobs in the constabulary. There are few women in the state official cadre and even fewer at Indian Police Service (IPS) level. This means vertical mobility is also affected. This is not only due to limited resources but also translates in the areas of promotion. Women police officers also tend to be promoted in the same jobs. They are rarely promoted into mainstream policing.

Women's entry is restricted at policy level itself, with a restricted number of posts available for women, and the duties they are to carry out are strictly laid down. Both of these restrictions appear to be based on a woman's sex rather than her capability or the skills required for policing. The state policy perpetuates the myth of determining women's roles, responsibilities and control over their own lives through their gender. (A transparency would be used to illustrate the influence of the four institutions on each other and the creation of a stronghold of beliefs, faith, norms which can be a stranglehold to women's efforts at regaining control over their lives.)

### Use the note on 'Equal Opportunities to Women in Police'

For a group discussion to draw out participants' response (90 minutes)

## BRIEFING NOTES (Objective IV)

### Skills

#### Domestic violence

Violence includes behaviour that is against the law and also that which falls short of a legally defined criminal statute, but is nonetheless detrimental to the victim. The violence may take the form of physical, sexual, financial, emotional or psychological abuse by a partner within a marriage, or other close relationships. These behaviours include:

- punching, slapping, throwing objects, pulling hair, choking and other forms of physical assault
- use of weapons
- threats and intimidating behaviour
- sexual assault
- intentional deprivation of basic needs, such as food, or contact with others
- verbal abuse of a kind that impairs the women's self esteem and ability to function normally
- pressure to accept behaviours that violate the woman's rights.

Domestic violence or abuse is a serious misuse of power in a relationship. The result is the damaging control by one of the partners, usually the man, over the other.

#### Cycle of violence

When violence is part of the way that people interact there is a pattern which tends to recur. This pattern has many variations, but after listening to many women who are still in, or who have left violent relationships, it is becoming clear that the underlying emotions are very similar for most of them. The pattern consists of several phases.

##### The buildup phase

This phase occurs where tension builds up in a relationship and the people involved cannot overcome it by talking it out or defusing it in a way which is acceptable to both parties. One partner begins to dominate the situation while the other feels under stress and begins to try to please the other. As the resulting anxiety and tension in the family builds up to reach debilitating proportions, this phase merges into the control phase.

##### The control phase

This phase in the cycle of violence can be long or short. The dominant partner seems determined to control the actions of the family in general and/or his partner in particular. They in return are frightened to do anything that will precipitate the next stage in the cycle, in which there can be a violent outburst. The phrase 'walking on eggshells' is commonly used to describe this period.

##### The violent outburst

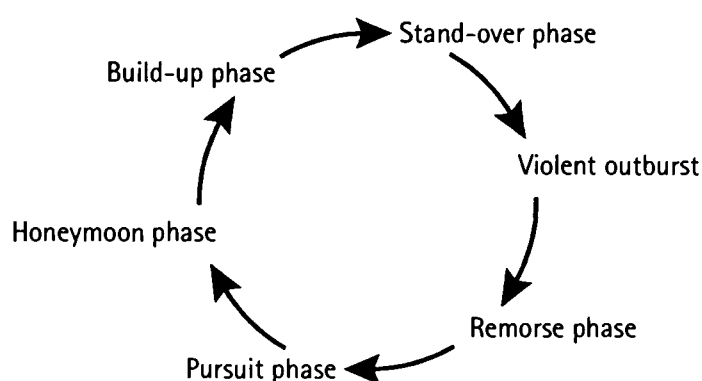
Violence can take many forms, and may not always be physical. The outburst may involve extreme physical harm to the victim, or emotional scarring which is not observable to the casual observer, but can have long-lasting effects on the personality of the victim. The benefit to the abuser is a release of tension, and the compliance of the victim, but there are costs as well.

### The pursuit phase (this may/may not happen)

Often the abuser will feel true remorse and sorrow for what he has done. He may be frightened about his perceived lack of control over his violence and may be fearful that his partner will leave him. So he may attempt to recover lost ground by asking forgiveness, giving presents, making promises about the future and his behaviour.

### The honeymoon phase

The time after the violence, when forgiveness has been sought and given, may be a time of great closeness for the couple. Hence the name. However, inevitably, given the usual problems of daily life, tensions will arise again, and if the couple have not learnt ways to avoid it, these tensions will gradually lead them back into the buildup phase, and the cycle will begin again.



