



"Training Manual on Gender Responsive Investigation and Counseling Skills" for Senior Police Officers (For Trainers)



Nepal Police Headquarters
Naxal, Kathmandu



Publisher : Police Headquarters
Crime Investigation Department
Women and Children Service Directorate
Naxal, Kathmandu

Publication Support : ADB/JFPR 1935-NEP WCSC Project

Framework Design/Coordination : Ms Sulochana Shrestha , Project Coordination

Advice and Suggestion : DIGP Ms Bimala Thapa,
DSP Ms Kiran Bajracharya, DSP Durga Singh

Publication : First, 2013

Number : 300 copies

Press : 3G Printers, Tripureshwar, Kathmandu
Phone : 4261346



सुप्रबल जनसेवाश्री तृतीय
प्रहरी महानिरीक्षक कुवेर सिंह राना
Inspector General of Police Kuber Singh Rana
Chief of Nepal Police

प्रहरी प्रधान कार्यालय
नक्साल, काठमाडौं ।
Police Headquarters
Naxal, Kathmandu
मिति: 10th Nov. 2013

FOREWORD

It gives me an immense pleasure that the Directorate of Women and Children Service Center of Nepal Police is bringing this trainer's manual on Gender Responsive Investigation and Counseling Skills for senior police officers. I express my confidence that the guidebook will help to address the infringement of the rights of women and children. It will also enrich the knowledge and skills of the police officers in the area of gender equality and respect of the rights of women and children.

Police is responsible to uphold the rule of law. According to the Interim Constitution of Federal Republic of Nepal and other prevailing laws, Nepal Police is entitled to promote and protect the rights of citizens, especially vulnerable groups of the societies. Thus, Nepal Police committed to strengthen professional capability in order to eradicate all forms gender based violations and discrimination. In this respect, I am fully hopeful this Trainer's manual will be most worthwhile for police officers for their capacity building on investigation and counseling skills with gender perspectives. I found all the topics are accompanied by empirical facts and case based practical knowledge and skills.

I am sure that knowledge and skills gained through this manual will have multiplying effects and will contribute to create conducive environment for Nepali women and children to live respectfully in their communities and will also reinforce significantly to capacity building for inclusive development. On the other hand it will encompass knowledge, attitude and skills of the police officers in order to develop trainers and better performance in the area of gender equality.

I would like to express my sincere gratitude to Asian Development Bank for their continued cooperation with Nepal Police. My sincere thanks also goes to core team of project for their foremost efforts for the success of the JFPR 9135 project and for the development of the trainer's manual. I would like to appreciate for hard work of the team of Women and Children Service Directorate for their best effort to shape it the manual in a virtual resource material.

Thank you,
Jaya Nepal.

Inspector General of Police
Kuber Singh Rana

About Trainer's Manual on Gender-Responsive Investigation and Counseling Skills For Senior Police Officers

The Trainer's Manual "Gender –Responsive Investigation and Counseling Skills Training" has been tested in the 16 days TOT program on gender- responsive Investigation and counseling skills based on the curriculum upon the approval of Police Headquarters Secretariat which was organized for Senior Police officers held in 24 July to 14 August 2012 under the JFPR 9135: Establishing Women and Children Service Centers. The cooperation between the ADB and Nepal police in this project is highly valued and appreciated

The objectives of this trainer's manual are to:

- Develop the senior police officers as trainer with having multiplier effect, enable to train other junior police officers / staff and stakeholders on gender responsive investigation and counseling skills;
- Develop the knowledge, understanding attitudes and skills of senior police officers so that every victim women and children who comes into contact with them is treated as we would want our own child and sisters to be treated.
- Give senior police officer a better understanding of training methodologies, behavior approach in terms of police investigation and psychosocial counseling with gender perspective and process of access to justice.
- Enable senior police officer to distinguish between a child in need of care and protection and a child who is in conflict with the law and able to counsel accordingly;
- Motivate the police to take an active part in bringing about positive changes in the lives of women and children in difficult circumstances through the counseling process.
- Enable to provide professional and quality service to victim women and children.

We have always been concerned with the training of senior police officers both as participants in capacity building and also as trainers themselves. We are delighted to bringing out this manual in order to train the police personnel those directly involved to reduce crimes/ violence issues against women and children. It is a road map with very clear laid down milestones with the how and why of training.

It has a district focus on dealing with the subject in a human rights framework with an engendered perspective and a victim centric Approach. It will not only give the user/ trainers required information and build their knowledge and skills but would also empower them to control the heinous crime.

The integration of manual and related curriculum into the National Police Training Academy will increase the police staff professional knowledge, skills and operation capacity in the prevention of the different forms of abuse and violence of the rights of women girls and children. We hope that the knowledge and skills gained through this manual will contribute to the creation of an enabling environment for victim women, girls and children to live peacefully and respectfully in their communities.

Furthermore, this Trainers manual will serve for the Nepal police as the guidebook on addressing of elimination of violence against women and children will enhance senior police officer's knowledge and skills in that area of psycho social counseling. The manual fulfills an emerging need for quality training materials for counseling of victim women, girls and children in Nepal police. Psychosocial interventions are an additional forms of assistance. Through counseling one enables the victim to express emotions, worries and thought that aim to restore feelings of dignity and self esteem. This type of support and guides to police staff to find solutions and help the victims to cope through listening, empathizing and understand. This manual will benefit to police staff and change their present situation in a positive and lasting way. This manual will be helpful to create and understanding of and develop skills in counseling in order to cope with the victim's psychosocial and emotional problems effectively.

In addition, All the topics of the manual are accompanied by case studies drawn from country context and related group exercises to enable trainers to better understand and these issues in the context of Nepali culture. It will enrich the knowledge and skills of senior police officers in the area of gender equality and respect for the women, girls and children in terms of investigation and counseling process.

We do believe the practical knowledge and skills will also get sustained and achieve the desirable goals for the service at large. That is why, this manual tried to reinforce on behavioral approach. We are extremely grateful to project team for their efforts and immense support in formulating this manual and thanks to team of Directorate of Women and Children Service for their valuable inputs in formulating this manual. We extend our gratitude to PHQ, Training Directorate team for their insightful inputs on the Draft Manual that helped to finalize this manual. In addition, thanks to senior police officers those provided their precious suggestions on the manual during TOT program.

Who can use this Trainer's Manual:

- Nepal Police trainers
- Nepal Police Training Academy
- Nepal Police Regional Training Centers
- Government, Donors, NGO and other stakeholders involved in police trainings.

PHQ, Directorate of Women and Children Service

Table of Contents

PART 1	
GENDER RESPONSIVE INVESTIGATION SKILLS	
MODULE ONE: Introduction to concept of Gender and Gender Based Violence 1-23	
Session 1 : Introduction and expectation collection	2
Session 2 : Concept of Gender, equity, equality and women empowerment	4
Session 3 : Definition, types, casue and consequences of sexual & Gender Based Violence	8
Session 4: Gender mainstreaming and social inclusion	15
MODULE TWO: Legal treatment related to Gender Based Violence 24-76	
Session 1 : International Tools on Sexual and Gender based violence (90 min)	24
Session 2 : UNSCR 1325 and 1820 and role of state	29
Session 3 : National Tools on sexual and Gender Based Violence	32
Session 4 : Related laws for criminal investigation procedure	61
MODULE THREE: Gender Responsive Investigation Procedure 77-136	
Session 1: Gender Responsive Policing	77
Session 2: Procedure of criminal investigation and FIR	83
Session 3: Arrest	100
Session 4: Search and Seizure	103
Session 5: Investigation Interview	106
Session 6: Complete document and proposed charge sheet	112
Session 7: Security of Scene of crime and evidence collection	115
Session 8: Forensic Science and Medico Legal Science	122
MODULE FOUR:	
Practical exercise on Investigation Process of Violence/Crime Cases 137-138	
Session 1: Visit to WCSC and Interaction on Investigation process on rape and sexual assault	137
Session 2: Continuation of Interaction with WCSC team on Investigation process on rape and sexual assault	137
Session 3: Observation of necessary materials papers used for Investigation process on rape and sexual assault by WCSC	138
Session 4: Continuation of observation of necessary materials, papers used for Investigation process on rape and sexual assault by WCSC team	138
MODULE FIVE: Analysis Impact of sexual assault on boys and girls child 139-148	
Session 1: Analysis Impact of different types of violence/crime espacilly on boys and girls child	139
Session 2: Why Women and Children are in High Risk of Violence ?	143
MODULE SIX: Communication and Behavior with Women and Child Victim 149-163	
Session 1: Police Response on violation of Women and Children	149
Session 2: Guidelines to communicate and behavior with Child victim	151

Table of Contents

PART 2	
GENDER RESPONSIVE COUNSELING SKILLS	
MODULE SEVEN: Conceptual Clarity on Psychosocial Counseling	165-485
Session 1 Review of the part one	165
Session 2: Introduction to psychosocial	167
Session 3: Psychosocial Wellbeing and Support	172
Session 4: Counseling process and ethical considerations in counseling	179
MODULE EIGHT : Communication Skills	186-202
Session 1 : Active listening and Non-Verbal Communication	186
Session 2 : Non verbal Communication	188
Session 3 : Verbal Communication Skills	192
Session 4 : Other Skills in Verbal Communication	194
MODULE NINE : Counseling Process in Domestic Violence	203-211
Session 1: The nature and forms of DV and Psychosocial issues	203
Session 2: Psychosocial Support to the DV Survivors	207
Session 3: Using Communication Skills to support DV	211
Session 4: Using Communication Skills to support DV	211
MODULE TEN: Counseling Process in Child Sexual Abuse	212-224
Session 1: Child Sexual Abuse: children’s needs and behavior	212
Session 2: Alternative tools to support children	217
Session 3: Behavior Modification	221
Session 4: Using Communication Skills to support Children	223
MODULE ELEVAN : Counseling Process in Rape and Sexual Assault	225-234
Session 1: Psychological/Psychosocial symptoms	225
Session 2: Managing Rape Crisis	229
Session 3: Using communication skills to support rape and sexual assault victims	232
Session 4: Using communication Skills to support rape and sexual assault victims	232
Session 5: Interaction on counseling process with the team of counseling center	233
Session 6: Interaction on counseling process with the team of counseling center	233
Session 7: Observation of counseling materials used for counseling process at counseling center	233
Session 8: Observation of counseling materials used for counseling process at counseling center	234
MODULE TWELVE : Crisis Intervention, Referral Mechanism	235-248
Session 1: Crisis and Crisis Intervention	235
Session 2: Stress Management	241
Session 3: Referral Mechanism	246
Session 4: Closing of the training	248
References for Further Reading	249

PART – 1

Gender Responsive Investigation Skills

MODULE – ONE : INTRODUCTION TO CONCEPT OF GENDER AND GENDER BASED VIOLENCE

Objective of the Module:

- The objective of this module is to help the facilitator build clarity among their participants on some Gender responsive investigation skill to clarify some common misconceptions on GBV and related issues.
- It will also help to initiate training on the issue of GBV.
- To make the participant conceptually clear on Gender, Sex and social construction of Gender.
- To increase participants' abilities to discuss the key concepts in ways that can be well understood by the community and by staff.
- By the end of this session participant will be able to explain about meaning, types and causes of S&GBV and will also be aware on consequences of S&GBV.
- Participant will aware on the definition and importance of Gender equity, women empowerment and Gender inclusion policy.
- Participant will be able internalize the importance of sensitiveness to deal with vulnerable group of society.
- Participant will be able internalize the importance of sensitiveness to deal with vulnerable group of society.

Total Time: 6 hours 

Materials: Meta card, Markers, LCD, Laptop, Questionnaire, Markers, Ballpen, Flipchart

Session – 1 Introduction and expectation collection

Session Overview/Activities

Content	Behavioral objectives	Methodology	Time	Material
Introduction and welcome	<ul style="list-style-type: none"> ▪ Introduce the objective of the training ▪ Introduce participant and facilitator 	Metacards will be provided to each participant	30 min	Metacard, name tag and board marker etc.
Expectation collection	To know the expectation of the participants for the training , To make easy learning environment	Colorful metacard will be distributed and ask to write expectation.	15 min	Metacard,
Pre- test of the class	To know the level of participants on the training content	Pre test Questionnaire will be given.	30 min	Pre test questionner
Ground rules set up	To make the training more systematic order	Ask participant's opinion	15 min	New print, marker and other training materials
Information about Workshop Materials, Housekeeping	<ul style="list-style-type: none"> • To let them know all facilities of the course. 	Facilitator will let participant know.	10 min	New print, marker and other training materials

Overview:

Introduction session will help trainer and participant about name, work experience and background etc of each other which help to ease the environment to make more interactive. This introduction session will help to make acquainted with each other, develop trust in the trainers, set the climate for the entire workshop and also help to clarify the schedule and agenda of the training.

Activities:

Introduction and welcome to class (30 minutes)

- Welcome everyone
- Short brief about the purpose of the training

Procedure

- Immediately following the Expectations session, handout copies of the workshop objectives. Go through each objective, taking time to be sure participants understand the workshop purposes, objectives, and intended outcomes. Facilitate a discussion to clarify any questions or concerns.

Expectation collection (15 min)

Overview:

Understanding expectations will give trainers the opportunity to reassure participants that the trainers will strive to meet expectations, and to clarify any misconceptions about the workshop.

Procedure

- Ask participants to take 2 minutes to write down two expectations they have for the workshop.
- Ask participants to discuss these expectations with their neighbors for 2 minutes.
- Reconvene the group and ask participants to share their expectations. Write these on the flipchart paper.
- Explain whether or not this workshop will address each of the shared expectations. If it will not, explain why and how interested participants can gain access to such knowledge.
- If there are other expectations of the workshop that were not mentioned by participants, explain these.

Pre- test (30 min)

- Distribute the questionnaire to each participants
- Ask participant to attempt the questionnaire sheet.
- Pre developed questionnaire will be given to the each participant and ask them to write what they know about the subject.
- Screen and keep in mind about the very smart and weak participant.

Develop Ground Rules (15 min)

Procedure

- Explain that in order for the training to go well, participants will have to follow certain rules.
- Write on the flipchart the following list of rules and explain each as you write it:
 - Turn off cell phones
 - Respect time-start on time, end on time
 - Be respectful of other participants and the facilitators
 - Talk loud enough for all to hear
 - Talk one at a time
 - Maintain confidentiality
 - Active Participation
- Ask participants if there any other rules they would like to suggest. Discuss and agree.
- Write these on the flip chart.
- Ask participants if they agree to abide by these ground rules.
- Post the ground rule list on the wall in the training room.

Facilitator's note:

Maintaining confidentiality is often an issue in GBV workshops. Participants want to share information about their experiences working with GBV survivors and their families. Any incidents or cases that participants want to discuss should be disguised in such a way to remove any potentially identifying information. For example, change the age of the survivor, location of the incident, some details about the incident – and never mention real names or locations.

Information about Workshop Materials, Housekeeping (10 min)

Workshop Materials

1. Distribute workshop notebooks and materials. Alternatively, these can be handed out as participants enter the room at the start of training.
2. Conduct a quick orientation so that participants are aware of the materials in their packets.

Logistics and Housekeeping

- Review the daily schedule time for breaks and lunches.
- Inform participants of locations of toilets, break area, etc.
- If relevant: Review the workshop policies on seeking reimbursement for travel, how food and beverages will be handled (i.e., does the workshop provide these and pay for them directly, or does the participants pay for them and get reimbursed, etc.), and how accommodations will be paid. Set deadlines for receipt and official letter submission and announce when reimbursements will be distributed.
- Explain who from the workshop staff will be handling logistics and direct participants to contact her/him directly outside of the sessions.
- Explain that any housekeeping reminders will be posted on a paper in the back of the room. (Post a flip chart paper at the back of the room, near the entrance.)
- Answer any questions.

Facilitator's note:

For multi-day residential workshops, it is strongly recommended that there be someone other than the trainers serving as a logistics and support person. Participants will have many logistical needs and questions throughout the workshop, and trainers should be focusing on workshop content, not logistical details. If funding constraints do not allow for this extra staff person, then trainers should involve participants in helping with logistics. Ask one of the senior members to the team leader for the course so that he/she will be responsible for individual reporting matter on logistical regards.

Session – 2 Concept of gender, equity, equality and women empowerment

Session Overview/Activities

Content	Behavioral objectives	Methodology	Time	Material
Definition and concept of Gender and sex	<ul style="list-style-type: none">▪ To make participant understand the meaning of “sex” and “gender”	Question and answer, Lecture, discussion	45 min	Flip chart Markers LCD, Laptop
Concept of equity, equality and women empowerment	<ul style="list-style-type: none">▪ To make participant conceptual clarity and understand the relevant topics	Interaction with group and lecture and movie show	45 min	Power point, flip chart paper marker , LCD and laptop

Activities:

Definition and concept of Gender and sex (45 minutes)

Overview

This is a brief review of the concept “gender,” which has different meaning than the word “sex.” This session will also cover the participant who does not have gender course primarily

Procedure

- Prepare a flipchart and write the word “sex” on left side and “gender” on right side.
- Ask participants to explain the meaning of these two words. Write their responses under the appropriate heading.
- Ask what the two words mean in their mother tongue. Are there separate words that specifically mean sex and gender in the local language?
- Explain the definitions of sex and gender, including the Key Learning Points below.
- Write on another blank flipchart “Social/cultural expectations” and divide the sheet into two columns: one for Men/Boys and one for Women/Girls.
- Ask participants to tell you some social/cultural expectations for men and boys in their society.
- Ask same for women and girls.
- For each expectation noted, discuss with participants if this expectation is based on sex or gender. For example, the expectation for women to have children is based on sex but the expectation for women to do the cooking for a family is based on gender.
- Ask participant whether the below statements are gender or sex ?
 - Women give birth to babies, men don’t (S)
 - Little girls are gentle, boys are tough (G)
 - Women can breastfeed babies, men can bottle-feed babies (S)
 - Most building-site workers in Britain are men (G)
 - Men’s voices break at puberty, women’s do not (G)
- According to UN statistics, women do 67% of the world’s work, yet their earnings for it amount to only 10% of the world’s income (G)

Key Learning Points

Sex:

- Refers to the physical/biological differences between males and females
- Determined by biology
- Universal
- Born with
- Cannot be changed

Gender:

- Refers to the social differences between males and females
- Determined by social factors—history, culture, tradition, societal norms, religion
- “Gender” in any given society involves the socialization for boys and girls, men and women that determines roles, responsibilities, opportunities, privileges, limitations, and expectations
- Gender definitions can change
- Gender is a neutral term, neither good nor bad, right nor wrong
- For some, the word “gender” has become associated with women’s issues and women’s programs, feminists, and for some people gender has become a negative word that connotes exclusion or hatred of men. In fact, “gender” refers to both males and females.

- Gender is an English word; the meaning has changed over time. Twenty years ago, “gender” had the same definition as “sex.” The word does not translate easily into other languages. For each language, we must find a way to describe the concept of gender in ways that can be understood, not simply use the English word “gender.”

The concept of gender refers to the norms, expectations and beliefs about the roles, relations and values attributed to girls and boys, women and men. These norms are socially constructed, they are neither invariable nor are they biologically determined. They change over time. They are learned from families and friends, in schools and communities, and from the media, government and religious organizations

Facilitator’s note:

This is fundamental understanding for the Participants for training on Gender based violence investigation skill. Always be sensible to clarify the participants’ questions upon the differences of sex and gender that is why facilitator need to know that at the end to verify and reinforce participants’ knowledge of the difference between sex and gender.

You must determine whether your training group needs or could benefit from additional exercises for further analysis of the concept of gender. You can select activities and exercises most appropriate for your training group.

It is useful to ask a few participants to translate “sex” and “gender” into local languages. Try to get the group to agree to use these translated definitions when talking about gender. Emphasize that inserting the English word “gender” into discussions in other languages is not an effective way to teach the concept of gender.

Activities: Concept of Gender equity, equality and women empowerment (45 min)

Overview:

This session will develop the capacity of participants on gender equity, equality and women empower issues. It makes the participant aware on equal treatment of women and men in laws and policies, and equal access to resources and services within families, communities and the society is gender equality. Equality makes the person empower in every stage.

Procedure

1. Ask the participant what they know about Gender Equality and Equity?
2. Give 10 minute for brainstorm.
3. Then ask they do women and children in our society get equal opportunity as man?
4. Show some pictures related equity and equality.
5. Again, ask them what they know from that picture.
6. Write all the points said by the participant. Give thanks to the participants for saying the points.
7. Start your presentation addressing the points shared by the participants and make them clarity on the topic.

Key Learning Points

1. Gender Equity:

Gender equity means being fair to women and men, girls and boys. To ensure fairness, measures are put into place to address social or historical discrimination and disadvantages faced by girls relative to boys. A gender equity approach ensures equitable access to, and control of the

resources and benefits of development through targeted measures. Scholarships for girls are one example of an equity approach that contributes to all children, boys and girls, accessing school and equally benefiting from education opportunities. Increased gender equity is only one part of a strategy that contributes to gender equality.

Fairness and justice on distribution of benefits and equal responsibility between women and men. This concept recognizes that women and men have different needs and power and that these differences should be identified and addressed in a manner that rectifies the imbalance between the sexes means Gender equity.

2. Gender Equality:

- equal rights, responsibilities and opportunities for women and men and girls and boys
- ... the interests, needs and priorities of both women and men are taken into consideration
- ... should concern and fully engage men as well as women
- ... a human rights issue and a precondition for and indicator of sustainable development

Gender equality means that women and men, girls and boys enjoy the same status in society; have the same entitlements to all human rights; enjoy the same level of respect in the community; can take advantage of the same opportunities to make choices about their lives; and have the same amount of power to shape the outcomes of these choices. Gender equality does not mean that women and men, or girls and boys are the same. Women and men, girls and boys have different but related needs and priorities, face different constraints and enjoy different opportunities. Their relative positions in society are based on standards that, while not fixed tend to advantage men and boys and disadvantage women and girls. Consequently, they are affected in different ways by policies and programs. Gender equality approach is about understanding these relative differences, appreciating that they are not rigid but can be changed, and then designing policies, programs and services with these differences in mind. Ultimately, promoting gender equality means transforming the power relations between women and men, girls and boys in order to create a more just society for all.

Some Picture Related to Gender Equity and Equality



Source: GEMS Training Manual for Facilitators

3. Women Empowerment:

Power is the ability to shape one's life and one's environment. The lack of power is one of the main barriers that prevent girls and women from realizing their rights and escaping cycles of poverty. This can be overcome by a strategy of empowerment. Gender-based empowerment involves building girls' assets (social, economic, political and personal), strengthening girls' ability to make choices about their future, and developing girls' sense of self worth and their belief in their own ability to control their lives.

4. Gender Justice :

The concept of gender justice underlines the role of duty bearers for the rights of girls and boys. Gender justice is the ending of inequalities between females and males that result in women and girls subordination to men and boys. It implies that girls and boys, men and women have equal access to and control over resources, the ability to make choices in their lives, as well as access to provisions to redress inequalities, as needed. A commitment to gender justice means taking a position against gender discrimination, exclusion and gender-based violence. It focuses on the responsibility to hold duty bearers accountable to respect, protect and fulfil human rights, particularly of girls and women.

Facilitator's note:

Facilitator should reinforce on how unequal opportunity and position of male and female in the society make women powerless. Unequal power relation of male and female in the society makes women and girls in vulnerable situation.

Session – 3

Definition, types, cause and consequences of sexual & Gender Based Violence

Content	Behavioral objectives	Methodology	Time	Material
Definition and types of GBV	<ul style="list-style-type: none">Will be able to describe about the GBV that can occurWill be able to distinguish the different type/forms of GBV and its nature	Open discussion and lecture	45 min	
Causes and Consequences of sexual & Gender Based Violence	<ul style="list-style-type: none">Participant will be able to identify the causes of GBV and will be sensitized while investigate the GBVTo increase knowledge on the root causes of GBV.To increase awareness of potential contributing factors and risks that may be present in individual settings	Brainstorming, lecture, group exercise, gender tree etc,	45 min	Flipchart, Laptop, multimedia projector and board marker etc.

Activity: Definition of Gender Based Violence:

Overview:

This activity will build participants understanding of the key concept and principles behind “gender-based violence” and “violence against women.”

Procedure:

- As a starting point, ask the participants to brainstorm about the words associate with Gender base violence. Facilitator should go around the group and ask each participant to say one word that comes to his/her mind when they think of Gender base violence.
- Make the list of word said by the participants and start to facilitate on the basic of the word came from participants.

- Show the definition of GVB in the power point and discuss on it. Come in to the consensus point.
- Rap up and end this topic by asking the participants to summarize their understanding on the definition of GBV by listing the key points they learned.

Key Learning Points

Definition of GBV:

Gender-based violence is violence that occurs based on gender roles, expectations, limitations, etc. GBV therefore largely affects females in most societies; males are also victims/survivors of GBV, but most gender discrimination occurs against females because of the discriminatory norms and values makes women powerless and creates the situation in society.

GBV involves some type of force, including threats and coercion. Force is not always physical force. Using the word “violence” implies physical violence, but the meaning is broader than that. Acts of GBV are violations of fundamental human rights. Gender-based violence occurs in all societies of the world, within the home or in the wider community and it affects women and girls disproportionately.

Facilitator’s note:

Facilitator have to emphasize on the definition of GBV that “Gender-based violence refers to physical, sexual, psychological and sometimes economic violence inflicted on a person because of being male or female. Girls and women are most frequently the targets of gender based violence, but it also affects boys and men, especially those who do not fit dominant male stereotypes of behaviour or appearance. Gender-based violence may refer to criminal acts of aggression committed by individuals, or to socially sanctioned violence that may even be committed by State authorities. Among these are human rights infringements such as domestic violence, trafficking of girls or boys, female genital cutting or violence against men who have sex with men”.

Activity:

Types of Gender Based Violence:

Overview:

From this activity, participants will know the types of Gender base violence in their society and within the organization.

Procedure:

1. Divide participants into 5 small groups. Assign each group to list the types of GBV in your society.
2. Instruct groups that they are to brainstorm and come up with examples of different types of GBV.
3. Ask them to write the discussion point with some examples.
4. Give 20 minutes to discuss and complete their assigned tasks.
5. After the group work, ask them to paste the flipchart.
6. Now exchange the group and ask group 1 to read the flipchart posted by group 2 and group 3 for group 4 group 2 for group 5.
7. Instruct participants to do a “Gallery Walk” by walking around the room and reading what the other groups have written and discussing any questions with the group’s representative.

8. Allow 5–10 minutes for participants to view each group’s work and to discuss among themselves. Monitor progress; allow more or less time as needed.
9. Ask everyone to take his or her seats. Ask a few discussion questions; discuss for approximately 5 minutes:
 - Were there any examples listed that you disagreed with?
 - Ask if any especial point that makes them disagree or surprise?
 - Are there any examples of GBV that repeated in any group?
10. Give Handout and take a few moments to let participants glance at the information. Encourage them to read more after the class.
11. Summarize and close the topic.

Key Learning Points ↓

There are different types of gender-based violence, which occur at different levels like within the family, community and state. Domestic violence, which typically occurs when a man beats his female partner, is the most prevalent form of gender-based violence and this occurs within the families and inside the homes.

Types of GBV in our society

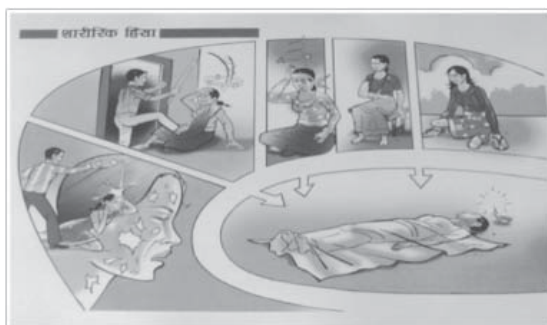
- Sexual violence, Social violence
- Physical violence, Mental violence
- Harassment
- Rape, Attempted Rape, Marital Rape
- Abuse/Exploitation, Child Sexual Abuse/Incest
- Sexual Abuse (non-penetrating)
- Forced prostitution “willing” but involuntary, child prostitution,
- Trafficking and other harmful traditional practices etc .

Facilitator’s note:

To make the participants more clear on the topic facilitators have to collect some real case studies from different source like newspaper and other publication. From the cases, participants feel more comfortable to share the cases they have deal in their daily work. Facilitators have to make some copy of the case studies and related handout to give the participants.

Type of Gender-based violence:

Physical Violence against women



Physiological violence against women



Social violence against women



Sexual violence against women



Gender Based Violence



Activity:

Causes and consequences of sexual & Gender Based Violence (45 min)

Overview:

This activity will make the participants aware on root causes of GBV, as well as contributing factors of GBV in our society. By knowing major causes of GBV, it will support the participants to deal the case and find the root cause of violence. By the end of this activity participant will clear on how to deal with women survivors and investigate the case of GBV to support them for better treatment.

This activity will support to understand nature and extent of potential consequences, which enable participants to understand the urgent need for basic response and services in all settings.

Procedure:

Discussion on Gender Tree will be the best way to make the participant clear on cause and consequence of GBV. So, for this activity facilitator have to cut the colored paper into three different shapes. Cut one color into long strips, another squares and the last color into the shape of different fruits and leaves. On a large sheet of newsprint, draw the outline of a big tree with roots, a trunk and branches.

1. Now divide the participants into four small groups and ask participants to discuss on causes/contributing factors of GBV.

2. Write the words said by them in long strips of paper and paste it into the root of the tree, explaining that the roots of this GBV tree represent the causes of GBV.
3. Ask the participant what are the contributing factor for discriminative root? Participants can say that our family, Society, social norms and values are the major factor to contribute GBV. Please write all discussion points on the squares paper and paste on the stem of the tree.
4. Now ask the participants what will be the result of this tree? Write the words said by the participants on a different paper which was in fruits and leaves shapes. Paste the paper on the area of leaves and fruits in a tree.
5. Now ask what they know from this activity. Pointing to the root of the tree explain them that the deep-rooted discriminative norms and values are the main cause of GBV.
6. Go to the stem area and explain about the contributing factor of GBV is unequal social value given for male and female by our family, society as well as Nation, which always create inequality between male and female and the case of GBV comes out in different ways.
7. Write some “Consequences of GBV on a flipchart. Ask participants to give share some examples. Use one color marker for health consequences and a different color for psychosocial consequences.
8. Add and explain additional examples to include most of the consequences listed in the discussion points.
9. Conclude this activity by pointing out that consequences will relate to health and psychosocial issues. Understanding these will enable good program design to assist survivors and alleviate the harmful consequences after-effects.

Key Learning Points ↓

Major Causes of GBV

Causes of gender-based violence are many and varied depending on the types of violence. Traditional attitudes towards women around the world help perpetuate the violence. Stereotypical roles in which women are seen as subordinate to men constrain a woman’s ability to exercise choices that would enable her end the abuse. GBV as being deeply rooted in the way society is set up-cultural beliefs, power relations, economic power imbalances, and the masculine idea of male dominance.

The consequences of gender-based violence are devastating. Survivors often experience life-long emotional distress, mental health problems and poor reproductive health. The impact of violence may also extend to future generations. Children that have witnessed abuse, or were victims themselves, often suffer lasting psychological damage. Thus, gender-based violence is a serious issue that requires a comprehensive solution.

Numbers of medical, psychological and social consequences of GBV are depends on the types of GBV. Death, either through homicide or suicide, is not uncommon and one of the reason for suicide. The most significant social outcome is stigma and all societies’ tendency to blame the victim for an incident of GBV, especially rape and other sexual abuses. This stigma and blame result in even greater psychological and emotional suffering to the survivor and often influences the behavior of those who should be helping. The survivor may be considered an outcast in the community and may even be unmarriageable. Survivors of GBV are at high risk for further abuse and victimization.

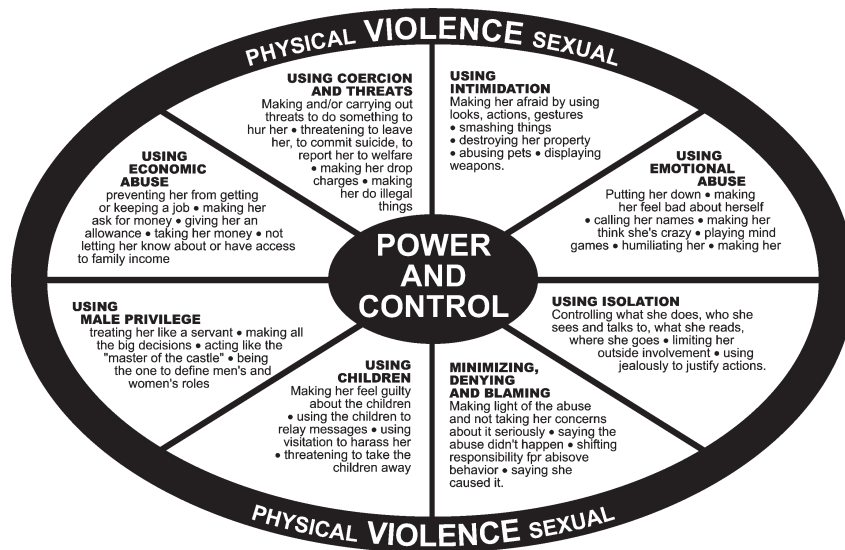
Facilitator's note:

Facilitator should focus on some points like Male and/or society attitudes of disrespect or disregard towards women. Social construction of difference and unequal Power relations between male and female is the major cause GBV.

Gender tree



Cycle of Power and Control over resources



Other Contributing Factors for GBV:

- Alcohol/drug abuse
- Poverty, religious, cultural, and/or family beliefs and practices
- Lack of laws against forms of gender-based violence and lack of proper implementation of existing laws
- Lack of protection
- Political motive, weapon of war, for power/control/fear/ethnic cleansing

Health consequences:

There are serious and potentially life threatening health outcomes with all types of sexual and gender-based violence. The consequences vary, depending on the type of GBV

Incurable outcome

- Homicide
- Suicide
- Maternal mortality
- Infant mortality
- AIDS-related mortality

Acute Physical

- Injury
- Upset
- Disease
- Infection

Chronic Physical

- Disability
- Somatic complaints
- Chronic infections
- Chronic pain
- Gastrointestinal problems
- Eating disorders
- Sleep disorders
- Alcohol/drug abuse

Reproductive

- Miscarriage, unwanted pregnancy, unsafe abortion
- Sexually transmitted infections (STIs), including HIV/AIDS
- Menstrual disorders, Pregnancy complications; infertility
- Gynecological disorders, sexual disorders

Psychological/Emotional Consequences

Most psychological and emotional effects should be viewed as normal human responses to horrific, terrifying, extreme event. In some cases, however, the survivor experiences mental illness that requires medical intervention.

- Post traumatic stress, Depression
- Anxiety, fear, Anger
- Shame, insecurity, self-hate, self-blame

Mental illness

- Suicidal thoughts, behavior, attempts

Social Consequences

Most societies tend to blame the survivor for the incident, especially in cases of rape. This social rejection results in further emotional damage, including shame, self-hate and depression. Due to their fear of social stigma and rejection, most survivors never report the incident and never receive proper health care and emotional support. Most incidents of GBV are never reported to anyone.

- Blaming the victim, loss of ability to function in community (e.g., earn income, care for children)

- Social stigma, social rejection and isolation
- Rejection by husband and family

Session - 4 Gender mainstreaming and social inclusion

Activities/sub topic

Content	Behavioral objectives	Methodology	Time	Material
Introduction of Gender mainstreaming and Tools of Gender mainstreaming	<ul style="list-style-type: none"> ▪ To make participant conceptual clear on gender mainstreaming and its tools ▪ To make participant conceptual clear on social inclusion and government's policy 	Lecture, brain streaming, slide show	45 min	Flip chart, newsprint and other relatd documents
Situation of social inclusion in Nepal and National policy	<ul style="list-style-type: none"> ▪ Participant will know the situation of social inclusion in Nepal. 	Lecture, group discussion and work	45 min	Flip chart, newsprint and other relatd documents

Activity: Introduction of Gender Mainstreaming

Overview:

This topic will support the participant to understand the meaning of Gender mainstream and it is important in within Intuitions, policy and programs.

Procedure:

1. Ask participants what they know about the word mainstreaming and what they know about gender mainstreaming is?
2. Give 5-10 minutes for brainstorming.
3. Write all the points said by the participant in a flip chart and paste on the board. Read all the points once.
4. Make PowerPoint presentation to make the participant clear on the meaning of gender mainstreaming.
5. Ask the participants if they have any query. If they don't have and query end your discussion.

Key Learning Points

Gender mainstreaming is the promotion of gender equality into all aspects of an organization's work and into its systems and procedures. It is a process that addresses what an organization does (external mainstreaming) and how an organization works (internal mainstreaming). Gender mainstreaming means that all policies, programmers, as well as organizational and management processes are designed, implemented, monitored and evaluated taking into account the different and relative needs and constraints of girls, boys, women and men with the aim of promoting gender equality. The goal of gender mainstreaming is to make sure those women, men, girls and boys realize their rights and that inequality is not perpetuated.

Facilitator's note:

Facilitator will have to collect the related documents and make handout for the participants. Before the session every facilitator will have to read the document properly as this is very theoretical and policy level session.

Definition of Gender Mainstreaming

The concept of gender mainstreaming was first proposed at the 1985 third world conference on women in Nairobi. The idea has been developed in the United Nations development community. The idea was formally featured in 1995 at the fourth world conference on women in Beijing. Gender mainstreaming is the public policy of assessing the different implications for women and men of any planned policy action, including legislation and programs, in all areas and levels.

Gender mainstreaming is a globally accepted strategy for promoting gender equality. Mainstreaming is not an end in itself but a strategy, an approach, means to achieve the goal of gender equality are central to all activities- policy development, research, advocacy legislation, resource allocation, and planning, implementation and monitoring of all programs and projects.

Mainstreaming is not an end in itself but a strategy, an approach, a means to achieve the goal of gender equality. Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities, policy development, research, advocacy/ dialogue, legislation, resource allocation, and planning, implementation and monitoring of programs and projects.

Since 1997 the Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and the Advancement of Women has been charged with supporting and overseeing the implementation of the policy mandates. The mandate of the Special Adviser on gender mainstreaming covers the whole United Nations system, and the role of UN Women in this respect is, of necessity, largely a supportive and advisory one. An important additional element is monitoring and reporting on progress with gender mainstreaming. The office has two professional staff dedicated to supporting gender mainstreaming.

In promoting, facilitating and supporting the implementation of gender mainstreaming throughout the United Nations, the Office of the Special Adviser has initiated consultations on gender mainstreaming with senior management in many different United Nations entities and developed methodologies, tools and information materials. The office works to create awareness of the benefits to program outcomes of incorporating gender perspectives into work program throughout the United Nations system, including in departments within the Secretariat. The objective of these efforts is not to “do” gender mainstreaming for other parts of the system but to stimulate all entities within the United Nations to take gender perspectives into account in their work programs, as called for in the Platform for Action, ECOSOC Agreed Conclusions 1997/2 and all other intergovernmental mandates. Progress report from UN Women [Supporting Gender Mainstreaming. The work of UN Women](#)

A strong, continued commitment to gender mainstreaming is one of the most effective means for the United Nations to support promotion of gender equality at all levels - in research, legislation and policy development and in activities on the ground, and to ensure that women as well as men can influence, participate in and benefit from development efforts. There is a continued need, however, to complement the gender mainstreaming strategy with targeted interventions to promote gender equality and women’s empowerment, particularly where there are glaring instances of persistent discrimination of women and inequality between women and men.

Mainstreaming a gender perspective in all types of activities (referred to as gender mainstreaming) is a globally accepted strategy for promoting gender equality. Mainstreaming is not an end in itself but a means to the goal of gender equality. Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities - policy development, research, advocacy/dialogue, legislation, resource allocation, and planning, implementation and monitoring of programs and projects. Development of an adequate understanding of mainstreaming requires clarity on the related concepts of gender and equality.

Mainstreaming was clearly established as the global strategy for promoting gender equality through the Platform for Action at the United Nations Fourth World Conference on Women in Beijing in 1995. The need to ensure that attention to gender perspectives is an integral part of interventions in all areas of societal development was made clear in that document. For each of the strategic objectives identified in Beijing specific reference was made to the importance of the mainstreaming strategy. For example, in the chapter on Women in power and decision-making paragraph 189 specifically addresses mainstreaming: “In addressing the inequality between men and women in the sharing of power and decision-making at all levels, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken, an analysis is made of the effects on women and men, respectively.”

Some Policy, Plan and Activities for Gender Mainstreaming in Nepal

Nepal's Three Year Interim plans (2007/08-2009/10) has set the following strategies concerning gender mainstreaming:

- Women's active participation will be ensured through gender mainstreaming in all areas of development.
- Policy and legal reforms as well as other necessary measures will be taken to ensure at least 33 percent representation of women in policy and decision-making process at all levels.
- In the social, economic and political spheres, active participation and empowerment of women of the backward groups, Adibasi Janajatis, Madhesis, Muslims, single women, women with disability and the marginalized, will be ensured.
- In order to end all kinds of violence and gender discrimination against women including human trafficking, tasks will be undertaken to create a strong environment, including a legal framework.
- A special program will run to protect the rights of conflict victims and internally displaced women, and to rehabilitate them.
- Active and meaningful participation of women in conflict resolution and peace building will be ensured.

Nepal Government's Policy for Gender Mainstreaming

Objectives and Strategies in Three Years Interim Plan (2007/8-2009/10)

The long term vision of the Interim Plan is to build a new Nepal. The interim plan has the following objectives with regards to the gender equality:

- To build an equitable and gender inclusive society by ensuring equal rights of women of all castes, creed and regions in the social, political and economic aspects of national development.
- To put an end to all forms of violence and discrimination against women including human trafficking.
- Social rehabilitation of conflict-affected and displaced women and to ensure the active participation of women in conflict resolution and the peace process.

With the given objectives the interim plan has targeted to raise the gender development index from 0.452 to 0.556, raise the Gender Empowerment

Measure from 0.391 to 0.450 and ensure women's representation in the policy-making bodies to 33.0 %. Please refer to Annex III for the strategies set in the interim plan.

Specific Initiative

The government of Nepal has so far taken the following initiatives to ensure gender equality at all levels:

- Gender analysis and gender budgeting to be made mandatory in the planning process
- Major sectors of development, such as education, health, agriculture, water resources, forestry, tourism and local development, to be engendered
- A minimum of 33 % of the beneficiary of the programs run by ministries to be women
- Industrial establishments with 50 % women on their Board of Directors and women as their executive heads to be given special Incentives, Specialized mechanisms for gender analysis, gender audit and gender budgeting of national, sector-specific or local plans and programs to be strengthened
- Women Development Offices, which have been acting as gender focal-points in respect of local agencies, to be developed into competent agencies in terms of infrastructure, staffing and institutional capacity for co-coordinating, facilitating and monitoring actions for gender equality and empowerment of women
- CBOs working in the field of women's empowerment as well as women's own organizations to be strengthened in terms of institutional capacity and also to be made accountable
- A minimum of 33 and 50 % representation of women to be ensured in peace councils or committees to be formed at national and local levels respectively.

Organizational Mechanism for Gender Mainstreaming in Nepal:

(a) Ministry of Women, Children and Social Welfare (MWCSW)

The Ministry is the lead agency working mainly in four ways:

- Policy initiatives to encourage affirmative action, gender-responsiveness and internalization of gender issues in all sectors
- Legal reforms to remove institutional barriers
- Coordinating, networking and lobbying with other ministries, private or civil agencies and pressure groups
- Field-level activities through the Department of Women Development.

(b) Department of Women Development (DWD)

The Department is the implementing agency under the Ministry. It runs the Women Development Program and various projects through Women Development Offices.