### How does the cycle vary?

1. The control phase can be so extended that it becomes the usual way of life in the family. If the abuser can achieve sufficient control during this phase, an outburst rarely follows. This pattern may be reached after several turns of the cycle, when the memory of the violence is enough to control the behaviour of the whole family. Just an occasional reminder of that will be enough to enforce compliance. The effect on the rest of the family is severe. They will usually become isolated from outside activities which may interfere with the demands of the abuser, and may show signs of chronic tensions, anxiety and depression.
2. The form and extent of the violence will vary, sometimes within the same relationship. Once a particular pattern has emerged, the victim may be able to predict an outburst. If not, this will add further stress. There may be other threats of violence. Given the history of violence, these threats have a credibility which can be controlling and draining.
3. The emotions immediately before and after the violent incident may be very different:
  - the abuser will probably feel not only remorse and guilt, but also a relief from the frustration and fear that fuelled the outburst
  - the victim may also feel a release of tension because at least the control phase is over, but this is tempered by the shock and loss of trust in her partner. Later in the relationship, disillusionment will follow when the victim realises that the violence has recurred, despite all her efforts to stop it
  - many men feel especially close to their partners after violence has occurred and attempt to 'make it up' with her by 'making love'
  - the victim's reaction may be very different and few women welcome sexual contact with the person who has just been abusive. Yet she will cooperate, either through fear of more abuse, or in an attempt to show that she is prepared to stay with him.

- 4 The cycle will also vary in the time taken to complete it. In some relationships it may take years to reach the violent state. Others will become violent almost immediately afterwards. Initially it is usual for all stages of the cycle to be present, even if only for a short period. As the cycle becomes more and more a pattern of behaviour for that couple, the time taken for each phase may shorten and/or phases can be skipped. The first to go will be the times of greatest happiness, the honeymoon phase. The cycle may shorten until there is virtually no time other than that in the control phase, interspersed with violence. The time to complete the cycle will vary from years to sometimes only a few hours. It will tend to shorten, the violence to become more controlling and the effect more severe on the victim.

### How to stop the cycle

1. If he wishes to break the cycle, the abuser must take on a more difficult and demanding behaviour pattern that involves him changing his attitude and increasing his communication skills, not relying on force in his relationships.
2. The victim needs to change ingrained beliefs and to:
  - believe that she is able to manage to live without the control and 'support' of her partner
  - be prepared for life alone which in some ways will be harder, initially than life in the known and predictable pattern it was before
  - feel that the emotional health of the family is not entirely her responsibility
  - accept that by staying in a violent relationship, she is allowing her partner to continue in a behaviour pattern which is destructive to them both, and certainly destructive to their children
  - know that her action in leaving the relationship may be the only way of bringing home to her partner that he must make a change in his behaviour. The crisis that she precipitates in this way may be a turning point for him.

The woman's safety is of prime importance at this stage. The man may attempt to take control in the only way known to him – by force – and the woman may need protection.

## Myths, facts and values

There are a large number of beliefs related to the abuse of women. Some of these beliefs have little factual foundation and others are based on deep-rooted culturally based values. The following list of some of these beliefs are arranged in two sections, one on myths which can be disputed by facts and the other in which contrasting values are set side by side. The facts cited as rejoinders to the myths are derived from the collective experience of women in the Asia and Pacific Region who have worked with abused women and their families.

### Myths and realities

<i>Myth</i>	Marriages which are not based on love frequently result in quarrels and end up with wife-beating.
<i>Reality</i>	A love marriage does not guarantee freedom from abuse. Wife-beating occurs in love marriages as well as in arranged marriages.
<i>Myth</i>	Women provoke violence by their intolerance and nagging.
<i>Reality</i>	Women are often beaten for reasons beyond their control. They have been beaten because they were unable to accommodate their husband's sexual desires, or because they could not prove that they were not

seeing a lover while picking the children up from school. A woman who had been a dutiful wife for 30 years was beaten by her husband who was in a bad mood because of things that happened outside the family.

*Myth* Only men who are mentally ill beat their wives.

*Reality* The incidence of mental illness among men who beat their wives is the same as that in the rest of the population.

*Myth* Only men who fail in other aspects of their lives beat their wives.

*Reality* Often men who have successful careers beat their wives. Wives of successful men are more reluctant to expose a husband who has a high profile, in case this threatens his social standing, his business or employment, and often her only source of income.

*Myth* Only poor and uneducated men abuse their wives.

*Reality* Men from all social backgrounds beat and abuse their wives. Domestic violence may appear to be a problem primarily of the poor, because middle and upper class women often have the resources to hide the violence. Abused women with fewer resources are more visible since they must turn to public institutions, such as the police and hospitals, for help. Furthermore, they often reside in over-crowded areas where it is difficult to keep anything from neighbours.

*Myth* Asian men don't beat their wives. Violence in the home is a Western problem.

*Reality* Violence against women cuts across geographical, cultural, socio-economic and religious categories. Examples of wife-beating have been drawn from all Asian countries.

*Myth* Women who remain with a violent husband are masochistic, they stay because they enjoy the violence.

*Reality* Women will remain in a violent relationship because they are economically dependent on their partners. They lack marketable skills and cannot afford to move. An Asian woman is also often trapped by the 'good woman' ideology by which she has been instructed to suffer and accept male aggression and violence as inevitable, while acceptance and docility are prized virtues. She might feel ashamed at having failed to fulfil her traditional role as housekeeper, mother and faithful and supportive wife. She is made to feel guilty about 'breaking up the family unit'. She fears losing custody of her children, and of being ostracised by family and friends.

*Myth* Drunkenness, drugs and gambling cause domestic violence.

*Reality* There is no evidence of a causal relationship between these factors and abuse. Some men may have been drinking when they are violent to their wives, but many are violent when sober. Similarly, some men may have been using drugs when they are violent. Many do not. Some gamblers are violent, many are not.

<i>Myth</i>	Women can always leave.
<i>Fact</i>	Women often stay in destructive relationships because they feel guilty about leaving, because of fear, and sometimes, for the sake of their children. Their financial dependence is often a major factor in their decision to stay.
<i>Myth</i>	Children need two parents even if their relationship is violent.
<i>Reality</i>	There are severe long-term detrimental effects on children who live in families where violence is a frequent occurrence.
<i>Myth</i>	Violent men are violent in all their relationships.
<i>Reality</i>	A minority of men who are violent towards their partners exhibit violence in other relationships.

Most abusive men appear very reasonable and respectable outside the family.

### Values

Culturally based value:	Husbands have the right to do what they want with their wives.
Our value:	Marriage does not give a person the right to be physically and emotionally violent to another person, whatever their legal relationship.
Culturally based value:	No one should interfere in the domestic affairs of husband and wife.
Our value:	Violence by one human being towards another is everyone's business.
Culturally based value:	It's her fault.
Our value:	He is responsible for his own violence and only he can change his behaviour.

Wife battering is a term that does not fit easily into the criminal justice process, and it also forms a part of the cycle of violence. Medical definitions not only describe physical systems but also include psychological abuse. Studies have documented the terrible toll upon the victims of such abuse. Women as victims suffer beatings, broken bones, bruises, injuries to internal organs, brain damage, and, too often, death at the hands of someone who at one time said they loved them. They are raped and sexually abused by their mates and left lonely, unprotected, defeated, insecure and isolated – often lacking support by officials, friends and family alike. Children in such families learn early that violence by one partner against the other is the way to control the partner. Women – most often the victim and men most often the attacker – perhaps establish a pattern for their children to learn.

Indian society has failed to understand the predicament of abused women, or to address the issue of the abuse of power when a male ill-treats a woman. The fear, loneliness and lack of support has made her a virtual prisoner without bars, held by her conditioning, society's lack of support, economic inequities, legal, religious and moral judgements and by a standard of expectation about marriage and family which virtually makes it impossible for many women to break free.

Women, victims of wife battering need:

- protection from further assault
- a home or shelter, food, security, and continued care for their children
- to be listened to by people who understand
- counselling, job training and often help to find how to cope under new conditions
- the hope that help is available to their partner so he can stop his abusive behaviour
- understanding if they decide to go back to the abusive relationship.

The needs of women and children who are victims of violence create the necessity for many changes within traditional organisations and suggest the need to support the creation of new organisations.

It is necessary for the police to emphasise the importance of bringing cases of family violence before the court. The police may also have to be given the legal authority to intervene in cases of domestic violence, where the offences are presently not cognisable. However, judges also need to be sensitised to the victims' plight. They also need to be given legal powers, on hearing the evidence, to order counselling or treatment for the offender, or to legally provide conditions to be applied for the release of the offender, or to incarcerate the offender when no other remedies are possible .

Government action on violence against women cannot, however, stop here. The problems facing both the victim and the offender have been created over many years and a solution will not come easily. Shelters and crisis homes for victims are needed. Training coordination and perhaps protocol of agreement for action between the police, social workers and the medical professionals are important aspects of a comprehensive approach to this problem.