(c) Women Development Offices (WDO)

WDOs operate at district level and are there in all of the country's 75 districts. WDOs have also been designated by the Nepal Government as Gender Focal Agencies.

Lessons Learned and Gaps on Gender Mainstreaming

1. In a decentralized planning perspective gender mainstreaming and social inclusion is equally necessary at local level and should not be limited to central level
 - Gender mainstreaming and social inclusion is effective if sector-specific agencies can see the mainstreaming effect in terms of achieving sector-specific goals
 - Networking is part of the mainstreaming and inclusion process providing forums

for participation, sharing of experiences and projecting the image of the member organization

- Gender mainstreaming and social inclusion is best done in a voluntary co-ordination mode as different from a mandatory co-ordination mode
- Gender and social inclusiveness analysis is essentially a participatory process and is effectively institutionalized only when issues are identified by the staff or other members of the sector-specific agency rather than externally
- Partnership programs present opportunities for learning together and, therefore, are good supplements to co-ordination meetings or other mechanisms for mainstreaming and inclusion.
- GMSI focal agencies have a role to play but success depends on the extent to which ‘ownership’ of the whole process is transferred to the sector-specific agency right from the beginning.
- Gender mainstreaming and social inclusion in practice involves a series of stages from sensitization to capacity development to institutionalization, which focal agencies need to be aware of.

Recent Development of Acts and Regulations Concerning Gender Mainstreaming:

The following are the major development of acts and regulations regarding Gender Mainstreaming in recent year.

- The Act to Amend Some Nepal Acts to Ensure Gender Equality and Social Inclusion with the effect of either amending or repealing a total of 65 provisions in various Acts that were deemed discriminatory against women (On 28 September 2006)
- The House of Representatives resolution of May 30, 2006 in favor of proportionate representation of women in all parts of the State structure calling for guaranteeing at least 33 per cent participation of women for the time being with the aim of achieving proportionate representation ultimately Ratification by the House of Representatives of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women 1999 (18 December 2006)
- UN convention on the rights of people with disability (UNCRPD) is in the Legislative Parliament ‘The Citizenship Act 2006’ allowing equal rights to women to acquire citizenship (26 November 2006)
- ‘The National Women’s Commission Act 2006’ with the mandate for working to establish women’s human rights (28 December 2006)
- Gender-responsive budgeting and gender audit systems introduced in the government mechanism
- The Nepal Government initiative to adopt the Zero Tolerance policy at work places (2006)
- A number of Supreme Court verdicts to establish women’s rights in light of CEDAW, CRC and other international instruments
- Two Bills, namely on ‘Human Trafficking’, and on ‘Domestic Violence’ have already passed bill on ‘Sexual Harassment’, in the pipeline
- The Ministry of Local Development decision to require all 3,913 Village Development Committees to earmark at least 15% (out of the yearly block grant) for funding projects designed to empower women, children and other disadvantaged groups
- CEDAW plan of action to ‘guarantee women’s reproductive and basic health rights’ and BPFA plan of action on ‘women and health’ which guide the concerned ministries to work for ensuring women’s rights
- The Ministry of Women, Children and Social Welfare conducting regular meetings with

Gender Focal Points of sectoral ministries to share new policies, dimensions, legislation and sectoral initiatives in line with gender-responsiveness

- A National Coalition Committee representing 34 different GOs, I/NGOs and donor agencies formed to work together on violence against women (including violence during pregnancy)
- A Caucus of women Parliamentarians formed A Gender Stakeholders' Group formed by the Department of Women Development for regular consultation with representatives of GOs, I/NGOs and aid agencies (14 January 2008).

Some major gaps of Gender Mainstreaming:

- Policy gaps, Ownership gaps & Resource gaps
- Coordination/linkage gaps & Information gaps
- Human resource/expertise gaps & Implementation/monitoring gap
- Management/decentralization gaps & Documentation gaps

Activity: Social Inclusion

Over view:

Social inclusion is a political agenda. It is not surprising that there should be contest among social groups for eligibility. This is further compounded by plethora of words that refer to those considered excluded: disadvantaged, marginalised, downtrodden, and oppressed. 'Disadvantaged groups' is widely referred in development literature and the

Procured:

- To discussion on this topic ask the participants to make remind above topic (Gender Mainstreaming and Empowerment)
- Give 5 minutes for remember some major points
- Ask them to share some of the points and write the points in a flipchart.
- Facilitate to make linkage of Empowerment and Social inclusion give some Questions and ask for Group exercise

Questions are as follows:

- What problems can solve through empowerment approach? Please give some examples.
- What problems can solve through gender mainstreaming or social inclusion approach? Please give some examples.

Key Learning Points:

From this topic, participants will know importance of social inclusion in all level of organizations, planning and programs.

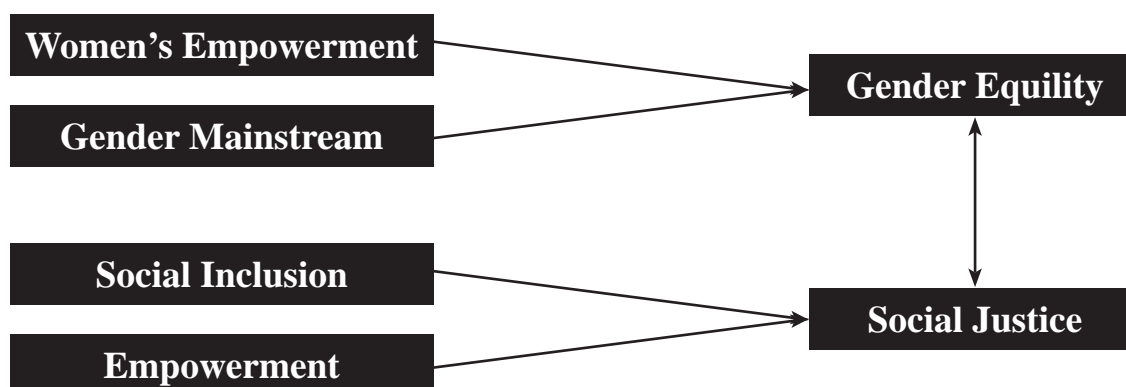
Social inclusion is the removal of institutional barriers and the enhancement of incentive to increase the access of diverse individuals and groups to development opportunities. Social inclusion seeks to bring about system level institutional reforms and policy change to remove inequalities in the external environment.

Facilitator's note

Facilitators have to prepare the related document for group work. Collect some case studies related to inclusion and empowerment for group work. Don't forget to conclude the topic related with inclusion on Nepal police.

Concept of social inclusion:

The following chart shows interrelationship on the empowerment, gender mainstreaming and social inclusion approach.



Social inclusion require a shift from an institutional environment that give some individuals and groups more opportunity to realize the agency that others to one where the political system and the rules of law support equal agency in incentives and also improved capacity within state and community organizations to ensure that organizations can and will respond equitably to the legitimate demands of all individuals regardless of their social identity. This process, as it leads to greater equality of agency, will bring about suitable prosperity for all through improved access to the assets and capabilities required for achieving a secure livelihood and broad based economic growth (World Bank).

Nepal Government's Policy on Social Inclusion

Inclusive Democracy:

Inclusive democracy is a commitment of Nepal. Nepal is trying to build an inclusive state. After ten years of armed conflict and popular movement of 2006 when Nepal entered into peace process it has committed to address not only political but also social, economic and cultural issues. So the debates on inclusive democracy and to some extent of commitment are being made by the state actors. Citizens are also watching closely with the expectation of inclusiveness.

Inclusive Democracy encompasses the Political, Social, Economic and Cultural aspects. It refers inclusive democracy as combination of political democracy, economic democracy, democracy in social realm, cultural democracy and ecological democracy. Political Democracy highlights power sharing and equal political power whereas economic democracy seeks to minimize economic differences and the progressive tax system. It emphasizes that the democracy should outreach to the social realm; household, workplace, education, health, institutions too. In democracy cultural factors are also equally important that refers meeting the basic needs of all citizens and also securing freedom of choice.

Constitutional Provision in Nepal

The Interim Constitution 2007, in preamble, has mentioned, progressive restructuring of the nation is determined to solve the problems based on the discrimination of gender, ethnicity, caste and religion to avoid the repetition of conflicts in the past. The Interim Constitution protects social rights of the disadvantaged and excluded including women, Dalits, Madhesis, indigenous ethnic tribes, children, the disabled, and those who are economically, socially, or culturally backward. It addresses rights to equality (article 13), rights against untouchability caste discrimination (article 14), rights of women (article 20) and social justice to assure participation of those disadvantaged in the state mechanism (article 21).

In article 33 (D and D1) as the state responsibility it has been clearly spelt out that the State shall have the following responsibilities: D (d) to carry out an inclusive, democratic and progressive restructuring of the State by eliminating its existing form of centralized and unitary structure in order to address the problems related to women, Dalits, indigenous tribes (Adibasi Janajati), Madhesis, oppressed and minority communities and other disadvantaged groups, by eliminating class, caste, language, gender, cultural, religious and regional discrimination, and to enable Madhesi, Dalits, indigenous ethnic groups (Adibasi Janajati), women, labourers, farmers, the physically impaired, disadvantaged classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion.

Legal Arrangement

Apart from these, Local Self Governance Act 1999 and Local Self Governance Regulation 1999 are the other policy documents which have provisioned the some social inclusion related measures. Likewise National Foundation for Development of Indigenous Nationalities Act 2002 and regulation 2005, National Dalit Commission Rules, Rules for Neglected, Suppressed and Dalit Community Upliftment Committee and the Other Backward Community rules 2065 are also the social inclusion related legal and policy measures. Recently GoN has brought Gender Equality and Social

Inclusion (GESI) Strategy under the Local Governance and Community Development Programme (LGCDP) which has given a very good direction for the gender mainstreaming and the social inclusion.

Agreements on International Instruments

On the other sides, Nepal has already rectified many international human rights instruments such as Universal Declaration of Human Rights (UDHR) - 1948, International Convention on the Elimination of all forms of Racial Discrimination (ICERD) - 1965, International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) - 1979, International Convention on Rights of Child (CRC) - 1989, International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) - 1984, International Covenant on Economic, Social and Cultural Rights (ICESCR) - 1966, International Covenant on Civil and Political Rights (ICCPR) - 1966. The gist of all these instruments are Non-discrimination, equality, participation to respect, promotes and fulfills the all human rights of all.

Policy and Activities

(a) The Three Year Interim Plan (TYIP)

The Three Years Interim Plan (2007/08-2009/10) envisages a prosperous, modern and just Nepal and aims to lay a foundation for economic and social transformation to achieve the vision. It particularly emphasizes the realization of “peace dividend” to be felt by the general public and thus sets its objective to establish peace and reduce the existing unemployment,

poverty and inequality in the country. One of its main strategies is to adopt an inclusive development process and carry out targeted programs while focusing on the excluded groups. In the TYIP, Chapter 8 highlights the issues of women and socially disadvantaged groups and describes the problems, challenges, objectives, strategies, approaches and programs to target 6 groups women, Dalit, Adibasi Janajati, Madhesi community, Muslim community and Persons with disability. This provisions the subchapters such as 1) Empowerment of Women and Gender Equality, 2) Upliftment and Development of Dalits, 3) Adibasi Janajati, 4) Madhesi Community Development, 5) Muslim Community and 6) Persons with Disability. This is the targeted chapter. In general, the chapter 6 has been provisioned about the social justice and inclusion. It has clearly indicated human rights, inclusive development, regional development and the others.

(b) Institutional Arrangements

To promote the social inclusion, some institutional arrangements had been made.

MODULE – TWO : LEGAL TREATMENT RELATED TO GENDER BASED VIOLENCE

Objective of the Module	<ul style="list-style-type: none"> ▪ To make aware on special feature of CEDAW in other international laws on right of women, children and GBV case as well. ▪ To make aware on role of security during conflict and post conflict situation. ▪ To update the current national laws and practice ▪ To give skill and knowledge for carrying out the evidence based investigation procedure.
Total Time	6 hours
Materials	Meta card, Markers, LCD, Laptop, Questionnaire, Markers, Ballpen, Flipchart

Session 1

International Tools on Sexual and Gender based violence (90 min)

Content	Behavioral objectives	Methodology	Time	Material
International hard and soft laws on Sexual and Gender based violence	<ul style="list-style-type: none"> ▪ Able to explain about International and National laws and obligation on it. ▪ Will understand the importance of why women and children should be treated special way and their rights. 	Power point presentation, lecture and interactive, question answer	50 min	Flip chart paper, marker, LCD projector, laptop, handout of mentioned topics.
Importance of CEDAW	<ul style="list-style-type: none"> ▪ Participant will be able explain about CEDAW 	Power point presentation, lecture and interactive	20 min	Slide show
Beijing and other UN conference	<ul style="list-style-type: none"> ▪ Participant will be able explain about the conference 	Power point presentation, lecture and interactive	20 min	Slide whow

Activity: International hard and soft laws on Sexual and Gender based violence

Overview:

This is very important for the police personnel to know fundamental law enforcement and investigation procedure on gender responsive service and investigation process.

Procedure:

1. Ask participant whether they know some International laws, convention or committeemen's to protect the human right of women and child's right
2. List out the points explain by the participants.
3. Discuss few minutes on the points that participants had explain.
4. Start to present the slides and make the participants clear on different International instruments ratified by Government of Nepal to protect right of women and children.

Key Learning Points:

From this topic, participants will know about National, International instruments (laws and obligations) related to sexual, and gender based violence. They will aware on CEDAW, UNSCR 1325, UNSCR 1820, Beijing Declaration and other National laws and obligations on sexual and gender-based violence. They gain knowledge on laws related to crime investigation of Nepal.

Facilitator's note:

This topic is more Theoretical so before the facilitation facilitators have to collect all related document and make copy of each on the basic of participant's number. Give the document to the participants to read carefully before they came to discuss in the topic.

Activity: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Overview:

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the “women’s bill of rights,” has been ratified by 174 countries In its General Recommendation on violence against women, the CEDAW Committee recognizes that armed conflict situations lead to increased prostitution, trafficking in women and sexual assault of women. As well, in the General Recommendation on women and health, the Committee recommends that States parties ensure adequate protection and health services, including trauma treatment and counseling for women trapped in situations of armed conflict and women refugees. CEDAW’s Optional Protocol contains two procedures: a communications procedure allowing individual women, or groups of women, to submit claims of violations of rights to the Committee on the Elimination of Discrimination against Women and an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women’s rights. In either case, States must be party to the Protocol.

Procedure:

1. Ask participant whether they know CEDAW convention before. If some of them say yes than ask him/her to share some points about mention in that document.
2. Provide copy of CEDAW convention to the participants and divide them in 5 small groups.
3. Now ask them sit in-group and list out the major points mention in the document. Please focus on the points related to case investigation process.
4. After complication of group work, ask each group to share the points listed by their group.
5. After the sharing of all groups', show the power points prepared by the facilitator to make the participants clear on CEDAW convention and its importance for police personnel.
6. Summarize the session and end the topic.

Note: To introduce different International instrument related to women human right, please do the below exercise:

This exercise will support to know especial legal standards and policies that protect the right of women and children.

Some related questions:

Question 1	Name three international law that are relevant to the protection of people of concern
Question 2	Identify the instruments and specific articles that protect the rights of women.
Question 3	Identify the instruments and specific articles that protect the rights of children from abuse and exploitation.
Question 4	What is the difference between human rights law and humanitarian law?
Question 5	Which National laws are followed by you while working on protect from exploitation and abuse?
Question 6	Name one international convention that considered, as customary international law i.e. universally applicable.
Question 7	Which groups of women are singled out for special protection under the Geneva Convention IV?
Question 8	Define sexual abuse and exploitation
Question 9	Is international humanitarian law applicable during internal armed conflict?
Question 10	The CRC defines a child as anyone under the age of 18 years. If the local age of consent is 13 years old, then based on the SG's bulletin, is it acceptable for a staff member of an NGO implementing partner of UNHCR to have a consensual sexual relationship with a 17 year old?

Key Learning Points:

The UN Charter was the first international instrument to acknowledge ‘human rights.’ Unlike many constitutional rights, the Charter does not invoke natural law as a basis for the existence of human rights. Rather, human rights are inherent in human dignity. Universal Declaration on Human Rights (1948) along with the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights (1966) are often referred by some western scholars as the “International Bill of Rights.” Beginning with the Vienna Conference on Human Rights in 1993, women activists join together to call for the recognition of women’s rights as human rights. Women activists and women’s organizations throughout the world have criticized the traditional human rights frameworks for tending to exclude the experiences of women. The traditional human rights framework and the way the international community had been operating within it, was horribly deficient in its capacity to address women’s lived realities.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the “women’s bill of rights,” has been ratified by 174 countries In its General Recommendation on violence against women, the CEDAW Committee recognizes that armed conflict situations lead to increased prostitution, trafficking in women and sexual assault of women. As well, in the General Recommendation on women and health, the Committee recommends that States parties ensure adequate protection and health services, including trauma treatment and counseling for women trapped in situations of armed conflict and women refugees. CEDAW’s Optional Protocol contains two procedures: a communications procedure allowing individual women, or groups of women, to submit claims of violations of rights to the Committee on the Elimination of Discrimination against Women and an inquiry procedure enabling the Committee

to initiate inquiries into situations of grave or systematic violations of women's rights. In either case, States must be party to the Protocol

Facilitator's note:

This is very important topic for the participants to know about what CEDAW is a fundamental legal document while dealing with women survivors. Facilitators have to read the document properly before the session.

What is CEDAW?

CEDAW is short form of the 'United Nations Convention on the Elimination of All Forms of Discrimination against Women and provides a universal standard for women's human rights. It addresses discrimination in areas such as education, employment, marriage and family relations, health care, politics, finance and law'.

Why is CEDAW important?

This is the treaty for the Rights of Women addresses basic human rights of women and can be a useful tool to:

- Reduce violence against women
- Ensure access to education and health care
- Provide legal recourse against violations of women's human rights

Importantly, 185 nations have ratified this treaty as of March 1, 2007. Eight countries in the world have not signed on: United States, Sudan, Somalia, Qatar, Iran, Nauru, Palau and Tonga.

U.S. failure to ratify the Treaty undermines the powerful principle that human rights of women are universal across all cultures, nations, and religions, and worthy of being guaranteed through international human rights standards.

How does CEDAW work?

The Committee on the Elimination of Discrimination against Women consists of 23 experts on women's rights from around the world. According to the UN website, countries who have signed on to the treaty must submit reports on how the rights of the convention are being implemented. The Committee formulates general recommendations and suggestions

Activity: Beijing and other UN conference

Overview:

This session is important in regards to have basic knowledge for the participant about fundamental base for women empowerment's movement and development to provide guidelines to UN and global network.

Procedure:

1. Ask the participant what they know about Beijing conference and other UN conference in regards to women empowerment and prevention and control of gender based violence.
2. Discuss about the main agenda and achievements of Beijing Conference.

3. Provide hand out of power point presentation about Beijing conference and ask participant to read thoroughly and identify the issues related to investigation procedures.
4. Summaries the class reinforcing major points mention on Beijing conference.

Key Learning Points:

Beijing Declaration and Platform for Action, approved in September 1995 at the Fourth World Conference on Women, is a global commitment to achieving equality, development and peace for women worldwide. As defined in the Mission Statement of the 123-page document.

Beijing Platform focuses on 12 “critical areas of concern” that must be addressed to achieve gender quality and women’s empowerment:

- women and poverty
- education and training of women
- women and health
- violence against women
- women and armed conflict
- women and the economy
- women in power and decision-making
- institutional mechanisms for the advancement of women
- human rights of women
- women and the media
- women and the environment
- the girl child

To address each of the above concerns, specific strategic objectives were identified along with actions to be implemented by governments, financial and development institutions such as the World Bank, national and international NGOs (non-governmental groups) and women’s groups, and the private sector.

The Beijing Declaration and Platform for Action was approved unanimously by representatives from 189 countries attending the Forth World Conference on Women, held during the 50th anniversary year of the founding of the United Nations.

Facilitator’s note:

To make the participants more clear on this topic facilitator will have to focus on the following points:

Beijing Declaration and Platform for Action were the consensus documents that governments negotiated and agreed to at the Fourth UN World Conference on Women in 1995 in Beijing, China. The Beijing Platform for Action has an entire chapter on Women and Armed Conflict. The twenty-third Special Session of the General Assembly is also known as “Beijing Plus Five” and brought governments together in 2000, five years after the Beijing conference to examine “further actions and initiatives to implement the Beijing Declaration and Platform for Action.” After particularly lengthy and arduous negotiations, the General Assembly adopted a Political Declaration and outcome document, which included sections on Women and Armed Conflict.

Session - 2: UNSCR 1325 and 1820 and role of state

Content	Behavioral objectives	Methodology	Time	Material
UNSCR 1325: Introduction, importance and role of security personnel	<ul style="list-style-type: none"> Participant will be able to describe about what is UNSCR 1325 and will also internalize the role of security of women during the armed conflict. 	Lecture, slide show and discussion	45 min	Flip chart, marker and other related documents
UNSCR 1820: Introduction, Vulnerability of women and children during the conflict and post conflict situation	<ul style="list-style-type: none"> UNSCR 1820: Introduction, Vulnerability of women and children during the conflict and post conflict situation 	Lecture, slide show, distribution of reference material by engaging their role on it.	45 min	Flip chart, marker and other related documents

Activity: Introduction and importance of UNSCR 1325 and role of security personnel

Overview:

This Activity is important in regards to have basic knowledge for the participant about the UNSCR 1325 and its importance in peace building process and role of security personnel.

Procedure:

1. This topic is very much theoretical so lecture methods will more effective to make the participant conceptually clear on it.
2. Facilitator will start his/her facilitation on concept of UNSCR 1325. To facilitate on the topic facilitators have to prepare power point presentation.
3. Before the facilitator start, his presentations distribute the copy of UNSCR 1325.
4. After the presentation, ask participants to read the copy of the document. To read those documents give 20 minute.
5. After 20-minute ask the participant to share the major points related to security and law enforcement institutions.
6. Discuss the role of security personnel during the conflict and post-conflict situation.

Key Learning Points:

The first resolution on women, peace and security, Security Council Resolution 1325 (SCR1325), was unanimously adopted by United Nations Security Council on 31 October 2000. SCR1325 marked the first time the Security Council addressed the disproportionate and unique impact of armed conflict on women; recognized the under-valued and under-utilized contributions women make to conflict prevention, peacekeeping, conflict resolution and peace-building. It also stressed the importance of women's equal and full participation as active agents in peace and security.

Facilitator's note:

This topic is more Theoretical so before the facilitation facilitators have to collect all related document and make copy of each on the basis of participant's number. Give the document to the participants to read carefully before they came to discuss in the topic.

To make participants clear on this topic facilitator will have to focus on the role of police personnel on peace building process and need of women participation in peace building process.

What is UNSCR 1325?

- Addresses impact of war on women and women's contributions to peace and security
- Endorses broad inclusion
- Builds on international conventions

Provisions of UNSCR 1325:

- Increased participation and representation of women at all levels of decision-making.
- Attention to specific protection needs of women and girls in conflict.
- Gender perspective in post-conflict process.
- Gender perspective in UN programs, report and in SC mission.
- Gender perspective & training in UN peace support operation.

UNSCR 1325 Implementation Actors

- UN Security Council
- UN Secretary-General
- National governments
- Parties to armed conflict
- International non-governmental organizations (NGOs)

Strengths of UNSCR 1325

- Policy framework
- Global coalitions
- Member states' commitments
 - National action plans (NAPs)
 - Legislation
 - Training and technical assistance
 - Donor assistance
- Local activism

Challenges to Implementation

- Weak, non-binding language
- Lack of accountability
- Insufficient political will

Activity: UNSCR 1820: Introduction, Vulnerability of women and children during the conflict and post conflict situation

Overview:

This activity will essential to make the participant aware on UNSCR 1820 and its importance.

Procedure:

- Lecture method will be more effective for this topic because it is very much theoretical.
- Distribute the copy of UNSCR 1820 and ask them to read the document Discuss the role of security personnel mention in the document

- List out the points shared by the participants.
- Facilitators will start the discussion on UNSCR 1325?
- Ask the participant whether they have any queries. If they raise any issue, please make clear on the point, if they do not have any queries end your facilitation.

Key Learning Points: ↓

Resolution 1820 notes that **sexual violence** can constitute an international crimes (war crime, crime against humanity, or genocide) but it does not actually make rape or any other form of sexual violence a war crime, crime against humanity, or constitutive act with respect to genocide in international law.

Resolution 1820 (2008) was adopted by the Security Council at its 5916th meeting on 19 June 2008 in United Nations S/RES/1820 (2008).

Facilitator's note:

This topic is more Theoretical so before the facilitation facilitators have to collect all related document and make copy of each on the basis of participant's number. Give the document to the participants to read carefully before they came to discuss in the topic.

To make participants clear on this topic facilitator will have to emphasize the importance of women's participation and reaffirms the importance of their role in the prevention and resolution of conflicts and in post-conflict peace building.

Provisions of SCR 1820:

- “Stresses the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes” (OP4).
- Explicitly requests that the Secretary-General include information and recommendations on the protection of women and girls in his or her country-specific reports to the Security Council (OP9).
- Requests that the Secretary-General provide an extensive report on the implementation of Resolution 1820, information on the use of sexual violence (including prevalence and trends), strategies to prevent such violence, and benchmarks for measuring progress toward these goals. (OP15).
- Emphasizes the importance of women's participation and reaffirms the importance of their role in the prevention and resolution of conflicts and in post-conflict peace building.
- Recognize the importance of women's full participation in peace and security matters (OP12).

Session -3 : National Tools on sexual and Gender Based Violence

Content	Behavioral objectives	Methodology	Time	Material
Special Provision on Interim Constitution of Nepal -2063	<ul style="list-style-type: none"> Participant will be able to explain about legal provisions on GBV in Nepal. 	Interaction, group exercise and experience sharing	30 min	Laptop, multimedia, flip chart, copy of respective laws
Other related laws of Nepal : 1. Human Trafficking and Transportation (Control) Act, 2064 2. Domestic Violence Act, 2066, 3. Marriage related Acts 4. Sexual offences (Rape, child sexual assault etc)	<ul style="list-style-type: none"> Participant will effectively use and aware while working on case of GBV Participant will have knowledge to follow the appropriate rules and laws to investigate the GBV cases. 	Interaction, group exercise, experience sharing and discussion on case studies	60 min	Laptop, multimedia, flip chart, copy of respective laws

Activity: Special Provision on Interim Constitution of Nepal -2063

Overview:

Interim Constitution of Nepal -2063 have spoken out especial right for women. This very especial right will facilitate women on the legal provision and procedure that protect and promote the right of women in every level.

Procedure:

- Ask the participants whether they were aware or not on Interim Constitution of Nepal.
- If, any participant know about the document ask them to share major points mention there.
- Again, ask them whether they aware on the rights of Women and Children mention in Interim Constitution.
- If, any participate know some points than ask him/her to share.
- Write entire points shared by the participant in a flip chart.
- Provide the copy of Interim Constitution pointing the rights of Women and Children.
- Finally discuss on power point presentation to make the participants more reasonable.

Key Learning Points:

Constitution is a set of rules about how government is form and how it works and what the rights of the people are. In most countries, these rules found in one large document. In Nepal, the document is “The Interim Constitution of Nepal” and it became a law on January 15, 2007. It is the “Interim” Constitution because it is intend to exist only until the people of Nepal through

the Constituent Assembly have made a new Constitution. An agreement to have a Constituent Assembly and a new Constitution was one of the results of the jana andolan II in 2006.

Facilitator's note:

Facilitators have to read the document very carefully before facilitation on the topic. Facilitators have to focus on the Gender issues in this topic. Encourage the participant to implement major points mention in constitution.

Special Provision on Interim Constitution of Nepal -2063 (Maintaining Gender Equality)

Fundamental rights

Right to freedom

- Every person shall have the right to live with dignity, and no law that provides for capital punishment will made.
- Except as provided for by law no person will deprived of his/her personal liberty.
- Every citizen have the following freedoms:
 - Freedom of opinion and expression
 - Freedom to assemble peaceably and without arms
 - Freedom to form political party
 - Freedom to form unions and associations
 - Freedom to move and reside in any part of Nepal
 - Freedom to engage in any occupation or be engaged in employment, industry and trade.

Right to equality

- All citizens are equal before the law. No person will denied the equal protection of the laws.
- There will be no discrimination against any citizen in the application of general laws on grounds of religion, race, gender, caste, tribe, origin, language or ideological conviction or any of these.
- The State will not discriminate among citizens on grounds of religion, race, caste, tribe, gender, origin, language or ideological conviction or any of these.
- Provided that nothing will be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous ethnic tribes Adivasi Janajati, Madhesi or farmers, labourers or those who belong to a class which is economically, socially or culturally backward, or children, the aged, disabled or those who are physically or mentally incapacitated.
- There will no discrimination with regard to remuneration and social security between men and women for the same work.

Rights of women

- No woman shall be discriminated against in any way on the basis of gender.
- Every woman shall have the right to reproductive health and other reproductive rights.
- No physical, mental or other form of violence shall be inflicted on any woman, and such an act shall be punishable by law.
- Sons and daughters shall have equal rights to ancestral property.

Right to social justice

Women, Dalits, indigenous ethnic groups Adivasi Janajati], Madhesi communities, oppressed groups, the poor farmers and labourers, who are economically, socially or educationally backward, shall have the right to participate in state structures on the basis of principles of proportional inclusion.

Rights of children

- Every child shall have the right to his or her own identity and name.
- Every child shall have the right to be nurtured, to basic health and social security.
- Every child shall have the right not to be subjected to physical, mental or any other form of exploitation. Any such act of exploitation shall be punishable by law and any child so treated shall be compensated as determined by law.
- Helpless, orphaned or mentally retarded children, children who are victims of conflict or displaced and street children at risk shall have the right to receive special privileges from the State to ensure their secure future.
- No minor shall be employed in factories, mines or in any other hazardous work nor shall be used in army, police or in conflicts.

Rights regarding justice

- No person shall be detained without being informed of the ground for such an arrest.
- The person who is arrested shall have the right to consult a legal practitioner of his/her choice at the time of the arrest. The consultation made by such a person with the legal practitioner and the advice given thereon shall remain confidential, and such a person shall not be denied the right to be defended by his/her legal practitioner.
- No person shall be punished for an act which was not punishable by law when the act was committed, and no person shall be subjected to a punishment greater than that prescribed by the law in force at the time of the offence.
- No person accused of any offence shall be assumed to be an offender until proven guilty.
- No person shall be prosecuted or punished for the same offence in a court of law more than once.
- No person accused of any offence shall be compelled to be a witness against himself/herself.
- Every person undergoing trial shall have the right to be informed about the proceedings of the trial.
- Every person shall be entitled to a fair trial by a competent court or judicial authority.
- Any indigent person shall have the right to free legal aid in accordance with law.

Right against preventive detention

- No person shall be held under preventive detention unless there is sufficient ground to believe in the existence of an immediate threat to the sovereignty and integrity of, or the law and order situation in, Nepal.
- If an authority detains a person under preventive detention contrary to law or in bad faith, the person detained is entitled to compensation under the law.

Right against torture

- No person who is detained during investigation, or for trial or for any other reason, shall be subjected to physical or mental torture, or be treated in a cruel, inhuman or degrading manner.
- Any such an act pursuant to clause (1) shall be punishable by law, and any person so treated shall be compensated in a manner determined by law.

Right to information

- Every citizen shall have the right to demand or obtain information on any matters of concern to himself or herself or to the public.
- Provided that nothing in this Article shall be deemed to compel any person to provide information on any matter about which confidentiality is to be maintained according to law.

Right to privacy

Except in circumstances provided by law, privacy in relation to the person, and to their residence, property, documents, records, statistics and correspondence, and their reputation are inviolable.

Right against exploitation

- Every person shall have the right against exploitation.
- No person shall be exploited in the name of custom, tradition and practice, or in any other way
- No person shall be subjected to human trafficking, slavery or bonded labour.
- No person shall be subject to forced labour.
- Provided that nothing in this clause shall prevent the enactment of a law requiring citizens to be engaged in compulsory service for public purposes.

Right Regarding labour

- Every employee and worker shall have the right to proper work practices.
- Every employee and worker shall have the right to form trade unions, to organise themselves and to engage in collective bargaining for the protection of their interests in accordance with law.

Rights of Women and Children

7.6.1. Both sides fully agree to provide special protection to the rights of women and children, to immediately prohibit all types of violence against women and children, including child labor, as well as sexual exploitation and harassment, and not to include or use children who are eighteen years or below. Children so affected shall receive immediately and necessary and appropriate assistance shall provide for their rehabilitation.

An Act to Amend Some Nepal Acts for

(3) In the Chapter on Husband and Wife:

- The words “if it is certified from the medical Board recognized by Government of Nepal that no child has born within ten years of the marriage due to the reason of the wife, or “ appearing in section 1 have been omitted.
- After the words “if it is decided” appearing section 2, the words “or f it is decided that the husband has raped the wife as referred to in section 6 of No. 3 of the Chapter on Rape” have been inserted.

(2) In No. 3

- (a) The words “to the minor below the age of five years, until he/she attains the age of five years” appearing in section 1 have been substituted by the word “ to the minor.”
- (b) Section 2 has been repealed.
- (c) The words “and 2” appearing in section 3 have been omitted.

(4) Nos. 16 and 19A. of the Chapter on Partition have been repealed.

(5) No 2 of the Chapter on Women’s Exclusive Property has been substituted by the following No 2 :-

- (2) The unmarried girl, married women or a widow living separate may enjoy the movable and immovable property on her own.”

- (6) In the Chapter on Adopted son
- (1) The words “on adopted son” appearing in the title of the Chapter have been substituted by the words “on adopted son, adopted daughter.”
 - (2) No. 2 has been substituted by the following No. ,–
“No. 2 // // The person other than the ones having his/her own son, daughter may, having executed a deed, adopt a son or a daughter.
Provided that no person having son shall be allowed to adopt a son and no person having a daughter shall be allowed to adopt a daughter.”
No. 2A. has been repealed.

- (7) In the Chapter on Inheritance,–
- (1) No. 1 has been substituted by the following No. 1:–
“1 No. // // The successor is the nearest coparcener within seven generation of the concerned person. The person beyond seven generation is a distant relative.”
 - (2) The words “all movable and half immovable property shall be entitled to the caretaker and remaining half of immovable property shall be entitled to the successor as per law” have been substituted by the words “all movable and immovable property shall be entitled to the caretaker.”
 - (3) No. 12A has been repealed.

- (8) In the Chapter on Financial Transaction
No. 9 has been substituted by the following No. 9:–
Except act as in the capacity of the head of a family pursuant to No. 8 of this Chapter, in case any person living in the same family and having attained the age of majority has carried out any transaction in other situation, the creditor may not claim the property the until the person so transacting could secure his/her title on any property first. The creditor may recover the property from amongst the property of his/her self-earning or the property which he/she may enjoy as he/she pleases.

In case such a person does not have his/her self earned property or the property, which he/she may enjoy as he/she pleases, the creditor may not compel him/her to pay back. In such a situation, the creditor may recover his property upon maturity of the title of such person on such property only if the creditor has secured his/her claim having filed a case within ten years. In such cases, the time limit for applying for recovery of property pursuant to No. 42 of the Chapter on Punishment begins from the date of maturity of the title of the debtor.”

- (9) In the Chapter on Registration,–
- (1) The words “of adopted son” appearing in No. 1 have been substituted by the words “of adopted son, adopted daughter.”
 - (2) The words “of father and grandfather” appearing in No. 31 have been substituted by the words “of father, mother and grandfather, grandmother.”
- (10) In the Chapter on Homicide,–
- (1) No. 28A has been substituted by the following No. 28A.
“28A No. // // No person shall cause termination of pregnancy by coercing, threatening, alluring the pregnant woman. The person causing pregnancy to terminate shall be liable to the punishment as follows:–
 - One years of imprisonment in case of the pregnancy up to twelve weeks
 - Three years of imprisonment in case of the pregnancy up to twenty five weeks
 - Five years of imprisonment in case of the pregnancy above twenty five weeks
 - (2) The following No. 28C. and 28D. have been inserted after No. 28B.:–

“28C. No. No act to identify the sex of the fetus with the intention of terminating pregnancy shall be committed or cause to be committed. The person committing or causing to be committed so shall be liable to a punishment of imprisonment from three months to six months.”

28D. No. Whoever carries out or causes to be carried out pregnancy termination having detected the sex shall be liable to a punishment of imprisonment from six months to two years.

3. Amendment to the Nepal Interpretation of Status Act, 2010: The following clause has been inserted after the clause :- “Daughter” this word means the adopted daughter adopted by the person entitled to adopt a daughter as per law.”
4. Amendment to the Private Firms Registration Act, 2014: The words “name of father, grandfather” appearing in clause (d) of sub section (1) of section 4 of the Private Firms Registration Act, 2014 has been substituted by the word ‘name of father, mother, grand father, grandmother.
5. Amendment to the Employees Provident Fund Act, 2019: After the word “the same person” appearing in sub section (1) of Section 15A. of the Employees Provident Fund Act, 2019, the words “on proportional basis if more than one surviving relative of the same order are there” have been inserted and the clauses from (a) to (j) of the same sub section have been substituted by the following clauses (a) to (t):
 - (a) Husband or wife living in the same family;
 - (b) Son, daughter, widow daughter-in-law living in the same family;
 - (b) Father, mother (father-in-law, mother- in-law in case of a married woman) living in the same family
 - (c) Grandfather grandmother to be taken care of by oneself and grandson, granddaughter on the line of the son
 - (d) Husband or wife living separately
 - (e) Son, daughter, widow daughter-in-law living separately
 - (f) Father, mother living separately
 - (g) Step son, daughter living in the same family
 - (h) Step mother living in the same family
 - (i) Elder and younger brother and elder and younger sister living in the same family
 - (j) In case of a married woman, father-in-law, mother- in-law living separately
 - (k) The grandson and unmarried grand daughter in the line of the son
 - (l) The step mother living separately
 - (m) Step son, daughter living separately
 - (n) In case of a married woman, elder and younger brother-in –law and sisters-in-law living in the same family
 - (o) Nephew, niece living in the same family
 - (p) Uncle, widow aunt, elder sister-in-law, younger sister-in-law
 - (q) Elder and younger brother and elder and younger sister living separately
 - (r) Grandfather, grandmother, granddaughter-in-law, nephew, niece living separately
 - (s) The person taking of the employee being close to him until last hour.
6. Amendment to Land reform Act, 2021: In the Land Reform Act, 2021,-
 - In clause (c) of Section 2,-
 - (1) The word “daughter” has been inserted after the word “son” appearing in sub-clause (2).
 - Sub-clause (3) has been repealed.

- (2) The words “husband, wife, son, mother, father, adopted son, unmarried daughter having attained the age of 35 years, daughter-in-law, grandson, granddaughter-in-law or elder or younger brothers living in the same family” appearing in subsection of (1) of Section 26 have been substituted by the words “husband, wife, son, daughter, mother, father, adopted son, adopted daughter, daughter-in-law, grandson, granddaughter, granddaughter-in-law, elder or younger brothers or elder or younger sisters living in the same family”;
7. Amendment to the Act Relating to Remuneration, Terms and conditions of service and Facilities of the Justices of the Supreme Court, 2026: In the Act Relating to Remuneration, Terms and conditions of service and Facilities of the Justices of the Supreme Court, 2026,-
- (1) The words “or husband” have been inserted after the word “wife” appearing in sub-section (2) of section 5C and the word “of the wife” appearing in the same sub section has been substituted by the words “of the wife or husband.”
- (2) In section 7C.,—
- (a) The words “children or adopted son” appearing in sub section (3) have been substituted by the words “children.”
- (b) The words “children or adopted son” appearing in sub section (4) have been substituted by “widower husband of children.”
- (c) Sub section (5) has been repealed.
- (d) The words “children or adopted son” appearing in sub section (3) have been substituted by the words “children.”
8. Amendment to the Marriage Registration Act, 2023 : Sub-section (3) of section 4 of the Marriage Registration Act, 2023 has been substituted by the following sub-section (3) :—
“(3) In case the age of man and woman both is completed twenty years.”
9. Amendment to the Bonus Act, 2030: After the word “the same person” appearing in sub section (2) of Section 10 of the Bonus Act, 2030, the words “on proportional basis if more than one surviving relative of the same order are there” have been inserted and the clauses from (a) to (m) of the same sub section have been substituted by the following clauses (a) to (t):
- (a) Husband or wife living in the same family
- (b) Son, daughter, widow daughter-in-law living in the same family
- (c) Father, mother (father-in-law, mother- in-law in case of a married woman) living in the same family
- (d) Grandfather grandmother to be taken care of by oneself and grandson, granddaughter on the line of the son
- (e) Husband or wife living separately
- (f) Son, daughter, widow daughter-in-law living separately
- (g) Father, mother living separately
- (h) Step son, daughter living in the same family
- (i) Step mother living in the same family
- (j) Elder and younger brother and elder and younger sister living in the same family
- (k) In case of a married woman, father-in-law, mother- in-law living separately
- (l) The grandson and unmarried grand daughter in the line of the son
- (m) The step mother living separately
- (n) Step son, daughter living separately

- (o) In case of a married woman, elder and younger brother-in-law and sisters-in-law living in the same family
 - (p) Nephew, niece living in the same family
 - (q) Uncle, widow aunt, elder sister-in-law, younger sister-in-law
 - (r) Elder and younger brother and elder and younger sister living separately
 - (s) Grandfather, grandmother, granddaughter-in-law, nephew, niece living separately
 - (t) The person taking of the employee being close to him until the last hour
10. Amendment to the Birth, Death and other Personal Events (Registration) Act, 2033 : The words ‘eldest amongst males’ appearing in clause (a) of sub-section (1) of section 4 of the Birth, Death and other Personal Events (Registration) Act, 2033 have been omitted.
11. Amendment to the Pension Fund Act, 2042: After the word “the same person” appearing in sub section (1) of Section 23 of the Pension Fund Act, 2042, the words “on proportional basis if more than one surviving relative of the same order are there” have been inserted and the clauses from (a) to (i) of the same sub section have been substituted by the following clauses (a) to (t):
- (a) Husband or wife living in the same family;
 - (b) Son, daughter, widow daughter-in-law living in the same family;
 - (c) Father, mother (father-in-law, mother- in-law in case of a married woman) living in the same family;
 - (d) Grandfather grandmother to be taken care of by oneself and grandson, granddaughter on the line of the son;
 - (e) Husband or wife living separately;
 - (f) Son, daughter, widow daughter-in-law living separately;
 - (g) Father, mother living separately;
 - (h) Step son, daughter living in the same family;
 - (i) Step mother living in the same family;
 - (j) Elder and younger brother and elder and younger sister living in the same family;
 - (k) In case of a married woman, father-in-law, mother- in-law living separately;
 - (l) The grandson and unmarried grand daughter in the line of the son;
 - (m) The step mother living separately;
 - (n) Step son, daughter living separately;
 - (o) In case of a married woman, elder and younger brother-in-law and sisters-in-law living in the same family;
 - (p) Nephew, niece living in the same family;
 - (q) Uncle, widow aunt, elder sister-in-law, younger sister-in-law;
 - (r) Elder and younger brother and elder and younger sister living separately;
 - (s) Grandfather, grandmother, granddaughter-in-law, nephew, niece living separately;
 - (t) The person taking of the employee being close to him until the last hour.
12. Amendment to the Act for Remuneration, Facilities and other Terms and Conditions of service of the Judges Appellate and District Court : In Act for Remuneration, Facilities and other Terms and Conditions of service of the Judges Appellate and District Court, 2048,-
- (1) The following clause (h) has been inserted after clause (g) of sub-section (1) of section 15:– “(h) Maternity care leave”

- (2) The words “sixty” appearing in sub section (1) of section 21 have been substituted by the words “ninety eight.”
 - (3) The following section 21A. has been inserted after section 21:–
 “21A. Maternity Care Leave : (1) In case the wife of a Judges gives birth to a baby, he shall be entitled to the maternity care leave of 15 days with pay.
 (2) The maternity care leave may be claimed for twice dulling the service period.”
 - (4) In section 32,–
 - (a) The words “children or adopted son” appearing in sub section (3) have been substituted by the words “children.”
 - (b) The words “children or adopted son” appearing in sub section (4) have been substituted by “widower husband of children.”
 - (c) Sub section (5) has been repealed.
 - (d) The words “children or adopted son” appearing in sub section (3) have been substituted by the words “children.”
19. Amendment to the Parliament Secretariat Act, 2058 : In the Parliament Secretariat Act, 2058,-
- (1) The clause (d) of section 19 has been substituted by the following clause “(d) Age of 35 years crossed in case of male and the age of 40 years crossed in case of female.”
 - (2) The words “to such employee” appearing in sub section 2 of section 22 have been substituted by the words “six months in case of woman employee, and in case male employee is there.”