It may not be possible for us to change the law or to set up the social institutions required for dealing with the domestic violence properly. However, these are a lot of expectations from the police, and the victim of violence would firstly approach the police for succour and relief.

#### **What is the role of the police?**

The police role requires an officer who understands the issues and who performs three functions:

- to investigate and gather the facts about the case in the same way as for any other criminal matter
- to provide protection for the victim. In far too many cases, the victim is beaten again or even killed after the police leave. The protection role of the police needs to be greatly enhanced
- to ensure proper referral to support agencies, medical help, or counselling.

#### **What do the police do in cases where they cannot investigate a case and send it to court?**

Whether it is investigation of cases that the police may register with respect to domestic violence, or whether the police cannot register a case but are only attending to a complainant who has come to the police station, the police need to know how to help the complainant.

The following are the principles of the helping relationship:

**Individualisation:** This means treating a person not just as a human being, but as a person with individual thoughts, feelings, needs and experiences. The officer therefore needs to overcome his/her own biases and not to make assumptions or stereotype women who come for help.

**Purposeful communication of feelings:** The officer should listen purposefully to the expression of the women's feelings, neither discouraging nor condemning her. In fact, he/she ought to actively stimulate and encourage the victim to speak freely about herself and the situation. The officer needs to convey empathy, ie, feeling *with* the woman, rather than sympathy, which is feeling *for* her.

Examples: expressing sympathy – I feel sorry for what has happened to you'  
expressing empathy – I feel depressed over what has happened to you'

**Acceptance:** This does not mean approval of her behaviour but means that the helper should not reject or judge her. This means to accept her strengths and weaknesses, her positive and negative feelings, her constructive and destructive attitudes and behaviour.

**Self-determination:** The victim must be allowed to make her own choices and be responsible for her own decisions. The worker does not hold power or authority over her.

**Non-judgmental attitude:** A battered or violated victim should never be blamed for the abuse she has suffered. Society often blames her for it. She may be blaming herself for it in the first place, so she does not need it from you! The worker should never ask questions like 'What did you do to set off his anger?', 'Didn't you resist him?' 'Why didn't you leave your spouse earlier?'

**Confidentiality:** There are two types of confidentiality:

- relative confidentiality: such information about the woman which can be shared around professional staff only
- absolute confidentiality: information not to be shared with anyone or recorded anywhere.

## Communication skills

The most important skill a worker needs in the process of helping is that of effective communication. Fundamental to good communication is good listening.

Good listening means:

- sticking to the women's chosen topic
- trying not to interrupt.

Listen for:

- verbal messages – what is said, actual facts described, feelings communicated
- non-verbal messages – silence, hesitation/difficulty in speaking, identifying what is not said, body language (not applicable in phone counselling).

### ACTIVE LISTENING

Active listening combines sensitive understanding of what is communicated with finely tuned responses. Active listening is not only listening with the ears but is listening with the heart. It is to feel with the woman rather than to feel for her.

#### Skills Involved

Minimal encouragers are single words or noise, eg, 'Yes', 'I see...', 'mmm', or repetition of key words.

#### Function of good communication skills

- it indicates that you are involved with the woman, that you are listening and following what she is saying
- it is effective in keeping the woman talking and enhances self-exploration
- allows you to get a good picture of the problem(s) involved.

NOTE: THIS IS VERY IMPORTANT DURING THE INITIAL STAGES OF WORKING WITH THE WOMEN.

### VERBAL FOLLOWING

Verbal following means responding to the women's last comment or to her preceding comment without changing the subject.

#### Function of verbal following

It reassures the woman that you are attending to her and allows her to go on exploring the topic.

### QUESTIONS

Questions consist of two types – close-ended and open-ended

Both types of questions:

- allow you to find out more about the woman
- allow the woman to explore the issues more deeply
- facilitate the flow of conversation
- allow the feeling of caring to be expressed to the woman.

### Close-ended questions

- require a 'Yes' or a 'No' response
- start with 'Is...', 'Are...', 'Do...', or 'Did...'. For example, 'Are you afraid to go home?'

### Function

The function of close-ended questions is to:

- gather information
- clarify
- focus on/change focus of a topic and narrows the area of discussion
- stop the woman from straying from subject.

A note of caution, however. When used too frequently:

- the sessions become an interrogation
- the women may be overwhelmed
- she may become less communicative.

Note: It is better to use open-ended rather than close-ended questions unless absolutely necessary.