Activity: Other laws

1. *Human Trafficking and Transportation (Control) Act, 2064*

Overview:

Human Trafficking is a crime against humanity. It involves an act of recruiting, transporting, transferring, harbouring or receiving a person through a use of force, coercion or other means, for the purpose of exploiting them. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad.

Procedure:

1. Facilitator displays a chart with numbers 1 to 10 and gives the participants the following instructions:

- Consider how much you know about the problem of trafficking in persons and the laws that address trafficking.
- Rate your knowledge level about trafficking in persons on a scale from 1 to 10 where 1 means there is scant or rudimentary knowledge and 10 means you know everything there is to know about trafficking in persons.
- Ask the participants to judge where they are on the scale and place a check under the appropriate number on the flipchart.

Lead a discussion using the following questions to guide the group:

- What does the scale indicate about this group’s awareness of the issue of trafficking in persons?

- How much exposure have you had to information about trafficking in persons in the last year (through mass media or otherwise)? Have you been engaged in discussions about the issue before today's session?
- What impact has this information or discussions had on you?
- For more clarification some case studies are in Annex.

Key Learning Points:

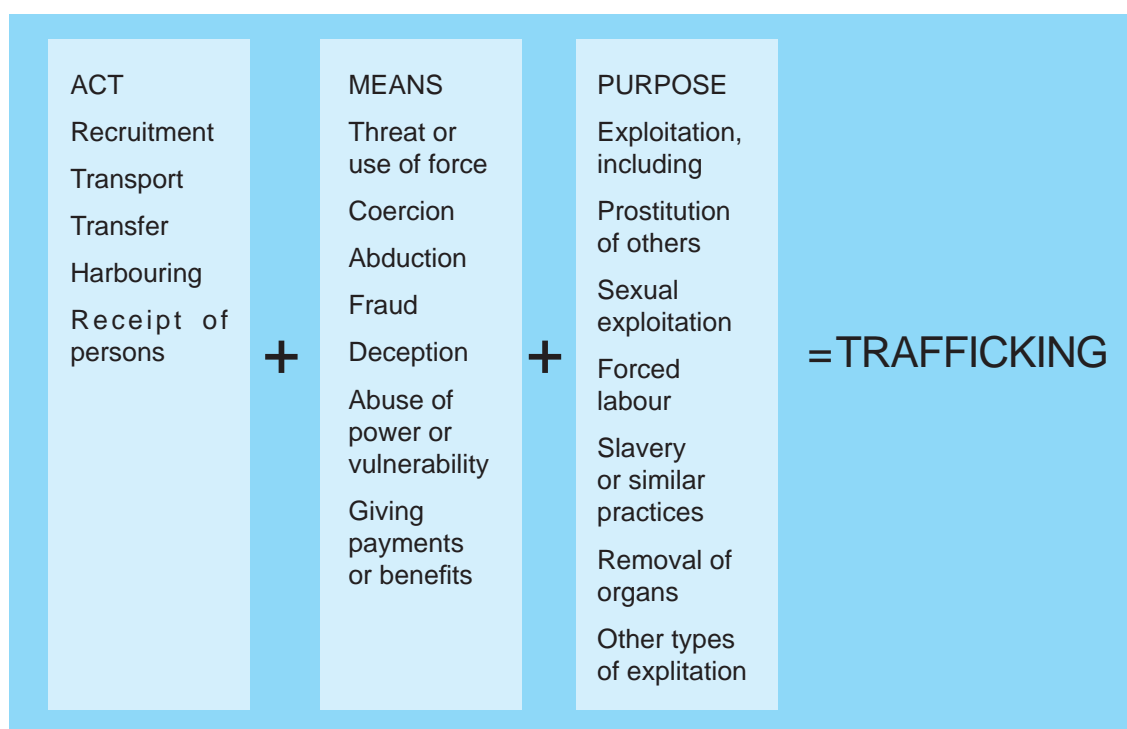
Facilitator's note:

Please ensure that this is done as a participatory introspection and not as a judgmental evaluation because that might result in participants closing up rather than opening up on the issue. You will therefore need to be very careful with your choice of words. For this all facilitator will have to be aware of National and International data and elements of human trafficking. Her/She will focus on the following points such as every country in the world is affected by trafficking, whether as a country of origin, transit or destination for victims. Nepal is also one of the countries in high risk of human trafficking.

What is Human Trafficking?

Trafficking in Persons is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Elements of human trafficking



On the basis of the definition given in the Trafficking in Persons Protocol, it is evident that trafficking in persons has three constituent elements;

The Act (What is done)

Recruitment, transportation, transfer, harbouring or receipt of persons

The Means (How it is done)

Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim

The Purpose (Why it is done)

For the purpose of exploitation, includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

To ascertain whether a particular circumstance constitutes trafficking in persons, consider the definition of trafficking in the Trafficking in Persons Protocol and the constituent elements of the offense, as defined by relevant domestic legislation.

Some tips for how to overcome form Human Trafficking?

- Strengthening women and girls' access to justice
- Supporting the development of legislation that protects the rights of women and girls and reflects National and international law and human rights standards
- Developing training programmes on how to apply international and National laws and human rights standards on criminal justice in the domestic setting
- Building the capacity of women to serve at all levels of the criminal justice system, including positions of authority.

Human Trafficking and Transportation (Control) Act, 2064(2008) Nepal

Date of authentication and publication: shrawan 8, 2064 (24 July 2007)

Act Number 5 of the Year 2064(2007)

Introduction:

Whereas it is expedient to control the acts of human trafficking and transportation, and to protect and rehabilitate the victims of such act by enacting law, the 'Legislature-Parliament' has enacted this Act.

- This Act shall extend throughout Nepal and anyone committing an offence against Nepali citizen under this Act from foreign territory shall also remain within the scope of this Act.

Definition:

Unless the Subject or context otherwise requires, in this Act-

- "Offence" means an act pursuant to Section 3.
- "Center" means a rehabilitation center established pursuant to Section 13.
- "Victim" means a person who is sold, transported or put into prostitution.
- "Child" means a person who has not reached the age of eighteen years.
- "Exploitation" means an act of keeping human being as a slave and bonded and this word also includes to remove human organ except otherwise provided by prevailing law.
- "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

Provision of office and investigation

3. Human beings not to be trafficked and transported:

- (1) No one shall commit or cause to commit human trafficking and transportation.
- (2) If anyone commits an act under Subsection (1), that shall be deemed to have committed an offence under this Act.

4. Acts considered as Human Trafficking and Transportation:

- (1) If anyone commits any of the following acts that shall be deemed to have committed human trafficking:
 - (a) To sell or purchase a person for any purpose,
 - (b) To use someone into prostitution, with or without any benefit,
 - (c) To extract human organ except otherwise determined by law,
 - (d) To go for in prostitution.
- (2) If anyone commits any of the following acts, that shall be deemed to have committed human transportation:
 - (a) To take a person out of the country for the purpose of buying and selling,
 - (b) To take anyone from his /her home, place of residence or from a person by any means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostage, allurements, influence, threat, abuse of power and by means of inducement, fear, threat or coercion to the guardian or custodian and keep him/her into ones custody or take to any place within Nepal or abroad or handover him/her to somebody else for the purpose of prostitution and exploitation.

5. Reporting:

- (1) If anyone knows that the offence under Section 3 of this Act is being committed or may be committed, he/she may report to the nearest police office.
- (2) If the person who reports under Sub-section (1) puts written request to remain unnamed, the police office which registers the report should maintain his/her confidentiality.

6. Certifying the statement:

- (1) If the person reporting under Section 5 is a victim, the police office should take the statement immediately and the victim shall be taken to the nearest district court to certify the statement as soon as possible.
- (2) If a police office brings to certify a statement under Sub-section (1), the district judge, notwithstanding anything contained in the prevailing law and even if the offence related with that statement does not fall within the jurisdiction of that district court, shall certify the statement after reading it aloud and noting whether there is difference or not in the statement.
- (3) If the statement of the victim is certified under Subsection (2), the court can take the certified statement as evidence even if the victim does not appear in the court in the course of further court proceeding.

7. Arrest and investigation:

- (1) If any act considered to be an offence under this Act is being committed or may be committed or attempted in a house, land, place or a vehicle, and if there is a chance the offender will escape or evidence relating to the offence will disappear or be destroyed if immediate action is not taken; notwithstanding anything contained in the existing law, a police officer of the rank Sub-inspector or higher may prepare a report and carry out any of the activities listed below at any time:
 - (a) To enter, search or seize such house, land, place or vehicle.

- (b) To break or open windows or doors in order to carry out the necessary activities in case he/she faces obstruction and opposition in performing the duties,
 - (c) To arrest or take body search of a person engaged in such activity without an arrest warrant,
 - (d) To seize and take in custody of the evidence found in such house, land, place or vehicle.
- (2) While carrying out such activity under Sub-section (1), police personnel shall, if possible, identify representatives of local bodies or otherwise those present at the time of activity as witnesses and provide a copy of the details of the activity to the owner of the house, land, place or vehicle.

8. Prosecution in custody:

Notwithstanding anything contained in the prevailing law, and except to the offence under Clause (d) of Sub-section (1) of Section 4, the court shall keep the accused in custody while prosecuting cases on other offences that fall under

9. Burden of proof:

Notwithstanding anything contained in the prevailing law, a person accused of an offence under this Act shall provide evidence proving that he/she did not commit the offence.

10. Right to keep separate Law Practitioner:

If a victim wishes to keep an additional law practitioner to represent his/her case during court hearings, he/she has the right to be represented by a separate law practitioner for an offence under this Act.

11. Provision of Translator and Interpreter:

If the working language used by the concerned court and office in dealing with an offence under this Act is not understandable by the victim, he/she may manage for the translator or interpreter with the permission of the court.

Provision of rescue, rehabilitation and reconciliation

12. Act related to Rescue:

Nepal government shall manage for the rescue of any Nepali citizen sold in the foreign land.

13. Rehabilitation Center:

- (1) Nepal government shall establish necessary rehabilitation centers for physical and mental treatment, social rehabilitation and family reconciliation of the victim.
- (2) Any organization can obtain permission as prescribed to establish and run rehabilitation center to address the objectives under Sub-section (1). Nepal government shall make regular and effective monitoring of that organization and rehabilitation center established by it.
- (3) Nepal government may provide economic support as well as other assistance, as prescribed, to the center run under Sub-section (2).
- (4) Center shall manage for the social rehabilitation and family reconciliation of the person stationed at the Center.
- (5) Center shall manage for the medical treatment and consultation service and facility to the victims.
- (6) No one shall make the victim in the Center engage in any work against his/her wish.
- (7) Management, operation standard, monitoring of the rehabilitation center, skillful training and employment, rehabilitation, family reconciliation shall be carried out as prescribed.

14. Rehabilitation Fund:

- (1) Nepal government shall establish a rehabilitation fund for operation of the rehabilitation center established under Sub-section (1) of Section 13.
- (2) The fund established under the Sub-section (1) shall receive contributions as follows:
 - (a) Funding received from Government of Nepal,
 - (b) Funding received from national and international organizations, and individuals,
 - (c) Half of the amount received as fines under Section 15.
- (3) Management and operation of the rehabilitation fund shall be as prescribed.

Provision of punishment and compensation

15. Punishment:

- (1) Any person who commits an offence as prescribed under Section 3 shall be punished as follows:
 - (a) Twenty years imprisonment and a fine of Two Hundred Thousand Rupees for selling or buying a human being
 - (b) Ten years to Five years imprisonment and a fine of Fifty Thousand Rupees to One Hundred Thousand Rupees for forcing into prostitution, with or without financial benefit
 - (c) 10 years imprisonment and a fine of Rs Two Hundred Thousand to Five Hundred Thousand Rupees for extracting human organ except otherwise determined by law
 - (d) One month to three months imprisonment and a fine of Two Thousand Rupees to Five Thousand Rupees for a person engaged in prostitution.
 - (e) For a person who is involved in transportation of human being for the purpose of buying, selling and engaging some one in prostitution
 - 1) Ten years to Fifteen years imprisonment and a fine of Fifty Thousand Rupees to One Hundred Thousand Rupees for taking a person out of the country. Fifteen years to Twenty years imprisonment and a fine of One Hundred Thousand Rupees to Two Hundred Thousand Rupees for taking a child out of the country.
 - 2) Ten years of prison and a fine of Fifty Thousand Rupees to One Hundred Thousand Rupees for taking a person from one place to another place within the country. Ten years to Twelve years imprisonment and a fine of One Hundred Thousand Rupees for taking a child from one place to another place within the country.
 - (f) One years to two years of imprisonment for taking a person from one place to another place within the country, and two years to five years of prison for taking out of the country for the purpose of exploitation under Clause (b) of Sub-section (2) of Section 4.
 - (g) Except otherwise written in clause (e) and (f), seven years to ten years of prison for a person committing an offence under clause (b) of Subsection (2) of Section 4.
 - (h) The person engaged in provocation, conspiracy and attempt of an offence of human trafficking or transportation or an abettor of that offence shall get half out of full punishment envisioned for that offence.
- (2) Notwithstanding anything written in Sub-section (1), the punishment in the following matters shall be as follows:
 - (a) If same person is involved in buying or selling and forcing into prostitution, with or without any benefit; he/she shall be liable for punishment under both offences

- (b) If same person is involved in buying or selling or forcing into prostitution, with or without any benefit, and in an offence under Clause (b) of Sub-section of Section 4, he/she shall be liable for punishment under both offences
- (c) Notwithstanding anything mentioned in Clause (b), if same person is involved in an offence under Clause (b) of Sub-Section (2) of Section 4 and in transporting a human being from one place to another place within Nepal or outside the country for the purpose of buying, selling or forcing into prostitution, with or without any benefits; he/she shall be liable for separate punishment for each offence.
- (3) If an offence under Section 3 is committed by person holding a public post; in addition to the regular punishment for that offence, he/she shall be liable for Twenty five 25 percentage additional punishments.
- (4) If anyone commits an offence under Section 3 with a person under protection or guardianship or if the victim is relative of the offender as incorporated in the Chapter of Incest in civil code , he/she is shall be liable for ten percentage additional punishment besides regular punishment under this Act.
- (5) If anyone commits an offence under Section 3 repeatedly, for every offence he/she shall be liable for it additional one-fourth punishment in addition to the regular punishment.
- (6) If, in the course of proceeding of the case, a person involved in reporting the offence under Section 5 of this Act gives contrary statement to that of the statement given earlier or if he/she does not appear before the court on its notice or does not assist to the court, shall be liable for three months to one year of imprisonment.

16. Exemption from Punishment:

If a person knows or there is reasonable ground to believe that he/she is being bought, sold or engaged in prostitution or taken for the same and he/she does not get help to get rid of from those acts or somebody creates obstacle or stops or takes into control or uses force, in such case, if he or she believes that it is impossible to get rid of from such control and on such faith the perpetrator happens to be killed or injured in the course of release, such person shall not be liable for any punishment notwithstanding anything in the prevailing law.

17. Compensation:

- (1) A court shall issue order to provide compensation to the victim which shall not be less than half of the fine levied as punishment to the offender
- (2) If the victim dies before receiving the compensation under Sub-Section (1) and if he/she does have children below the age of 18, the children shall receive the compensation. If the victim does not have any children, the dependant parents shall receive the compensation.
- (3) If there are no dependant parents and minor children to receive compensation under Sub-Section (2), the amount should be accrued in the Rehabilitation Fund.

Miscellaneous

18. Seizure of Property:

- (1) Any movable or immovable property acquired as a result of an offence under this Act shall be seized.
- (2) If it is proved that anyone uses or provides to use any house, land or vehicle for any offence under this Act, that house, land or vehicle shall be seized.

19. Award:

- (1) If anyone is rescued or a person involved in an offence is arrested based on the reporting of an offence under this Act or giving notice that an offence is going to be committed;

the informant shall be given, from Rehabilitation Fund established under Section 14, ten percent of the fine levied as punishment under Section 15 as an incentive .

- (2) If there is more than one informant giving information under Sub- Section (1), the incentive amount shall be distributed proportionately.

20. Confidentiality of the informant:

The name and address of the informant and the details provided by the informant under Sub-Section (1) of Section 19 shall be kept confidential.

21. Exemption from penalty:

- (1) If an accused charged of committing an offence under this Act accepts an offence and co-operates the police, public prosecutor or court to collect evidence and arrest other accused or abettor, and if he/she has committed the offence for the first time, court can reduce the punishment up to twenty five percent so prescribed for that offence. Provided that, if the assistance is not proved by the evidence or he/she gives statement against the support provided to the police or prosecutor, a case may be registered notwithstanding anything in the prevailing laws.
- (2) Notwithstanding anything contained in Sub-Section (1), there shall be no reduction in claimed punishment, pursuant to this section, in the following conditions:
 - (a) To provide exemption in punishment to the principal accused
 - (b) If the case involved is trafficking or transportation of a child
 - (c) If exemption in the punishment has already been provided

22. Claim of offence against moral turpitude:

While framing a charge sheet before the court for an offence under this Act, the concerned public prosecutor may claim that accused have committed an offence against moral turpitude.

23. Formation of a Committee:

- (1) Nepal government may form a National Committee and necessary District Committees as prescribed to coordinate the activities of government bodies and non-governmental organizations working to rehabilitate victims and control the offence under this Act.
- (2) The functions, duties and powers of the committee formed under Sub-Section (1) shall be as prescribed.

24. Punishment for obstruction:

Anyone obstructing an investigation of an offence under this Act shall be fined up to Ten Thousand Rupees.

25. Prohibition against disseminating confidential information:

- (1) Without the consent of the victim, no one shall publish or broadcast the real name, photograph or any information which is detrimental to his/her character.
- (2) Any person who publishes or broadcasts the name, photograph or other information pursuant to Sub-Section (1) shall be subjected to a fine of Rs Ten Thousand to Twenty Five Thousand Rupees.

26. Security:

If a person provides reasonable ground and requests the nearest police office for security against any type of retaliation for reporting to the police under Section 5 or providing statement on court or remaining as a witness, that police office should provide any or all of the following protection measures to him/her:

- (a) To provide security during traveling in course of attending case proceeding in the court,

- (b) To keep or cause to keep under police protection for a certain period,
- (c) To keep at rehabilitation center.

27. In camera court proceedings:

- (1) Court proceeding and hearing of an offence under this Act shall be conducted in In-Camera.
- (2) Only parties to the proceeding, their attorneys or other non-parties permitted by the court may enter to the court during the proceeding and hearing under Sub-section (1).

28. Government to be the Plaintiff:

Government of Nepal shall be the plaintiff in all cases filed under this Act, and such case shall be deemed to be included in Schedule 1 of the Government Cases Act, 2049.

29. Power to make Rules:

Government of Nepal shall frame Rules to implement the objective of this Act.

30. Repeal and Saving:

- (1) Human Trafficking (Control) Act 2043 is, hereby, repealed.
- (2) Acts conducted and performed under Sub-Section (1) shall be considered to have been done pursuant to this Act.

2. Domestic Violence Act, 2066

Overview:

Domestic violence has been found to be a serious problem in every country. The risk of violence in the home is common to women regardless of their social position, creed, color or culture. In September 1995, at the United Nations' Fourth World Conference on Women in Beijing, China, elimination of violence against women was one of the primary unifying themes among women from countries all over the world. The Beijing Declaration and Platform for Action adopted at the United Nations Fourth World Conference on Women recognizes that violence against women is a violation of human rights and suggests strategies for eliminating this violence.

Procedure:

Give each participant a met card and ask them the following questions:

- Write what they know about the problem of domestic violence in Nepal?
- Were they the nearest Perpetrators in domestic violence case?
- Write what is their experience and the process adopted by police personnel while dealing domestic violence cases?
- Lead a discussion on the basis of Domestic Violence (**Crime and Punishment**) Act,
- For more clarification some case studies are in Annex.

Key Learning Points:

Victims of domestic violence have been denied their right to an effective and adequate remedy for harm they have suffered. By systematically failing to provide effective prosecution for crimes of domestic violence and by failing to enforce criminal laws on behalf of domestic violence victims, violating the right to a remedy guaranteed under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Facilitator's note:

Facilitators have to ensure that the entire document related to the topic is ready to distribute the participants. Some case studies will in printed copy for discussion. Facilitator will therefore need to be very careful with the subject matter. For this facilitator will have to aware on Domestic Violence Act.

What is Domestic Violence?

Domestic violence is defined as the use of force or threats of force by a husband or boy friend for the purpose of coercing and intimidating a woman into submission. The violence can take the form of pushing, hitting, choking, slapping, kicking, burning, or stabbing.

Domestic violence has been found to be a serious problem in every country. The risk of violence in the home is common to women regardless of their social position, creed, color or culture. In September 1995, at the United Nations' Fourth World Conference on Women in Beijing, China, elimination of violence against women was one of the primary unifying themes among women from countries all over the world. The Beijing Declaration and Platform for Action adopted at the United Nations Fourth World Conference on Women recognizes that violence against women is a violation of human rights and suggests strategies for eliminating this violence.

Violence against women is now clearly recognized as a priority for international attention. In 1993, the United Nations General Assembly adopted the Declaration on the Elimination of Violence Against Women.[6] This Declaration outlines the international legal instruments that protect a woman's right to be free from violence and sets forth the responsibilities of individual governments to ensure that these protections are enforced. In 1994, the United Nations Commission on Human Rights appointed a Special Rapporteur on Violence against Women to collect comprehensive data and to recommend measures at the national, regional and international levels to eliminate violence against women. Both the Declaration on the Elimination of Violence Against Women and the Beijing Platform for Action encourage government and nongovernmental organizations to eliminate violence and to promote research and study on the nature and causes of violence against women.

Domestic Violence (Offence and Punishment) Act, 2066 (2009)

Date of Authentication and Publication 2066.1.14 (April 27, 2009)

Introduction:

Whereas, it is expedient to make provision to respect the right of every person to live in a secure and dignified life, to prevent and control violence occurring within the family and for matters connected therewith and incidental there to making such violence punishable, and for providing protection to the victims of violence Now, therefore, be it enacted by the Constituent Assembly pursuant to Sub article (1) of Article 81 of the Interim Constitution of Nepal, 2063 (2007).

1. Short Title and Commencement:

- (1) This Act may be called the "Domestic Violence (Crime and Punishment) Act, 2066 (2009)".
- (2) This Act shall come into force immediately.

2. Definitions:

Unless the subject or context otherwise requires, in this Act,-

- (a) “Domestic Violence” means any form of physical, mental, sexual and economic harm perpetrated by person to a person with whom he/she has a family relationship and this word also includes any acts of reprimand or emotional harm.
- (b) “Domestic relationship” means a relationship between two or more persons who are living together in a shared household and are related by decent (consanguinity), marriage, adoption or are family members living together as a joint family; or a dependant domestic help living in the same family.
- (c) “Physical harm” means an act of committing or causing bodily harm or injury holding as a captive, inflicting physical pain or any other act connected therewith and incidental thereto except the act of breaking the limbs of body (*Angabhanga*).
- (d) “Mental harm” means any act of threatening the Victim of physical torture, showing terror, reprimanding him/her, accusing him/her of false blame, forcefully evicting him/her from the house or otherwise causing injury or harm to the Victim emotionally and this expression also includes any discrimination carried out on the basis of thought, religion or culture and customs and traditions.
- (e) “Sexual harm” means sexual misbehaviour, humiliation, discouragement or harm in self respect of any person; or any other act that hampers safe sexual health.
- (f) “Economic harm” means deprivation from using jointly or privately owned property or deprivation of or access to employment opportunities, economic resources or means.
- (g) “Victim (Aggrieved person)” means any person who is, or has been, in a domestic relationship with the defendant and who alleges to have been subjected to an act of domestic violence by the perpetrator.
- (h) “Perpetrator” means the person having family relations with the Victim and for whom the victim alleges to have been subjected to an act of domestic violence and this word also includes any person involved in the domestic violence or in the accomplice of the crime.
- (i) “Police Office” means a Police Office closest to the residence of the Victim, the perpetrator or that office which is closest to the scene of crime and this word also includes the Children or Women Cell or Police Post or Police Sub-post under the District Police Office.
- (j) “Court” means a court appointed by the Government of Nepal
- (k) “Prescribed” or “as prescribed” means prescribed or as prescribed in the Rules made under this Act.

3. Domestic Violence not to be committed:

- (1) No one shall commit; or aid or abet or incite for the commission of for the act of domestic violence.
- (2) A person who commits an act pursuant to Sub-section (1) shall be deemed to have committed an offence under this Act.

4. Filing of complaint:

- (1) A person who has knowledge of an act of domestic violence has been committed, or is being committed, or likely to be committed, may lodge a written or oral complaint setting out the details thereof, with the Police Office, National Women Commission or Local body.

- (2) In case a complaint is received pursuant to Sub-section (1), in a written form, it shall be registered immediately and if it is received in an oral form it shall be registered upon setting out details in a written form and putting the signature of the complainant.
- (3) In a case the complaint is filed before the National Women Commission, necessary action shall be taken in accordance with Prevailing National Women Commission law.
- (4) In a case the complaint is filed before the Police Office, the Police Office shall produce the perpetrator within 24 hours of the complaint, excluding the time of travel and make arrest if he/she refuses to appear for the statement.
- (5) In a case the complaint filed in the Local Body, the Local Body shall produce the perpetrator within 24 hours of the complaint, excluding the time of travel and requesting to arrest to the Police Office if he/she refuses to appear for the statement.
- (6) If the Victim has been physically wounded or mentally tortured as a result of the act of domestic violence, he/she shall be immediately sent to the nearest hospital or health post for necessary check-up and an injury report shall be drawn up. If the medical report is caused to be prepared by the Local Body, a copy of it shall be sent to the Police Station.
- (7) If it is found necessary, to provide protection to Victim and his/her dependants from the preliminary investigation on the complaint pursuant to Sub-section (1) of section 4, it shall be provided with immediately with the assistance of the Police Office.
- (8) The police officer or local body upon recording the statements pursuant to Sub-sections (4) or (5) of Section 8 finds reason to believe that an act of domestic violence has been committed and the Victim so desires, may, within Thirty days from the date of registration of the complaint, conduct reconciliation between the parties.
- (9) The assistance a psychologist, sociologist, social activist and a family member trusted by the Victim and any other witness as per necessity and availability may be taken while conducting reconciliation pursuant to Sub-section (8). In the course of such reconciliation psychological of and social effects on the Victim, as well as his/her right to privacy shall be taken into consideration.
- (10) The Police Officer or Local Body Officer shall ensure the presence of the perpetrator on the due date during the investigating, prosecuting and decision making process of the complaint.
- (11) If the perpetrator fails to appear pursuant to Sub-sections (4) and (5) or he/she cannot be made present; or the parties fail to settle their dispute through reconciliation, the Police Officer and Local body, with the consent of the complainant shall, within fifteen days after the expiry of Thirty days as per Sub-section (8) shall forward to the court, the complaint mentioning all details, along with evidence and other legal documents incidental thereto.
- (12) It shall be the duty of the Police Office to provide assistance pursuant to Sub-sections (5) and (7).

5. Action to be taken by the Court:

- (1) Upon receiving a complaint pursuant to Sub-section (11) of Section 4, the Court shall proceed the case as per this Act, on the basis of such complaint.
- (2) Notwithstanding anything contained in Section 4, the Victim may directly file his/her complaint to the Court.

6. Interim protection order may be granted:

- (1) If the Court has reason to believe, on the basis of preliminary investigation of the

complaint that the Victim needs to be given immediate protection, it may, till the time the final decision on the complaint is made, pass the following orders against the perpetrator:

- (a) To allow the Victim to continue to live in the shared house, to provide him/her with food, clothes, to not cause physical injury to him/her and to behave with him/ her in a civilized and dignified manner.
 - (b) To manage for necessary treatment or to give money for the treatment of the Victim if he/ she has suffered physical or mental injury.
 - (c) To make necessary arrangements for the separate stay of the perpetrator in a case that it's not conducive for them to live together, and make necessary arrangements for the maintenance of the Victim.
 - (d) To not insult, threaten or behave in an uncivilized manner; or not to cause to do these acts.
 - (e) To not harass the Victim by entering his/ her place of separate residence; or in public roads; or entering his/ her place of employment; or through the communication media or in any other manner.
 - (f) To carry out or cause to carry out necessary and relevant actions for the protection and welfare of the Victim.
- (2) If it is found necessary to provide protection pursuant to Subsection (1) from the preliminary investigation of the complaint, the Court shall issue an appropriate order for the protection of the minor children or any other dependent of the Victim.

7. Proceedings to be held in camera:

- (1) If it is so request by the Victim, the court shall conduct in camera proceedings and hearings of the complaint relating to this Act.
- (2) During in camera proceedings and hearings pursuant to subsection (1), the claimant, defendant, their legal practitioners and those who are so permitted by the Court, shall be allowed to enter into the court room.

8. Summary procedure to be adopted:

The procedure mentioned in the Summary Procedure Act, 2028 (1971) shall be followed in the process and disposal of a case filed pursuant to this Act.

9. Perpetrator to bear expenses of treatment:

- (1) The total costs of treatment of the victim of the domestic violence, who has sustained physical or mental injuries so as to require medical help in the hospital, shall be borne by the perpetrator.
- (2) Notwithstanding anything contained in Sub-section (1) if the Court has reason to believe that the perpetrator is unable to pay such amount due to economic reasons, the court may order to the Service Center to provide treatment expenses to the Victim.

10. Compensation to be provided:

The Court may, depending on the nature of the act of domestic violence and degree, the pain suffered by the Victim, and also taking into account the economic and social status of the perpetrator and Victim, order the perpetrator to pay appropriate compensation to the Victim.

11. Service Centre:

- (1) The Government of Nepal, as per necessity, may establish Service Centers for the purpose of immediate protection of the Victim, and for the separate accommodation of the Victim during the course of treatment.

- (2) For the purpose of Sub-section (1), an organization may establish and operate Service Centers upon receiving approval as prescribed.
- (3) Service Centers operating pursuant to Sub-section (2) may be given financial and other aid from the Fund established under Section 12.
- (4) The Service Centre shall provide, as per necessity, legal aid, psycho-consultation service, psychological Service and economic aid to the Victim.
- (5) The provisions of management, operation and monitoring of Service Centre shall be as prescribed.

12. Service Fund:

- (1) The Government of Nepal shall establish a Service Fund for the operation of Service Centers established pursuant to Sub-section (1) of Section 11.
- (2) The fund shall consist of the following amounts established pursuant to Sub-section (1):
 - (a) The amount received from the Government of Nepal,
 - (b) The amount received from any national or foreign organization, institution or individual,
 - (c) The amount received from any other source.
- (3) The management and operation of the Service Fund shall be as prescribed.

13. Penalty:

- (1) A person who commits an act of domestic violence shall be punished with a fine of Three Thousand Rupees upto Twenty Five Thousand Rupees or Six months of imprisonment or both.
- (2) A person who attempts to commit domestic violence or abets the crime or incites others to commit the crime shall be liable to half the punishment of the perpetrator.
- (3) A person who has been punished once for the offence of domestic violence shall be liable to double the punishment upon every repetition of the offence.
- (4) If a person holding a public post who commits the offence of domestic violence, he/she shall be liable to an additional ten percent punishment.
- (5) A person who disobeys the Court orders made pursuant to Section 6 shall be punished with a fine of Two Thousand Rupees upto Fifteen Thousand Rupees or Four months of imprisonment or both.

14. Limitation:

The complaint, for an offence committed pursuant to this Act, shall be filed within Ninety days of the commission of the crime.

15. No hindrance to file case pursuant to prevailing law:

Nothing in this Act shall prevent the investigation, trial and proceed in an offence which is punishable under this Act and prevailing law.

3. Marriage related Acts (Polygamy, Child marriage)

Overview:

Universal Declaration of Human Rights (UN-1948), Article 16

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Procedure:

- Ask the participants what they know about the legal provision of polygamy and child marriages.
- Write the points shared by the participants in a flipchart.
- Again, ask them what is the process of investigation of child marriage and polygamy in Nepal?
- To discuss in this point distribute some case studies related to child marriage and polygamy.
- Now divide the participants in some small group and ask them to discuss on that case study.

For discussion, give following questions:

Write what is their experience while dealing with the case of child marriage and polygamy.

- What is the process adopted by them while dealing with domestic violence cases?
- Now lead a discussion on the basis of Marriage related Acts (Polygamy, Child marriage)
- For more clarification some case studies are in Annex.

Key Learning Points:

- According to State Case Act, 2049, Nepal Police is authorized to investigate the cases of polygamy. For this purpose, from the registration of FIR (First Information Report), to bring the suspect to the court is completed by police. Needless to say, the common purpose of the police is to bring those to the justice who break laws. The prime duty of police is to respect and protect people's rights.

Facilitator's note:

Facilitators have to focus on the police conduct, moral, ethics and laws, some policemen themselves are involved in the offence. The impact of this act by some police personnel has weakened the image of whole police organization in the mind of people.

What is Polygamy?

Polygamy is deeply rooted and practiced in Nepalese society. As it is one of the major causes of domestic violence and severe offence against women, the act of polygamy must be discouraged. Police has been given the responsibility for preventing and investigating the offence.

Polygamy is if a man marries more than one woman at the same time without legal permission is called polygamy. According to Oxford Advanced Learner's Dictionary polygamy is "the custom of having more than one wife at the same time" Polygamy is a crime in all states."

In Nepalese context, bigamy and polygamy are simply understood in the same way. There is not any separate word or phrase for them as "bubibaha" word is used for both polygamy and bigamy.

Legal provision on Polygamy

According to section 230.1 Model Penal Code of America a married person is guilty of bigamy, a misdemeanor, if he contracts or purports to contract another marriage, unless at the time of subsequent marriage: (a) the actor believes that the prior spouse is dead; or (b) the actor and the prior spouse have been living apart for five consecutive years throughout which the prior spouse was not known by the actor to be alive; or (c) a Court has entered a judgment purporting to terminate or annul any prior disqualifying marriage, and the actor does not know that judgment to be invalid; or (d) reasonably believes that he is legally eligible to remarry.

In the same way, a person is guilty of polygamy, a felony of the third degree, if he marries or cohabits with more than one spouse in purported exercise of the right of the plural marriage. The offense is continuing one until all cohabitation terminates. This section does not apply to parties to a polygamous marriage, lawful in the country of which they are residents of nationals, while they are in transit through or temporarily visiting this State.

Polygamy is restricted under Nepalese Laws. A married man is guilty of polygamy if he marries another woman until his first wife is dead or legally divorced. But under the following conditions a married person is legally allowed to remarry:

1. If the wife is suffered by any type of sexually communicable disease that is incurable
2. If the wife becomes incurably mad
3. If a certified medical board proves that the wife is not capable of bearing child
4. If the wife is unable to move due to paralysis
5. If the wife becomes blind;
6. If the wife is legally separated with her partition from her husband according to the clause 10 of the chapter of partition of the same Ain. In case of polygamy except than in above mentioned conditions, the offender will be punished for the imprisonment of one year to three years and fine of rupees five thousands to rupees twenty-five thousands. This provision also implies on the woman who knowingly becomes the wife of already married man.

In case of police, Police Regulation 2049 not only declares polygamy illegal but also defines it as against police moral and ethics. According to the Police Regulation, 2049, any policeman who acts against the police conducts, moral, ethics, can be degraded, payment stopped, promotion with held, grade stopped, or negative opinion written on his character report.

In case a government employee commits sexual intercourse with a woman in prison or custody or causes or arranges other to have sexual intercourse with such a woman or in case a doctor or health practitioner who is making available medical service commits sexual intercourse in the place where such service is being provided with a woman who has came there for medical services or in case a person providing care a affording protection to a woman commits sexual intercourse with such a woman or in case an office bearer or employee of a rehabilitation center commits sexual intercourse with a woman rehabilitated there for being suffered from any physical or mental diseases or being suffered from unsoundness of mind, such a person shall be liable to a punishment of imprisonment from one year to three years. If this Act or other law imposes punishment for committing such act, such additional punishment shall also be imposed.”

The act of polygamy by police himself makes him violator from protector. But it reverses sometimes when policemen themselves get accused of polygamy. Policemen are also from the same society and, as per human nature, they are also influenced by the same social values and practices. Even though, as a member of law enforcement agency, to commence an illegal act like polygamy is not only illegal but it also makes a policeman immoral, irresponsible and violator of one’s right as well. Because of this action made by one policeman, it spears negative impression upon whole police organization and police becomes less trusty among people. Moreover, it also demoralizes the other members of the organization.

Causes of Polygamy

Nepalese society is patriarchy type. Women are considered as personal property of husbands. The patriarchy value and lack of strong legal system of Nepal always behaved women as second-class citizens. Under the defective value system the concept of “*Marda Ki Das Woti*” as braveness of a man permitted a man to marry many wives at a time it that polygamy as a general practice in the society.

- Son is felt essential in Nepalese society. And a woman is often made guilty for not bearing a son.
- Fewer dowries at the time of marriage and desire to be rich on the wife's property, child marriage, marriage without consent, discriminatory legal provisions regarding women's rights, fall in love and affection and many other social values, practices and provisions are found to encourage polygamy in the Nepalese Society.

Impact of polygamy

Polygamy is the most common and traditional form of violence against women in Nepal. It is one of the serious crimes and violations of women's rights.

- Mental and psychological affected. As the usual access to her husband, family and resources is limited and disturbance in-between them starts as a bitter relation and it converts into domestic violence.
- Verbally abused, beaten, accused for unusual behavior, and relations, restricted to go out of the home, said to leave the husband and home, made forceful and unusual sexual relation, her children are neglected and discriminated and suppressed many other ways. This situation makes the first wife's life a heaven to hell and sometime it causes serious injury to death.
- Deprived from the property. The society does not respect the woman whose husband has committed polygamy. Instead of protecting her, the society and her parental family makes her guilty. The father's family feels shame if the married daughter is again back in the house before the society.
- Because of polygamy the first wife becomes "Na Gharko Na Ghat Ko." Thus, woman is deprived from her right to found a family. Generally, the impact of polygamy ruins the life of woman who is married before but sometime it also affect the new one.

Child Marriage:

Child marriage violates the rights of girl child to be free from all forms of discrimination. Child marriage¹ is one of the most pernicious manifestations of the unequal power relations between females and males. Begin as a practice to protect unwelcome sexual advances and to gain economic security, child marriage has undermined the very purposes it was meant to achieve. Child marriage often means for the girl a life of certain sexual and economic servitude. The subordination of women is both a cause and consequence of child marriage.

International Human Rights Norms that Address Child Marriage

In 1945, the U.N. Charter reaffirmed a faith in fundamental human rights and in the equal rights of men and women and encouraged respect for human rights and for fundamental freedoms without distinction as to sex. The Universal Declaration of Human Rights similarly promoted the dignity and worth of the human person and the equal rights of men and women. It specified sex as being among the impermissible grounds of differentiation and provided an equal protection clause.

Despite the fact that the Universal Declaration does not in and of itself have legal effect on all states, it is morally persuasive and is considered part of customary international law. Provisions for equality of the sexes in the enjoyment of rights are provided for in all the major human rights covenants of the United Nations.

The Convention on the Elimination of Discrimination against Women provides for the prohibition of Child Marriage in Article 16.3 While child marriage per se is not referred to in the 1989 Convention on the Rights of the Child (CRC), the Convention contains a provision calling for the abolishment of traditional practices prejudicial to the health of children⁴. In addition, child marriage is connected to other children's rights, such as the right to express their views freely, the right to protection from all forms of abuse, and the right to be protected from harmful traditional practices and is often addressed by the Committee on the Rights of the Child. The CRC prohibits States parties from permitting or giving validity to a marriage between persons who have not attained their majority. In the context of the Convention on the Rights of the Child, "a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier." The Committee on the Rights of Child considers that the minimum age for marriage must be 20 years for both man and woman.

Child marriage is among the most frequently addressed issues by both the CRC and CEDAW Committees in their dialogue with State parties and in Concluding Observations. Both the CRC and CEDAW Committees have emphasized the complementary and mutually reinforcing features of the two Conventions. The call for equality for women and girls applies to all ages, including the girl child. While the CRC does not specifically prohibit child marriage, reading the CRC in light of the CEDAW provides an urgent rationale to abolish early marriage .

The "best interests of the child" principle in the CRC provides a basis for evaluating the laws and practices of States with respect to the protection of children. Since empirical evidence reveals that girls who marry early are often exposed to violence, divorce, abandonment, and poverty, and in light of the best interest of the child principle, States must take legal action to abolish child marriages. To pursue the best interests of children, parents and governments are responsible for protecting their children's health, education, development and overall well-being to the best of their capacities.

Since child marriage harms the girl child's health, particularly her sexual and reproductive health, which often results in maternal mortality and morbidity due to early pregnancies, States are obliged under the CRC "to take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children."⁹ Inaction on the part of the States to eliminate child marriages also violates the principle of life, survival and development and the girl child's right to the highest attainable standard of health under the CRC¹⁰ and the CEDAW.¹¹ Sexual and reproductive health problems linked to early marriage is also a result of general lack of information and education on sexual and reproductive health issues and thus violates CEDAW's entitlements that women shall have access to the necessary information, education and means to enable to decide freely and responsibly on the number and spacing of their children.

Apart from the violation of health rights, early marriage disrupts girls' schooling opportunities as guaranteed by the CEDAW and the CRC and employment rights including vocational training confirmed in the CEDAW. In light of early childbearing that mostly follows child marriage, the CEDAW Committee has cogently emphasized the negative effects child marriage has on the education and employment of girls, stating that "the responsibilities that women have to bear and raise children affect their right of access to education, employment and other activities related to their personal development. They also impose inequitable burdens of work on women." The rights to marry and found a family are the rights of adults and not children and adolescents.

The CRC endorses both the principle of the "best interest of the child" and the "evolving capacity" of the adolescent.¹⁸ Reading these two articles together implies that children incapable of judgment are entitled to appropriate direction and guidance from parents or guardians.

The social pressure on young brides to bear a child immediately after marriage is enormous. It is often a way of establishing their worth as wife, daughter- and sister-in-law. Child brides do not have the autonomy to negotiate with their spouse, nor the information and services to delay the birth of their children. This results in the denial of the right to decide freely and responsibly on the number and spacing of their children which is recognized in the CEDAW.

4. Sexual offences (Rape, child sexual assault etc)

Overview:

Rape is one of the crimes which seem to be most brutal, barbaric and condemnable. Law through out the world has criminalized this act and the Nepalese legal provision is no exception.

Procedure:

- Ask the participants what they know about the legal provision of rape and sexual assault.
- Write the entire points share by the participants in a flipchart.
- Again, ask them existing practices of investigation on rape and sexual assaults cases?
- To discuss in this point distribute some case studies related to rape and sexually assaults.
- Now divide the participants in some small group and ask them to discuss on that case study.