### Open-ended questions

Open-ended questions cannot be easily answered with 'Yes' or 'No', but require an explanation and invite the woman to talk. Start with 'What...', 'How...', 'Could...', 'Would...' and 'Why...'. For example:

What?	Asking for facts and information ('What would you like to tell me about the situation?')
How?	Allows conversation to go from one sequence to another, as well as to explore emotions ('How do you feel about that?')
Could/Would?	Allows maximum self-exploration from the woman ('Could you tell me about how your parents would react if you left your husband?')
Why?	Elicits reasons.

Caution: 'Why' questions are not recommended for new workers because it involves the woman to justify her behaviour – she might be defensive. It is also often very hard to answer 'Why' questions.

NOTE: Avoid asking only one type of open-ended question, or you will get a very one-sided view of the problem, eg, only asking 'What' questions will only give you facts and information.

Reflection of feelings (not content) means to:

- identify the woman's feelings
- reflect/throw back these feelings to the woman
- understand that one feeling (eg, anger) often covers up for another feeling (eg, fear)
- also understand a woman's ambivalent feelings, for example, fearing/hating her husband yet being concerned about him.

### **Function**

- it tells the woman that you are trying to understand what she has said
- it allows you to clarify your understanding of her feelings
- it reassures the woman that you accept her feelings, and that it's okay for her to have such feelings
- it facilitates the woman's self-awareness and self-understanding.

NOTE: Focus on present feelings and behaviour.

### **PARAPHRASE**

Paraphrase means restating in your own words what the woman has said, for example, 'I understand from what you said that you sometimes get so upset that you feel like ending your life.'

### **Function**

- it allows you to clarify what you have heard
- it allows you to bring together/synthesise what the woman has said
- it allows her to explore the issues further.

### **CONFRONTATION**

Confrontation means honestly and directly:

- pointing out discrepancies in the woman's attitudes/thoughts/ behaviour
- suggesting that the woman's description of herself/her situation does not match how you see it
- making it clear that what you've said is expression of your own point of view, rather than the woman's point of view.

### **Function**

- to deal with strengths/weaknesses that a woman refuses to acknowledge, or reluctance to put a stated intention into action
- to overcome a block or barrier.

Important: In order to effectively use this skill of confrontation, you, the worker, must:

- recognise your own feelings – confrontation should not be used to unload your own feelings
- state the discrepancy clearly and simply
- state your reasons for reacting to the discrepancy noted
- allow her to respond to your confrontation.

### **GIVING DIRECTIONS**

This means telling the woman to do something, to say something or to act in a specific way.

Note: Make sure your directions/instructions are clear and understandable. Make sure the directions are very specific and concrete. Give step-by-step instructions.

Important: Check to see that she understands your directions. Get her to repeat what you have just told her. These directions must not destroy or take over from her capacity to function as the decision-maker in her life.

## Sexual assault cases

Rape victims are usually ashamed, guilty and afraid of how other people will react to them. Some are humiliated, scorned, and stigmatised by police and social workers, and treated with hostility and suspicion by their family and friends. Indeed, the victim is often stigmatised more than the rapist.

Negative responses to victims stem from attitudes to women, rape victims and rape which can be traced to myth and prejudices. Women are believed to provoke rape by the way they dress, where they go, the way they move and behave. They are considered to be responsible for their own protection and must ensure that they do not arouse male sexuality which is traditionally portrayed as an uncontrollable force. Women are also believed to subconsciously desire rape. These myths stem from the belief that any woman can avoid rape if she wants to, a belief that is difficult to support, in view of the fact that most men are significantly stronger than women. Rape has also been portrayed as the vindictive cry of the woman scorned or the girl who regrets intercourse.

The police are particularly at risk of being misinformed by these stereotypes. They are often suspicious of complainants, especially if there is no sign of injury, if the woman knows the offender, if she delays reporting the rape or if she appears unnaturally calm or unemotional. If the woman is seen as morally dubious – as she will be if she is living with her boyfriend, is sexually experienced or is a prostitute – the allegation will be completely in doubt.

Police suspicion manifests itself in various ways. Firstly, the initial complaint may be totally disbelieved and the woman discouraged from pursuing her complaint at the outset. Secondly, police investigation may consist of insensitive, bullying interrogation of the victim. This may involve a succession of officers interviewing the woman or a medical examination in unpleasant or threatening surroundings. Furthermore, she may not be supplied with even the most basic information that might lead her to agencies offering comprehensive victim support service.

Police stations are the traditional rape reception agencies. Police response to complaints of rape and assault require priority attention. The police should be unbiased, unprejudiced and adopt a professional practical approach to the complaint. They must also understand that rape victims often suffer from what is known as the 'rape trauma syndrome' – behaviour the woman may exhibit after rape, which departs from expectations held about victim behaviour. Officers also have to be very well versed with procedures for collection of evidence of the offence.

In Canada, an inexpensive sexual assault examination kit has been introduced. It is used in the examination and treatment of a rape complaint, its aim being to collect and preserve evidence in the most sympathetic manner possible (also see D'Souza (1998) p.44). It cannot be used until the victim completes a consent form and it contains an information guide for her which explains legal procedures, medical examinations, the trial and victim services. It also contains guidelines for the police officer and the examining physician, as well as various forms to be completed by the examining physician. Receptacles are provided for the collection and preservation of physical evidence such as fingernail scrapings, swabs, hair and clothes. Use of the kit continues the work of training and educating officers, making them more meticulous in their evidence collection techniques and directing their inquiries in ways which are less heavy handed than in the past.

In the United Kingdom, the police have developed 'rape suites', which are specially designed interview rooms, equipped with a bathroom and an examination couch. The victim is interviewed and examined in the 'suite', which is separate from the main station interviewing area. It is not uncommon for initial police examination to last up to eight hours and the introduction of the suite means that the complainant is less threatened and certainly more comfortable than previously.

It may not always be possible to provide facilities such as 'rape suites'. However, there are several things that can be done to reduce the victim's trauma.

1. Wherever possible, female police officers should interview complainants.
2. The complainant should be allowed to be accompanied by a supportive individual during police questioning and examination.
3. A female medical examiner should be provided, if the victim would prefer this.
4. Questioning and examination of the victim should take place in a discrete area, so as to reduce her distress and humiliation.
5. Police officers need to forget their biases, prejudices and stereotypes when talking to victims.

### **Interview techniques in sexual assault cases**

1. Maintain a victim-focused interview – consider the victim's age, class, religion, social position, education, exposure, etc.
2. Remain supportively objective – avoid preconceived agendas.
3. Avoid suggestive questions and gestures – have the victim narrate as much as possible and throughout – elicit the victim's information rather than confirming the interviewer's information or belief.
4. Avoid manipulation, for example, by suggesting negative consequences.
5. Seek information that confirms the complaint from the victim (and eventually others), for example, details that can be confirmed externally.
6. Be aware of the Criminal Justice/Protection mandates.
7. Develop and follow a structure to the interview: (i) pre-planning; (ii) introduction; (iii) rapport-building; (iv) background; (v) the interview core; (vi) closing the interview.

## **BRIEFING NOTES (Objective V)**

### **Support services and women's organisations: objectives**

In order to meet practical gender needs of violated women such as shelter, refuges, protection and legal aid, it is important that the police are well acquainted with existing support services so that referral is facilitated.

This session therefore provides an introduction to support services as well as the scope of non-governmental organisations (NGOs) on the issue of violence against women.

#### **Step 1**

Given the popular conception of women's organisations as radical/aggressive/destructive, it is imperative that the participants reflect upon their images/the role of women activists and women's organisations.

Exercise: Images of good women, bad women and women activists.

Participants break up into small groups. Their responses will be put in negative and positive perceptions and stereotyping.

## Step 2

We begin with a brief introduction to the evaluation of the women's movement in India. The emergence of domestic violence as an issue following the Mathura rape case, will be highlighted.

The session will incorporate a brief historical review of social reform movements led by Maharshi Karve and Jyotiba Phule, the relative exclusion of gender issues in the agendas of other social transformatory movements and the formation of autonomous women's organisations as a response to address the issue of gender equality.

## Step 3

Moving to the present, we provide a brief overview of women's organisations and women's activists:

- marxist groups
- socialist feminist groups
- political party volunteers
- training social workers/professionals
- liberal voluntary social workers.

The approach of each category based on various ideologies will be explained by their contribution in the area of gender issues:

- understanding of class-related issues
- the importance of academic and field-based work in influencing the change in rape laws, 498A, Dowry Prohibition Act and government programmes for women
- community-based NGOs with field action projects
- service-based NGOs providing sponsorship, fostercare, shelters, refuges.

The section will end with a summary of the role NGOs play in terms of direct implementation, research and in influencing policy change and formulation; NGOs as a means by which the State can access the grassroots.

## Step 4

This section summarises the response of the government to initiatives taken by NGOs in the setting up of structures that address gender issues at national level vis. National Commission for Women.

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