For discussion, give following questions:

- Write what is there experience while dealing these types of cases.
- After the group work start your discussion on the legal provision on rape and sexual assaults in Nepal.
- For more clarification, some case studies are in Annex.

Key Learning Points:

Rape is the most heinous and inhumane offence. It is the barbarism of the worst order. Rape shatters the life of the victim and compels to bear the agony throughout the life.

Facilitator's note:

For this all facilitator will have to aware on the legal provision of rape and sexual assaults cases, elements of rape. Don't forget to print the detail of the investigation process of rape case and Nepalese legal provisions. This document should distribute the participants before discussion in the topic. Make sure whether all participants have received the documents.

Rape: With reference to Nepalese legal provisions

Rape may be defined as an unlawful sexual activity (esp. intercourse) with a person (usu. a female) without consent and usually by force of threat of injury.

Rape is an assault by a person involving sexual intercourse with another person without that person's consent. Rape is sexual intercourse (vaginal or anal) with a woman or another man without their consent, as a result of physical force or threats, or because the person was unconscious or asleep, or because consent as to the nature of the act was obtained through fraud. It is also rape if the person is mentally incapable of understanding what is being consenting to.

Act of sexual intercourse with an individual without his or her consent, through force or the threat of force.

Rape is defined as the having of unlawful carnal knowledge by a man of a woman, forcibly or against her will. It includes unlawful sexual intercourse without consent after the perpetrator has substantially impaired his victim by administering, without the victim's knowledge or consent, or drugs or intoxication for the purpose of preventing resistance. It may include sexual intercourse with a person who is unconscious. Marital status is now use irrelevant and sometimes so is the gender.

The legal definition of rape has changed substantially since the late 20th century. The traditional definition was narrow with respect to both gender and age; rape was an act of sexual intercourse by a man with a woman against her will.

As rape is now understood, a rapist or a victim may be an adult of either gender or a child. Although rape can occur in same-sex intercourse, a male against a female most often commits it. Rape shatters the life of the victim and compels to bear the agony throughout the life.

A rape victim usually suffers from

- i) Deep depression
- ii) A feeling of impression
- iii) Submissiveness
- iv) Hatred for the male sex

The depression may manifest in the form of

- i) The lack of will to live
- ii) Suicidal tendencies
- iii) Fear of conception⁶

Legal Provisions in Nepal:

The legal provisions on rape are guided by Muluki Ain (National Code) 2020, 12th amendment. The chapter 'rape' defines and states punishment for rape.

Definition:

A person is liable for the offence of rape if he procures sexual intercourse with or without the consent of women under 16 and without the consent of women above 16.

Explanation:

- a. Consent obtained by threat, fear, undue influence, fraud, abducting may not be termed as consent.
- b. Consent obtained when one is not in consciousness may not be termed as consent.
- c. Even if there is slight penetration, then also it may be termed as rape.⁷

The following punishment is inflicting if a person commits the offence of rape:

Age of Victim:

- If the victim is below 10, the perpetrator is liable for 10 to 15 years of imprisonment.
- If the victim is between 10 to 14, the perpetrator is liable for 8 to 10 years of imprisonment.
- If the victim is between 14 to 16, the perpetrator is liable for 6 to 10 years of imprisonment.
- If the victim is between 16 to 20, the perpetrator is liable for 5 to 8 years of imprisonment.
- If the victim is 20 or above the perpetrator is liable for 5 to 7 years of imprisonment.

Marital Rape:

It is a husband's sexual intercourse with his wife by force or without her consent.

- If a husband rapes his wife, the husband is liable for 3 to 6 months of imprisonment.

Rape with Family Members or Relatives:

- If a person commits rape with woman with prohibited degree (incestuous relationship), he is liable to the same extent as the age factor of the victim prescribes additionally to the punishment prescribed in the chapter on incest of Muluki Ain. However in the case of life imprisonment, no additional punishment is inflicted from the chapter on rape.

Gang Rape and Rape with Pregnant and Helpless:

Gang rape, or mass rape, (also known as 'Gang Banging') occurs when a group of people participate in the rape of a single victim.

- If a person is involved in gang rape or if a person rapes pregnant, helpless woman then he is liable to the same extent as the age factor of victim prescribes, additionally with 5 years of imprisonment.

Rape by HIV (+) ve Person:

- If a person [HIV(+) commits rape, then he is liable to the same extent as age factor of victim prescribes, additionally with 1 year of imprisonment.

Unnatural Sexual Activity with Minor:

- If a person commits unnatural sexual activity with minor, he is liable to the same extent as the age factor of victim prescribes, additionally with 1 year of imprisonment as well as the minor is to be compensated evaluating the age and impact of the act.
- Person who knowingly help the perpetrator are liable up to 3 years of imprisonment if the victim is above 16 years and if the victim is under 16, the amount of punishment is double.

Attempt:

An overt act that will do with the intent to commit crime but that falls short of completing the crime.

- A person guilty of attempt is liable to half of punishment than what is prescribed for the full offence.

Inciter:

- Inciter is liable to half of the punishment than what is prescribing for the full offence if offence takes place as per his order.

Some Special Legal Provisions:

The chapter on rape to some extent has analyzed the situation of the offence from victim's perspective also. There are some special procedures prescribed by law in respect to the victim of rape.

- Investigation must be conduct where possible by a female policew if not than by male police in presence of woman social worker.
- The hearing must take place in the camera court. Only concerned parties and other persons permitted by court are allowed to be present in hearing.
- It is cognizable offence and the case must be filed within 35 days of incidence.
- The woman is entitled to get compensation from the perpetrator as per the nature of loss she has beared. Even if she is dead, her minor children, if any, are entitled to get compensation.
- A rape victim has right to abort if she conceives during the incidence.

- Any person who rapes or cause to rape with intention to inherit her property is not entitled to get her inheritance.

Defense of Chastity:

A rape victim women has right to defend against the attacker. In the course of the defense she may use reasonable force against him. Even death ensues in the incident; she is not liable for the death. The right attributed by law extends up to 1 hour of incidence. If she kills after 1 hour she is liable up to 10 years of imprisonment or up to R.S. 5000 fine.

The legal provision addressing rape in Nepal is Muluki Ain, 2020(National Code). After 11th amendment it has tried to address all the forms of rape. The concept of marital rape, compensation to victim, in camera hearing is commendable. However, the chapter still needs some more clearance on the definition of rape itself as no it still denotes rape as an act done by men to women while provision regarding same sex rape and rape by women to men now needs to be incorporated. There should be clear provisions addressing the resettlement of victim with dignity in the society.

Rape, being the most inhumane but less publicized crime (publicized in the sense that the rape victims do not file case due to fear of stigmatization) is of much concern for legal fraternity. In fact, law alone will not do. The moral regeneration of the society is of paramount importance .Unless community attitudes change, women will continue to suffer sexual abuse, even at the hands of their partners and within their homes. Only changing the stigmatization that women suffer after a rape, more case may be reported and victims may seek redress. Hence, to combat the menace of rape both sufficient legal provisions and a wider social movement of all the people are needed.

Session -4: Related laws for criminal investigation procedure

Content	Behavioral objectives	Methodology	Time	Material
1. Sarkari Muddha sambhandhi Ain, 2049 Government Cases Act, 2049 (1992)	-Participant will able to explain about the guiding laws and Act for Criminal investigation procedure.	Presentation, Lecture, group exercise and sharing of experience	45 min	Flip chart paper, Markers, LCD projector,
2. Gopaniyata Kayam S a m b h a n d h i Karyabidhi	-Participant will follow the accurate laws and regulation for criminal investigation		45 min	Laptop, Handouts, copy of laws

Activity:

Sarkari Muddha sambhandhi Ain, 2049 (Government Cases Act, 2049 (1992))

Overview:

This Act will appropriate legal provision in relation to the cases where the Government will defense the cases.

Procedure:

- Ask the participants whether they were aware on Government Cases Act, 2049 (1992) or not.

- Make a list of the points said by them.
- Now start your discussion by showing the power point presentation.
- Give some examples and share some cases to make the participants more clear on the topic.

Facilitator's note:

Please make copy of the document and share to each participant before the discussion in the topic, so that participant will aware on the document. It will help the participants to discuss on existing procedure and process.

Government Cases Act, 2049 (1992) Date of Authentication and Publication 2049.09.08 (1992.12.23)

Amendment

1. Some Nepal Acts Amendment Act, 2049 2055.10.07 (1999.01.21)
2. Some Nepal laws Amendment Act,2063 2063.6.28 (2006.10.14)

An Act made to provide for the Government cases

Introduction:

Whereas, it is expedient to make appropriate legal provision in relation to the cases where the Government is plaintiff and in relation to the defense of cases filed against the Government.

1. Short title and commencement: (1) This Act may be called” Government Cases Act, 2049”

2. Definitions:

In this Act, unless the Subject or the context otherwise requires

- (a) “Government Attorney” means the Attorney General, Deputy Attorney General, Joint Government Attorney, Deputy Government Attorney, District Government Attorney and Assistant District Government Attorney and any Officer or civil servant designated by the Attorney General to work as the Government Attorney.
- (b) “Court” means the bench of the judge and this term shall include the Officer authorized to undertake judicial works relating to any case pursuant to the prevailing laws.
- (c) “Office of the Government Attorney” means the Office of the Attorney General and Office of the Appellate Government Attorney and District Government Attorney there under.
- (d) “Prescribed” or “as prescribed” means prescribed or as prescribed in the Rules framed under this Act.

3. Information of crime:

- (1) Any person who knows about a crime stipulated in Schedule 1, committed, being committed or going to be committed shall verbally or in writing inform about such crime to nearby Police Office with necessary information or evidence s/he possesses relating to the crime.
- (2) Any person filing an application pursuant to Sub-Section (1) shall include the following information in his/her application:
 - (e) Date, time and place of the crime committed or being committed or likely to be committed.
 - (f) Name, address and description of the person committing the crime
 - (g) Evidences relating to the crime
 - (h) Nature of the crime and other descriptions relating to the crime.

- (3) If the person informs about the crime verbally, the concerned Police Officer shall record in writing all such information and the matters as per Sub-Section (2) and read out it before the person and keep the signature of that person.
 - (4) The information received as per Sub-Section (1) or the information relating to the crime received from anywhere else by the Police personnel, shall be registered in the registration book in the prescribed format.
 - (5) In case of the refusal to register the information of the crime by the concerned Police personnel as per Sub-Section (4), the informer, disclosing this, may give the information of the crime to concerned Chief District Officer or the upper level Police Office than that Office which is prescribed to register the information. The Chief District Officer or the Police personnel of the Police Office receiving such information shall keep the record of this, and with necessary directions, forward in writing the information of such crime to concerned Police Office for necessary actions.
 - (6) The concerned Police Office shall register as per Sub-Section (4) the information of the crime received as per Sub-Section (5).
- 4. Arrangement for evidences not to disappear or destroy and perpetrator not to escape:**
- (1) If any Police personnel receives information about a crime stipulated in Schedule-1 committed or being committed or going to be committed, then s/he as soon as possible shall try to make an arrangement to prevent the crime, not to let any evidence relating to the crime disappear or destroy, and not to let the criminal escape or flee. In case of the possibility of crime to take place or evidence to disappear or destroy, or criminal to escape or flee if immediate action is not taken, then the Police personnel may, as per necessity, go to the jurisdiction of the next Police Office and take necessary actions in this regard.
Provided that, any action is taken entering into the area of any other Police Office, that Police Office shall be informed as soon as possible.
 - (2) A Police personnel may seek help from any person or authority in order to prevent from any crime, stop any evidence to disappear or destroy, or to arrest the perpetrator.
- 5. Giving information to concerned Office if the crime has taken place in the area of any other Police Office:**
- If information received in any Police Office relating to any crime stipulated in Schedule-1, shows that the crime is committed, being committed or going to be committed in the area of any other Police Office, then the Police Office receiving such information shall as soon as possible forward such information to the concerned Police Office; and the informer shall be notified as per necessity, to be present in such Police Office.
- 6. Sending preliminary report:**
- (1) Before starting investigation of any crime as per Section 7, the Police personnel undertaking the investigation shall send the preliminary report relating to the crime to the concerned Government Attorney Office explaining the matters to be investigated.
 - (2) After receiving the preliminary report pursuant to Sub-Section (1), the Government Attorney may give necessary directions relating to the investigation of the crime to the Police personnel undertaking the investigation.
- 7. Collecting evidence through investigation:**
- (1) If, any Police Office receives information regarding any crime stipulated in Schedule-1, committed, being committed or going to be committed, then the Police personnel of at least Assistant Sub-Inspector level of the Police Office shall, as soon as possible, investigate and collect evidence.
 - (2) The Police personnel investigating as per Sub-Section (1) shall prepare *muchulka* (recognizance/deed) explaining the following information to the best possible extent.
 - (a) Description of the crime scene

- (b) Situation of the crime scene and the relation of that place to the crime or the criminal
 - (c) Any other remarkable thing seen or found at or around the crime scene.
- (3) Apart from preparing the *muchulka* (recognizance/deed) pursuant to Sub-Section (2) the investigating Police personnel may, to the best possible extent, also take the picture of the place, collect the finger print or the foot mark or any other important fact seen or found in the crime scene.
 - (4) The investigating Police personnel shall take into possession any document or object relating to the crime.
 - (5) While investigating pursuant to this Section, if the concerned Police personnel seek the advice of the Government Attorney, it shall be the duty of the Government Attorney to provide the advice.

8. Keeping in presence:

In the course of any investigation, while preparing a *muchulka* (recognizance/deed) relating to the situation of any house or place, or while making a search of any individual, object or place, or while examining a corpse, at least two local people present in the place and a member of concerned Village Development Committee or Municipality, or if such member is not available, then any civil servant of the Government Office and accused if available and the informer of the crime shall be kept in presence (*Rohabar*).

Provided that, such action shall not be considered invalid only on the ground that the accused or the informer of the crime have not been kept in presence.

9. Taking statement and inquiry:

- (1) The investigating Police personnel relating to the crime stipulated in Schedule-1 shall take the statement of the concerned accused in front of the Government Attorney.
- (2) The investigating Police personnel may inquire a person and if deems necessary, record the statement of such person if the person is suspected in relation to any crime or there is reasonable ground to believe that the person possesses important information about the crime.

10. Search:

- (1) If the investigating Police personnel, in relation to any crime, find reasonable ground to suspect a person or place to have possessed any person or physical evidence in relation to the crime, s/he may search the person or place in the prescribed manner. If act of search of a woman shall be conducted only by a female police or any other woman.
- (2) If the person or place to be searched falls under the jurisdiction of any other Police Office, the investigating Police personnel may make a written request for the search of such person or place to such Police Office, and if such request is made, the Police personnel of at least Assistant Sub-Inspector level of the Police Office receiving such request shall make search of such person or place and send to the requesting Police personnel the *muchulka* (recognizance/deed) prepared pursuant to Sub-Section (3). Provided that the Police personnel conducting investigation deems that while making such a written request to another Police Office may cause any evidence disappear or destroy, s/he him/herself may go and search the person or place pursuant to this Section and inform about to the concerned Police Office.
- (3) The personnel conducting such search shall prepare two copies of *muchulka* (recognizance/deed) regarding the description of the objects found relating to the crime in the search, the place where such objects were found and their condition as

and when found; give a copy of it to the concerned person and keep a copy in the case file. If the personnel conducting search wants to take some object with him/her, s/he shall take the object only by giving a receipt of it to the concerned person.

11. Examining the corpse:

If any information is received about a death caused by homicide or by accident or by suicide or in a suspected circumstance as a result of any crime in the area of any Police Office, at least the Police personnel of the Sub- Inspector level of the Police Office of that area shall, as soon as possible, go to the place where the corpse was found, examine the corpse and prepare a *muchulka* (recognizance/deed) disclosing the following information to the best possible extent, and if possible, take the photo of the corpse and the concerned place:

- (a) Description of the corpse identifying it
 - (b) Place where the corpse is lying and the condition of the corpse
 - (c) If any wound, injury, bruise or discolored spot is seen on the corpse description of each of such wound, injury, bruise, or contusion with their place, length, breadth and depth
 - (d) Possible means causing the death and symptoms thereof seen on the Corpse
 - (e) Any other symptom seen on the corpse that may be helpful in tracing the cause of death
 - (f) Any other remarkable fact.
- (2) Notwithstanding anything contained in Sub-Section (1), this provision shall not hinder the examination of corpse by the authorized person pursuant to no. 2 of the Chapter on Homicide of General Code (*Muluki Ain*).
 - (3) While examining the corpse as per Sub-Section (1), if the death seemed to have been caused as a result of any crime, or occurred in suspicious circumstance, the concerned Police personnel shall send the corpse for autopsy to the Government Medical Practitioner in Government expense.
 - (4) If the corpse is seen or found to have decomposed to be unable for examination, the concerned Police personnel shall prepare a *muchulka* (recognizance/deed) explaining the same and it shall not be required to carry on the process mentioned in Sub-Section (3).
 - (5) After the examination of corpse or preparation of *muchulka* (recognizance/deed) pursuant to Sub-Section (4), the concerned Police personnel shall handover the corpse to the claimant taking a receipt. If the claimant refuses to receive the corpse or no claimant is present, then the concerned Police personnel shall cremate the corpse in the Government expense pursuant to the Police Act.

12. Examining blood, semen etcetera:

From the nature of the crime, if there is reasonable ground to believe that examination of blood, semen or any organ of body or any other thing of the person arrested may produce evidence relating to the crime, the investigating Police personnel may examine such blood, semen, organ or any other thing by a Government Medical Practitioner or in laboratory. Provided that if it is necessary to examine the body-part of a woman it shall be conducted if possible, by a female Medical Practitioner or by a woman at the instruction of a male Medical Practitioner.

13. Taking opinion of expert:

The Police personnel investigating the crime may take the opinion of expert relating to any aspect of the crime, if s/he deems so necessary.

14. Arrest:

- (1) Police personnel conducting investigation relating to any crime under this Act may arrest a person if there is reasonable ground to suspect about the involvement in the

- crime, and the person so arrested shall not be detained without giving the notice explaining the cause of arrest.
- (2) Any witness to a crime may take into custody of the person committing the crime and hand over that person to the nearby Police Office.
 - (3) In case, it requires arresting a person pursuant to Sub-Section (1) an order shall be given to him/her to voluntarily surrender explaining the cause of the need for such arrest. If such person does not surrender and tries to escape or avoid the arrest, then the Police personnel may use force to arrest such person.
 - (4) In case it requires to arrest a woman, as far as possible, female police personnel shall be caused for the same.
 - (5) While conducting a body search of the arrested person, the Police personnel involved in arrest shall take into possession any evidential document or any other object or arms and ammunition, weapons recovered in such search and prepare a *muchulka* (recognizance/deed) thereof.

15. Limitation of the period of detention for investigation and its procedure:

- (1) No person shall be detained for more than twenty four hours for investigation purpose unless otherwise provided in this Section.

Explanation:

- (1) The period of journey, be taken for the detainee to produce before the court to bring to the Police Office or from Police Office to the court pursuant to Sub Section (2), shall not be included in the period of detention for the purpose of this Section.
- (2) In the course of investigating a crime stipulated in Schedule-1, if it is deemed that the investigation relating to the person arrested and detained may not be completed within twenty four hours and that the investigation has to be continued keeping him/her in detention, then the investigating Police personnel shall keep him/her in detention by taking the permission of the court producing that person before the court. While seeking remand of this kind from the court, the charge against the detainee with the grounds, reason for investigation to be continued by keeping him/her on remand, and if his/her statement has been recorded, the details of the statement shall be clearly specified.
- (3) While the person produced before the court for the permission of remand pursuant to Sub-Section (2) may make an application to the court for his/her physical examination.
- (4) If the permission of remand is sought pursuant to Sub-Section (2) by reviewing the documents, considering whether the investigation is being conducted in a satisfactory manner, and if it is found to have been carried out in satisfactory manner, the court may grant a remand of maximum twenty five days at once or time and again.

16. Identification:

- (1) If any accused has to be identified in any case, Police personnel of at least Assistant Sub-Inspector level may make such identification in accordance with the prevailing laws.
- (2) The Police personnel of at least Assistant Sub-Inspector level may make identification of any material evidence or objects related to any case by following the prescribed rules.

17. Submitting report with opinion:

- (1) After the completion of the investigation of any crime stipulated in Schedule-1, if the investigating personnel finds that the crime had occurred, but deems the evidence insufficient to prosecute all or some accused, s/he shall explaining that, and if s/he does not find that the crime had taken place or though the crime had taken place, the accused could not be identified or the evidence are insufficient to prosecute any

accused, s/he explaining that and with his/her opinion, if the case does not have any detainee then fifteen days before the limitation as per the concerned law, and if the detainee is there in the case, then taking into consideration the time needed to decide about whether the case is fit to be filed or not, and the time needed to prepare and file the charge sheet before the court, Submit the original and a copy of the file and material evidence to the Office of the Government Attorney.

- (2) Having received the file with the opinion of the Police pursuant to Sub- Section (1) the Government Attorney shall study the documents and send them to the Attorney general for final decision as to whether to file a case or not.

Provided that, if the Attorney general has delegated the authority to the Government Attorney pursuant to Clause (5) of the Article 110 of the Constitution , conferred to him/her by the Clause (2) of same Article, then the concerned Government Attorney shall make decisions in accordance with the delegated authority.

- (3) During the study of file to decide pursuant to Sub-Section (2) whether a case is fit to be filed or not, if the Government Attorney deems it necessity to collect additional evidence or to inquire any person, then s/he may give direction to the investigating Police personnel to collect such evidence or to inquire with such person. It shall be an obligation of the concerned Police personnel to abide by such direction.

18. Filing charge sheet:

- (1) In the context of making decision pursuant to Sub-Section (2) of Section 17 as to whether file a case or not, if the study of the file suggests that a case may be filed, then the Government Attorney shall prepare the charge sheet in the prescribed format stipulating the following information and Submit it to the concerned court along with evidence (exhibits) and any objects relating to the crime, and if there is any detainee, also with that charge sheet:

- (a) Full name, surname and address of the accused,
- (b) Description of information of crime,
- (c) Description relating to crime,
- (d) Charge on the accused and evidence thereof, concerned law, Punishment to be inflicted to the accused, and if there is any compensation to be paid to victim, the amount of such compensation.

- (2) While specifying the charge in the charge sheet pursuant to Sub-Section (1), if the crime has a nomenclature in the prevailing laws, it shall be mentioned accordingly. In case of the crime without any nomenclature in the prevailing laws, elements of the crime shall be clearly mentioned so that the accused can clearly understand the charges made against him/her.

- (3) If the accused has to bear more punishment on the reason that s/he had already received punishment before on any other crime, the date of such punishment and the name of the court inflicting such punishment shall be mentioned.

- (4) While filing charge sheet before the court pursuant to Sub-Section (1), if any approval is needed from the Government of Nepal or authorized Officer of the Government of Nepal or any Officer prescribed by law, the document of such approval, file of investigation and the evidences found during investigation shall also be Submitted; and if the accused has been arrested, s/he shall also be produced before the court.

19. Keeping Safe:

In case, the Government Attorney decides not to file the case, the case file and objects relating to evidence (exhibits) shall be sent back to the concerned Police Office, and the Police shall keep them safe until the prescribed time.

20. Informing the informer:

If any decision is made not to file a case, the concerned Police Personnel shall inform the informer accordingly.

21. Police may release the person kept in the custody:

If any person kept in the custody for investigation under this Act is deemed not necessary to be kept any more in custody, the Police personnel may release such person on guarantee of attendance (*Hajeer Jamani*) by taking the approval of the Government Attorney as prescribed, or depending on the situation, by preparing a note with reasonable grounds even without the approval of Government Attorney.

22. Inquiry of civil case and case filing:

- (1) Anyone interested to file a case stipulated in Schedule-2 and the civil case in which the prevailing laws prescribe the Government as plaintiff, shall mention about the evidences or information s/he has relating to the case, shall produce the written application or verbal information to the Officer mentioned in the Nepal Gazette or the Officer prescribed by prevailing law. In case of verbal information, the concerned Officer shall write it in the form an application and get the signature of the informer on it.
- (2) Any application received pursuant to Sub-Section (1), the concerned Officer shall make cadastral survey or make other inquiries as required, include the evidence collected to decide whether to file a case or not, and with his/her own opinion, forward the original and duplicate copies of the file to concerned Government Attorney of the District fifteen days prior to the limitation for case filing as provided in the concerned law.
- (3) Even if no application is filed by anyone, if the concerned Officer him/herself finds it reasonable to file a case, s/he shall collect required evidences and send the file to the Government Attorney by fulfilling the procedures pursuant to Sub-Section (2).
- (4) The concerned Officer, while sending the file to Government Attorney pursuant to Sub-Section (2) or (3), shall do it taking into consideration the time needed for Government Attorney to decide whether the case be filed or not, and also the time needed to file a case by preparing a law suit in case of a decision to file a case.
- (5) Section 17 of this Act shall be applicable to decide whether to file a case or not for the file received pursuant to Sub-Section (2) or (3).
- (6) If the Government Attorney deems it fit to file a case while reviewing the file received as per Sub-Section (2) or (3), s/he shall prepare a law suit (*Firad Patra*) and file a case in the concerned court enclosing evidences.
- (7) If the Government Attorney decides not to file a case, then the file and evidence thereof shall be returned to the concerned Officer and such Officer shall keep such file and evidence safe until the prescribed time.

23. The Government of Nepal as plaintiff :

The Government of Nepal shall be the plaintiff in the cases stipulated in Schedule 1 or 2, and any person giving information about such case shall be considered as the witness of the plaintiff.

Provided that in the course of investigation, if the crime or the situation does not seem to fall under the crimes stipulated in Schedule 1 or 2, and as per law it is deemed that the aggrieved party (person) him/herself has to file a case, then the Government Attorney, by explaining it and including his/her decision, shall inform the Police or concerned Officer asking to inform the concerned person about the decision. On behalf of the person receiving such information, the limitation as per the prevailing laws shall be counted from the date of the receipt of such information by him/her.

24. Procedure for appeal or review:

- (1) In the cases stipulated in Schedule 1 or 2 and in any Act where the Government of Nepal is mentioned as plaintiff, any application or appeal or review or of any related

- matter shall be produced by the concerned Government Attorney.
- (2) Except otherwise provided in Sub-Section (1), in cases where the Government of Nepal is plaintiff or defendant, any application or appeal, review or any related matter may be produced by the concerned Officer or the Office in-charge him/herself. Provided that if the concerned Officer or Office in-charge makes a written request, the concerned Government Attorney may file an application or appeal or review on any matter relating to the case.
 - (3) In any case relating to Governmental affairs in which any civil servant is plaintiff or defendant, if needed to appeal, review or file an application and the concerned civil servant is no more holding that post, then such appeal or review or application may be filed in the name of such person who is in that very post at present.

25. Filing a complaint or case against the Government of Nepal or any civil servant and serving summon or notice etcetera:

- (1) While filing complaint or case relating to any affair of the Government of Nepal, the Government of Nepal shall be made party.
- (2) In the cases mentioned in Sub-Section (1), the Government of Nepal shall be served a notice or summon through Government Attorney.
- (3) In case of a complaint or case against any civil servant relating to Government affair, the notice or summon shall be served to the concerned civil servant or the person replacing him/her. In such summon or notice, it will suffice if the post and the address of the Office are mentioned.

Provided that in case of personal complaint against any civil servant relating to Government or non-Government affair, any matter of this Section shall not be applicable while summoning or informing.

26. Giving time period:

- (1) The court shall provide a time period of seventy days while providing the period as provided in Sub-Section (1) for appeal in the cases stipulated in Schedule 1 or 2.
- (2) After the expiry of the time period if the concerned party has made an application to the court with reasonable grounds, the court may provide additional thirty days in the cases where the time period may be extended as per the prevailing laws.
- (3) If the Government of Nepal requires filing a civil case against any person, such case shall be filed within the limitation as mentioned in prevailing laws, and if, such limitation is not mentioned, it shall be filed within two years from the date of its knowledge of the case or fact.

Provided that, if the prevailing laws do not provide for any limitation to file a complaint or case and it provides for an unlimited limitation the complaint or case may be filed at any time.

Explanation:

The notice received by concerned Officer of the Government of Nepal would be considered as the notice received by the Government of Nepal

27. Determining the concerned person as party:

In a case filed under this Act in which government of Nepal is the plaintiff, if it deems later on that such case does not fall under Schedule 1 or 2 of this Act the court may issue an order to the concerned party to appear before the court and if such person agrees to continue the case, the court may convert such person as a party of the case and shall proceed and dispose the case from the same case file in accordance with the prevailing laws.

28. Mitigation in punishment for complaint:

- (1) There shall be no punishment for complain in the cases stipulated in Schedule 1 or 2.
- (2) Notwithstanding anything contained in Sub-Section (2), having proceeded a case in the

court by registering complaint, becoming a witness and by credibly showing evidences to the Government of Nepal, Police personnel or other Officer, if later on it is found that such fact or evidence are fake, the court may impose the following punishment:

- (a) The witness writing such a fake fact or producing fake evidence may be imposed a fine of Three Thousand Rupees or Three months of imprisonment or the both. Provided that, such penalty or punishment shall not be more than half of the punishment that may be imposed on the offender of that crime.
- (b) If the witness writing such a fake fact or producing fake evidence is deemed by the court to have acted not on reasonable grounds rather with enmity, the court may order for compensation of up to Five Thousand Rupees to the acquitted defendant from the case taking into consideration the situation of the case.

29. Withdrawal of the Government case or reconciliation:

- (1) In the cases where the Government of Nepal has to be a plaintiff or where the Government of Nepal has filed a case or where the Government of Nepal is defendant pursuant to the prevailing laws, if there is an order of the Government of Nepal, the Government Attorney, with the consent of other parties, may make a deed of reconciliation or with the consent of the court, may withdraw the criminal case in which the Government of Nepal is plaintiff. If so happens, the following matters shall happen as following:
 - (c) If reconciliation is done, no one shall be charged any fee for the same.
 - (d) In case of withdrawal of the case, the criminal charge or the Government claim ceases and the defendant gets release from the case.
- (2) Notwithstanding anything contained in Sub-Section (2), if the case has an effect on the property of any civilian, such case shall not be withdrawn from the court under this Section.

30. Other works of Government Attorney:

- (1) The Government Attorney shall examine the witness and Submit the evidence in the cases stipulated in Schedule 1 or 2 and in any other cases which has concern to the Government of Nepal.
- (2) It shall be the duty of the Police to produce the witness and evidence in the cases stipulated in Schedule 1, through Government Attorney at the expense of Government on a date fixed by the court.
- (3) It shall be the duty of the concerned Officer to produce the witness and evidence in the case stipulated in Schedule 2 and in the case in which the Government of Nepal is plaintiff or defendant, through Government Attorney at the expense of Government on a date fixed by the court.

31. Matters related to cases other than stipulated in Schedule 1 or 2:

In the cases to be filed by the Government of Nepal, except the cases stipulated in Schedule 1 or 2, if any Officer has been designated by the Government of Nepal or by law to file a case or to collect evidence, then through that Officer, and if no such prescription has been made, the concerned Office in-charge shall collect the evidences and produce to the Government Attorney the file and evidence with his/her opinion considering the limitation to file law suit (*Firad Patra*) or charge sheet for a decision whether to file a case or not.

- (2) Sub-Section (2) of Section 17 of this Act shall be applicable to make a decision whether to file a case or not on the basis of the file received pursuant to Sub-Section (1).
- (3) After receiving the file pursuant to Sub-Section (1), the decision whether to file a case or not shall be made, and if a case is to be filed, the received file shall be returned within the period not exceeding the time period to file a case, clearly mentioning under which law, who shall be prosecuted under which charge.

- (4) After receiving a decision to file a case from the Government Attorney pursuant to Sub-Section (3), charge sheet or law suit (*Firad Patra*) shall be prepared and get it signed by the person designated by the prevailing laws and if there is any detainee, s/he shall be produced before the court and the case shall be filed within time period; and a duplicate copy of the file shall be made available to the Government Attorney.
- (5) In case the Government Attorney decides not to file a case, the file shall be kept safe until the prescribed period.

32. Sending to the concerned authority:

Notwithstanding anything contained elsewhere in this Act elsewhere, if any case presumably coming into the cases stipulated in Schedule 1 or 2 is found later on, in the course of investigation not to be falling under this Act, it may be forwarded to the concerned authority.

33. Government Attorney to plead:

- (1) In the cases stipulated in Schedule 1 or 2 and in any case in which the Government of Nepal is specified in law to be a plaintiff, the Government Attorney shall plead and defend. Other than this, in the cases in which the Government of Nepal has been made defendant or it has filed a case by being a plaintiff, the Government Attorney may plead and defend if any request is made by the concerned authority.
- (2) In any case other than stipulated in Sub-Section (1) concerning the Government of Nepal, if the concerned Officer directly requests the Attorney general for defense, the Attorney general may designate the Government Attorney for pleading or defense in such case.

34. Power of the higher authority:

The functions, which may or has to be carried out by a Government Attorney or the Police Personnel pursuant to this Act or Rules framed there under, may be carried out by the following Government Attorney or Police Personnel:

- (a) The Police personnel of the higher rank of the same area or any Government Attorney of the higher rank.
- (b) At the request of such Police personnel, by the Police personnel of the same or higher rank from another Police Office or Government Attorney of higher rank from another Office.

35. Alteration in the Schedules:

The Government of Nepal, by producing notice in Nepal Gazette, may add or delete the cases stipulated in Schedule 1 or 2.

36. Right to frame Rule:

- (1) The Government of Nepal may frame Rules to implement the objectives of this Act.
- (2) The Rules may be formed in the following sectors, not making any adverse effect in the universality of the powers stated in Sub-Section (1):
 - (a) Prescribing rights, duties and obligations of the Government Attorney
 - (b) Filing and defending a case in which the Government of Nepal
 - (c) Matters relating to investigation

Activity: Gopaniyata Kayam Sambhandhi Karyabidhi 

Overview: 

Confidentiality is a term that indicates preserving the privacy of the persons in which you care for. This will mean that all information related to them will be kept in strict confidence for use only by the team of care providers. This includes information gained verbally or from resident or client records.

Breach of confidentiality is sharing information verbally or in written form regarding a resident or client with someone who is not on the care team of the resident or client, or who does not have a release of information form from the resident or client.

Procedure:

- For the discussion in this topic divide the participants and give them some case studies.
- Ask them to develop a short demonstration considering confidentiality of the victims.
- Ask participants whether demonstrating group had considered confidentiality of victim in their exercise.
- If answer is yes than ask what are the major points where they make confidentiality of victim.
- If answer is no then where they lose the confidentiality?
- Now start the discussion on what is confidentiality and need of confidentiality while dealing with victim.

Key Learning Points:

Privacy and confidentiality are essential for GBV survivors' safety in any institutions so that service providers can put the survivor's safety at risk if they share sensitive information with partners, family members, or friends without consent.

Facilitator's note:

A breach of confidentiality can put GBV survivors at risk of additional emotional, physical, or sexual violence. Moreover, those who have already experienced violence need privacy in order to disclose those experiences to providers without fear of retaliation from a perpetrator. To protect confidentiality and privacy adequate infrastructure as well as clear policies outlining when and where providers are allowed to discuss sensitive information.

What is privacy means in investigation of the cases?

Privacy means to perform the entire investigation Process without opening, until needed in court:

- Personal details
- Data
- Also covers hearing and adjudication process.
- Fundamental Right of Victim.

Why Privacy is needed?

- To save victim's life
- Moral aspect
- Social aspect
- Security aspect
- Access to Justice
- Social Justice

Who should be Protected?

- Women: victim in crime against women
- Children: Either victim or accused
- Individual affected by HIV / AIDS

Legal Provisions for Privacy

- Constitution Act 28: Right to Privacy
- Children Act, 2048: Sec. 49 – Closed Hearing, No publication through Media without

permission. Sec. 52: Confidential data, Analysis only on basis of age and sex

- Court Proceeding Rules
- Directive for Privacy, 2064

Processes of Privacy

- Write personal identification details in different page
- Seal the Page
- Indicate separate name, number or sign for personal identifications
- Name, number or sign should be attested by OIC
- Seal additional documents if needed.
- Separate records of such files, signs and protection
- OIC may decide for applications if privacy requested, formal decision with cause is needed.

Disclosure of information relating to clients

Child protection

In cases where there are concerns relating to abuse or neglect of children child protection policy will apply. In cases where it is possible to involve the non-abusing parent in addressing concerns around her children's welfare every effort will be made to do so.

Client files

All clients have the right to view their files. However, no clients will have access to any information from a third party (eg the client's partner, children or other agencies) which is stored in their files. This is to protect the safety and confidentiality of others. Therefore, third party information should be stored separately within the client record. All computer records will be password protected and compliant with security procedures.

Victim confidentiality

Women may contact police or any other formal or informal groups without anyone outside knowing they have done so. Anything a woman says to us, either on the phone or in person is confidential except where disclosure could prevent serious harm to others.

If a woman asks us to pass information on to any third party we will do so under the following conditions:

- If she has asked us to liaise on her behalf with another statutory or voluntary agency
- If she has requested disclosure of information we will explore with her the possible implications of such disclosure before it is made. Where staff are considering including information obtained from the women in reports to the courts, children's services or the probation service this must be discussed with her and the implications explored. The report writer should be fully aware of who will have access to the report. Any concerns should be discussed in the appropriate case management or team meeting setting. Disclosure of information that may increase her risk should be considered only on the rarest occasions and following further discussion with a manager or senior practitioner and that discussion should be noted in the case file.
- We will discuss with her any limitations or provisos she wishes to make regarding disclosure.
- We will not disclose information to a woman's partner/ex-partner and it is not the role of any member of staff to mediate or pass information between partners.

Confidentiality between Clients

- We cannot guarantee that other clients will maintain each others' confidentiality but we will take every reasonable step to ensure that they do so. When clients meet each other in group settings the issue of confidentiality will be discussed with them and clients will be asked to maintain each others' confidentiality. In particular women will be asked not to divulge information to their (ex-)partners about other women.
- Certain types of sensitive information (e.g. if a woman has been raped, if a client is HIV positive) must not be passed on without the client's permission.

Concepts concerning confidentiality

- Do no harm
- Be honest
- Use information proactively
- Irreversible
- Threat of self destruction

Do no harm:

In regard to gathering, recording and sharing verbal or written information, "do no harm" means that the resident and healthcare provider will have an honest relationship in which sensitive data should be and shall be disclosed at no risk to the resident or client that there will not be a breach in confidential issues. In regard to privacy, "do no harm" means that the resident/client will not be unnecessarily exposed or intentionally embarrassed while physically examined or treated.

Be honest:

Deal honestly with residents and families, and also your peers. Don't be afraid to admit a mistake.

Use information proactively:

Information shared will be used for the sole purpose of being accurate in diagnosis, prescribing the best recommended treatment, and providing the best care.

Irreversible:

Information once shared cannot be unshared, erased, or deleted. Think about what you are saying before words fall out of your mouth.

Threat of self-destruction:

A claim of confidential or private matters can not be honored if concealment poses a threat to the resident or client. For example, most everything is shared in confidence, but lets say for example a person threatens suicide.. You would not be able to honor privacy as you would have to share this information to prevent a possible threat to harm oneself.

What will be considered confidential?

Information and actions that are confidential and private include, but are not limited to the following:

- Age
- Sex
- Race
- Religion
- Marital status
- Occupation
- Health conditions and problems etc.

Breach of Confidentiality

There are two types of OUTCOMES related to breach of confidentiality.

Outcome can be POSITIVE or NEGATIVE.

Positive outcomes of a breach in confidentiality include:

- Suspected abuse or neglect can be investigated
- Possible future abuse and neglect may be avoided or prevented
- A suicide or attempted suicide may be prevented
- Appropriate interventions may be initiated for a resident or client to get help in appropriate related areas.

Do not ever assume that someone else will take care of getting the information to the proper person. Take the initiative to make sure the bases are covered and the resident or client receives appropriate interventions as needed. Remember to always respect information given to you with high regard to confidential matters unless it is in the best interest of the resident or client for this information to be shared with appropriate resource personnel.

Negative outcomes of a breach in confidentiality include:

- The facility or agency may talking to such as disciplinary action against the employee for breaching confidentiality related to issues.
- The resident or client may suffer humiliation and emotional suffering
- permanent damage may be done.
- The resident or client may file charges against the service or facility. They may be able to take legal action and win compensation for breach of confidential matters.

Remember, often times it is not WHAT we say, But rather HOW we say it, and more importantly, WHO we say it to. Never forget that lives are affected by breaching confidentiality.

Principles Underlying USAID's Gender-Based Violence Framework •

Respect survivors' safety, rights and confidentiality

Give priority attention to confidentiality, privacy, disclosure and informed consent in all responses to gender-based violence. Great care must be taken not to revictimize the survivor. This not only involves the way information is handled but also official recognition that victim's rights must be accommodated throughout the process. For example, victims should not have to bear the cost of forensic examination, post-exposure treatment for communicable diseases or transport associated with these services.

Furthermore, before victims are encouraged to legally report cases of GBV, an assessment should be made of how this could potentially put them at greater risk within their communities.

• Support multi-sectoral interventions for enhanced effectiveness:

Create a comprehensive response by integrating efforts from all relevant sectors in order to best address the root cause of violence and its consequences. For example, it is important to support and reinforce direct anti-trafficking prevention activities with 5 girls' education, poverty reduction and economic strengthening programs, provision of health services, and administration of justice and refugee assistance. The justice sector plays an integral role in what will, in many places, amount to a cultural change. Passing new laws is only the first step albeit a very important one since enforcement of the law can be used as a lever for behavioral change. Implementation of a comprehensive approach cannot be overemphasized as complex, multi-layered problems such as GBV cannot be effectively mitigated in a fragmented fashion.

• **Encourage coordination and partnership at all levels.**

Coordinate and establish partnerships with multiple stakeholders, such as academic/research organizations, advocacy groups, NGOs, faith-based institutions and the private sector as well as other parts of the U.S. Government, other bilateral and multilateral donors and local, regional and international institutions in order to best facilitate a multi-sectoral, comprehensive approach.

• **Include development and human rights perspectives:**

Frame gender-based violence as a development problem and a violation of human rights for which communities and society must be held accountable. This means not only using data to demonstrate to policymakers the magnitude and effects of gender-based violence, but also emphasizing that women have a universal right to live free of violence under all circumstances. ‘Culture’ or ‘tradition’ cannot justify violence against women, and communities need to challenge norms that view violence as acceptable or as a private matter.

resolution and management efforts at all levels; • Incorporate a balanced gender perspective into all conflict mitigation and reconciliation programs from the earliest interventions; • Engage women directly in peace processes as equal participants in negotiation and dialogue; • Ensure that both women and men are consulted and actively engaged in program planning and implementation in order to avoid “gender backlash.” **2. Governing Justly and Democratically** In order to protect victims of violence, it is important to establish legislation that makes all forms of GBV a crime and to prosecute perpetrators. Justice sector institutions and relevant actors including police officers, prosecutors, judges, public defenders and law enforcement agencies play a vital role in combating GBV and providing access to justice. In addition, it is essential to engage government officials, community leaders and the general public in a dialogue about GBV issues and its negative consequences on the family and community.

National Policies and Local Services •

- Develop national plans or strategies to combat GBV
- Lobby for legislative change to criminalize GBV and to create civil protection orders
Instigate change through strong, clearly-written laws
- Train law enforcement agents, prosecutors, judges, etc. to increase their awareness of GBV, to insure that they no longer think of GBV as simply a “family issue”, and to respond appropriately to instances of GBV
- Create practices for the protection and treatment of victims ensuring that forensic evidence procedures are followed
- Mandate the establishment of victim/witness offices, promulgating policy that facilitates arrest of offenders when the evidence supports it and requiring supervisory audits of DV and GBV calls, reports and follow-ups.

MODULE – THREE : GENDER RESPONSIVE INVESTIGATION PROCEDURE

Objective of the Module	<ul style="list-style-type: none"> ▪ To introduce the concept of Gender Responsive Policing ▪ To give intensive knowledge and skill on criminal investigation procedure ▪ To make high rate successful investigation and conviction rate on GBV case. ▪ To bring all the offender of GBV before the court.
Total Time	6 hours
Materials	Meta card, Markers, LCD, Laptop, Questionnaire, Markers, Ballpen, Flipchart

Session – 1 Gender Responsive Policing

Content	Behavioral objectives	Methodology	Time	Material
Concept of Gender responsive police	<ul style="list-style-type: none"> ▪ Participant will be able to explain about Gender responsive Policing. 	Presentation, Lecture, Reading	60 min	Flip chart paper, Markers, LCD projector, Laptop
Indicators of Gender Responsive Policing	<ul style="list-style-type: none"> ▪ Participant will identify the core competency for gender responsive policing in Nepalese context. 		30 min	

Activity: Concept of Gender responsive police

Overview:

From the discussion participant will aware on importance of Gender responsive policing is broad police system that ensures every citizen of the nation will free and will have easy entrée to lodge their complaint any time without any fear and pressure.

Procedure:

- Split the participants in two small groups
- Give different topic for discussion. The topics are follows:
 - a) Supervisees in a police agency who are convinced of the need for gender-responsive reform
 - b) Supervisors in the same police agency who are hesitant and unconvinced that anything has to change
- Give 10 minutes for each group to prepare their arguments. Encourage them to consider as many aspects as possible (operational, legal, and results-oriented aspects)
- After 10 minutes place two chairs opposite each other in the middle of the room. Now invite each team to select one representative to start the debate. These two people will sit on the chairs, while everyone else listens. When the first arguments will made by each chair holder or when another person feels ready to speak up, the new person taps the person sitting on the

chair lightly on the shoulder and takes over his or her place to continue the debate. Explain that the change over of people has to happen fast and quietly, so that the flow of the debate isn't lost, and that nobody should hold the chair for too long.

- After a while cut off the debate, if it has not been exhaust already. Ask the whole group whether they have conclusions to offer.
- Should the group be in a position where the supervisor with his or her resistance to change seems to have “won” the debate, you will yourself have to provide more convincing or additional arguments for why reform would be beneficial. You might wish to prepare a few
- Now address the group work start PowerPoint presentation to make the participants in the topic. If participant found it easy to convince the supervisor that reform is needed, conclude the exercise by asking whether anything new was learned by juxtapose a pro- and anti-reform stance. In such a case, focus more on what can do to overcome resistance.

Key Learning Points: ↓

Gender responsive policing is comprehensive police system that ensures every citizen of the nation will feel free and will have easy excess to lodge their complaint any time without any fear and pressure.

Facilitator's note:

Facilitator will have to prepare the related document for the discussion. In this topic please share more examples of different country where the gender responsive policing is implementing so that participants will able to develop gender responsive policing system within Nepal Police. If possible collect some evidences or documentary related to gender responsive policing to make the participants more clear.

Impact of Women on Police Culture: Integrating Women in Mainstream Policing

The papers from selected countries will capture the aspect of how women's inclusion in police can make a difference in the culture of police – attitudes and interaction among the officers within the police organization and police behavior and response towards the citizens at the operational level. The speakers will also look at the role, positioning and level of engagement of women in mainstream policing. The papers may refer to case experiences, relevance, opportunities and challenges of women police stations/desk and highlight ways and means of integrating women in mainstream policing.

Gender in Policing: Training Policies and Practices

The discussions in the form of practice sharing forum and skill building workshops will explore the nature and extent of assimilating gender perspective into police training policies and practices especially with reference to addressing gender based violence.

The practice sharing forum will provide space to delegates from different countries to interact and discuss in groups the existing police training processes in their contexts, relevancy of training topics and methodology, extent of gender orientation in curriculum, level of inclusion of rights based approaches, skills on crimes of gender based violence and knowledge of vulnerable groups and provision of equal opportunity for capacity building for women and men.

The skill building workshops from the perspective of policing will share different aspects of addressing the issues of vulnerable groups and investigating crimes of gender-based violence

with focus on citizen's rights, legal provisions, police protocols, processes, skills, sensitivity and practice. The purpose will be to establish a greater need for effective inclusion of these topics in the mandatory training courses of the police personnel so as to enhance the learning and practice of personnel to be adequately aware, sensitive and prompt to effectively respond to such complaints.

Women in Law Enforcement: Challenges and Opportunities:

This theme will look into the networking scenarios and opportunities for women in law enforcement to collaborate and network for promoting their status in police. Given the challenges of lack of diversity in policing role, the workshops planned to illustrate new avenues for engagement and diversifying their role and value in policing. In plenary there will be a presentation on network experiences and workshops around topics of restorative justice and community policing.

Violence against Women: Policy Environment and Police Response:

This theme refers to the responsiveness of the policy environment and police services towards combating and dealing with crimes of VAW. There will be interface with women parliamentarians from Pakistan on their role in contributing towards gender just reforms and legislation to effectively deal with the issue of VAW.

Panel speakers from selected countries will share their existing and potential legal provisions for protection of victims of VAW, the status and impact of implementation, police protocols on dealing with and investigating crimes of violence against women, linkages with service providers and specific measures for operational effectiveness.

A gender-responsive police reform process seeks to:

- Prevent and respond to the different forms of crime and insecurity faced by men, women, girls and boys, including gender-based violence
- Promote the equal participation of men and women in the police service—for more effective policing
- Ensure equal access of men and women to police services
- End any discrimination or human rights violations by police
- Comply with international and regional laws, instruments and norms concerning security and gender, such as the Convention on the Elimination of All Forms of Discrimination Against Women, the Beijing Platform for Action, and UN Security Council Resolutions 1325 and 1820

Key message:

1. Representation of men and women in police services
2. Non-discrimination and respect for human rights
3. In post-conflict contexts
 - Post-conflict contexts are generally characterized by widespread insecurity. Police services may be close to total collapse or lack legitimacy. There is often an urgent need for systematic reform of the police. International attention and financial support should encourage the reform process to be sensitive to the needs of men and women

- Extensive reform of the police services can provide the opportunity to set targets for female recruitment, vet recruits for GBV, and integrate gender issues into new policies and protocols, operational programming and training.
- In peace keeping missions, female police officers are needed to perform the cordon and search of women, widen the net of intelligence gathering and assist victims of GBV. This last aspect is of particular significance given the high levels of sexual violence in many post-conflict settings (which at times involve male security forces as perpetrators) and the reporting challenges of sexual violence related crimes. Female participation in international civilian police forces sends a powerful signal to the wider population about gender equality and the role of women in public service.
- Specialized units to address violence against women and children can be helpful in addressing high levels of GBV.

Activity: Indicator of Gender Responsiveness policing:

Overview:

Gender-responsive policies, operating procedures and incentive structures, and gender focused capacity building can increase police professionalism and improve access to police services.

Procedure:

- Ask participants to flashback topic and ask them what they saw in the case study or in documentary?
- Ask what are the major points was consider on the case study so the case is gender responsive policing?
- Share the same case study to the participant and ask them to point out the gender responsive tools considered in the case.
- Now start your discussion with the help of power point presentation related to tools of gender responsive policing.

Key Learning Points:

Gender-responsive policies, operating procedures and incentive structures, and gender focused capacity building can increase police professionalism and improve access to police services.

Facilitator's note:

Please make sure that all the participants were equally participating on the discussion, because the topic can make some debate within male and female participant. Our socialization process and the preconception of male dominant social structure can be reflect in discussion.

Representation of men and women in police services

Creating a police service that is representative of the population it seeks to serve including of women and men increases:

- Credibility, trust and legitimacy in the eyes of the public
- Operational effectiveness, through access to a broad range of skills and experience
- Women often bring particular skills and strengths to police work, such as good communication skills, and abilities to defuse potentially violent situations and minimize the use of force.
- In most countries, men are over-represented in police services, and initiatives are needed to increase the recruitment, retention and advancement of women.

Measures to increase female recruitment include:

- Setting strategic targets for female recruitment
- Re-evaluating recruitment policies and selection criteria
- Public information campaigns
- Female recruits often have higher drop-out rates, facing barriers such as inadequate uniforms, equipment and barracks facilities; sexual harassment; and poor human resource policies.

Measures to increase female retention include:

- Mentoring programmes
- Mandatory sexual harassment training
- Gender assessment of equipment and logistics
- Mechanisms in case of pregnancy and breastfeeding
- Female staff associations

Measures to promote the equitable advancement of female police from lower, entry level and non-operational positions may be required.

Measures to increase female advancement include:

- Objective and non-discriminatory promotion criteria
- Performance-based job assessments
- Independent review boards

Non-discrimination and respect for human rights

- Reform of policing to more effectively guarantee women's rights is necessary to conform with international, regional and national human rights legislation and standards, including the Convention on the Elimination of Discrimination Against Women and United Nations Security Council Resolution 1325.
- Gender-responsive policies, operating procedures and incentive structures, and gender focused capacity building can increase police professionalism and improve access to police services.
- Monitoring and accountability mechanisms should make sure that non-discrim

In post-conflict contexts

- Post-conflict contexts are generally characterized by widespread insecurity. Police services may be close to total collapse or lack legitimacy. There is often an urgent need for systematic reform of the police. International attention and financial support should encourage the reform process to be sensitive to the needs of men and women.
- Extensive reform of the police services can provide the opportunity to set targets for female recruitment, vet recruits for GBV, and integrate gender issues into new policies and protocols, operational programming and training.
- In peacekeeping missions, female police officers are needed to perform the cordon and search of women, widen the net of intelligence gathering and assist victims of GBV. This last aspect is of particular significance given the high levels of sexual violence in many post-conflict settings (which at times involve male security forces as perpetrators) and the reporting challenges of sexual violence related crimes. Female participation in international civilian police forces sends a powerful signal to the wider population about gender equality and the role of women in public service.

- Specialized units to address violence against women and children can be helpful in addressing high levels of GBV, as has been the case in Afghanistan, Liberia, Rwanda, Sierra Leone, South Sudan and Timor Leste.

Percentage of female and male police officers in selected countries			
Country	Year	Female police officers	Male police officers
<i>Post-Conflict</i>			
South Africa	2006	29%	71%
Cyprus	2006	16%	84%
Sierra Leone	2006	15%	85%
Kosovo	2006	14%	86%
<i>Transitional and Developing</i>			
Jamaica	2001	18%	82%
Czech Republic	2001	12%	88%
Venezuela	2002	10%	90%
Romania	2005	8%	92%
India	2006	2%	98%
<i>Developed</i>			
Australia	2002	29%	71%
Canada	2006	18%	82%
Sweden	2001	18%	82%
United States	2006	12-14%	88-86%
Finland	2004	10%	90

Why Gender Responsive Policing needed?

Research shows that a society that neglects inclusiveness of women cannot achieve sustainable development and for effective and productive participation of women, their physical security has to ensure. However, the cultural and social realities of many societies illustrate gender bias and inequalities with strong emphasis on discrimination against women. Women's equality continues to be hampering through exploitation of their rights at times expressed through brutal acts of violence and aggression against them. Ensuring safety of women in the public and private sphere is becoming a huge global challenge that needs to be address immediately. Joint efforts are required to eliminate different forms of gender stereotypes, focusing the needs and interests of women and men alike - by considering the distinct realities of their existing division of roles as well as changing the biased institutional practices.

Among all the public institutions responsible for the safety of women, police is the most important. It is the responsibility of police to prevent and respond to crimes against women sensitively and responsively whether they take place in public or in the privacy of their homes (when reported). Police organizations can play a dominant role in reshaping the societal norms that create bias against women by ensuring peace and upholding the rule of law and order. As the police organizations throughout the world undergo transformation reshaping into accountable, effective, rights-respecting, non-discriminatory state institutions, improving their response to victims of gender-based violence becomes an integral part of police reforms.

Women's access to police services, handling of crimes against women and other vulnerable groups and women's inclusion and level of participation in policing are also influence by cultural perceptions, and thus find reflections in institutional practices of police. Therefore, it becomes imperative to promote gender responsive police reforms. The basis of Gender Responsive Policing

(GRP) is the socially constructed roles of women and men, their behaviors, social positions, access to power and resources which create gender-specific vulnerabilities that determine the status of men and women in a society and also reflect in the organizational culture of police. Therefore, GRP focuses on police reforms ensuring that the principles of gender equality are systematically integrated throughout all police procedures, protocols, rules and regulations, reinforced through gender sensitive trainings and developing monitoring and evaluation tools for assessing these measures.

A key aspect of gender responsive policing is providing women and men equal opportunities in police for work and career development and improving the operational capacities and services to fairly protect the security rights of all citizens.

Gender Responsive Projects:

The Gender Responsive Policing Project (GRP) was initiated in July 2009 as a joint collaboration of the National Police Bureau of Pakistan (NPB) and the German Agency for International Cooperation (GIZ) funded by the Foreign Office of Germany.

The Project aims at enabling the National Police Bureau (NPB) to develop and implement policies to combat violence against women by strengthening the Gender Crime Center (GCC), taking into consideration the rule of law and gender equality.

The beneficiaries of the Project are the citizens of Pakistan men, women, girls and boys especially women and girls in distress (victims of violence) who need protection with justice from police. The project focuses on both men and women officers of police organizations of Pakistan, inculcating gender sensitivity in their attitude and public dealing. The police organizations include the federal and provincial police organizations as well as National Highways, Motorways, Railways and FIA. The mediators are NPB, Police Training Institutes and medico-legal and psychological experts, religious scholars, NGOs, INGOs, media, academia and other stakeholders that the Project identifies as relevant to engage.

Session – 2 Procedure of criminal investigation and FIR

Content	Behavioral objectives	Methodology	Time	Material
Major component of criminal Justice system.	Will describe about component of criminal Justice System	Presentation, Lecture, Reading	30 min	Flip chart paper, Markers, LCD projector, Laptop
Importance of evidence based criminal investigation	Will know the importance of criminal investigation.		30 min	
First Information report (FIR): introduction and elements of FIR	<ul style="list-style-type: none"> ▪ Able to prepare FIR. 	Lecture, group practice	30 min	

Activity: Major component of criminal Justice system 

Procedure: 

- Divide the participants in some small group.
- Sharing the case studies and ask the participants what will you do if you have to deal this

type cases. (For this facilitator will have to prepare the case study before the training session)

- To understand how the efficient criminal investigator must think, let us follow a hypothetical case step-by-step.
- We will not go into detail because the purpose is to instruct the participants in the process of an investigation.
- When you asked, “What do you do?” it strongly recommended that you write down the things you would do or the steps you would take before continuing to read the section.

Key Learning Points:

An investigator, therefore, when investigating a criminal offense, must look for a Perpetrator who had both the ability and the opportunity to commit the crime. Although the investigator does not have to prove motive, he or she will naturally look for a person with motive to commit the crime.

Facilitator's note:

Facilitator will have to give stress on an investigator, therefore, when investigating a criminal offense, must look for a perpetrator who had both the ability and the opportunity to commit the crime. Although the investigator does not have to prove motive, he or she will naturally look for a person with motive to commit the crime. A person with a motive, whether it is financial benefit, revenge, or some other motive, will become logical suspects.

Some cases

Case 1

You are a criminal investigator of Nepal police. It is 3:30pm on Sunday afternoon. The weather is clear but there had been light rain, on and off, over the last four days. You receive a telephone call from your Police officer saying that the dead body of a young female, age of near 15 has been found at the side of a river closer to his office.

What do you do?

Step 1

- 1) You guidance your officer to establish a perimeter and protect the crime scene, including blocking off area so no one can approach the scene from either end.
- 2) You contact the crime Investigation unit (Officers who specialize in collecting forensic evidence at the scene of a crime) to attend the crime scene location.
- 3) You collect your investigation equipment bag and drive to the scene immediately to take charge of the investigation.

Case 2

You are now at the crime scene and the crime scene specialists are performing their duties. You interview the officer in charge at the scene, who is the same officer who telephoned you. He advises that he had approached the body to determine if she was alive or dead. He had put on sterile gloves and searched the girl's clothing but there was no identification in her possession. The body was found by a 75 year old farmer. He had no criminal record and was known to local police as a law-abiding citizen. When he found the body, he called police on his cell phone. You observe that the body is lying beside the river.

There are no houses or buildings within something like two kilometers. The crime scene unit officers are advised of the path the original officer used to examine the body. This is called the “path of contamination”.

The first officer at a scene must always be sure that he/she walks to the body in such a way as not to disturb or contaminate any evidence that may be available.

When the crime scene unit has completed their duties, which included photographing the crime scene, taking measurements, sketching the scene, establishing the exact location on GPS and gathering forensic evidence, you then approach the body. The girl is wearing a white T-shirt and a blue jacket. She has no slacks or avoid on and they do not appear to be at the crime scene. Her underwear briefs are down on her left ankle and her feet were bare. She appeared to have been wearing running shoes which were found in nearby.

There is a great deal of blood around her throat and upper chest and puncture wounds can be seen. Also, there is a great deal of blood in the vaginal area and inner thighs, plus some bruising and abrasions. You also notice bruising on both wrists about 7 cm in width. These bruises do not appear consistent with the marks a rope would make. The girl is wearing an expensive necklace and watch.

What do you do?

Step 2

- 1) You have examined the body and observed as noted above.
- 2) You interview crime scene officers to establish what they have learned from their examination. They advise that it appears that the girl had stabbed in the throat and upper chest. There appears to be no flesh found underneath the fingernails, which is normally found when a person fights off their attacker. The injuries in the vagina and upper thigh area appear to have made with a blunt object.
- 3) An examination of the crime scene results in finding tire prints on the shoulder of the road exactly seven meters south of the body. A pair of female blue jeans was found in adjacent grain field. No identification was found in the pockets however.
- 4) The crime scene officers advise you they have photographed and taken plaster casts of the tire tracks. They have also taken samples of the blood found on the girl and a vaginal swab in the event that semen is present. There were shoes or boot prints at the crime scene but they were too smudged to offer a suitable impression for later identification. A sample of the soil on the river carry is also retrieved.
- 5) You and the uniform officers at the scene do a wide search of the area hoping to find a knife or other instrument that may have caused the wounds to the body but nothing is found.
- 6) You again meet with the crime scene officers to reconstruct the crime. You mutually agree that the likely scenario is as follows:
 - The girl was brought to the scene in a vehicle by at least two assailants. One assailant held the girl's wrists as she lay on the ground while his partner raped her. They may have taken turns, but there is no evidence to support that at this time.
 - After the rape, girl was stabbed in throat and upper chest by one or both assailants. Then, while she was dying and still being held, or possibly already dead, one of the assailants viscously kicked her in the vaginal area several times.
 - One of the attackers had thrown the blue jeans across into the grain field. Since the necklace and watch were not taken, it would appear that robbery was not the motive of this crime.
- 7) The body is removed and taken to the location where the forensic medical examiner (doctor) will examine the body for more evidence and confirm how the young girl died.

- 8) The crime scene officers take the forensic evidence to the crime lab for testing, along with the running shoes and the blue jeans found approximately six meters from the body.

What do you do?

Step 3

- 1) You have learned a great deal at the crime scene. The attacker drove vehicle of some kind. Due to the large amount of blood at the crime scene, and the fact that blood splatters when stabbing or bludgeoning occurs, there will be blood on the clothing of the assailants. There may also be extensive blood on at least one shoe or boot of one of the assailants.
- 2) You contact the medical examiner and he confirms what you already suspected about the injuries and cause of death. He also confirms the girl had been raped and DNA tests will be conducted on the semen found in her vagina. He further advises that no flesh was found under the victim's fingernails.
- 3) You contact the crime lab and they advise that the only blood found at the scene was that of the victim. They also advise that fibers and dog hairs had been found on the blue jeans.
- 4) You contact the local police and your Headquarters for missing person's reports. You learn that a 15 year old girl was reported missing by her parents at 2 am Saturday morning. She was wearing a white T-shirt, blue jacket, blue jeans and was wearing an expensive necklace and watch.
- 5) You contact the parents and have them make a positive identification of the body. The parents, who are in an extreme state of stress and sorrow, confirm that the body is indeed their daughter.

Note: Whether a search warrant is or is not required to perform some of the searches described above will depend upon the criminal law and case law within the jurisdiction in which you are employed. DNA samples are taken from both suspects.

An investigator, therefore, when investigating a criminal offense, must look for a Perpetrator who had both the ability and the opportunity to commit the crime. Although the investigator does not have to prove motive, he or she will naturally look for a person with motive to commit the crime.

A person with a motive, whether it is financial benefit, retribution or some other motive will become logical suspects. In order to prove that someone committed a criminal offense, whether it is a minor theft or a murder, two elements must be present:

- 1) **Ability:**

An eight year old boy cannot beat a healthy two-hundred pound man to death because he does not have the ability. The same boy, with a loaded gun, however, has the ability to cause the death of the man.

- 2) **Opportunity:**

A wife who is murdered cannot have been murdered by her husband if he was in out of country at the time, as he would not have had the opportunity. The husband could, however, have hired someone in to murder his wife while he was out.

- 3) **Motive:**

Motive is often thought of as an element of a crime that must be proven, but this is not correct. Often, the motive for a crime is never known.

Furthermore, the motive for a crime may be simple greed combined with opportunity and ability. A criminal enters a small store and sees that the only employee is an old lady who is stocking shelves at the back of the store. He grabs the money from the cash register and runs, even though he had no intent to commit a crime when he entered the store.

Activity: Importance of evidence based criminal investigation

Overview:

Evidence base crime investigation is an examination, a study, a survey and a research of facts and/or circumstances, situations, incidents and scenarios, either related or not, for the purpose of representation a conclusion of proof. When one investigates, he/she makes a systematic inquiry, closely analyzes and inspects while dissecting and scrutinizing information. An investigation, therefore, is based upon a complete and whole evaluation and not assumption, speculation or supposition.

Procedure:

- Give a metacard to every participant; ask them to write some points why they think evidence of crime will needed for investigation process?
- Give 5 minutes to write the points.
- Now ask everyone to share the points
- After the sharing of all participants please give some examples where lack of evidence of crime the victim was not able to get any legal support or compensation.
- Discuss on the importance of evidence of crime while investigating the case.

Key Learning Points:

The investigator must be aware of the limitations and capabilities of the crime lab and its technicians, as well as accepted protocols, in order to properly process potential evidence. The investigator, while submitting physical things to the crime lab for examination, does not give up the responsibility and duty of attaining an expertise in the recognition, collection and preservation of physical evidence. The extent and value of information obtained from physical items examined, greatly depends upon the ability of the investigator at a particular scene to recognize potential evidentiary matter.

Facilitator's note:

Please facilitate the participant about the broader concept of evidence base crime investigation and try to reflect that in existing investigation process in Nepal especially by Police personnel who were directly involve in crime investigation process. Encourage the participant to reflect the broader concept within the system of Nepal police.

The Process of criminal investigation:

The following are outline of how the majority of crimes can investigate. This would include murder, robbery, burglary, and many other offenses.

What is a criminal investigation?

In order to effectively conduct or perform criminal investigative functions, one must understand the basic definition of; *investigation* and *investigate*. An investigation is an examination, a study, a survey and a research of facts and/or circumstances, situations, incidents and scenarios, either related or not, for the purpose of rendering a conclusion of proof. When one investigates, he/she makes a systematic inquiry, closely analyzes and inspects while dissecting and scrutinizing information. An investigation, therefore, is based upon a complete and whole evaluation and not conjecture, speculation or supposition.

Is it really that simple and straight forward for the criminal investigator? Is it so clearly defined or so black and white? Law Enforcement, the entities charged with the responsibility to accurately close the gap between fact and fiction, detect and prevent criminal acts; and in doing so are mandated to function within strict administrative and legal parameters. It is true that one must understand the basic definitions; however, the scope of the criminal investigator reaches far beyond that of mere definitions. Crime detection and investigation is both an art and a science; a collaboration of common sense, judgment, intellect, experience and an innate intuitiveness along with a grasp of relative technical knowledge. The criminal investigator must continually apply those skills, acquired through study and experience, to the examination and observation of the criminal and his behavior, as well as his social and physical environment.

When most basic of Law Enforcement functions: the preservation of life, the protection of property and the maintenance of peace, are not substantially realized, the investigative process must then be undertaken. The aim of this process is two fold; first, the investigator will attempt to identify and safely apprehend the violator and secondly, produce him/her before a proper court of law. Of course there is much going on behind the scenes, so to speak, while attempting to achieve these not so simple objectives; identification, apprehension and prosecution.

Criminal investigations are conducted primarily for the prevention of crimes. When crimes occur, Law Enforcement is responsible to the community it serves and must discharge it's duty by immediately investigating such incidents. Ideally the investigation will cause the violator to appear before a court so as to answer for his/her behavior. Ultimately and probably most important, is that the investigation, detection and apprehension of the criminal, effectually serves to curtail recidivism thereby reducing overall crime.

There are several types of investigations which law enforcement personnel undertake in the routine discharge of their duties:

- Investigations of incidents, which are violations of laws and/or ordinances that include; criminal acts (robbery, assaults, larceny, burglary, murder, illegal weapons, etc...) and traffic accident investigations (serious injuries, likely to die, property damage)
- Personnel investigations into the background, character and suitability of persons in an effort to determine their eligibility for positions of public trust. www.worldwidelawenforcement.com

2006 Worldwide Law Enforcement Consulting Group,

Investigations of illegal conditions or circumstances, which if left unchecked would cause an increase in traditional crimes. These conditions may include the following: narcotics sales, illegal weapons trafficking, vice type crimes (prostitution, gambling), street gang activity, organized crime, terrorist front activities, fraud and con games, identity theft and computer crimes. Although many of these conditions would dictate self-initiated investigations based upon intelligence rather than reacting to a citizen crime complaint, there are however, times that investigations will in fact result from such individual crime complaints.

What does the investigator attempt to obtain during his/her investigation?

The answer is *information*. What does the investigator hope to develop as a result of obtaining or gathering this information? The answer is *evidence*. All investigations, regardless of purpose, involve the task of gathering and evaluating information. The investigative process should be viewed in terms of gathering information, rather than attempting to obtain evidence.

This is not to say that an investigator should overlook obvious items of evidence or items that can potentially become evidentiary in nature. The process should be conducted with the mindset that *from information comes evidence*. It is important to point out that the information that forms the basis for evidence that is ultimately presented during court proceedings represents only a small fraction of the total information gathered during the investigative process. The information gathered is subjected to intense scrutiny before it ever reaches a courtroom via examination, evaluation and screening.

This scrutiny takes place during various stages of review: at the Law Enforcement stage, usually by ascending supervisory ranks within the investigative infrastructure and, depending upon the seriousness or news worthiness of the incident, the administrative echelon; this is in addition to the prosecution stage which includes the initial writing of the complaint, the arraignment process through grand jury proceedings and pre-trial hearings up to and during the actual trial. Much of the evidence gathered by Law Enforcement investigators is not acceptable for presentation in court due to the rules of evidence. This, however, does not preclude these pieces of information from assisting the investigator insofar as guiding him/her toward what *will* be acceptable evidence; *all information* possesses some degree of value.

There are two primary sources of information: *people* and *things*. These are so different that the process of gathering and evaluating each type requires specific knowledge and skills. Basically, the *criminal field investigator* engages the human element: all of the emotional, psychological, environmental, and sociological aspects of human behavior. The *crime scene technician/investigator* or the laboratory based *scientist* deals with inanimate objects that are unable to mislead, lie or fight. The tasks of the criminal field investigator and the technician are closely related and somewhat dependent upon one another insofar as that each participant must have a fundamental appreciation of one another's duties and responsibilities. Although these tasks are *functionally related*, they are in fact different in and of themselves and thereby necessitate the capability of distinct skills, disciplines and techniques. This is not to say that one task is more important or more difficult than the other.

The investigator must be cognizant of the limitations and capabilities of the crime lab and its technicians, as well as accepted protocols, in order to properly process potential evidence. The investigator, while submitting physical things to the crime lab for examination, does not forfeit the responsibility and duty of attaining an expertise in the recognition, collection and preservation of physical evidence. The extent and value of information obtained from physical items examined, greatly depends upon the ability of the investigator at a particular scene to recognize potential evidentiary matter. It should be noted, that when comparing the value of information obtained from physical items versus information derived from people, the courts have historically established that information obtained from physical items usually reflects a higher evidentiary value. The criminal investigator should always remember that physical evidence cannot lie, it is not affected by emotions and it cannot be impeached.

2006 Worldwide Law Enforcement Consulting Group

The criminal investigator must continually be aware of the "Theory of Transfer"; when two objects meet, some effect of that meeting can be established and verified at a later time. An awareness and understanding of this theory will help the criminal investigator navigate the sometimes complex investigative process and hopefully curtail and/or prevent the inadvertent destruction or the failure to recognize and preserve evidentiary materials. This contact between objects includes people, things or a combination of such.

For instance, consider the following basic examples: as a result of an *automobile collision*; the transfer of paint, broken glass, metallic or plastic particles, or rubber, to another automobile and/or a pedestrian or vehicle passenger; as a result of an *assault*; a weapon that makes physical contact with a person transferring blood, hair, skin or clothing fibers to the weapon and/or the perpetrator, or the shape (impression) of the instrument used as a weapon, left on an object or person struck.

The possibilities are potentially endless and can be as simple as merely, unwittingly, walking through a crime scene. When an object or person; an investigator, a victim, a perpetrator or a witness enters a crime scene, something is brought into the scene and something is removed or taken away from the scene.

Since “investigation” is the process by which one seeks and ultimately (hopefully) finds answers to the questions; when, where, who, what, how and why and knowing that information is the key that unlocks those answers, it is incumbent upon the criminal investigator to constantly recognize, develop and maintain current productive sources of information. The criminal investigator must know where to locate information that is needed to successfully conduct his/her investigation. One of the most crucial and blatantly obvious sources of vital information is the crime scene. One must understand that not all investigations involve or include an actual crime scene.

Although most criminal acts begin and end at some point and some where; a crime scene in the traditional investigative sense, does not exist or is not practical or material to locate, identify, preserve and process in certain criminal circumstances. With that said, let us focus on the traditional tangible crime scene within the context of the most common criminal acts; homicide, robbery, assault, burglary, sexual assault, etc... The crime scene is the central location of a crime and usually the starting point of an investigation. This, however, is not to say that there are not additional or secondary scenes which, dependant upon the type and to what extent a criminal has perpetrated a crime, could be quite varied and numerous, spanning a great distance over a protracted period of time. These scenes contain physical traces of the criminal, the victim(s), weapons, tools, latent prints, DNA, and serological matter, etc... The value of the crime scene as an investigative resource is not permanent and is often environmentally sensitive which can result in rapid deterioration of potential evidence. The most basic and fundamental rule relating to crime scene protocol mandates the protection against contamination and destruction before and during processing. If nothing else, *protect the integrity of the scene*. The information obtained from a crime scene can afford the criminal investigator proper direction during the overall investigative effort.

Often times, in addition to the forensic information derived from the crime scene, *people* are the engine that drives the information machine; especially when there is a considerable lack of tangible evidentiary items available. An investigator is continually tested and evaluated by his ability (or lack thereof) to obtain information from people; perpetrators, victims, witnesses, confidential sources and general acquaintances alike. The importance of this investigative resource should not and cannot be ignored. The investigator must be able to communicate effectively with people from all walks of life regardless of social and/or economic standing. This talent or art takes some practice and is often refined with experience. Law Enforcement personnel in general, will be well served to remember that they should know the people who live, work and frequent their area of assignment and to never compromise themselves (morally or ethically) when attempting to illicit information from criminals and/or other less scrupulous individuals, no matter how well intentioned.

The criminal investigator must remain objective and open to different perspectives when conducting an investigation. He/she should follow the facts wherever the facts may lead them and not attempt to fit certain facts to the exclusion of others into a pre-determined conclusion. One must always look beyond the obvious and seek the truth.

Goals of investigation

1.
 - (a) To ascertain who committed the crime
 - (b) To compile enough evidence on a suspect that proof of guilt can be prove beyond a reasonable doubt.
2. To ensure that the person arrested, charged with the crime, and eventually convicted is actually the person who committed the crime.
3. **If the wrong person arrested and convicted, there are several consequences:**
 - (a) The country's justice system has failed.
 - (b) An innocent person punished.
 - (c) The guilty person is free to walk the streets and commit more crimes.
 - (d) The guilty person is not deterred, and in fact is encouraged to continue a life of crime.
 - (e) The public loses faith in the justice system and loses faith in the police.
4. The investigation must always be "objective" so that the investigator lets the facts and the evidence leads them to the correct conclusion. The investigator must never conclude that a certain person is guilty, and then try to prove it, ignoring evidence that does not support their conclusion.

Investigation procedures:

Step 1:

- 1) Receiving the complaint or discovering the crime.
- 2) Protection of the crime scene. The crime scene must not be changed in any way and potential evidence at the crime scene must not be contaminated.
- 3) Record the crime scene...photographs, sketch drawing and measurements.
- 4) Collect evidence at the crime scene. This evidence will be examined at the crime lab to provide the investigator with information and evidence for court.
- 5) Reconstruct the crime scene. Based on the evidence available, the investigator attempts to determine what actually happened when the crime took place.

Step 2:

Developing leads to solving the crime and determining who is a reasonable suspect.

- 1) Interview the victim (if possible).
- 2) Interview witnesses at the crime scene or persons who may have information.
- 3) Probe victim's background. Why were they selected to be the victim?
- 4) Probe of victim's movements prior to the crime.
- 5) Investigate area for more witnesses before, during or after the crime occurred, may have information.
- 6) Establish who had a motive to commit the crime

- 7) Establish who had the opportunity to commit the crime.
- 8) Check field reports of police officers who normally patrol the area.
- 9) Interview patrol officers of the crime area.
- 10) Contact confidential informants, not only for information they may have, but also to ask them to seek out information from their sources.
- 11) Identify any vehicles used in the crime.
- 12) Check police intelligence files. Was information about the crime received in advance or after the crime occurred? Did the name of the victim or any of the witnesses or suspects appear in intelligence reports?
- 13) Check "Method of Operation" files.
- 14) Recovery of stolen items that can be traced back to the crime.
- 15) Was perpetrator injured or wounded during the crime?
- 16) Check hospitals, doctors and pharmacies for treatment of injuries. Obtain blood samples if possible.
- 17) Show police identification photos (of persons previously arrested for similar offenses or having similar descriptions) to victim and witnesses.
- 18) Develop a picture of the suspect using a sketch artist or facial identification software.
- 19) Attempt to locate suspects through linkage to known criminals.
- 20) Is the crime gang related? Liaise with police gang unit.
- 21) Is the crime drug related? Liaise with police drug unit.
- 22) Check for security cameras (CCTV) in the area of the crime scene.
- 23) Check the victim's phones (cell and landline) for messages and leads.

Step 3:

Once suspect has been identified:

- 1) Put suspect under observation if more evidence is required to strengthen the case.
- 2) Compile a list of locations that should be searched.
- 3) Interrogate suspect(s). Be sure not to use intimidation, threats, and promises of favor or sleep deprivation. Not only will the results of the interrogation be ruled inadmissible in court (depending upon the rules of the jurisdiction in which the investigation is conducted) but more importantly, these tactics often result in innocent persons confessing to a crime they did not commit.
- 4) Conduct searches and gather evidence (forensic and otherwise).

Step 4:

Once sufficient evidence has been collected:

- 1) Lay a charge against the accused.
- 2) Compile a report and prepare a Court Brief for use in the prosecution of the accused person.
- 3) Assist the Prosecutor as required concluding the case successfully.

Protect the crime scene:

This means that the Sergeant must establish a perimeter within which can logically be expected to find evidence, and mark it with yellow crime scene tape. The crime scene area must also include the apparent entry and exit/escape routes. No one, including police officers, can be permitted to enter the crime scene until either you or the crime scene officers allow it.

For crimes that involve a crime scene, there may be a wealth of evidence within the crime scene, i.e., fingerprints, hairs, fibers, DNA, paint scrapings, safe insulation, footprints, tire prints and much more.

Identify any potential witnesses:

Although you will later search for witnesses, the officers at the scene will identify anyone at the scene and anyone in the immediate vicinity. These people will all have to be interviewed and a statement obtained, either by you or by the officers at the scene.

Contact the police officers who are trained to examine crime scenes and collect evidence for scientific analysis. Different police agencies called these specialists by different names, i.e., Forensic Identification Section (the “Ident”), Crime Scene Unit, Criminalists, SOCO (scenes of crime officers), etc.

These officers must attend the scene while it is still fresh and uncontaminated to take photographs, measurements, and diagram and collect forensic evidence. No one, including you as chief investigator, may enter the crime scene until such times as the crime scene officers indicate they have completed their examination.

- 3) **You then attend the scene complete with your equipment bag**
- 4) **Upon arrival, you receive a debriefing from the Sergeant** or senior officer on-site. They will advise you of every detail, i.e., what they heard, what they saw and what they did.
- 5) Without entering the crime scene, unless invited to do so by the crime scene officers, you will **observe the crime scene from outside** and try to get a feel of what happened during the offense, how the offender made his entry and how he exited or escaped. With a safe breaking offense, you must try and determine exactly what method was used to gain entry. Each criminal has his/her own abilities, techniques, skills and experience. Since you are the investigator in charge, you may decide to give the crime scene officers instructions to assist your investigation, i.e., specific photographs to take or specific areas to examine. If the crime scene officers are known to you to be both experienced and very competent, this will probably not be necessary.
- 6) Next you will **review the information obtained by the detachment officers** from the available witnesses and decide which witnesses should be interviewed in greater depth. You will try to find out a time that the offense was likely to have taken place. You will want to know when the bank was last open and when it was last seen to be intact.
- 7) When the crime scene officers have completed their tasks, you will enter the crime scene to get a **immediate view of the scene** and try to establish the route taken by the offender and exactly how the crime was committed. You will also **interview the crime scene officers for their opinions** as to how the crime was committed and what forensic evidence is likely to be helpful.
- 8) You establish if there are or were any CCTV cameras within the in the areas and review them closely.
- 9) The next step will be to **investigate the area**, with the assistance of local officers, to seek more witnesses. This will include all residents in the area, staff of local businesses and anyone known to have been in the area or likely to have been in the area over the weekend.
- 10) Next you will talk to local police officers for two purposes:
 - a) Did they see or spot-check anyone during the period when the crime was closed who may have been capable of involvement in an offense of this nature?

- b) Are they aware of anyone who lives or visits the area that is capable of a safe breaking? This is not a type of offense that the average break & enter thief is capable of. Also, if the alarm was disengaged, this too is not something the common thief has the skill to accomplish. (A larger bank would likely have a vault which would require an even more skillful criminal to penetrate.)
- 11) Like bank robberies, a bank safe breaking is not an impulse crime. In other words, a **crime of this nature takes planning** which usually includes a participant or accomplice being in the area to observe the bank and the routine of its employees and money deliveries. You would therefore interview bank staff, local police and local residents **if they saw anyone or anything suspicious** in or around the bank over the past several weeks.
- 12) Upon return to headquarters in the city, you **check files and talk to experienced investigators** to ascertain who is capable of a safe breaking of this nature. When a list of suspects is compiled, you would then ascertain which of these people are at large and which are incarcerated in a prison (which eliminates them from the suspect list).

This gives you an idea of how crimes can be solved and how evidence found at a crime scene can be vital to an investigation.

Crime scene management:

Most police investigations begin at the scene of a crime. The crime scene is simply defined as the actual site or location in which the incident took place. It is important that the first officer at the crime scene properly protect the evidence within the crime scene. The entire investigation hinges on that first person being able to properly identify, isolate, and secure the scene. The scene should be secured by establishing a restricted perimeter. This is often done by using some type of barrier (usually yellow tape manufactured for that purpose). The purpose of securing the scene is to restrict access and prevent evidence destruction or contamination.

Once the scene is secured, the restrictions should include all nonessential personnel. An investigation may involve a primary scene as well as several secondary scenes at other locations. At major crime scenes a safe space or comfort area should be designated near the crime scene to brief investigators, store needed equipment, and as a rest break area.

How and what a police officer must do at a crime scene depends upon many factors. If the crime committed can be considered “major”, i.e., homicide, armed robbery, terrorist act, etc., and the officer belongs to a large police agency, then he/she must identify, secure and guard the crime scene until the forensic crime scene specialists arrive. Even after crime scene officers are within the crime scene engaged in the collection of evidence, the uniform police officer is required to guard the crime scene and prevent access to unauthorized persons.

If the police officer belongs to a small police agency that does not have access to crime scene specialists, he/she may be required to process the crime scene and collect evidence him/herself.

Some crimes may be considered “minor”, not because they lack importance, but because the police agency policy dictates that crime scene specialists do not or cannot attend the scenes of certain crimes due to a heavy workload. In this case, the uniform police officer or detective may have to process the crime scene and collect evidence him/herself.

Crime Scene Security

Session 7

Step 1:

Protection of the crime scene

Regardless of whether a crime committed is considered major or of less importance, and regardless of the size and capability of a police agency, the first and foremost requirement of a police officer, when a crime scene is first encountered, is to protect it and thereby protecting the evidence within the crime scene. If you are the first officer to arrive at a crime scene, you are the most important person in the process of gathering evidence which will be used to identify a culprit and later prosecute this person in court. You, therefore, will be required to protect and secure the crime scene as follows:

- a) Identifying what particular area is considered to be actual crime scene. This is determined by deciding where evidence could logically be discovered. All potential evidence must be within the perimeter of the crime scene. Once this is decided upon, the perimeter must be identified and a barrier erected, usually with yellow tape manufactured for such purposes. Obviously it is better to make the crime scene larger, rather than smaller, to ensure all potential forensic evidence is within the perimeter.
- b) Ensuring that no one, other than the person or persons who will be processing the crime scene and gathering evidence, are allowed within the crime scene, i.e., within the perimeter.
- c) Taking steps to be able to reproduce the crime scene at a later date, i.e., in court before a judge. This will involve recording everything you saw and did in your notebook. It will also involve make a rough sketch of the crime scene, and if you do not enter the crime scene, then rough estimates of distances should be included in your sketch. If a camera is available, take photos of the crime scene from different angles. If crime scene specialists will not be attending the crime scene, then photographs are essential. Unless an officer is the person who will be processing the crime scene, he/she must not enter the crime scene and all the sketches and photos, etc. must be done from outside the perimeter.
- d) Taking steps to preserve potential evidence if there is a danger of the evidence being destroyed, removed or contaminated.
- e) If necessary, establish a “Path of Contamination”.
- f) Ensuring that no changes are made to the crime scene. For example, if there is a light on, do not turn it off; if there is excrement in a toilet, do not flush it; if there is blood on the floor, do not step in it or clean it up. There are exceptions to these rules which will be discussed later in this Unit.
- g) Record all persons who enter the crime scene or ask to enter the crime scene. The only persons who should be allowed to enter are the forensic crime scene specialists or anyone else they themselves allow into the crime scene. After a preliminary processing of the crime scene, the crime scene specialist may invite the lead investigator/detective into the crime scene, but that is their decision to make.

Step 2: **Establishing a “path of contamination”**

Ideally, no one should enter a crime scene until the crime scene specialists arrive to process the scene and collect evidence. Unfortunately, this is not always possible.

For example, if someone has been shot, stabbed or beaten, the first officer to the scene must take steps to render assistance to the victim and hopefully save their life. If the victim is not moving, the police officer may have to take their pulse and observe them closely to determine if they are alive or dead. He/she may have to render emergency first aid or call for paramedics to attend at the crime scene.

When the victim is first discovered, the police officer should quickly look at the ground or floor to ensure he/she does not step on obvious evidence, i.e., footprints, a weapon or blood smears. Having determined a safe route to the victim, i.e., a route that will cause minimal contamination to the crime scene, the officer must quickly approach on this selected route and offer whatever assistance he/she is able.

This “selected route” becomes the “**path of contamination**” and any approach to the body, by anyone else authorized to enter the crime scene must be made on this path of contamination. Basically, what this means is that the first police officer to approach the body unavoidably contaminated that particular route to the body, and since it is already contaminated, all persons entering the crime scene in the future should use this same route or path so as not to contaminate any other areas of the crime scene. You can imagine what would happen if six persons entered the crime scene, all taking a different route. The crime scene would be so contaminated that any forensic evidence gathered stands the risk of being inadmissible in court and you can rest assured that every competent defense counsel would ensure all the evidence was declared inadmissible in court.

The first officer should, therefore, mark the path of contamination in some way so that it is clearly evident to others what route they should take when entering the crime scene.

Step 3: **Recoding the crime scene**

There may be considerable time elapse before the first officer arrives at a crime scene and the crime scene specialists arrive. Recording the crime scene is a major aspect of protecting the crime scene, as the crime scene must remain unchanged between the time it is discovered and the arrival of the crime scene specialists. If the crime scene is outdoors during rain, wind and/or snow, preserving the crime scene in its original condition may not be possible. If there are flood conditions or fire, preservation problems are even more difficult. In inclement weather, steps must be made to preserve obvious evidence. This may be as simple as putting an inverted box over a footprint with a weight on top to keep the box in place.

If paper matches or a piece of paper has writing on it, in driving rain conditions, the matches or paper may have to be moved to a dry location, BUT, the exact original locations must be recorded and ideally, photographed. A detailed sketch of the crime scene must be made with approximate measurements. If the obvious evidence is close to the path of contamination, exact measurements should be taken if possible.

If you are required to process the crime scene yourself, a more detailed sketch can be made from within the crime scene using exact measurements. Always relate everything in your

sketch drawing to a permanent object. It is OK to say the bottom of the barrel of a gun on the floor was seventeen inches from the southwest corner of the desk, but remember, a desk can be moved, so also take an additional measurement 19 from an identifiable point on the wall (below an electrical outlet) or to the outside of the door jamb. Since you have a compass, you can add compass directions on your sketch to give it a proper perspective when being viewed by others at a later date. Also, in your sketch, you must add a legend to explain what any letters, symbols or numbers you have used actually mean.

Recording the crime scene involves three requirements:

- a) A description of the crime scene, i.e., what the officer sees
- b) A sketch drawing of the crime scene with estimated or exact measurements
- c) Photographs of the crime scene from various angles

A photograph will often not indicate the size of a given article, so in this case, a ruler or an object of a known size, i.e., a dollar bill, can be laid beside the article in question before it is photographed.

Step 4:

FURTHER DUTIES

If experienced investigators/detectives and/or the forensic crime scene specialists arrive at the crime scene, the first officer who discovered and protected the crime scene will still have duties to perform unless she/she is directed otherwise by a supervisor or senior officer.

The continuing duties will consist of:

- a) Guarding the crime scene to ensure that no one enters the crime scene other than persons authorized to do so by the crime scene specialists or the lead investigator. There have been occasions when misguided senior police officers have attempted to enter a crime scene and this can be an intimidating experience for a junior officer guarding a crime scene. In such cases, you might say “Excuse me Sir. The crime scene specialists are still at work and have asked that no one enter the crime scene. Do you mind waiting until they give us the go ahead?” This situation will rarely, if ever, arise in a police agency whereby senior police officers are experienced, well trained and knowledgeable.
- b) Taking notes of everyone who enters and leaves the crime scene and the times of each entry and exit. All conversations should also be recorded, as well as recording when an unauthorized person requests to enter the crime scene. If someone claims they are authorized, but you doubt this claim, simply ask one of the crime scene specialists or investigators assigned to the case if the person be allowed to enter the crime scene.

Equipment Requirements

It is, of course, always preferable to have a trained and experienced crime scene specialist process a crime scene, but if these officers are not available for any reason, it may be left to a uniform officer or criminal investigator to process the scene. If this situation is likely to arise within the rule you are working, it is strongly advised that a forensic kit be kept in the trunk of your police car. These kits can be purchased by your police agency, but if they have not done so, a make shift kit can be assembled by any officer who may be required to process a crime scene.

The kit should contain:

- a) A large battery powered light that can be set on the ground or some platform and illuminate the crime scene if other lighting is unavailable.
- b) Twelve inch ruler and tape measure

- c) Yellow barrier tape
- d) Good quality camera
- e) Clipboard, paper, pens & pencils (Note: Pen ink will freeze in cold outdoor weather)
- f) Sanitary or plastic hand covers and foot covers (a sterile coverall suit is also recommended)
- g) A sterile blanket to lay over a body after processing
- h) Sterile tweezers for picking up trace evidence, i.e., hairs, fibers, paint chips
- i) Sterile syringe
- j) Several sterile scraping devices of various sizes for scraping up evidence, i.e., paint droppings, dried blood, stains
- k) Several sterile small jars and lids in which to place trace evidence
- l) Several clean plastic bags of various sizes in which to place evidence
- m) A compass so you can indicate directions on your sketch drawing
- n) Permanent marker pens
- o) Identification tags
- p) Identification markers to place beside an item of evidence prior to photographing
- q) Envelopes – various sizes
- r) Penlight
- s) GPS to locate outdoor crime scenes
- t) Cotton swab sticks (as used for cleaning ears) for picking up fluid evidence
- u) Magnifying glass
- v) Large ball of string and stakes/pegs to create an outdoor grid if necessary
- w) Fingerprint kit consisting of dusting brushes, white and black powder, glass slides, tape (commercially available)
- x) Video camcorder
- y) Handy fingerprint kit for removal prints

Fingerprints

You should ask to receive instructions from an experienced crime scene specialist on the proper and most efficient way to lift fingerprints. In general, the process is as follows:

- 1) Photograph the fingerprint if it is not hiding. A light directed at an angle to a print will often make it visible for photographic purposes.
- 2) If the fingerprint is on a light surface, carefully put black powder on the brush and very gently swish the brush over the print so that it becomes visible.
- 3) Now photograph the print.
- 3) Next, carefully place the tape over the print so the print adheres to the tape.
- 4) Now carefully place the tape on to a glass slide.
- 5) Next photograph the print on the glass slide with a white background.
- 6) Since you are not an expert, this is as far as you should go in the process. Carefully protect the glass slide in an evidence bag until the print can be transferred elsewhere by someone experienced in this process.

Note: *White powder is used for fingerprints on black or dark backgrounds. In some cases, you will want to take fingerprints of home owners or staff members of a company for elimination purposes. Most police agencies will have forms and ink pads available for this purpose. Handheld electronic devices are available, not only to take elimination prints, but to send to a fingerprint database.*

Activity: First Information report (FIR): introduction and elements of FIR

Overview:

First information report is the major action to register or report the case. Without the information of case, police personnel are not able to investigate any cases. The FIR is register at the nearest police station to where the offence can be perpetrated or is likely to be perpetrated.

Procedure:

- Ask the participants to the FIR form in existing way they are doing.
- Share each other for the comment and suggestion if any.
- Now show the well filled FIR form and ask them whether they are doing accordingly or not.
- Make sure to fill the form as in stander type instructed by the authorize institution.
- To make the participant more clear on the topic some case studies are in Annex.

Key Learning Points:

The police and office of the attorney general are the most important actors in bringing cases for prosecution before the judiciary of Nepal. So, with out FIR report it can make the victims will more victimize and hopeless to get legal support of compensation. In addition, the perpetrator will free and fireless of penalty.

Facilitator's note:

Please make available of the FIR for according to the number participant. Encourage the participant to fill the form as their existing practice. Facilitate the topic focusing on the need of FIR and role of police personnel.

First Incident Report and Referral System

The victim, the victim's relatives or any individual who is aware of a crime can lodge a case at the nearest police station to where the offence has been perpetrated or is likely to be perpetrated. The State Cases Act requires that the complaint, the First Information Report (FIR), be lodged with evidence and information about the alleged perpetrators. The FIR should contain the area and date of commission of the crime, the names of the actual culprits, their actions, evidence and other descriptions regarding the offense.

The State Cases Act provides that if a verbal report is made by anyone, the officer-in-charge of the police station should keep the record in the form of writing as narrated by the person. The police officer should then read out what he has written before the complainant and then keep it in the register book with the person's signature.

If police authorities refuse to file an FIR, the State Cases Act permits the complainant to approach a higher police authority if it exists in the place, or the office of the Chief District Officer (CDO). In the event that the CDO also refuses to register the FIR, then a complainant can go to the Appellate Court or Supreme Court. Even if FIR is register after a court order, the delay in investigation and obvious reluctance of the police to make inquiries greatly hamper the prospects for justice.

Guiding Principles of FIR

- Safety
- Confidentiality/Privacy

- Best interest of Woman and child
- Woman and Child friendly behavior
- Non discrimination
- Prompt action

Referral System in Emergency period

- Security
- Health
- Food
- Shelter
- Crime investigation/prosecution

Session -3: Arrest

Content	Behavioral objectives	Methodology	Time	Material
Definition Condition and types of Arrest	<ul style="list-style-type: none"> ▪ Can tell what Arrest is. ▪ Will perform the lawful Arrest 	Presentation, Lecture, role play and group work in different case study	45 min	Flip chart paper, Markers, LCD projector, Laptop
Laws on Arrest and importance while arresting women and children.	<ul style="list-style-type: none"> ▪ Participant will treat women and children with respect and dignity. 	Presentation, Lecture	45min	Flip chart paper, Markers, LCD projector, Laptop

Activity: Definition and things to be consideration while Arrest 

Procedure: 

- Give some case studies and ask the participants what are the way they are applying while arresting the

Key Learning Points: ↓

While arresting women and children police officers should follow the legal provision of Nepal. However, some time arrests do not follow legal provisions so that the case will come out with different complication in the eyes of civil society. Disrespect the legal provision is violation of Human Right.

Facilitator's note:

Before the discussion, facilitators have to ensure whether the related cases were printed or not. It is very much practical topic so from the start of the discussion make the participant more interactive. Encourage the participants to share their existing working approach.

Arrest

The investigating police can arrest a suspect according to the information received. Article 24 of the Interim Constitution of Nepal 2007 reads that no suspect should be detained in custody without being informed of the grounds for arrest. Similarly, section 14(1) of the State Cases Act also states that an arrestee should be told why they are being put under arrest. Furthermore,

clause 121 of the section on Court Management of the new Civil Code of Nepal prescribes that the arresting officer deliver a notion of the grounds of arrest to the person before detention.

However, most arrests do not follow these legal provisions. Few are made after delivering a notice of the grounds of arrest to the persons. Moreover, suspects are usually immediately handcuffed and detained without any interrogation. The police also fail to provide arrest warrants in some cases.

Police can in fact arrest persons without warrants according to the nature of the case, but must produce them before court within 24 hours.

According to section 9(1) of the State Cases Act, the interrogation of a suspect should be carried out in the presence of a government attorney. However, 44 per cent of arrestees interviewed in 2007 had none present.

Furthermore, section 9(2) of the act says that if any person is suspected or surely known to possess important information about a crime and if they are trust worthy then the investigating police officer should further question the person and document the statement in the written form. The government attorney thereafter authenticates the statement by signing it. Unfortunately, under the current system the investigating police officers often force the accused to accept allegations and fabricate documents through the making of these records. According to the Evidence Act 1974, any statement made by the accused cannot be accepted if the accused was forced or tortured to give it. Nonetheless, the police often use torture as a tool to force a confession or accept an allegation.

Case study for discussion

An old farmer living in remote area of Nepal was arrested on the charge of murder his neighbor. It was supposed that the third person had killed the farmer neighbor, but his body was found near the farmer's home, and the police arrived with a deed of public inquiry and arrested the old farmer, they torture him during investigation to make him release the murder. Same action was repeated several times. As shared by the old farmer police did not give him with arrest letter and they did not allow visiting his family members when he was in custody.

Activity: Legal provision on Arrest (women and children)

Overview:

Legal provision of arresting especially women and children in any case is not easier in every situation. As mention in the Interim constitution of Nepal and Government case act 2049 female police were mandated for arresting women. However, in practice no more female police were in remote area.

Procedure:

- Make the discussion on the basic of case study and make the participant clear on what was the challenges lack of female police?

Key Learning Points:

While arresting a woman, as far as possible, female police personnel shall be caused for the same.

Facilitator's note:

Please make sure of the cases related to the topic and make the discussion focusing on the legal process and provision while arresting women. Conclude the topic related with the previous topic "Need of Gender sensitive policing."

Legal provision on Arrest:

- (1) Police personnel conducting investigation relating to any crime under this Act may arrest a person if there is reasonable ground to suspect about the involvement in the crime, and the person so arrested shall not be detained without giving the notice explaining the cause of arrest.
- (2) Any witness to a crime may take into custody of the person committing the crime and hand over that person to the nearby Police Office.
- (3) In case, it requires arresting a person pursuant to Sub-Section (1) an order shall be given to him/her to voluntarily surrender explaining the cause of the need for such arrest. If such person does not surrender and tries to escape or avoid the arrest, then the Police personnel may use force to arrest such person.
- (4) In case it requires to arrest a woman, as far as possible, female police personnel shall be caused for the same.
- (5) While conducting a body search of the arrested person, the Police personnel involved in arrest shall take into possession any evidential document or any other object or arms and ammunition, weapons recovered in such search and prepare a *muchulka* (recognizance/deed).

Case study for discussion:

This is the case of a girl took by the security force from her home. Next day the security force denied arrested. Her mother makes inquire for long time. After some days she was informed that, her daughter was she killed.

She runs to the different stakeholders for the support. With the support of different organizations international pressure was developed. The international pressure make the police continue investigations. Her body was hidden at the bank of the river. She had been tortured to death, but no further investigation was done.

Session – 4: Search and seizure

Content	Behavioral objectives	Methodology	Time	Material
Introduction of Search and seizure.	<ul style="list-style-type: none"> Will able to define the meaning of search and seizure. 	Presentation, Lecture, Role play and discussion on case study	45 min	Flip chart paper, Markers, LCD projector, Laptop
Laws on search and seizure and things to be considerate while search and seizure with women and children	<ul style="list-style-type: none"> Will learn the existing laws on search and seizure Will develop the skill to carry out proper search and seizure Will perform lawful procedure 	Presentation, Lecture, Role play and discussion on case study	45min	Flip chart paper, Markers, LCD projector, Laptop

Activity: Introduction and types of Search and seizure

Overview:

If an investigating officer has reasonable cause to suspect that the person interrogated may have material evidence in their possession, whether objects or another individual, the police officer can search for and seize the evidence.

Procedure:

- Ask the participant to share their experience on search and seize in different cases.
- List out the points shared by the participants.
- Start you discussion on the basic of the points shared by the participants.
- Show the power point; ask the participant if they have any quires on the discussion.
- Conclude the topic focusing on the existing process of Nepal police on search and seize considering Human Right point of view.

Key Learning Points:

Existing law of Nepal is requires that only female police officers search women, or that they are searched in the presence of another woman. So, every police personnel will have to aware on the point.

Facilitator's Note:

This is more practical topic so the facilitator will have proper preparation on the related documents. On the basic of this discussion, participants will practice to apply the procedure so before the discussion facilitator have to update the things sincerely.

Search and Seizure

If an investigating officer has reasonable cause to suspect that the person interrogated may have material evidence in their possession, whether objects or another individual, the police officer can search for and seize the evidence.

- The law requires that only female police officers search women, or that they are searched in the presence of another woman. According to section 10(2) of the State Cases Act,

the investigating police officer must submit a written request to another police office to search and seize, and when searching a person or place must have present an official at least at the rank of assistant sub-inspector. The section also states that the police officer in charge of the search should prepare a detailed statement of all the material relating to the crime including the place and date of the search and make two copies: one of which must be given to the concerned person and one that should be kept in the office file.

- Clause 172 in the section on Court Management of the new Civil Code also states that there should be a probable cause to conduct search and seize and that the police officer needs to inform the person of the reason for the search. The search should also be conducted in the presence of two or more witnesses of good character. They may be independent and responsible residents of the area, or representatives from the concerned municipality or the village development committee. Upon completion of the search, the officer must make a list of all things seized and the places they were respectively found, with signatures from the witnesses.

Prosecution

The State Cases Act 1993 is critical to the prosecution of suspects. The prosecution begins after the investigating police officers prepare reports of their findings and submit them to the concerned government attorneys. The police can request to terminate the investigation on the grounds that there may be a lack of adequate evidence with which to prosecute the suspect. However, the government attorneys make the final decision as to whether or not to prosecute. The police have complete responsibility to carry out the investigation related to crimes, while the office of public prosecutor has sole authority for prosecution on such cases.

A charge sheet is framed after the prosecutor has compiled all the documents and evidence against the accused. Section 18 (1) of the State Cases Act states that the prosecutor, upon examination of the case file shall if it is deemed appropriate submit the charge sheet to the competent judicial authority. If there are no reasonable grounds to justify the submission of a charge sheet, the prosecutor can return the case file together with the evidence to the police.

The charge sheet must state the specific allegation based on the evidence and cite appropriate laws and punishment sought. It must also include the name and residential address of the accused, details of the FIR regarding the crime, description of the crime, allegations made and evidence supporting them, and amount of compensation (if any) that should be given to the aggrieved party.

Activity: Legal provision on search and seizure and things to be considerate while search and seizure with women and children

Overview:

Police officer will have to prepare two copies of *muchulka* (recognizance/deed) regarding the description of the objects found relating to the crime in the search, the place where such objects were found and their condition as and when found; give a copy of it to the concerned person and keep a copy in the case file. If the personnel conducting search wants to take some object with him/her, s/he shall take the object only by giving a receipt of it to the concerned person.

Procedure:

- Ask the participants to share their experience on search and seizure.
- Write all the points shared by the participants
- Again ask the participants whether they involved in any search and seizure of women or not?

- If some participants say, yes than ask them what are the major things to be considerate while search and seizure of women.
- Write the points to be considerate while search and seizure of women. Start you discussion emphasis the points said by the participant.

Key Learning Points:

Police personnel conducting investigation deems that while making such a written request to another Police Office may cause any evidence disappear or destroy, s/he him/herself may go and search the person or place pursuant to this Section and inform about to the concerned Police Office.

Facilitator's note:

This topic is more practical and guided by law so Please facilitate the session according to the process explain by law. Make the environment more interactive and meaningful by giving opportunity to share experience on the topic.

Legal provision on Search and seizure:

- Where the search of any house or place has to be made, a notice of search, accompanied by the reason for making search, shall be given to the owner of the house or place or the person who has taken charge of looking after such house or place or any other person living in such house or place, and upon receipt of such a notice, such person shall, without let and hindrance, allow the police officer appearing to make search to smoothly enter into the house or place.
- In making search of any house or place pursuant to this Number, the search shall be made in witness also of the member or representative of the Village Development Committee or Municipality¹²³ in that place, at least two gentlepersons, owner of the house and his or her one representative and *Jimidar, Talukdar, and Patuwari*, as far as they are available; and the body of all persons in witness of search shall be searched, and search shall be executed by entering into the house or place without carrying any thing with them.
- If, in making a search pursuant to the foregoing sections, the body of any person has to be searched in relation to the exhibit or property searched, such search may also be made, and if the body of a woman has to be so searched, her body shall be caused to be searched by another woman whom she trusts in such a manner as not to defame or embarrass her.
- There shall be made an inventory setting out all details of the goods or exhibits found upon making search pursuant to this Number and the place and condition where such goods or exhibits have been found, which shall be signed by the officer making search and the witnesses; and a copy of the inventory, and also a receipt of the exhibits, goods or property, if any, taken by the police officer into his or her custody, shall be given to the owner of house or his or her representative.
- If any person who is required to witness pursuant to section 4 above refuses to so witness or witnesses but refuses to sign, that person shall be punished with a fine of up to One Hundred Rupees
- Number 173. If it is required to identify a person in a case, the person to be identified shall be held in a place where he or she cannot be seen, and other persons, at least four persons, whose age, color, dress is similar to that of the person to be so identified shall be gathered and made similar to the extent possible, and the person to be so searched shall be mixed with them in a row, and the persons making identification shall be required to

identify such person severally; and if the person is identified or not identified upon such procedure, the matter of identification or non-identification, as the case may be, shall be held on the record.

- (1) If the investigating Police personnel, in relation to any crime, find reasonable ground to suspect a person or place to have possessed any person or physical evidence in relation to the crime, s/he may search the person or place in the prescribed manner. If search of woman shall be conducted only by a female police or any other woman.
- (2) If the person or place to be searched falls under the jurisdiction of any other Police Office, the investigating Police personnel may make a written request for the search of such person or place to such Police Office, and if such request is made, the Police personnel of at least Assistant Sub-Inspector level of the Police Office receiving such request shall make search of such person or place and send to the requesting Police personnel the *muchulka* (recognizance/ deed) prepared pursuant to Sub-Section (3). Provided that the Police personnel conducting investigation deems that while making such a written request to another Police Office may cause any evidence disappear or destroy, s/he him/herself may go and search the person or place pursuant to this Section and inform about to the concerned Police Office.
- (3) The personnel conducting such search shall prepare two copies of *muchulka* (recognizance/ deed) regarding the description of the objects found relating to the crime in the search, the place where such objects were found and their condition as and when found; give a copy of it to the concerned person and keep a copy in the case file. If the personnel conducting search wants to take some object with him/her, s/he shall take the object only by giving a receipt of it to the concerned person.

Session – 5: Investigation Interview

Content	Behavioral objectives	Methodology	Time	Material
Meaning of investigation interview. Steps of investigation interview Practice PEACE Model	<ul style="list-style-type: none"> ▪ Will explain about what is investigation interview. ▪ Will learn critical points to take and interview with women and children. ▪ Women and children will treat with respect and their right will protected. 	Presentation, Lecture, Role play and discussion on case study	90 min	Flip chart paper, Markers, LCD projector, Laptop

Activity: Meaning of Investigation Interview

Overview:

All the police personnel will need to inform the survivor that there may be situations where confidentiality can and will be broken. Assure the survivor that you will discuss with them beforehand if you think there is a need to break confidentiality.

Procedure:

- Role play for this we need one volunteer to play the role of the investigator and one to play the role of the survivor.”

- Now the facilitator has to describe the situation.
- Ask investigator that you are interviewing with the survivor. You should ensure that you create a safe space for the survivor and that your greeting makes him/her feel welcome.”
- Now ask them to start the role play according to the situation given before.

Key learning points: ↓

To identify the criminal, to locate and apprehend and to prove guilt in the court criminal investigation is important. During investigation an investigator depends on three major tools available to him/her which are instrumentation, information and interview. Instrumentation helps him/her to identify or eliminate a suspect by the use of scientific technology thereby analyzing the collected physical evidences whereas the information is transformed into intelligence to identify, locate and apprehend him. Interview is conducted in a friendly atmosphere where a witness is more comfortable physically and psychologically. Interview is an art. A good investigator is not necessarily a good interviewer. To be a good interviewer you need to be a good actor and must have an insight of human psychology.

Facilitator's note:

This topic is more practical so please facilitate the session according to the basic principle while intervening for investigation process. Make the environment more interactive and meaningful by giving opportunity to share experience on the topic.

Meaning of investigation interview:

The three major aspects of criminal investigation are (1) to identify the criminal, (2) to locate and apprehend him (3) and to prove his guilt in the court. During the course of investigation an investigator depends on three major tools available to him/her which are instrumentation, information and interview. Instrumentation helps him/her to identify or eliminate a suspect by the use of scientific technology thereby analyzing the collected physical evidences whereas the information is transformed into intelligence to identify, locate and apprehend him. But the significance of interview cannot be discarded as it plays major role in investigation whenever there is little or no physical evidence.

Interview is conducted in a friendly atmosphere where a witness is more comfortable physically and psychologically. Interview is an art. A good investigator is not necessarily a good interviewer. To be a good interviewer you need to be a good actor and must have an insight of human psychology.

Ground rules of an interview:

Before conducting interview should have the information about:

Suspect:

1.
 - (i) Name, age, profession, occupation
 - (ii) Social situation
 - (iii) Criminal history
 - (iv) Relation with the victim if any

Victim:

- (i) Name, age, profession, occupation
- (ii) Social and financial situation
- (iii) Criminal history if any

Scene of crime:

- (i) Time and place of occurrence
- (ii) Modus operandi
- (iii) Physical evidence collected
- (iv) Information collected

Approach**• Place of Interview :**

- (i) At the spot when a suspect is apprehended at the scene of crime
- (ii) In an interview room where the interviewer has more psychological advantage.

• Time of Interview :

- (i) As soon as the suspect is apprehended and information collected
 - You should always remember that a suspect is innocent and not a criminal unless his guilt is proved in court.
 - Don't ever use third degree method.
 - Always maintain good manners.
 - Be a good listener.
 - Control your anger because in anger you loose reasoning and the judgment made without reasoning is mostly incorrect.
 - Never be in hurry to finish the interview .

Method of Interview:

We can classify criminals into two major categories:

- emotional offender
- non-emotional offender

The purpose of classification is to vary your approach and methods during the interrogation of a suspect.

Interview of emotional offender:

Interview of an emotional offender is much easier than non-emotional offender.

- 1) An emotional offender is usually a first time offender and can be broken down easily when played with his emotion, ie, love, hatred, anger, frustration etc.
 - i) By showing sympathy towards him.
 - ii) By telling that anybody could do what he has done in the similar situation.
 - iii) Being friendly and offering him water, which an offender never expects from a police officer.
 - v) Observe physical reaction to the crime related and non-related questions. When someone is lying will be under tension. The anti-diuretic bio-chemical substance released by his body leads to the dryness of his mouth and lips. Again in tension he may be tapping his foot, playing with his fingers, looking uncomprehendingly somewhere else.
- 2) Emotional offender easily comes clean when confronted by the evidence.

Interview of non-emotional offender:

Non-emotional offenders are hardened criminals. They are professional who have gained experience committing series of crime and either subsequently have evaded the apprehension or served many jail terms. They don't like to talk much or at all.

- **Question and Answer Method:**

This is a common form of interview where an interviewer asks several questions to get the facts of a case. He develops his questions based on the fact of the case and the answers given to him by the suspect.

- **Narrative Method:**

Let the suspect tell his side of story without interruption. Ask him to repeat it three or four times. He will have to tell more and more lies just to cover up one lie. The more he lies, the more you have a chance to detect untruthfulness of his story. Verify his story and re-interrogate him.

- **Explanation:**

Ask where he was and what he was doing at the time of occurrence of the crime. Verify his alibi and re-interrogate him.

- *Factual method:* The best way to interrogate a hardened and professional criminal is to confront him with the physical and circumstantial evidence, which will eventually lead to his confession.
- *Sweet and sour method:* Interrogation conducted by two different interrogators, one being soft spoken and other being harsh towards the suspect could be fruitful in some case.
- *Overheard conversation method:* Whenever there is more than one offender this method works well. One suspect while being interrogated should be viewed but not heard by another suspect from outside of the interrogation room. When his turn of interrogation starts, tell the offender that his associate has already confessed about the crime and now it is his turn to confess.
- *Hypothetical situation:* Ask a suspect that even he has not done it, how would he have done it in the similar situation. May be some important clue could come out of this.
- *Telling the story backward:* Sometimes you could ask a suspect his side of story backward. If he has told you what he has done from yesterday 6AM to today 10PM, then let him start from today 10PM to yesterday 6AM
- *Trick Method:* Interrogators have used this method for extracting truth from suspects. In this method an interrogator tells a suspect that he has been seen by witness while committing crime or that his fingerprint, footprint or physical evidence have been found at the scene of crime, so there is no choice but to tell the truth. You may be successful extracting the fact in exceptional case but this is not the right method because if the suspect is innocent, the situation is ridiculous.

There is no hard and fast rule as to what method you apply to extract the fact or the confession. It is upto you and, your experience will guide you to interrogate various kind of suspects. But one should always keep in mind that a confession even in writing is nothing more than a piece of paper unless it is supported or corroborated by other independent physical or circumstantial evidence.

Interview of Witnesses

There are various kinds of witnesses such as indifference witness, interested witness, hostile witness and child witness. Indifference witness is the best kind of witness for a case because the witness does not have any interest in success or failure of the case. He will always prefer to tell whatever he knows about the case without lying, whereas the interested witness may be a friend, a relative or a potential beneficiary in the case and may exaggerate the fact. As for the hostile witness, he may have close relation or friendship with the suspect and do want to lie to protect the suspect. You may need to interrogate him rather than interview him. Child is a volatile witness who does not lie but is prone to the suggestions.

It is worth to have an eyewitness to support a case but you should also know that his education, technical knowledge, physical condition, profession and emotion influence his observation. Don't expect him to tell everything of what happened when the incident took place. He does not observe as what a police officer needs to observe. His information is valuable if it corroborates to the physical or circumstantial evidence collected. Reconstruction of a case is important to verify the truthfulness of the information of an eyewitness.

Things to be consider while interviewing for investigation

When you are talking with a survivor the physical setting should ensure:

- privacy
- No interruption
- No distractions
- Comfort to the survivor (eg have water and tissues available)
- Another essential aspect of the support worker-survivor relationship is confidentiality. Ensuring an atmosphere of privacy without interruptions and distractions is an important part of this.
- Confidentiality provides a basis for trust and this is particularly important for survivors of violence who have often lost their trust in other human beings.
- However, you also need to inform the survivor that there may be situations where confidentiality can and will be broken. Assure the survivor that you will discuss with them beforehand if you think there is a need to break confidentiality.
- To be aware of your body language, posture and seating arrangements are equally important.
- These include:
 - Showing interest verbally and non-verbally (leaning towards survivor, open posture, not too
 - relaxed)
 - Chair position (which should be in a 90° angle), equal height of chairs
 - Space between, no “barriers” (obstacles)
 - Reducing threats or anything that can be perceived as threatening (firearm, sharp instruments)
 - Take care to show courtesy and respect by:
 - Standing up to meet the person.
 - Smiling and shaking hands.
 - Offering them a seat and letting the survivor choose the chair,
 - Introducing you.

- Asking the survivor what name they would prefer you to use.
- Explaining your role and the helping process
- *“As a investigator I am here to listen to your problem. I will ask you some questions so that I can really understand what is going on. We will together think of some ideas and actions you can take in order to deal with your problem. I can also provide you with information eg about laws.”*

Starting your interview form good questions as bellows :

- “Would you like to tell me what has brought you here today?”
- “Could you tell me about your difficulties?”
- When you know of a person who you think may be a survivor, but who has never approached you for assistance and you approach this person, you will start differently, eg talk about things that will put the person at ease.

In investigation, Privacy means to perform the entire investigation Process without opening, until needed in court:

- Personal details
- Date
- Also covers hearing and adjudication process.
- Fundamental Right of Victim.

Why Privacy is needed?

- To save victim’s life (for e.g. Shreesha Karki)
- Moral aspect.
- Social aspect.
- Security aspect.
- Access to Justice.
- Social Justice.

Who should be Protected ?

- Women: victim in crime against women.
- Children: Either victim or accused.
- Individual affected by HIV / AIDS

Activity : Steps of investigation interview Practice PEACE Model

Overview:

From is activity participant will aware on importance and steps of investigation interview from the PEACE Model which ensures the victim friendly environment within police personnel . It is also ensure that the victims right to share his experience of violence without any fearless environment .

Procedure:

- Split the participants in small groups
- Ask them to write the what steps they apply while interview and dealing any cases
- After the group work give each group 10 minutes for the sharing of their.
- Finally discuss about PEACE Model of interview and make them conceptual clear on the topic .

Key Learning Points:

PEACE Mode is comprehensive was created in collaboration with police and psychologists. It is an interview technique for better interview .

Facilitator's note:

This topic is very much behavioral related so to make the participants more clear so please make sure that they will apply the PEACE Model investigation process.

What is PEACE Model ?

P = Preparation and Planning

E= Engage and Explain

A= Account clarification and Challenge

C= Closure

E= Evaluation

PEACE model provides a structured format to an investigation interview. There are what be considered, two streams witness and suspect. The structured for both is essentially the same.

PEACE was designed to get the most accurate and reliable information from an interviewee. It combines two interviewing techniques; the Enhanced Cognitive Interview (ECI) and Conversation Management (CM). The two methods have been combined in training without the need to mention them specifically. Early courses taught the ECI and CM individually with the result being that it tended to confuse the students. Learning from those early problems they dropped the two terms and taught the material as a singular approach.

The PEACE interview took a different view of the process from adversarial to something more akin to interviews conducted by counselors or psychotherapists. The Model helps open the conversation and builds rapport between the interviewer and subject. The interview itself is designed to be aware of the subject's sensitivities, self-esteem, and self-image. While using the PEACE Model some elements are very important such as Respect, Empathy, Supportiveness, Positiveness, Openness, Nonjudgmental attitude, uncomplicated talk, Equals (speak as equals while talking to each other).

Session – 6: Complete document and proposed charge sheet (prarambik pratiwedan to prastawit ray)

Content	Behavioral objectives	Methodology	Time	Material
Complete document and proposed charge sheet (prarambik pratiwedan to prastawit ray)	▪ Will know about the document needed.	Exercise on form filling discussion	90 min	Form

Activity: Complete document and proposed charge sheet (prarambik pratiwedan to prastawit ray)

Overview:

Give a meta card to every participant; ask them to list out the document they need from the beginning of the case documentation.

- Ask them to share the list of documentations they need to document the case.
- After the sharing of all participants please share some cases where the need document were lacking and the difficulties facing by the surviours. .
- Discuss on the importance of full document to register the cases for future action.

Key learning points: ↓

Charge sheet is a formal document of accusation prepared by law-enforcement agencies . It is different from the First information Report (FIR) (which is the core document that describes a crime that has been committed), usually refers to one or more FIRs, and charges an individual or organization for (some or all of) the crimes specified in those FIR(s).

Facilitator's note: Chargesheet

Facilitate about the broader concept of Complete document and Charge sheet used by Nepal law process. Encourage the participant to know the formal documentation form.

What is Complete document and proposed charge sheet (prarambik pratiwedan to prastawit ray)

The chargesheet has been submitted to a court of law, the court decides as to who among the charge has sufficient prima facie evidence prima facie against him to be put on trial. After the court pronounces its order on framing of charges, prosecution proceedings against the accused begin in the judicial system.

Charge sheet is a formal document of accusation prepared by law-enforcement agencies . It is different from the First information Report (FIR) (which is the core document that describes a crime that has been committed), usually refers to one or more FIRs, and charges an individual or organization for (some or all of) the crimes specified in those FIR(s).

Criminal procedure refers to the negotiation adjudication process of the Criminal law. While criminal procedure differs significantly by jurisdiction, the process generally begins with a formal criminal charge and results in the conviction or acquittal of defendant .

Currently, in many countries with a democratic system and the rule of law, criminal procedure puts the burden of proof on the prosecution – that is, it is up to the prosecution to prove that the defendant is guilty beyond any reasonable doubt, as opposed to having the defense prove that s/he is innocent, and any doubt is resolved in favor of the defendant. This provision, known as the presumption of innocence, is required, for example, in the 46 countries that are members of the Council of Europe, under Article 6 of the European Convention on Human Rights, and it is included in other human rights documents. However, in practice it operates somewhat differently in different countries.

Similarly, all such jurisdictions allow the defendant the right to legal counsel and provide any defendant who cannot afford their own lawyer with a lawyer paid for at the public expense (which is in some countries called a “court-appointed lawyer”).

Things to be considered in a Charge Sheet - component of Charge

1. Time and place of the misconduct. When the time and place do not constitute an essential part of the charge, still they should be mentioned, so that the incident may be specific and concerned employee may be able to meet the case.

2. Each incident constituting misconduct should be stated as a separate charge.
3. The specific name of the misconduct should be mentioned. This is done by referring to the specific provision of the Code of Conduct Regulation, that has been violated.
5. When the time of the incident involving the misconduct is material and is given, the employer should always mentioned the word 'about' or 'around' i.e. 'about 2.00 pm' or 'around 2.00 PM'. Even if it is proved that the employee did not commit the misconduct at 2.00 PM, and it had taken place at 2.10 or 2.15, the use of the word will save the situation. On account of the difficulty of being very precise the charge is technically defective if either of the words mentioned is not used.
6. Charge sheet should contain facts instead of mere inference or judgement from facts.
7. The time allowed for submission of reply by the delinquent officer and a statement that if no reply is received within that time, it will be presumed that the delinquent officer has nothing to reply and that he has admitted the charges and further action on the charge sheet will follow accordingly. However despite this statement, if no reply is received, an oral inquiry should be conducted, after expiry of time allowed for the reply.

Inadequate skill in drafting the charge sheet is one of the reasons that help the charged officials to get away with lapses/misconduct committed by them. Many cases fail before the Courts of Law just because of the defective framing of charge sheets.

1. Sometimes the charge itself is framed in a very general way, only pointing out that the official concerned has acted in an unbecoming manner or has shown lack of devotion to duty or has acted without integrity. The real issues, in such circumstances, are to be found in the statement of imputations.
2. Many times the charges are not framed in accordance with the advice given thereby diluting the central issues.
3. It has to be understood that the statement of imputations/ allegations annexed are supplementary/supportive material to the charge sheet; they are details of facts/evidence to support the charges made, and should contain names of witnesses/documents in support of the charges. That is, the statement of imputations is to make the basis of the charge, allegation-wise, precise and specific and should include details of what exactly each witness/ document is going to prove regarding every charge.
5. Each charge should also have a separate statement of imputations of misbehaviour/ misconduct. The common failing of listing out one long statement of misconduct/ misbehaviour ought to be avoided.

“Special care has to be taken while drafting a charge-sheet. A charge of lack of devotion to duty or integrity or unbecoming conduct should be clearly spelt out and summarised of charge. It should be remembered that ultimately the Inquiry Officer would be required to give his specific findings only on the as they appear in the charge-sheet.

While drawing a charge sheet, special care should be taken in the use of language to ensure that the guilt of the charged official is not pre-judged or pronounced upon in categorical terms in advance.

Session -7:

Security of Scene of crime and evidence collection

Content	Behavioral objectives	Methodology	Time	Material
Importance of security of scene of crime	Will able to explain the meaning of evidence and know the importance of scene of crime.	Presentation, Lecture, Reading	45 min	Flip chart paper, Markers, LCD projector, Laptop
Procedure to secure and collect the evidence of crime.	Will update on the procedure to secure and collect the evidence	Presentation, Lecture, Reading	1 min	Flip chart paper, Markers, LCD projector, Laptop

Activity: Importance of security of scene of crime

Overview:

Before entering the crime scene, you should take some time to observe it carefully. At this point in time you should try to determine where you are likely to find evidence. Some will be obvious, i.e., a gun, a tool, a knife, blood splatter, etc., while some evidence will not be visible from outside the crime scene. We are assuming that you have already recorded the scene from outside the barrier tape you have set up and you have taken photographs from several angles. You should make a sketch of the scene and can enter exact measurements later when you enter the crime scene with your ruler and tape measure.

Procedure:

- Give participant some case study and ask their existing knowledge on security of scene of crime.
- Discuss for few minutes and explain by power point presentation

Key Learning Points:

While you are going to give security of scene of crime don't forget to make a sketch of the scene and enter the crime scene with your ruler and tape measure.

Facilitator's notes:

Please don't forget to collect the cases for the discussion. Discussion in the cases will make the participant more clarity on the process.

Activity: Procedure for protecting evidence of crime

Overview:

Before entering the crime scene, you should take some time to observe it carefully. At this point you should try to determine where you are likely to find evidence.

Procedure:

- Practical exercise will be the best process to make the participant clarity on the topic.
- Give some cases for discussion and ask them how they were doing this process.
- Finally start you discussion on the topic.

Key Learning Points:

Before collecting the evidence you will conform that the collected evidence will make support in you investigation. The collected evidence will be protected from all types of risk of destroy.

Facilitator's note:

Please focus on maintaining security of the crime scene must record the name and time of every authorized person who enters and leaves the crime scene, plus the purpose for entering the crime scene. Unauthorized persons, including police officers who are not assigned to forensic crime scene duties must be excluded from entry.

Checklist for Protecting the Scene

Police personnel should:

- Note that the victim is the **primary scene** and they should be treated as such (the investigator's first concern should be the victim's safety, state of mind and ability to cope with forensic requests)
- Note that the suspect is a scene, and other persons at the premises may also be scenes
- Secure, preserve and control the scene to limit any access until sufficient information is available to make an informed assessment of the situation
- Remove people and animals from the identified areas of activity, and, ideally, from the whole area, if practicable
- Establish physical secondary scene parameters – potentially the whole of the premises
- Note that the suspect's actions following the incident may create further sites of forensic interest
- Consider erecting cordons and putting in place a loggist to record persons entering and leaving (depending on the severity of the incident)
- Consider any potential areas of contamination that could impact upon the integrity of evidential material
- Establish a work base in a safe area of the premises
- Ensure the scene is photographed or videoed as soon as possible.

Processing the Crime Scene Observation

Before entering the crime scene, you should take some time to observe it carefully. At this point in time you should try to determine where you are likely to find evidence. Some will be obvious, i.e., a gun, a tool, a knife, blood splatter, etc., while some evidence will not be visible from outside the crime scene. We are assuming that you have already recorded the scene from outside the barrier tape you have set up and you have taken photographs from several angles. You should make a sketch of the scene and can enter exact measurements later when you enter the crime scene with your ruler and tape measure.

Look carefully at the scene. Are there areas where it appears that it is safe to walk without risking contamination of evidence? If someone broke a window and entered a room, then walked to a desk and opened a drawer, it is reasonable to assume that trace evidence may be available at the window, i.e., fibers attached to broken glass, possibly blood from a cut, tool marks where the culprit had attempted to pry the window before breaking it, etc. There is also the chance a footprint may be available as he walked from the window to the desk and opened the drawer. There may also be fingerprints on the drawer, the drawer handle or something inside the drawer. If the culprit was nervous or the temperature is high, sweat containing DNA may be available as evidence.

Processing the Crime Scene Organized approach

When beginning to process a crime scene, you must have an organized approach and therefore will want to create a grid to ensure that no part of the crime scene is overlooked. If the crime scene is small, the grid may be mental, i.e., you decide where to start, what path to take and where to finish so that no evidence within the crime scene will be missed. In a large, outdoor crime scene you may want to use string to divide the crime scene into sections. This is accomplished by place stakes or pegs into the ground immediately outside the perimeter of the crime scene on all four sides, then tie strings to the stakes and lead them across to a stake on the other side, thus creating a series of squares or grids. Care must be taken, of course, that potential evidence is not trampled upon while creating the grid. Be sure to search for evidence above the ground, for example, in drawers, on a desk, in a waste basket, and of course, on window ledges.

Processing the crime scene: collecting of evidence

You are now ready to start collecting evidence. Although you will not collect latent or obscure forensic evidence first, you must decide where such evidence will likely be found. It may be obvious; it may be common sense, it may be experience, or it may be the process of logic and deduction, but this can usually be accomplished. The reason this must be done first is to eliminate the risk of contaminating this evidence while you collect the obvious evidence. Check the floor carefully, especially in areas you intend to walk to collect obvious evidence, for marks, tracks, traces, stains, scratches and small objects. Once you are confident you will not be treading on important, hard to see evidence, you can commence collecting the larger, obvious moveable pieces of evidence.

Types of Evidence:

- a) Impressions...include fingerprints, footprints, palm prints, tool marks, fabric impressions, tired marks, bite marks, and ligature marks.
- b) Forensic biology...includes blood, semen, body fluids, hair, nail scrapings, blood stains, and blood splatter.
- c) Trace evidence...includes gunshot residues, arson accelerant, paint, glass, fibers, and particles.
- d) Weapons...include firearms, cutting weapons, blunt force weapons, gun powder patterns, casings, projectiles, fragments, pellets, wadding, and cartridges.
- e) Documents...include anything of paper or any item in which there may be writings, printings, diagrams, illustrations, etc.

DNA:

For many years, the primary method of connecting a suspect to a crime scene was by way of fingerprints, palm prints and on some occasions, barefoot prints. It is believed that no two human beings have the same fingerprints, but if they do, the odds of similarity are so high as to be insignificant in a court of law. Although fingerprints remain extremely important in the identification of criminals, the identification of people through their DNA is an even more precise science. DNA, in the form of evidence, is found primarily in bodily fluids, i.e., saliva, sweat, phlegm, blood, etc., but can be obtained from any part of the human body, including the pulp inside a tooth. At one time, two samples of human hair could only be said to be “similar” unless a hair root was present, however, DNA testing is now more advanced and precise, and DNA can now be found in hairs where the root is not present. Extreme care must be taken when gathering DNA evidence as it can be extremely fragile and easily contaminated. DNA is not only present in humans and animals but also in plants. There has been at least one case whereby a person was placed at a crime scene through DNA found in plant material in a suspect’s truck that came from a tree at the crime scene.

Collection of Evidence:

Following your assessment as to where forensic evidence is likely to be found, you will collect the obvious evidence, i.e., a weapon, a tool, a bloody piece of clothing, a document, i.e., anything obvious to the naked eye that can be placed in an evidence container. You will, of course, have photographed and sketched this evidence and taken measurements so the exact location of such evidence can later be shown and described in court. You are now ready to search for the less obvious evidence including latent (invisible or almost invisible) evidence. All evidence must be identified, either by marking a date and your initials on the evidence if doing so will not inhibit a forensic examination of the exhibit in a lab at a later date. It is usually safer to use evidence tags affixed to the exhibit, or alternatively, initialing and dating the evidence bag or container in which the exhibit is placed.

Note:

You should discuss this situation with crime scene specialists and/or forensic lab technicians to get their advice on how to best handle exhibits. If you encounter something within the crime scene whereby you are not sure if it is or is not evidence, always assume it is evidence and process it accordingly. It is always preferable to collect potential evidence that later proves not to be of value, rather than leave or overlook something that could have been valuable evidence.

Forensic science is always discovering new things that the average police officer may not be aware of so do not hesitate to submit anything you think may be helpful to your crime lab. For example, years ago at the scene of a strangulation death, a piece of three foot rope found at a crime scene was just a piece of rope that “may” have been used to commit the murder. Now, with DNA testing, a crime lab can usually find the victim’s DNA on the middle of the rope and the killer’s DNA on each end where he gripped the rope. Through the science of footprint morphology, a discarded shoe can be linked to persons who wore that shoe. Also, the shoes worn by a person can be identified as having belonged to and worn by another person. A car can be examined so that the forensic scientist can determine if that car had been driven in the area of a crime scene. These are just a few of many advances made in the field of forensic science.

Processing the crime scene : continuity of evidence

Once evidence is collected the next step, maintaining continuity of the evidence, is just as important as the proper collection of the evidence. If evidence is going to be examined in a forensic laboratory, it must be placed in a sterile container and marked with the date and signature or initials of the person collecting the evidence. It is best to place all items of evidence into a sterile container, but obviously this is not always practical. If items are too large for a bag or container, then an 25 “evidence tag” can be affixed to the items and the date and signature or initials placed on the evidence tag. In some cases, it may be feasible to place the date and signature or initials directly on to the piece of evidence providing there is no risk of contaminating some part of the item that will be examined later.

This is an appropriate time to discuss the term “**continuity of evidence**” and explain why it is so important. When evidence is collected at a crime scene, and then possibly three months or one year later presented as evidence in a court trial hearing, there must be absolutely no doubt that:

- a) The item of evidence presented in court is the exact same item of evidence that was collected at the scene of the crime. Evidence has not been tampered with or otherwise contaminated since its collection at the crime scene and its presentation in court.

There are three basic ways in which continuity of evidence can be proven:

- 1) The item of evidence was maintained in a secure manner whereby it would have been impossible for any person, other than the person who collected the evidence, to gain access to the evidence. If the evidence was maintained in a storage locker, for example, the person who collected the evidence must have possession of the only key to the locker.
- 2) If the item of evidence is passed on to persons other than the person who collected the evidence, the persons who receives the evidence must maintain the same security of the evidence as the original collector of the evidence. For example, if the officer collecting evidence gives it to a technician/scientist at a forensic laboratory, the technician/scientist must keep the evidence in a secure manner so that no other person can gain access to it.
- 3) As evidence passes from person to person, each person must place the date and their signature or initials on the evidence, evidence container or evidence tag to demonstrate that the evidence was passed from one person to the next and on what date. Adding the time evidence was collected and passed on to other persons is also strongly recommended. Oftentimes, evidence may be passed to several people since more than one forensic technician/scientist may examine a single piece of evidence. For example, a handgun may be passed from an investigator at a crime scene to a fingerprint specialist for examination. The fingerprint specialist may, in turn, pass it on to a scientist at a DNA lab to examine the trigger and handle for DNA. The DNA scientist may pass the gun back to the investigator who will later present it as evidence in court. In order for the court to accept the gun as evidence, continuity of the gun evidence must be proven to the satisfaction of the judge. One critical question arises....How is evidence secured at the crime scene? A person collecting evidence may spend several hours at a crime scene. What happened to the evidence that was collected five minutes after his/her arrival up to the time when this person left the crime scene? He/she may have collected twelve items of evidence during this time. Was it under this person’s control at all times? Did anyone else have access to this evidence, especially when the person who collected the evidence was busy elsewhere?

What happens if an investigator takes possession of an item of evidence at a crime scene and then proceeds to engage in other duties, i.e., interviewing witnesses?

There are several ways to deal with these problems. One way is for all evidence collected be placed in a box that is kept beside the evidence collector at all times, i.e., never out of his/her sight or possession. Large police agencies often assign someone to be an “exhibit officer” so that all evidence collected is passed on to this officer who places the date and his/her signature or initials on each piece to prove continuity. If evidence is put in the trunk of a police car, for example, it must be placed in a box or better yet, a locked container, the only key for which is in the sole possession of the evidence collector. Just as important, the evidence collector must possess the only key to the trunk of the vehicle and the vehicle must not leave the area of the crime scene. Most often, the only people at the crime scene will be the uniform officer guarding the scene and one crime scene specialist, so security of the evidence is not a problem.

Note: There are several terms for “**Continuity of Evidence**”, i.e., “**Chain of Custody**”, “**Chain of Evidence**”, etc.

Processing the crime scene: Identifying exact localities

Identifying the exact location of a crime scene is imperative. When the crime scene is inside a home or building, identifying the crime scene’s location is quite simple since you will have an address available to you. Outdoor crimes scenes, especially in fields or rural areas can be a problem. This can be accomplished in three basic ways:

- 1) Take measurements from fixed objects that can easily be identified at a later date, i.e., the corner of a building, a hydro pole, a well, a fence or even a tree. The measurements, along with a compass bearing will allow you to identify and locate the crime scene at a later date.
- 2) In a rural area where there are no fixed objects near the crime scene, you may have to rely on GPS readings from the four corners of the crime scene.
- 3) An alternative in rural areas is to take bearings; much like a sailor does from his vessel to distant points on shore or to buoys and lighthouses. Three bearings must be taken so the points can be triangulated.

Processing the crime scene: outside the perimeter

Although you will always try and include the area where a criminal made his/her entry or exit as part of the crime scene, this may not always be possible. Furthermore, it is not uncommon to find evidence outside the crime scene, even a considerable distance away.

When inspecting the area outside the crime scene, especially any area where you believe the criminal arrived or fled the scene, or maintained prior surveillance of the victim or victim premises, look for disturbed soil, damaged grass, bushes or twigs, footprints, handprints, indentations where something may have been set down, cigarette butts, spit, tissue, etc. There is always the chance that the perpetrator of a crime dropped something when conducting surveillance or fleeing the scene.

If you discover an area where you believe a criminal or criminals maintained surveillance, then you must immediately make this a secondary crime scene, set up a perimeter and have it processed just like a primary crime scene.

Processing the crime scene: Major crimes

Homicide:

In western industrialized countries, a police patrol officer or detective will not normally process a crime scene involving a homicide. If necessary, crime scene specialist will be brought in from a state, provincial or a federal law enforcement agency to process the crime scene.

If, for some reason, the uniformed officer or detective must process the scene of a homicide, the advice and instructions related within this Unit still apply. All crime scenes are protected, approached and processed with the same care and attention to detail. Since a corpse is important evidence at a homicide crime scene, it must be examined carefully and certain observations made. Photographing the body from various angles and from various distances is essential. Since the body is one piece of evidence that cannot be produced in court for a judge or jury to examine, the officer must inspect the body closely and make detailed notes as follows:

- Are there signs of trauma (wounds) on the body, and exactly where?
- How is the body clothed and in what condition is the clothing?
- Is the hair combed or disheveled? Is the hair dirty or clean?
- Are there any bruises or scars evident?
- What is the victim's hair style and cut?
- Are the eyes open or shut?
- Are there any distinctive marks or tattoos evident?
- Does the corpse have a facial expression?
- What are the condition of the hands and fingernails?
- Is there evidence, i.e., skin under the fingernails to indicate that the victim had scratched the killer? (This is important trace evidence)
- What is the condition of the teeth? Describe.
- Was there any jewelry on the body? Describe
- Was there a wallet or identification on the body? Describe
- Was there anything in the pockets? Describe

If you observe any stains, scuff marks, liquids, dried substances, etc. on the clothing or body, this could be very important evidence.

After the scene has been processed for evidence, a coroner will usually attend to officially declare the victim to be dead. The body will then be removed for examination by the forensic medical examiner.

Processing the crime scene: termination

At some point in time, the crime scene specialists will indicate that they have completed their work and they will have no further need for the crime scene. Normally, the lead investigator in the case is the senior authority at the scene and he will decide when the crime scene can be disassembled. If you, as a uniform police officer, are assigned to disassemble the crime scene, make note of the exact time and what you actually did to terminate the crime scene. In many cases, this will only require the removal of the yellow barrier tape and to ensure that the area is safe and no hazards are present.

Recap of important points

1. First and foremost, the actual crime scene must be identified, protected and barriers erected, i.e., police yellow tape. If in doubt, make the crime scene larger rather than smaller so that all possible evidence is included in the area designated as the crime scene.
2. Secure the crime scene. This is extremely important in order to protect the crime scene evidence from any contamination. If anything or any person moves something, adds something or subtracts something from the crime scene, the crime scene has been

contaminated and all evidence collected thereafter may be ruled inadmissible in court. It is important that anyone entering the crime scene have sterile foot covers and sterile gloves, and if possible, a sterile coverall suit.

3. Establish a “path of contamination”. This is the initial path or route the first person to discover the crime scene, usually a police officer, took when entering the scene to make the initial examination. Ideally, a uniform officer will not enter a crime scene, but instead, will establish a perimeter and await the arrival of crime scene specialists. This may not be possible, however, because the officer may have had to enter the area to confirm that a crime had actually been committed, or to administer first aid to a person who may be injured. This path of contamination should be used by all authorized persons who enter and leave the crime scene. Since this narrow strip of ground or floor has already been contaminated, there is no harm in walking upon this path so that no other part of the crime scene is contaminated.
4. The officer maintaining security of the crime scene must record the name and time of every authorized person who enters and leaves the crime scene, plus the purpose for entering the crime scene. Unauthorized persons, including police officers who are not assigned to forensic crime scene duties must be excluded from entry.
5. This officer should also make notes of everything he sees and every conversation made in his presence.
6. The crime scene specialists are responsible for:
 - a) Recording the crime scene, i.e., sketches, photographs and measurements
 - b) Collecting all evidence, forensic and otherwise, within the crime scene
 - c) Ensuring this evidence is properly placed in sterile containers, marked for identification, and conveyed to the appropriate lab for examination. If no crime scene specialist is available to process the crime scene, the uniform officer or investigator may have to process the crime scene him/herself.
7. When the crime scene specialists have finished their duties within the crime scene, the criminal investigators may want to enter the crime scene for further examination.
8. Continuity of all evidence collected is absolutely critical.
9. Once all official persons have completed their duties at the crime scene, they will authorize the uniform officer protecting the scene that it can be disassembled and is no longer a secure area.

Session -8: Forensic Science and Medico Legal Science

Content	Behavioral objectives	Methodology	Time	Material
Meaning and importance of Forensic science	Will conceptually clear on the meaning and /importance and of Forensic science and Medico legal science	Presentation, Lecture, interaction and sharing	45 min	Flip chart paper, Markers, LCD projector, Laptop
Meaning and importance of Medico legal science	Will define about meaning /importance and types of Forensic science and Medico legal science.	Presentation, Lecture, interaction and sharing	45 min	Flip chart paper, Markers, LCD projector, Laptop

Activity: Meaning and importance of Forensic science

Overview:

Forensic science is a scientific method of gathering and examining evidence. Crimes are solved with the use of pathological examinations that gather fingerprints, palm prints, footprints, tooth bite prints, blood, and hair and fiber samples. Handwriting and typewriting samples are studied, including all ink, paper, and typography. Ballistics techniques are used to identify weapons as well as voice identification techniques are used to identify criminals

Procedure:

- Give a metacard to each participant and ask them to write what they know about Forensic science.
- Paste all the cards in the white board and read the points mention their.
- Start you discussion by showing the power point.
- Ask the participant whether they have any quires on the discussion. If any quires please make the participant clear.

Key Learning Points:

In general, however, evidence collected in the forensic exam can be used for four primary purposes:

- To identify the attacker
- To confirm recent sexual contact
- To establish force or threat
- To confirm the victim's story

Facilitator's note

Please prepare all related document and cases for the discussion . While facilitating the session focus on need of forensic examination. Give some example like: DNA evidence collected from blood, spit, semen, and other biological samples will identify the suspect with a great deal of certainty. In addition, other associative evidence such as hair or fibers can serve to assist in the identification of a suspect.

When to obtain a forensic examination

Generally, law enforcement should obtain a forensic examination of the victim if the sexual assault occurred within the previous 72 hours. Officers should also request a forensic examination beyond 72 hours if the victim is still experiencing pain, bleeding, describes an unusual amount of force, or reports ejaculation without cleanup.

- Traditionally, law enforcement officers were trained to determine whether the assault involved penile/vaginal penetration and ejaculation to evaluate the need for a forensic examination. Officers must understand, however, that this standard no longer applies.
- A forensic sexual examination should always be obtained if the sexual assault occurred within the last 72 hours. This is true regardless of the type of penetration, even when the contact is minimal (e.g., oral contact, digital penetration).
- Depending on the circumstances of the assault, this could even include attempted assaults. For example, the suspect may have kissed or sucked the victim's breasts but not completed penetration or ejaculation. The saliva evidence will still be critical to obtain, in order to identify a suspect and/or corroborate the victim's account of what happened.

Purpose of collecting evidence in forensic exam

Evidence collected in the forensic exam can be used for four primary purposes:

- To identify the attacker
- To confirm recent sexual contact
- To establish force or threat
- To corroborate the victim's story

Most of the evidence collected in a forensic examination serves to identify the assailant. For example, DNA evidence collected from blood, saliva, semen, and other biological samples will identify the suspect with a great deal of certainty. In addition, other associative evidence such as hair or fibers can serve to assist in the identification of a suspect.

Proof of sexual contact includes the examination of all orifices that the victim indicates were involved in the assault. In specific, the forensic examiner will look for redness, soreness, or other signs of physical trauma to corroborate that sexual contact occurred. Scrub will collect to identify seminal liquid from orifices in which the victim indicates there was penile penetration or spit from sites where the victim indicates that the suspect's mouth came into contact. In addition to a written description, a colposcope can use to magnify and photograph genital micro trauma that serves as an indicator for recent sexual contact and penetration.

As for the third purpose, evidence to establish the presence of force or threat will include:

- The victim's verbal account of incident during medical interview
- Written documentation of genital and non-genital injuries
- Pictures of injuries
- Torn or soiled clothing
- Positive toxicology tests for drugs present in the blood or urine (in cases of drug-facilitated sexual assault)

Finally, all evidence collect in a forensic examination can use to either corroborate or clarify the victim's account of the assault. Ultimately, the forensic examiner will conclude whether the forensic evidence is consistent with the victim's description of events.

Importance of the victim interview in interpreting forensic evidence:

These purposes can be met with forensic evidence, but only if it is interpreted within the context of the victim's account of the assault. It is therefore critical that this module on the forensic examination consider along with the previously provided information on victim interviews.

- For example, if the victim indicates to medical personnel where the suspect beat or kiss her body, these sites become crucial to swab for the presence of saliva. If the suspect's saliva indeed found at these locations, moreover, this provides powerful evidence that the assault took place as described by the victim.

The interview can thus suggest locations on the victim's body where valuable evidence might be recovered. In addition, evidence collected in the forensic exam might suggest additional areas of inquiry to explore with the victim.

- For example, victims occasionally disclose penile-vaginal penetration in their initial interview with police or medical personnel, while withholding information on other types of penetration that are seen as especially embarrassing or humiliating. The interviewer should thus always ask whether the offender committed sexual acts other than those already described by the victim.

Some problems with the forensic examination

- Examiners who are insensitive or improperly trained
- Examiners with insufficient experience to maintain their proficiency
- Failure of examiners to recognize, properly collect, or preserve evidence
- Failure of examiners to recognize and document subtle physical findings
- Lack of appropriate equipment to conduct a thorough examination

Components of a forensic examination

- Comprehensive medical interview
- Collection of forensic evidence
- Evaluation of risk and prophylactic treatment of STD's
- Evaluation of risk and emergency pregnancy interception
- Crisis intervention and referrals¹

Types of Forensic Evidence

Although some states have standardized their protocol, there remains significant variation in the evidence collection procedures in the forensic examination. However, the following are provided as guidelines. For each type of evidence, the specific purpose is noted both in the title and described in the text; these include identifying the assailant, confirming recent sexual contact, establishing force or threat, and corroborating the victim's story.

1) DNA evidence (identification)

The use of DNA evidence is a recent technology used primarily in the criminal justice system to identify an assailant. Preferred DNA collection procedures may vary as result of laboratory processing. However, all require a comparison sample to be collected from the victim. Most rule require that blood must be drawn from the victim to distinguish her DNA from any foreign DNA recovered from her body or other crime scene evidence from clothing, bedding, etc.

Alternatively, cell scrapings can be collected from the side of the victim's mouth (using a buccal swab) to distinguish her DNA from that of her assailant.

These DNA standards from the victim are typically collected at the time of the initial forensic examination, however, some jurisdictions do not collect them unless/until they become necessary during the process of investigation and subsequent prosecution. They were then comparing with any DNA evidence collected from the victim, suspect, and crime scene.

- DNA evidence can be obtained by collecting any available biological evidence that could have come from the assailant and remained on the skin or clothing of the victim. If the victim reports that she scratched the assailant, fingernail scrapings (or swabbings if the nails are too short for scrapings) should be collected for potential DNA or trace evidence. Although many jurisdictions collect fingernail clippings, there is some concern that this is invasive and adds no evidentiary value to the scrapings or swabbing.
- DNA from semen can also be obtained by swabbing the orifices involved in the sexual assault with a standard size cotton swab.
- A swab should also be used on any part of the body that the suspect might have licked, sucked, kissed, or bitten.

Finally, any dried or liquid foreign matter on the body or clothing should be collected for DNA evidence.

Hair evidence (identification)

The primary use of hair evidence is to identify the assailant. While obtaining foreign hair samples is relatively common, they are often not analyzed because they are less reliable for identification purposes than DNA evidence. Hair samples can only be used to make the most general of distinctions between people; they cannot identify a suspect with any degree of certainty as with DNA evidence.

- When foreign hair is collected and analyzed, samples must also be available from the victim for comparison purposes. There is some controversy, however, regarding how and when to collect these samples.

For example, some examiners always pluck (or ask the victim to pluck) 15 to 20 head hairs and pubic hairs as a part of the evidentiary exam. Others cut hairs rather than pluck. Because the victim's hair may change due to perming, dyeing, or other treatment, many crime labs require that a sample of the victim's hair be collected at the time of the initial forensic examination.

Still other examiners do not collect samples of the victim's hair as a routine part of the evidentiary exam because collection is uncomfortable and because hair is retrievable from the victim at a later date if it is needed. If the hair evidence is not available later, either because the victim cannot be located or will not cooperate with law enforcement, it is unlikely that the case will move forward with or without the hair evidence.

With the suspect, hair evidence should always be collected by plucking (either by the examiner or suspect), as law enforcement may have difficulty locating him later if he flees

Seminal fluid evidence (identification, sexual contact, corroboration)

Seminal fluid evidence is used for two primary purposes: to identify the assailant and to confirm that recent sexual intercourse occurred. It can also be thought of as corroborative evidence if the presence of seminal fluid is consistent with the victim's account of events. However, a percentage of rapists are sexually dysfunctional and others wear condoms or withdraw before ejaculation, so it is important to remember that the absence of seminal fluid does not disprove recent sexual intercourse.

- Seminal fluid evidence is analyzed by crime laboratory personnel for spermatozoa and for acid phosphates (ACP). ACP is actually an collection of related enzymes which is found in much greater concentration in semen than in any other body fluid. A high level of ACP in vaginal secretions would therefore indicate that there has been recent sexual contact with seminal fluid left in the vagina.
- Cases negative for sperm and positive for ACP typically indicate an assailant who has had a vasectomy, but this result is also possible in cases involving an assailant who is a chronic alcoholic or due to other reasons. Motile sperm can typically be recovered from the victim's vagina if specimens are collected within 8 hours of the sexual assault. It is also common to recover intact, non motile cells from the vagina up to 16 hours following intercourse; and less commonly as long as 144 hours afterward.
- Sperm has even been found in the postmortem vagina up to 16 days after death. In this case it is believed that sperm was still present because physical drainage of semen from the vagina was impossible due to the victim's posture at the time of death. In addition, sperm cells do not degrade as actively in the postmortem vagina due to an absence of cells normally found in a live victim's vaginal and cervical fluids.

- Sperm found in the mouth following oral copulation are more transitory than in the vagina. However, intact sperm cells have been recovered from the mouth up to 6 hours after ejaculation – even despite mouth rinsing or tooth brushing.
- Sperm have been found in rectal swabs up to 20 hours after an assault; however researchers caution that conclusions regarding sodomy should be based on other factors in addition to sperm since semen draining from the vagina frequently contaminates the anal/rectal region.

In conclusion, the vaginal site is the most likely location to obtain specimens positive for sperm. It also indicates that deterioration of evidence first occurs in mouth samples and then in vaginal or rectal samples.

Clothing evidence (force, corroboration)

Clothing is useful as evidence to prove that force was used, if it is torn or soiled. It can also be helpful to corroborate the victim's story. For instance, if the victim claims she struggled on the grass, stains on her clothing will corroborate this and the absence of grass stains can be used against her, as happened in the widely publicized trial of William Kennedy Smith. Of course, evidence such as foreign debris, blood, seminal fluids and other stains can also be collected from clothing.

- While some programs recommend collecting all of the victim's clothing, others specify that clothing should only be collected if it has clear evidentiary value -- for example, if the clothing has visible tears, stains, debris, or if it was worn closest to the genital structures. For many victims, a winter coat or pair of shoes may be valuable property that cannot easily be replaced. It is thus sometimes appropriate to allow the victim to keep these items.
- On the other hand, crime laboratories have complicated equipment for detecting evidence, and clothing often has evidentiary value that cannot be detected by a forensic examiner. For this reason, it is generally advisable for forensic examiners to collect as much clothing evidence as possible.
- When examining clothing for stains, many forensic examiners utilize a Wood's lamp. This type of lamp emits a long wave ultraviolet light that make it easier to see stains caused by semen and other substances.

For example, dried semen will usually fluoresce bright green or yellow under illumination with a Wood's lamp. Other substances will typically fluoresce easily using Wood's lamp illumination. Moist semen will fluoresce poorly or not at all, however, so the Wood's lamp should be used to supplement visual examination.

- When clothing is collected as evidence, it should be allowed to air dry prior to placing each article into a separate paper bag, avoiding transfer from one item to another. Bags should then be labeled with the victim's name, identifying number, date, time, forensic examiner's name, and the type of article.

Spit evidence (identification, corroboration)

Examiners have been trained to note, photograph, and possibly even cast bite marks on the sexual assault victim in order to identify the offender. However, it is much more common for the suspect to kiss or lick the victim's body during an assault.

- The examiner should thus determine whether the suspect's mouth touched any part of the victim's body. Saliva swabs should then be obtained from these areas by the examiner for potential DNA analysis to assist in cases where identification is the issue. This is especially

critical if the victim does not believe that the suspect ejaculated or if he used a condom; in these instances seminal fluid is unlikely to be obtained.

The collection of saliva evidence from the victim's body is also useful for corroborating the victim's account of what happened during the assault. If saliva evidence is recovered from areas of the victim's body that she indicated were licked or kissed by the suspect, this provides persuasive evidence that the assault took place as described by the victim.

Blood evidence (identification, force, and corroboration)

The forensic examiner should always draw the victim's blood for type and DNA evidence (whether this is done at the time of the initial examination or later will depend on departmental policy). This evidence will then be used to assist in identification by distinguishing the victim's DNA from the suspect's.

Blood evidence is also used to corroborate the victim's story and establish the use of force. Evidence of the suspect's blood can be used to corroborate the victim's account and establish force if it resulted from a struggle with the victim. In addition to the blood provided by the victim for identification purposes, it is also recommended that an additional tube of blood be routinely drawn from the victim for toxicological screening, should this become an issue during the investigation and subsequent prosecution.

- Testing for the presence of drugs or alcohol may assist law enforcement by corroborating aspects of the victim's story or demonstrating that the victim's level of intoxication contributed to her vulnerability.
- It can also provide evidence that the victim's level of intoxication or even unconsciousness negated the possibility of consent. As discussed in the module on law and investigative strategy, extreme levels of victim intoxication or unconsciousness create a situation in which no force is necessary for sexual penetration to constitute criminal behavior.

Analyzing the victim's blood for the presence of drugs or alcohol requires separate consent in some jurisdictions, creating a controversy that is discussed in detail in the module on drug-facilitated sexual assault. Whatever the policy regarding toxicological screening, the issues must be discussed with the victim.

Urine analysis (force, corroboration)

As with blood evidence, a sample of the victim's urine should be collected in order to test for the presence of drugs. Again, this evidence may be used to corroborate the victim's account of drug use or to provide evidence for her intoxication or unconscious state. Recently a great deal of attention has focused on the specific drugs that are being used to facilitate sexual assault.

- As discussed in the module on drug facilitated assault, these "date rape drugs" include the long-acting benzodiazepine flunitrazepam (e.g., Rohypnol), the powerful sedative gamma hydroxy butyrate (GHB), the veterinary anesthesia known as ketamine (K), and many more.
- Although these cases often involve little memory on the part of the victim and uncertainty regarding whether or not a sexual assault took place, the forensic examination should nonetheless be conducted.
- If law enforcement has contact with the victim prior to coming to the hospital or clinic, she should be told to collect her first voided urine in a clean jar and bring it with her.

Whenever the victim's story is consistent with a drug facilitated sexual assault, and if she is seen within 72 hours of the assault, a urine specimen should be collected for a complete drug

analysis. It is important to do a complete drug screen with sexual assault victims, unless there is specific evidence that a particular drug will use.

Non-biological evidence (identification, corroboration)

Of course, any non-biological trace evidence should be collected which links the victim to the suspect and/or crime scene. This could include such items as lubricants, contraceptives, debris, fibers, soil, sand, paint, or other foreign bodies. This evidence can be used both to assist in the identification of the suspect and to corroborate the victim's account of the assault.

Non-Genital Injury Evidence (force, corroboration)

Physical injuries are the best proof of force and should always be photographed, described on drawings, and documented in writing on the report. Evidence of injury can also corroborate the victim's account of events. It is imperative to note, however, that the absence of injuries does not mean that force or coercion will not use. Given that the majority of sexual assault victims do not sustain injuries, an absence of injuries does not prove consent.

Photographic evidence

Whenever photographs are taken of non-genital injuries, the first picture should always be of the victim's face, and others should follow in a systematic order, such as head to toe, or front to back.

- Photographs should be taken first without a scale to show that nothing is being concealed, and then with a scale to document size.
- While a coin such as a quarter is sufficient for documenting size, a gray photographic scale will also assist with color determination. Many forensic examiners utilize the L-shaped scale recommended by the American Board of Forensic Odontology.
- The forensic examiner should print his/her name and title, along with the date, the time, and the victim's name and/or record number on the back of every picture.

HIV testing

Since the early 1980's, HIV infection has been a grave concern for sexual assault victims even though the actual risk still appears to be very low.

- The more general risk of HIV transmission is thought to be the same as a single consensual sexual encounter: 0.1-0.2% for vaginal intercourse and 1-2% for anal penetration. On this basis, routine HIV testing is not generally recommended with sexual assault victims. However, victims should be provided information by the forensic examiner about their risk, testing, and safe sex options. This will allow them to make decisions based on facts rather than fear and it can help reduce the psychological trauma associated with the fear of HIV infection.
- In cases where the assailant is known to be HIV-positive, it is possible to consider antiretroviral treatment. Initial post-exposure treatment must be started within 72 hours, however, or it is not recommended.
- As a result of various state and National laws, involuntary HIV testing of the offender is now required. In most states, testing cannot be done until after the assailant is charged or convicted of sexual assault and a court order is obtained.

Pregnancy risk evaluation and prevention

Sexual assault victims of reproductive age also fear becoming pregnant as a result of the attack. This is another cause of concern and additional trauma for many victims.

- Sometimes referred to as the “morning after pill,” oral contraceptives such as Ovral are used for emergency contraception. This will reduce the risk of pregnancy by 60-90%. In general, the risk of pregnancy from a sexual assault is the same as the risk of pregnancy from a one-time sexual encounter. This is estimated to be a 2-5% risk. With emergency care provided after the sexual assault, however, it is possible that more of these pregnancies (or later abortions) can be prevented.

Evidentiary Considerations

Clarify any discrepancies in documentation

After the forensic examination is complete, there are a number of evidentiary issues to consider with the goal of successful prosecution. First and foremost, police and medical professionals involved in the case should confer after the examination to compare notes and clarify any factual discrepancies. This is perhaps best done immediately following the examination, but if this is impossible the conference should take place as soon as possible.

Update crime scene personnel

In some cases, there may be some question for forensic examiner about any unknown fiber that found during the sexual assault examination. These findings should be relayed back to the police or lab personnel who are processing the crime scene to ensure proper identification and collection.

- It is also common for victims to disclose information about condoms during the medical interview, or items that the victim or suspect used to clean genitalia after the assault. Again, this information needs to be provided to police or lab personnel who are processing the crime scene.

Maintain chain of custody

Maintaining proper chain of custody (or chain of evidence) is as important as collecting the proper evidence. Completed documentation is also essential and must include the signature of everyone who had possession of the evidence from the person who collected it to the individual bringing the evidence into the courtroom.

- If this proper chain of custody is not maintained, the evidence may be inadmissible.
- In addition, maintaining chain of custody is critical to prevent any possibility of evidence tampering and to deter defense counsel from raising the issue of reasonable doubt on the basis of evidence integrity.
- Both signatures on the chain of evidence document are necessary for any transfer – one from the person releasing the evidence and a second from the person receiving it.

If the police are unavailable to pick up the evidence, the forensic examiner should place it in a locked refrigerator, preferably with signed access. When the police do return, the forensic examiner can then sign for the evidence that has removed from the refrigerator and handed to law enforcement personnel.

Assessment of Forensic Evidence

In their report, forensic examiners will offer an assessment of the physical findings. This will generally refer to whether the examination was normal (i.e., no physical findings) or whether physical findings were documented as related to the assault. At the time of the forensic examination, conclusions should primarily focus on visible findings. Other conclusions are left

until after crime lab personnel have analyzed the evidence collected in the forensic examination. Positive physical findings at the initial forensic exam could thus include:

- Any injury sustained during the assault
- Subjective tenderness described by the victim
- Stains or substances detected with a Wood's lamp
- Trace evidence collected

If the exam findings match the history given by the victim, it is also important for the forensic examiner to note this. This can be done in the report by stating that “there is congruence between the victim’s story and her injuries” or “the injuries are consistent with the victim’s account of the assault.”

What can and cannot be concluded

When considering the assessment of medical personnel, it is critical that law enforcement understand what can and cannot be concluded on the basis of the forensic examination.

- For example, it is inappropriate for the forensic examiner to make a conclusion regarding the validity of the claim. In other words, medical personnel cannot make a conclusive “diagnosis” of sexual assault.
- It is also problematic for a forensic examiner to make a definitive conclusion about the degree of force used by the assailant, whether the victim consented to any sexual activity, and whether there was traumatic vs. non-consensual penetration.

What the forensic examiner can appropriately conclude is whether there is evidence of sexual contact and/or recent trauma. The forensic examiner can also make a conclusion regarding consistency between the physical findings and the victim’s account of what happened.

- Consistency between the victim’s account of events and the physical findings are not confirmation or proof that the assault occurred as described by the victim.
- Rather, consistency means that the findings or lack of findings could have resulted from the events described.

Activity: Meaning and importance of Medico legal science

Over view:

The branch of the law that deals with the application of law to medicine or, conversely, the application of medical science to legal problems. Medical jurisprudence may be involved in cases concerning genetic relationships (eg, paternity testing) or injury or death resulting from violence. An autopsy may be done to help determine the agent of death (eg, a gunshot, poison) and how long the person has been dead. Forensic medicine is also important in cases involving rape. Modern techniques use such specimens as semen, blood, and hair to identify the body of a victim and to compare the DNA of the criminal to that of the defendant through DNA fingerprinting.

Procedure:

- Ask the participant what they know about medico legal science/examination
- Write the points shared by the participant
- Discuss on the major points of medico legal science

Key Learning Points:

If there is doubt of it being a criminal case which is not brought in by the police, along with the management of the case, with stringent collection of evidence, informing the police is of highest importance for initiation of legal procedure.

Facilitator's note:

This is more health related topic so please invite the resource person/ expert of medical legal science. Facilitate the importance of medico legal examination of GBV case.

Medico-legal procedure on GBV

This topic deals with the medico-legal aspects of abuse; in particular, indicators of physical and sexual abuse, medico-legal interpretation of the findings, proper recording and reporting and the process for appearing in the court as expert witness is dealt with.

If there is, suspicion of it being a criminal case which is not brought in by the police, along with the management of the case, with stringent collection of evidence, informing the police is of utmost importance for initiation of legal procedure.

Possible indicators of physical abuse are:

- Marks in normally clothed area of the body
- Scratches
- Bruises- fingertip bruising or patterned bruising, indicative of a weapon, bilateral multiple bruises in different stages of healing or clustered bruises with specific regular pattern. Repeated examination is thus important as a bruise may appear later.
- Friction burns due to restraining ligatures on the wrist or legs
- Choking marks on the neck
- Areas of tenderness in different parts of the body.
- Lacerations and abrasions around the eyes, lips and cheeks
- Patchy, tender alopecia or scalp hemorrhages due to hair pulling
- Burns in inaccessible sites: may be in different ages of healing
- Fractures of the nose, head face and in various stages of healing
- Recently acquired STD

Recording and classifying injuries

i. Nature of Injury

Whether abrasion contusion, laceration incised stab or firearm injury
Possible cause of injury- blunt force or sharp force

ii. Size and shape of injury

Measure with tape and record the shape and size (length / breadth / depth)

iii. Site on body

Give exact anatomical location, with reference to permanent anatomical land marks, use a body map.

iv. Age of injury or scar: recent, fresh, old

Pattern of injury if any

v. Severity of the injury

The following injuries are considered grievous hurt

1. Emasculation.
2. Permanent privation of the sight of either eye.
3. Permanent privation of the hearing of either ear.
4. Permanent privation of function of tongue.
5. Permanent privation of smelling power of nose.
6. Cut injury to breast of women.
7. Fracture or dislocation of a bone or tooth.
 - vi. Nature of weapon*
Whether hard and blunt, sharp edged, sharp pointed or firearm
 - vii. Nature of case management received*
Treatment, hospitalization, surgery done, or referred, must be noted.
 - viii. Remarks: Painful, color, bleeding, foreign body,*
Possible causation: suicidal/ homicidal/ accidental

Medico legal interpretation of physical injury

- Whether the injury or scars is consistent with alleged manner of causation.
- Whether the age of injury or scar is consistent with alleged time of infliction
- Do the injuries fall under grievous hurt
- Mention causative weapon or object if possible
- Manner of causation: is the injury accidental/self inflicted or inflicted by others

Process of addressing the victim of sexual assault (rape)

The following points must be considered while dealing with a case of sexual offence:

1. Authorization: letter from police or court.
2. Identification: detail of individual name, age, sex etc....
3. Consent-written informed consent; consent from guardian in case of minor (under 16 years of age) or mentally challenged.
4. Presence of a female attendant
5. Examination room with instruments
6. Confidentiality

Enquiry into the history

Victim to narrate the incidence of rape, in her own words

- When: time of the incident
- Where: place of the incident
- How: what exactly took place
- Was she given anything to eat or drink before or during the incident
- Has she taken bath or washed her private parts?
- Is she wearing the same clothes that were worn during the incident?
- Marital status and sexual habits
- Medical history, pelvic operations, pregnancy, deliveries and L.M.P etc. (If she is menstruating, second examination is necessary).
- Others relevant history, occupation, education etc.

Examination of a victim of rape & proper collection of evidence

Clothing

Detailed examination of clothes is needed; enquire if the same were worn at the time of incidence. If so, after examination of clothes on her body, she should be asked to remove her clothes one by one on a drop-sheet (sheet for wrapping and sealing of the clothes/evidence). Family requested to bring a fresh set of clothes for changing after the examination is over.

- a) Tears
- b) Loss of buttons or hooks etc.
- c) Stains
- d) Foreign body-hair/fibre/grass/mud/dust etc.

General examination

1. Any stains on body.
2. Any foreign body on her body.
3. Injuries on body (abrasions, contusion, bite marks, tears).
4. Evidence of struggle/resistance.
5. Examination of finger nails (nail clippings to be preserved and sent to FSL).
 - a) Any damage
 - b) Any stain
 - c) Any epithelial cells
 - d) Any foreign body
6. Physical straight-height/weight
7. Chappals /ornaments and glass bangles etc.
8. Intoxication
9. Mental status
10. Gait
11. Age
 - a) As claimed by her
 - b) General examination
 - c) Secondary sexual characters
 - d) Teeth
 - e) X-ray examination

Local Examination

(Victim should be examined in lithotomy or knee-chest position in good light. If there is pain, local anaesthetics should be applied).

- a) Local hygiene
- b) Matting of pubic hair
- c) Any stains
- d) Any foreign body
- e) Any injury to perineum
- f) Labia majora

- g) Labia minora
- h) Vestibule
- i) Hymen-intact/torn/position of tear/the opening admits 1 or 2 or more fingers
- j) Vagina
- k) Any discharge
- l) Evidence of STD
- m) Evidence of spermatozoa in vagina
- n) Evidence of smegma in vagina

Laboratory investigations

- The following material should be collected and sent to the Forensic Science Laboratory (FSL).
- Vaginal swab for evidence of spermatozoa, blood cell, pus etc.
- Vaginal fluid (for acid phosphatase estimation).
- Any stain/foreign body found on clothes or body.
- Smear from urethra for gonococci.
- Blood for VDRL, HIV, blood grouping and alcohol.
- Nails
- Swab from bite marks
- Anal swab in case of sodomy
- Buccal swab in case of buccal coitus

Recording of injuries

- Other injuries: due to restraint by the assailant and those due to resistance offered by the victim
- Para sexual injuries like bite marks: swab collection
- Injuries in hymen
 - recent tear, location of tear
 - old tears, granulation
- Genital injuries
 - Types of injury seen on the body of the victim
 - Abrasions
 - Contusions
 - Lacerations

Preparation of the report

Give opinion about sexual intercourse, signs of struggle and the injuries found. Never comment whether rape is committed or not as rape is not a medical diagnosis.

- If injuries are present on the body and genital area of the victim and vaginal swab is positive for spermatozoa, you may report that: *“There are evidences of recent forceful sexual intercourse with ejaculation”*
- If no injuries are found on the body of the victim but spermatozoa present in the vaginal swab, you may report that *“There is evidence of recent sexual intercourse”*
- If no injuries are found on the body or the genital region of the victim and spermatozoa

negative, then you may report that “*There are no evidences of recent forceful sexual intercourse*”.

Attendance in the court as an expert witness

You may be asked by court to provide information as an expert witness. This may happen any time during the court procedure, and at times may even take a few years. It is thus worthwhile to make a copy of all your record and keep it safely for future reference and to prepare yourself before the courts attendance. The process begins with order of summon and is as follows:

Summon

It’s a request/order to a witness for attendance in the court on a specific date and time to give evidence related to the case as an expert. *If the summon is not obeyed it qualifies as contempt of court.*

Who is an expert witness?

A person with special qualification, training or experience about the fact who can examine and give opinion is an expert witness.

Steps of court procedures

1. Starts with the oath.
2. Examination in chief by the government attorney
3. Cross examination by the defense lawyer
4. Re-examination if new facts come up
5. Questions by the judge

Qualities of Expert Witness

- a. Prepare before appearing in the court. You must review the case report, carry it to the court and refer to it for evidence if needed at the time of cross examination.
- b. Be punctual (call to confirm the exact time)
- c. Answer the questions to the best of your knowledge
- d. Avoid technical words as far as possible
- e. Speak audibly and distinctly
- f. Give statement on scientific basis
- g. Do not be biased or partial

MODULE FOUR : PRACTICAL EXERCISE ON INVESTIGATION PROCESS OF VIOLENCE/CRIME CASES

Objective of the Module	<ul style="list-style-type: none"> ▪ To develop the common understanding on investigation of crime according to the legal Act and regulation of Nepal Government. ▪ To enhance skill on investigation of crime ▪ To create sensitive behavior while dealing with victim ▪ Enable to provide quality and professional service to victims
Total Time	12 hours
Materials	Meta card, Markers, LCD, Laptop, Questionnaire, Markers, Ball pen, Flipchart
Management	Need to arrange transportation for participant to visit to selected WCSC

Session 1 : Visit to WCSC and Interaction on Investigation process on rape and sexual assault

Content	Behavioral objectives	Methodology	Time	Material
Interaction with WCSC team	Able to build confidence to handle investigation of the cases in efficient manner	Discussion Question Answer	1.30 hrs	

Procedure:

- Observe the materials used and evidence collected by WCSC team in terms of investigation process of victim of rape and sexual assault.

Session 2 : Continuation of Interaction with WCSC team on Investigation process on rape and sexual assault

Content	Behavioral objectives	Methodology	Time	Material
continue Interaction with WCSC team	Able to build confidence to handle investigation of the cases in efficient manner	Discussion Question Answer	1.30 hrs	

Procedure:

- Continue observe the materials used and evidence collected by WCSC team in terms of investigation process of victim of rape and sexual assault.

Session 3: Observation of necessary materials papers used for Investigation process on rape and sexual assault by WCSC

Content	Behavioral objectives	Methodology	Time	Material
materials and necessary papers need to use for victim of rape and sexual assault during investigation process	Able to build confidence to handle investigation of the cases in efficient manner	Discussion Question Answer	1.30 hrs	

Procedure:

- Observe the materials used and evidence collected by WCSC team in terms of investigation process of victim of rape and sexual assault.

Session 4: Continuation of observation of necessary materials, papers used for Investigation process on rape and sexual assault by WCSC team

Content	Behavioral objectives	Methodology	Time	Material
Materials and necessary papers need to use for victim of rape and sexual assault during investigation process	Able to build confidence to handle investigation of the cases in efficient manner	Discussion Question Answer	1.30 hrs	

Procedure:

- Continue the observation of the materials used and evidence collected by WCSC team in terms of investigation process of victim of rape and sexual assault.

MODULE – FIVE : ANALYSIS IMPACT OF SEXUAL ASSAULT ON BOYS AND GIRLS CHILD

Objective of the Module	<ul style="list-style-type: none"> ▪ Participants will aware on the negative impact of violence. ▪ They will more sensitive while dealing with children.
Total Time	6 hours
Materials	Meta card, Markers, LCD, Laptop, Questionnaire, Markers, Ballpen, Flipchart

Session 1: Analysis Impact of different types of violence/crime espacilly on boys and girls child.

Content	Behavioral objectives	Methodology	Time	Material
Impact analysis	Participants will able to analysis the physical, mental, physiological and social impact of violence.	Group work and sharing, overview of our social norms and values	30 min	Flip chart paper, Markers, LCD,Laptop
Legal framework and law enforcement (CRC)	Can explain about the legal framework on child right	Question answer and interaction	30 min	Flip chart paper, Markers, LCD, Laptop
Further initiation to minimize violence/crime related to children.	Will aware on the further initiation to be take	Question answer and presentation	30 min	Flip chart paper, Markers, LCD, Laptop

Activity: Impact analysis of different types of violence/crime

Overview:

Because of feeling guilt, many victims were not bringing out the violence they face in day-to-day life. Sexual abuse and exploitation of children results in physical injuries such as bruises, unwanted pregnancies and infections in the vagina and anus. Sexual abuse and exploitation also subject children to mental and psychological trauma as well as exposing them to social ostracism and a future of violence and poverty.

Procedure:

- Split the participants in to 2 or more groups
- Give a case study for each group and ask them to read carefully and answer the following points:
 - Ask the group about the factor why the case was happened?
 - Ask where the victim will overcome from this kind of violence.
 - Ask who the perpetrators of this incident are.

Key Learning Points:

The psychological and emotional impacts include depression, fear, mental disturbances, sleeping problem and low self-esteem.

Facilitator's note:

Please prepare the case study before the discussion.

Long term impacts on boys and girls

Conditions of prostitution in many countries look like slavery. Girls are held in brothels against their will they are tortured, degraded, beaten and forced into submission through deprivation of food and water.

Sexual abuse and exploitation of children results in physical injuries such as bruises, unwanted pregnancies and infections in the vagina and anus. Sexual abuse and exploitation also subjects children to mental and psychological trauma as well as exposing them to social ostracism and a future of violence and poverty. The notion of 'personhood' of children and women is severely undermined through sexual abuse and exploitation. The psychological and emotional impacts include depression, fear, mental disturbances, sleeping problem and low self-esteem.

The trauma the children experience renders them further susceptible to drug abuse, with adult traffickers and other child sex exploiters encouraging drug use and addiction in order to gain more control over the children. Child victims may become both physically and emotionally dependent on their abusers.

The loss of an affirmative sense of self is a serious mental health impact that is often obscured in the processes and procedures involved in recovery and reintegration of the victims. Moreover, repatriation, rehabilitation and re-integration of children who have experienced commercial sexual exploitation into families and homes is often difficult because of the stigma attached to such children, especially girls. Some families would rather disown their daughters, or have those dead, than have a 'tainted' girl in the family, one with no future possibility of marriage or social acceptance.

Community-based rehabilitation is the most sustainable way of ensuring rehabilitation and reintegration of the victims of sexual abuse and exploitation. However, this may be viable only if accompanied by trauma therapy for the victims and counseling for the family and community. Sustained programmes for community sensitization and all possible attempts to bring about an attitudinal change are imperative for effective and successful community based rehabilitation.

Activity: Legal framework and law enforcement

Overview:

The discussion will make the participants to know that to respect, protect, promote and fulfil child rights state have take deliberate action.

Procedure:

- Ask the participants what they know and what existing working experience on Child related violence.
- Start the discussion by presenting the power point slides.

Key Learning Points:

Facilitator's note:

At this stage you can conclude the discussion by highlighting on the following area proper implementation of ratified conventions on child right and state will responsible to protect child from any kinds of violence

Legal framework and law enforcement

By ratifying the UN Convention on the Rights of the Child, all countries of South Asia have become accountable to their citizens, including children, and to the international community, to respect, protect, promote and fulfill child rights. They must take deliberate action to ensure the progressive fulfillment of rights and the transparent assessment of progress.

Most countries in South Asia have compiled laws relating to children, but governments have adopted a piecemeal approach to making them conform to the CRC. Although the CRC has to some extent influenced fresh legislation, few child rights laws appear to have been enacted or amended specifically in response to it.

What is CRC?

The Convention on the Rights of the Child is the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights. In 1989, world leaders decided that children needed a special convention just for them because people under 18 years old often need special care and protection that adults do not. The leaders also wanted to make sure that the world recognized that children have human rights too.

The Convention sets out these rights in 54 articles and two Optional Protocols. It spells out the basic human rights that children everywhere have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child. Every right spelled out in the Convention is inherent to the human dignity and harmonious development of every child. The Convention protects children's rights by setting standards in health care; education; and legal, civil and social services.

By agreeing to undertake the obligations of the Convention (by ratifying or acceding to it), national governments have committed themselves to protecting and ensuring children's rights and they have agreed to hold themselves accountable for this commitment before the international community. States parties to the Convention are obliged to develop and undertake all actions and policies in the light of the best interests of the child.

Children have universal human rights, but they also have specific rights as children:

The Convention on the Rights of the Child (CRC) sets out guiding principles for child rights:

- Right to life, survival and development
- Best interest of the child
- Non-discrimination
- Right to participation
- Presumption of innocence

- To be notified of the reasons for arrest and interview
- To inform the parents / guardians
- Right to be silent
- To legal counsel
- Presence of the parents / guardians during hearing/prosecution
- Right to be in rehabilitation/correction/diversion
- To cross examine the witness of the other party
- Right against torture
- Right to privacy
- Right to Speedy procedure etc.

Activity: Further initiation to minimize violence/crime related to children.

Overview:

There is need of revising some existing laws for protection and promotion of child right. Effective implementation of CRC will necessary to undertake.

Procedure:

- Divided the participants in 2 groups and ask them to write what they think to be change in further for the protection and promotion of child right.
- Ask them to share the points came out from their discussion.
- After sharing start you discussion on child right convention and lacking of Nepal Government in implementation.

Key Learning Points:

Every laws and act related to children will be child-friendly and gender sensitive so that the implementing agencies will implement the child friendly appropriate in their works.

Facilitator's note:

Please make sure about that the copy of CRC will there in the discussion on the session.

Further initiation to minimize violence/crime related to children.

Legal Reform:

Review existing laws in the light of CRC and other relevant international instruments, such as the CEDAW. Where necessary, undertake revisions and introduce new laws for child protection. For example, the minimum age for sexual consent should be the same for boys and girls.

Policy Implementation:

Implement National Plans of Action against Commercial Sexual Exploitation. Design realistic timeframes for implementation of committed activities with mechanisms for accountability.

Law Enforcement:

In addition to legal reform, strengthen efforts at effective law enforcement. Provide adequate financial resources allocated for effectual implementation of laws.

Child Friendly Procedures:

Ensure that trial procedures are child-friendly and gender sensitive, and that they consider the child's age and abilities. This requires appropriate child rights training of lawyers, judges and law enforcement officials.

Humanitarian Treatment of Child Victims:

Treat child victims humanitarily and do not punish them as criminals. It must be established that the criminal responsibility rests with the perpetrators.

Pro-active litigation:

Litigation that allows concerned citizens to draw the attention of the court of law to address breach of any national and international human rights and child rights commitment of a nation and that reinforces such commitments that protect children from all forms of exploitation and abuse must be encouraged.

Session 2: Why Women and Children are in High Risk of Violence?

Content	Behavioral objectives	Methodology	Time	Material
General perception about child sexual assault	<ul style="list-style-type: none">Will have clear understanding on reason for women being raped	Lecture, brain storming, slide show, group discussion	30 min	Flip chart paper, Markers, LCD projector, Laptop
Why women and children get rape?	<ul style="list-style-type: none">Will know guidelines for investigate of cases.Will learn to be empathetic with the victim	Group work and presentation	30 min	Flip chart paper, Markers
Myth and truth on Rape	No victim will re-victimized during questioning period	Lecture, brain storming, slide show, group discussion	30 min	Flip chart paper, Markers

Activity: General perception about Child Sexual Assault

Overview:

Child sexual abuse refers to a range of activities: touching and fondling a child's genitals, with or without penetration, forcible intercourse with penetration of child's vagina or anus by a penis or other object, regardless of ejaculation. It includes exposing children to adult sexual activity or pornographic movies and photographs; making lewd comments about the child's body; having children pose, undress or perform in a sexual fashion on film or in person; and to "peeping" into bathrooms or bedrooms to spy on a child.

Procedure:

- Give matecard to each participant and ask them to write what they general perception on child sexual assault.
- Collect all the cards and paste it on the board and read one by one.
- Now show the power point presentation to make the participants clear on Child assault.

Key Learning Points:

Many factors are commonly referred to for **Child sexual Assault**. Child sexual abuse in South Asia very often has undertones of gender discrimination against females.

Facilitator's note:

Please collect some cases and facts of child sexual assault in Nepal. Be sensitive while sharing the cases some time we forget to remove the name of victim which will be kept confidential.

Meaning of Child Sexual Assault

“The involvement of a child in sexual activity that they do not fully comprehend, give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. It is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. It may include but is not limited to the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of a child in prostitution or other lawful sexual practices; the exploitative use of pornographic performances and materials.”

“Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse is evidence by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to:

- The inducement or coercion of a child to engage in any unlawful sexual activity
- The exploitative use of a child in prostitution or other unlawful sexual practices
- The exploitative use of children in pornographic performance and materials

The dynamics of child sexual abuse differ from those of adult sexual abuse. In particular, children rarely disclose sexual abuse immediately after the event. Moreover, disclosure tends to be a process rather than a single episode and is often initiated following a physical complaint or a change in behavior.

- The evaluation of children requires special skills and techniques in history taking, forensic interviewing and examination; the examiner may also need to address specific issues related to consent and reporting of child sexual abuse.
- Definitive signs of genital trauma are seldom seen in cases of child sexual abuse, as physical force is rarely involved. The accurate interpretation of genital findings in children requires specialist training and wherever possible, experts in this field should be consulted.
- Decisions about STI testing in children should be made on a case-by-case basis. If testing is warranted, age-appropriate diagnostic tests should be used. Presumptive treatment of children for STIs is not generally recommended.
- A follow-up consultation is strongly recommended. Although a physical examination may not be necessary, a follow-up consultation provides an opportunity to assess any psychological problems that may have since arisen and to ensure that the child and his/her caregiver are receiving adequate social support and counseling

Child sexual exploitation and abuse/incest

Child sexual exploitation and abuse relates to any sexual activity with a child. It takes on various forms including the inducement or coercion of a child to engage in sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials. (Convention on the Rights of the Child, 1989).

Incest involves sexual relations between close blood relatives including brothers and sisters, parents and children, grandparents and grandchildren, or aunts or uncles with nephews or nieces.

- **‘Sexual abuse’** is actual or threatened physical intrusion of a sexual nature by force or under unequal or coercive conditions.
- **‘Sexual exploitation’** is any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another.

It should be noted that the SG’s Bulletin and this definition do not apply to cases of sexual harassment by one staff member of another staff member. Agencies and organisations have other mechanisms for preventing and responding to sexual harassment in the workplace.

Nevertheless, the definition of sexual exploitation and abuse above should be interpreted as broadly as possible to include, for example, inappropriate touching of a sexual nature. The definition should also be read in the light of other sources of international law such as the UN Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against

The sexual abuse of children is a unique phenomenon; the dynamics are often very different to that of adult sexual abuse and therefore abuse of this nature cannot be handled in the same way. Features that characterize child sexual abuse include:

- Physical force/violence is very rarely used; rather the perpetrator tries to manipulate the child’s trust and hide the abuse.
- Perpetrator is typically a known and trusted caregiver.
- Child sexual abuse often occurs over many weeks or even years.
- Sexual abuse of children frequently occurs as repeated episodes that become more invasive with time. Perpetrators usually engage the child in a gradual process of sexualizing the relationship over time.

Supplementary definitions of exploitation and abuse

In addition to those mentioned above, there are other types of abusive behavior that limit the ability of women and children to exercise their human rights or impact negatively on the development of children.

Some of these are described in the following definitions:

Abuse of a child

- “All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust, or power.”

Neglect and negligent treatment of a child

- “The inattention or omission on the part of the caregiver to provide for the development of the child in: health, education, emotional development, nutrition, shelter and safe living conditions, in the context of resources reasonably available to the family or caretakers and which causes, or has high probability of causing, harm to the child’s health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm as much as is feasible”.

Emotional abuse of a child

- “Includes the failure to provide a developmentally appropriate, supportive environment, which include a primary attachment figure, so that the child can develop a stable and full range of emotional and social competencies commensurate with their personal potential, and in the context of the society in which the child dwells. It may also include acts toward that have a high probability of causing harm to the child’s health or physical, mental, spiritual, moral or social development. These acts must be reasonably within the control of the parent or person in a relationship of responsibility, trust or power and include restriction of movement, patterns of belittling, denigrating, scape-goating, threatening, scaring, discriminating, ridiculing, or other non-physical forms of hostile or rejecting treatment”.

Physical abuse of a child

- “Physical abuse of a child is that which results in actual or potential physical harm from an interaction or lack of interaction, which is reasonably within the control of a parent or a person in a position of responsibility, power, or trust. There may be single or repeated incidents.

Commercial or other exploitation of a child

- Use child in work or other activities for the personal benefit. This includes, but is not limited to, child labor and child prostitution. These activities are to the detriment of the child’s physical or mental health, education, moral or social-emotional development.

Activity: Why women and children get rape?

Overview:

Women and children are in high risk of rape because they are discriminated and socially isolation by the society. Society had made them more powerless comparison to male counter part. These are not only the things why women and children are in high but other factors are also equaled responsible.

Procedure:

- Divide the participants in 4 small groups and ask them **why women** and children are in high risk of rape?
- Share the points came out from the group work.
- Now make your discussion showing some major factors which support to make women and children in high risk of rape.

Facilitator's note:

Please make sure that all the participants were equally participated in group work and presentation. Facilitators have to be more sensitive in this discussion because some time this discussion can bring misunderstanding within the participant and it may disturb the whole training.

Risk factors for victimization of women and children

A number of factors that make women and children vulnerable to rape:

- Female sex
- unaccompanied children;
- children in foster care, adopted children, stepchildren
- physically or mentally handicapped children
- history of past abuse;
- poverty
- war/armed conflict
- psychological or cognitive vulnerability
- single parent homes/broken homes
- social isolation (e.g. lacking an emotional support network)
- Parents with mental illness, or alcohol or drug dependency.

Activity: Myth and truth on Rape

Overview: Truth is that unequal Power relation, anger, access and control over resources are the main motivating factors for rape.

Procedure:

- Divide the participants in 2 groups ask one group to write some Myth why women and children are in risk of violence? and another group for the truth why women and children are in risk?
- After the group discussion ask them to present one by one.
- Now discuss what are the Myth and what are the truth to make women and children in risk of violence.

Key Learning Points:

“No” means no; a woman’s wishes in this regard should be respected at all times.

Facilitator's note:

Please make sure of your presentation and collect some cases which like case of witch craft or other child related violence where the society had misconception of reality.

Some myth and truth

MYTH	Truth
Sex is the primary motivation for rape	Power, anger, dominance and control are the main motivating factors for rape.
Only certain types of women are raped	Any woman can be a victim of rape. However, many people believe women who are of high moral character (“good girls”) don’t get raped and that females of low moral character (“bad girls”) do get raped.
Women falsely report rape.	Only a very small percentage of reported rapes are thought to be false reports.
Rape is perpetrated by a stranger.	The vast majority of rapes are perpetrated by a known assailant.
Rape involves a great deal of physical force. Most rapes do not involve a great deal of physical force.	Most rapes do not involve a great deal of physical force. The majority of victims report that they were afraid of receiving serious injuries or of being killed and so offered little resistance to the attack. This may also explain why little force or weapons are needed to subdue victims.
Rape leaves obvious signs of injury.	Because most rapes do not involve a significant amount of force there may be no physical injuries. Just because a person has no physical injuries does not mean they were not raped. Only approximately one-third of rape victims sustain visible physical injuries.
When women say “no” to sex, they actually mean “yes”.	“No” means no; a woman’s wishes in this regard should be respected at all times.
Sex workers cannot be raped	Any man or woman, regardless of his/her involvement in the commercial sex industry, can be raped. Studies show that a significant proportion of male and female sex workers have been raped by their clients, the police or their partners.
A man cannot rape his wife.	Any forced sex or forced sexual activity constitutes rape, regardless of whether or not the woman is married to the perpetrator. Unfortunately, many jurisdictions have marital rape exemptions in their laws; although married women are subject to rape by their husbands the law does not recognize it as such.
Rape is reported immediately to the police.	The majority of rapes are never reported to the police. Of those that are reported, most are done so more than 24 hours after the incident. Victims do not report at all or delay reporting because they think nothing will be done, the perpetrator may have made threats against them or their families, they are afraid of family or community responses or they are ashamed; some victims simply feel that it is a private matter or do not know where to report the incident.

MODULE – SIX : COMMUNICATION AND BEHAVIOR WITH WOMEN AND CHILD VICTIM

Objective of the Module	<ul style="list-style-type: none"> Participants will be able to know how to behave with child victims so that they will be able to deal with the cases more sensitively than before. Participant will know the basic communication skills and the barriers of good communication while investigating the cases related to children.
Total Time	6 hours
Materials	Flash card, Markers, LCD, Laptop, Questionnaire, Markers, Ballpen, Flipchart

Session 1: Police Response on violation of Women and Children

Content	Behavioral objectives	Methodology	Time	Material
Do's and Don't	Able to implement the basic ideas to be considerate while dealing with women and children	Briefing about the process, individual exercise and presentation, experience sharing	45min	Flip chart paper, Markers, LCD projector, Laptop
Sensitivity of police personnel towards the Survivors	Able to know the need of sensitivity of police personnel	Discussion, presentation and experience sharing	45 min	Flip chart paper, Markers, LCD projector, Laptop

Activity: Do's and don't

Overview:

Police personnel have the rights of rescued persons and ensure their primary need.

Procedure:

- Divide the participants in 2 groups ask one group to write what are the basic response of police personnel when he informed the violence of women and children? And for another group what they don't do while dealing with women and children survivors?
- After the group discussion ask them to present one by one.
- Now discuss what is the responsibility of police personnel if he informed about the violence.

Key Learning Points:

Police personnel have to avoid exposure of the survivors so that secrecy will be maintained.

Facilitator's note:

Facilitators have to focus on the right of the survivor to be maintained by any police personnel. If there is little negligence of police personnel entire life of survivor will suffered.

What the Police personnel have to do and what not to do while dealing with Women and Children?

Do's and don't

- Keep the survivors segregated from the accused and suspects, so that the accused/suspects do not intimidate or violate the survivors' rights.

Rights of rescued persons are to be ensured during rescue and post rescue situations. This includes the following:

- Facilitate the rescued person to carry along with her all her possessions like clothes, money, jeweler etc.
- If the rescued person has children, they should be allowed to accompany her. Extra care should be taken to see that the children are not left behind in the brothel.
- One should be careful in the use of language/gestures/demeanors. They should not be abusive or intimidating and should in no way violate her rights.
- Avoid advertising of the survivors so that secrecy is maintained.
- Carry out a brief interview of the survivors at the place of rescue to know their age (so that the applicability of Juvenile Justice) could be decided and to locate their assets and possessions.
- Ensure proper handing over of survivor's possessions to her at the appropriate place and time (i.e., the survivor's clothes, etc should be delivered to her immediately after recovery).
- Provide counselors for trauma counseling.
- Legal counseling will be provided to the survivor.
- Immediate medical relief will be provided.
- Children who are victims of commercial sexual exploitation are to be dealt under Juvenile Justice.
- Search and seizure of all material evidence, including documents in the brothel, or any other scene of crime, is an important job. This should be done at the first available opportunity so that evidence is not destroyed or made to disappear by anybody, especially the exploiters.
- Ensure accountability of all the officials taking part in the rescue. Brief them well in advance on all the points mentioned above and ensure compliance.

Activity : Sensitivity of police personnel towards the Survivors

Overview:

Procedure:

- Role play and interaction with the participants
- Select two sets of participants for two separate role plays: one depicts a 'bad' police vs. survivor interaction and the other depicting an alternate 'good' police vs. survivor interaction.
- Brief the participants about what they need to do. Describe each character in simple words at the same time stress clearly on what message want to come out clearly from each role play.

- Once the play has been passing ask participants to share what they observed. Also, ask them to list out the differences between the two scenes.
- Write out the differences in list form on the flip chart for discussion.

Key Learning Points:

Police personnel are the first response group of government who has the rights to protect the survivors from any kinds of difficult situation.

Facilitator's note:

Please conclude the discussion by highlighting on the following points:

- Police personnel should be helpful attitudes and behavior
- Police personnel should be effective communicator
- Police personnel should be gender sensitive
- Police personnel should be apply human rights approach

Sensitiveness of police personnel towards the Survivors:

Police personnel are response to the survivor:

- The right to be treated with self-respect.
- The right to feel safe and not to be injured.
- The right to have information regarding what is going to happen next.
- The right to have access to resources likes' food, clothes, shelter.
- The right not to be retraumatized.
- The right not to be criminalized.

Session 2:

Guidelines to communicate and behavior with Child victim

Content	Behavioral objectives	Methodology	Time	Material
Guiding principle to communicate with Children	Participant will able to explain the basic guiding principle to protect the right of children	Lecture and Interaction, group work and discussion	30 min	Flip chart paper, Markers, LCD projector, Laptop
Barriers to deal with children and Do's & Don'ts with children	Participant will able to explain the guiding principles	Lecture, Group discussion and Role play	30 min	Flip chart paper, Markers, case study
Planning the Investigation process of child crime	Participant will able to explain the guiding principles	Lecture, Group discussion and Role play	30 min	Flip chart paper, Markers, case study

Activity: Guiding principle to communicate with Children

Overview:

Police personnel will aware on the following point while communicating with children: Safety of the children, Confidentiality/Privacy. Best interest of child, Child friendly behavior

Procedure:

- Give open question to the participant what are the things to be considerate while communicating with children?
- List out the points said by them.
- Start your Lecture and make the participant Interactive to understand the guiding principle while communicating with children.

Key Learning Points:

When police officers were communicating with children they should be professional, Punctual, dress appropriately, Speak clearly and make eye contact

Facilitator's note:

Please conclude the discussion by highlighting on the following points such as legal validity of the statement, seriousness of the evidence and need of further medical or psychosocial treatment of the juvenile.

Guiding principle to communicate with Children

- Safety
- Confidentiality/Privacy
- Best interest of child
- Child friendly behavior
- Non discrimination

Qualities of Interviewer

- Active Listening
- Patient
- Observation:
 - Study of Non-verbal communication (body language, gestures, posture, facial expression etc.
 - Observe Automatic Physiological Responses: shortness/deep breathing, self-conscious, paleness, redness, shaky etc.)
 - Tone of Voice and Speech: clear/unclear, rapid, soft, exited, breathless, irritable etc.)
 - Body Movement: sitting, at the edge of chair, relaxed/tense/restless etc.

The interviewer should:

- Be professional
- Punctual, dress appropriately
- Speak clearly and make eye contact
- Use neutral body language and verbal feedback
- Be prepared but flexible
- Balance note-taking and eye contact
- Do at the interviewee's pace

Planning & Preparation stage:

- Time: when, how long
- Venue: Room size, color, noises
- Presence of member (principal interviewer and assistance, guardian/parents/social worker/ language assistance etc)
- Water/Stationary/audio or video recorder etc.
- Seating layout:
- Preparing yourself for interview

Interviewing Stages:

Phase one – Establishing rapport

- Introduce yourself and others present
- How much time the interview will take approximately
- Establish rapport, display a cooperative attitude
- Explain ground rules such as confidentiality, right of juvenile etc
- Neutral question, background information

Phase two – Free narratives account

- Use free narratives to draw the interviewee in and help you begin to establish facts
- Use only open questions

Phase three – Questioning

- Use simple appropriate which follow this sequence
- Open ended question: “What happened next?”
- Specific question: *ask How/where/what/when/who and “Why” questions should be used with special care*
- Closed question: “*Were you in the bedroom or living room when this happened?*”
- Leading (last resort only): “*And then you undressed her, didn’t you?*”

Phase four – closure

- Summery
- Answer any questions
- Advice and next steps
- Thanks
- Return to rapport and neutral topics

Phase five – Evaluation

- Analysis of the given information and the physical evidence collected
- Legal validity of the statement
- Gravity of the evidence
- Possibilities of Alternatives/Diversion
- Need of further medical or psychosocial treatment of the juvenile.
- Co-ordinate to fulfill the Socio-economic condition of the alleged child.

Activity: Barriers to deal with children and Do’s & Don’ts with children

Overview:

Child gets frightened from punishment so police personnel will not show any types of activity which makes the children afraid.

Procedure:

- Ask the participant to develop a short role play on their own experience while working with children.
- Keeping to the point in mind make your discussion to make the participants more clearly on the points.

Key Learning Points:

Police personnel have to make the children clear on the purpose of the interview

Facilitator's note:

Please conclude the discussion by highlighting on that if the police personnel not use simple language and simple sentences children are not able to understand so please use simple language while dealing with children. (Age appropriate)

Barriers to deal with children and Do's & Don'ts with children

- Does not tell the facts and they change their explanation time and again
- The child May have psychological barriers
- Child gets frightened from punishment
- Discarded from friends and society
- He/she will continuously crying, sobbing and in mute situation
- The child may not understand the legal words
- They do not make proper eye contact with the interviewer.
- The alleged child may not interact with opposite sex
- The interviewer may not have the facilitation skills with children
- Child may not tell the exact length, height, size and color etc.
- Child may take long time to response in simple matter.
- The interviewer feels pressure from high authority or other means.

DO's	DON'T
Do conduct the interview with an open mind	Do not assume the child is guilty
Explain clearly the purpose of the interview	
Explain clearly who you are and in what capacity and rights	Do not conduct the interview if there is no other adult present – parent / guardian / social worker etc.
Try to gain the child's confidence and respect	Do not go into an interview unprepared
Conduct initial interview as soon as possible after apprehension	Never treat the child in a degrading, humiliating, rough or uncaring way
Adopt interested and good-eye contact and bring yourself to the eye-level of the child	Do not brand the child: call him liar, thief etc. "khate", "Fucche", Keto
Use simple everyday language and simple sentences (age appropriate)	Do not use double negatives or leading questions
Use questions with only one meaning	Do not use questions about hypothetical situations
Ask one question at a time, Ensure the child understands your question	Do not assume the child has understood your question
Use age-appropriate tools if necessary	Avoid technical terms
Use the child's name	Do not make false promises

Activity: Things to be considerate while Investigation with Children:

Overview:

Police personnel should don't force the victim to tell the details of what happened to her/him.

Procedure:

- Give open question to the participant what are the things to be considerate while investigating with children?
- List out the points said by them.
- Start your Lecture and make the participant Interactive to understand the investigation procedure while investigating with children.

Key Learning Points:

Investigation of child should proceed according to those priorities determined by the officer in charge of the investigation. An example of prioritizing might be when priority is given for a victim to have a medical examination before conducting a detailed interview with the victim to ensure that any critical medical evidence is not lost.

Facilitator's note:

Please conclude the discussion by highlighting that police officer should determine any assistance that he will require gathering evidence from the victim, witnesses, crime scene and the suspect. They should be responsible for the protection and safe keeping of any evidence that has been collected.

Things to be considerate while Investigation with Children:

Planning the Investigation with Children:

The central aim of investigation includes:

- Collecting all available Primary, Physical, Forensic, Fingerprints, Scientific, and Medical Evidence to prove that an offence has been committed.
- Proving that the suspect is the person responsible for or a party to committing the offence.
- Taking the offender before a Court to be dealt with by the law.
- Coordinating the investigation is the role of the police officer in charge of the investigation.
- This police officer should determine any assistance that he will require gathering evidence from the victim, witnesses, crime scene and the suspect.
- This police officer is responsible for the protection and safe keeping of any evidence that has been collected. This may include coordinating with appropriate childcare organizations to provide adequate protection and welfare of any child victims.
- The police officer should plan his investigation. This is best achieved by writing down your plan covering all your strategies for gathering any necessary evidence to meet the aims of an investigation. Refer to the Investigation Plan Schedule on the following page.
- This schedule may assist in drawing your own investigation plan.
- The investigation should proceed according to those priorities determined by the officer in charge of the investigation. An example of prioritizing might be when priority is given for a victim to have a medical examination before conducting a detailed interview with the victim to ensure that any critical medical evidence is not lost.
- When planning an investigation, consideration should also be given to the following:
- Arranging for the participation of a suitable person to comfort and provide support to a child victim during the investigation process, especially during the interview and medical examination phases.
- Coordinating with childcare organizations for the care and protection of the child victim to ensure adequate attention is given to their physical and emotional needs. Examples may include the arrangement of safe shelter and trauma counseling for the child.

Interview with a Child Victim

Methods of recording an interview with a child victim

There are numerous methods that are available to record an interview with a child. These methods can include:

- Video tape recording;
- Cassette or Reel tape recording;
- Typing questions and answers simultaneously; and
- Writing questions and answers simultaneously or extensive notes.
- The first two methods will provide the most accurate means of recording an interview.
- Many police in countries that can afford modern recording equipment consider the last two methods as being out-of-date. Unfortunately, there are more police services around the world that cannot afford the most up-to-date equipment.
- The writing and typing methods do not reduce the effectiveness of the interview or investigation, but do require more care to ensure that a high standard of accuracy is achieved. Note that a written or typed record of the interview can be subject to cross examination during a court hearing the same as for any modern recording system.
- Remember that all those persons present during the interview must sign each page of the written or typed interview

Who should be present during an interview with a child victim?

When a police officer is required to interview a child who is a victim of a crime or a witness, that officer should ensure that:

- The interview is conducted in a manner aimed at reducing any trauma to the child.
- The interview should have a maximum of three persons plus the child present. These persons should include the 2 investigating police officers and an independent support person that the child agrees to and is comfortable with their presence.
- An independent person may include one of the following persons:
- A support person from a government or non-government childcare agency.
- A parent or close relative, unless that parent or relative is suspected of being a party to the abuse or exploitation of the child.
- The addition of an independent translator should be the only exception to the three person rule if the child does not have a good command of the language to be used during the interview.
- All persons participating in the interview must clearly understand their roles.
- Under no circumstances should the suspect offender or any other person associated with the suspect be allowed to participate in the interview or be held within view of the child whilst being interviewed.
- The child should be completely shielded from any member of the media.

Location of Interview

The location of the interview can significantly affect the responsiveness of the child. Ideally the interview room should assist you to conduct a free and open conversation with the child in a comfortable supportive environment.

The location should ideally be:

- Comfortable, friendly and inviting for the child and the police officers.
- Attractive to children with things that will not be too distracting for the child. These things may include dolls, puppets, paper, pencils and books that are all easily accessible.

- A private area, free from interruptions and the presence of other persons or police officers that may distract or cause the child to feel embarrassed.
- Free from as much external noises as possible. These include traffic and ringing telephones.
- Avoid interviewing the child at their home, as this may be the place where the abuse occurred and they may not feel safe or free to talk about their experiences.
- If your police office is not adequate, perhaps arrangements can be made with a local child care organization to provide a suitable room to conduct the interview

Preparation for the interview with a child victim

Before an interview with a child victim commences, the police officer should:

- Arrange a suitable place to perform the interview as suggested in Section 5.1.3. Other police officers not participating in the interview should be instructed that the interview is not to be interrupted and they should give you any telephone messages after the interview has been completed.
- Make contact with the child's parents and request them to attend the place where the interview is to be conducted.
- Arrange for a suitable person to be present during the interview to comfort and provide support to the child as required. A parent who may be suspected of abusing or exploiting their child should not be invited to participate in any interview with the child.
- Obtain some background information about the child to discuss at the commencement of the interview to build trust and to gain some understanding of the child's character.
- The interview should be planned by writing down notes to follow during the interview and to ensure that all elements of any allegations are addressed to assist in continuing the investigation further.

Medical Examination of a Child Victim

The aims of a medical examination for a child who has been sexually or physically abused are:

- To locate any further evidence that will confirm the allegations of abuse and assist to identify the offender.
- Establish the current health and physical well being of the child to assist you and any child care workers to determine the best type of care and protection that should be arranged for the child.
- To establish the age of the child when no other evidence is available.
- A medical examination of the child victim should be conducted by a qualified medical practitioner when:
 - The physical or sexual abuse of the child is recent, or
 - Violent or continuous abuse may have caused internal injury and/ or scarring to the child.
- The medical examination should usually be performed at a government-operated hospital. If a government hospital is unavailable the police officer should obtain approval from his senior officer to transport the victim to the nearest medical center.
- You should explain to the child that the medical examination might cause them to feel uncomfortable and embarrassed. Also explain to the child the reasons and importance that the examination may have for your investigation.
- Do not force the child against their will to be medically examined. A decision by the child not to allow a medical examination may not necessarily destroy your investigation.

- Inform the doctor about the general circumstances of the alleged abuse and the aims for the examination as set out at the commencement of this section.
- An independent person that the child is comfortable with should remain with the child during the examination. Ideally, the same independent person who participated in the interview with the child should continue giving emotional support to the child.
- Obtain a statement from the doctor detailing:
 - His medical qualifications.
 - His observations of the child's physical appearance and emotional state at the commencement of the examination.
 - The types of examination that he performed and the reasons for conducting those examinations.
 - Any findings from his examination that may confirm part or all of the allegations of physical or sexual abuse to the child.
 - Any specimens of blood, body fluids, skin, hair or other matter that the doctor located and removed from the child and what he did with those specimens.

Other methods of gathering evidence from a child victim

Other methods that may assist in proving the elements of any allegations of child abuse or exploitation include:

- Photograph any visible injuries to the victim such as bruises, cuts, scratches, cigarette burn marks, skin rashes and others marks. Ensure the child describes during the interview how each of these injuries or marks were sustained.
- Request the victim to change their clothes over a drop sheet laid on the floor so to collect any loose matter that may have attached itself to the body or clothes. These items may include hair specimens of the offender or soil that may link the child to the place where the abuse occurred.
- During a medical examination of a victim, request a blood sample to be taken for testing of alcohol or narcotic consumption. The kidnapper, pimp or brothel owner may have drugged the victim to reduce any resistance whilst they are sexually abused by a client.
- Take possession of any gift or photograph given to the child by the offender. Ask the victim about any places the offender took them to eat, buy clothes, process photographs or be entertained like a cinema or park. Obtain a detailed statement from any person at these places that can recall the offender and the victim.
- List the name, contact person, address and telephone number

Content of Questions

The matter of vocabulary is particularly important in dealing with allegations of sexual abuse, where children may use terms, which are personal to themselves, their culture or their families. It is always advisable for the interviewer to ensure that they understand what the child means. If necessary, this can be done by children referring to their own bodies, but the use of a doll or diagram may be preferable where reference needs to be made to the location of sexual acts.

Where a young child uses the appropriate adult terminology, it may still be necessary to check their understanding.

The information requested in questions should always take account of the child's stage of development.

Many concepts, which are taken for granted in adult conversation, are only acquired gradually as children develop. Therefore questions which require an understanding of such

concepts may produce misleading and unreliable responses from children. Concepts with which children may have difficulty include:

- dates and times
- length and frequency of events
- height, weight and age estimates

There are a number of techniques for overcoming difficulties of measurement. Height, weight and age can be compared to another person known to the child (e.g. the interviewer or a member of the child’s family).

Time and date estimates can also be made by reference to events in the child’s life (e.g. religious celebrations, moving accommodation). Time of day and the duration of events can sometimes be assisted by questions which refer to routines (e.g. collecting water, rations).

Maintaining confidentiality while dealing with children DO and DON'T

DO	DON'T
<p>DO ensure and respect confidentiality: If a woman or child says she needs help, try to have the conversation in a place that makes her comfortable. This may be a private place, or she may prefer a public place to avoid stigmatization. Confidentiality is essential to building trust and ensuring the victim’s safety. Some examples of how to make a person comfortable include:</p> <ol style="list-style-type: none"> 1. Presence of a female officer if male officer is interviewing. 2. Presence of a person to help entertain children to enable victim to focus on her narrative. 3. Ensure a secure place where people - both public and police officers, cannot stare. 4. Ensure a quiet area with no phones or interruptions. 5. Ensure that the area has access to toilets, water, shade etc. 	<p>DON'T force the victim to tell the details of what happened to her/him: Never insist on telling the story or revealing details about what happened when a victim does not feel ready to talk about this.</p>
<p>DO believe and validate the victim’s experience: Listen to the victim and believe her/him. Acknowledge the victim’s feelings and needs and let the victim know that he/she is not alone and you will try to get him/her help.</p>	<p>DON'T trivialize or minimize the violence: Not taking a victim’s story seriously is a violation of her trust and can serve as a barrier for a victim seeking help. To not take a victim seriously is re-victimizing.</p>

<p>DO make referrals and promote access to community services: Advise victims to seek out medical care as soon as possible; give referrals.</p>	<p>DON'T refer victims to services that will not provide confidential, respectful care: Community groups should work together to ensure that they refer victims to agencies that provide compassionate and confidential care.</p>
<p>DO help the victim to plan for safety: Whenever possible, ensure the victim is not in immediate danger of re-victimization; if the perpetrator of the violence is in the victim's home, help find the victim an alternative place to stay. This may prove difficult in conflict situations, but efforts should be made to improve the victim's safety.</p>	<p>DON'T ignore the victim's need for safety: Do not instruct the victim to return to a home or a village that she knows to be unsafe, or where her offender continues to threaten her.</p>
<p>DO acknowledge the injustice: Sexual violence is NOT the victim's fault; ensure the victim understands this. Be compassionate and say 'I am sorry this has happened to you. It is not your fault.'</p>	<p>DON'T blame the victim: Do not ask questions like 'why didn't you run?' or 'what did you do to make him hurt you?' Sexual violence is NEVER the victim's fault. Ensure the victim understands this.</p>
<p>DO provide information to the victim: Inform the victim about who you are, what you can do for him/her and what the options are to seek help.</p>	<p>DON'T tell a victim what to do: You may suggest options for assistance to the victim, and help a victim to make a choice, but you should never decide for a victim what to do.</p>

Guiding Principles	Checklist of victim-centered skills
Ensure the physical safety of the victim(s)	<p>Consider the safety of the victim Always be aware of the security risks a victim might be exposed to. Hold all conversations, assessments and interviews in a safe setting. Try, as much as the context and your position allow you, to assess the situation of the victim. Questions that can be asked are:</p> <ul style="list-style-type: none"> • Does the victim have a safe place to go to? • Will the victim be confronted with the offender? • What are the options for referral available to the victim? <p>If possible, take action to ensure the safety of the victim.</p>
Confidentiality	<p>Ensure confidentiality</p> <p>Do not share the story of the victim with others. If you need to share information with professionals, for instance to organise a referral, you can only do so if the victim understands what this implies and has given her/his <u>consent</u> beforehand.</p>

Respect the wishes, the rights and the dignity of the victim(s) and consider the best interests of the child, when making any decision on the most appropriate course of action to prevent or respond to an incident of sexual and gender-based violence.

Respect the wishes, needs and capacities of the victim

Every action you take should be guided by the wishes, needs and capacities of the victim.

Ensure attention for all needs of the victim: medical and psychosocial needs as well as material needs and the need for justice.

Respect the strength and capacities of the victim to cope with what happened to her/him. After the victim is informed about all options for support and referral, s/he has the right to make the choices s/he wants.

Treat the victim with dignity

Show that you believe the victim, that you don't question the story or blame the victim and that you respect her/his privacy.

Assure a supportive attitude

Show sensitivity, understanding and willingness to listen to the story of the victim. Retain a caring attitude, regardless of the type of intervention you make.

Provide information and manage expectations

Make sure you are well-informed about the options for referral (medical, psychosocial, economic, judicial) and available services, along with their quality and safety. Provide the victim with all information s/he needs to make a choice about the care and support s/he wants

Check whether the victim fully understands all the information, and if necessary adapt the presentation of the information to the capacity of the victim at that moment.

Be aware of the fact that when a victim discloses her/his story to you, he/she trusts you and might have high expectations about what you can do to help. Always be clear about your role and about the type of support and assistance you can offer to a victim. Never make promises that you can't keep. Always refer the victim to the appropriate services. Respect also the limitations of what you can do.

Ensure referral and accompaniment

Make sure you are well-informed about the options for referral (medical, psychosocial, economic, judicial) and available services, along with their quality and safety. Inform the victim about these options.

Ensure that the victim has access to the appropriate services s/he would like to consult.

Consider the possibility of accompaniment of the victim throughout the process.

Ensure non-discrimination	<p>Treat every victim in a dignified way, independent of her/his sex, background, race, ethnicity or the circumstances of the incident(s).</p> <ul style="list-style-type: none"> • Treat all victims equally. • Do not make assumptions about the history or background of the victim. • Be aware of your own prejudices and opinions about sexual violence and do not let them influence the way you treat a victim.
Empower victims	<p>Empower victims by enabling them to make informed choices</p> <p>Empowering victims means to provide them with information and options available so that they can make informed decisions. When interacting with victims, it is important to make a distinction between informing and advising:</p> <p>Advising means telling someone what you think s/he should do and how s/he should do it. It also means giving your personal opinion. Giving advice is not victim-centered because you cannot know if you are giving the right advice for that person. Applying a victim-centered attitude is about empowering victims to make their own decisions about their own lives. Telling someone what to do does not help a person to follow and understand her/his own choices. A victim might feel you are not listening if you tell her /him what to do.</p> <ul style="list-style-type: none"> • Giving information means telling someone facts so s/he can make an informed decision about what to do. Informing is victim-centered because it empowers a victim to have control of her/his choices. It also shows that you respect a victim’s opinion and judgment.

Annex

Case study no. 1

A 45 years old woman was roughly beaten by her neighbors on the way to her field. Her neighbors interrupted her way and verbally assault her saying whore. They tried to take revenge upon her because of previous anger and beat her in the midst of road. When one beat her other two perpetrators also started beating her harshly. They, moreover, used a bamboo sticks to beat and tear off all her clothes too until she turned unconscious.

After that incident also the perpetrators’ torture her and threat her either. The incident had occurred in public place so she appealed for legal punishment as a public crime. Thus, she filed a case as public crime in police station and the police called upon the perpetrators for further inquiry.

Case study 2

A 24 years old girl of rural district got married according to the social rites and rituals with on 2056/1/16. On the marriage, her father gave two lakh money including TV, drawer, jewels and other equipments as a dowry and also spend seven lakh rupees in order to make their marriage successful. But she gets severely beaten up by husband and family members telling the dowry is fewer. She is sent to her father's home and made her to bring additional dowry, when refused, they ruthlessly beat and threaten to kill her too. They also provoke her ugliness and repent for marrying ugly girl, thus, brutally beat her.

After two months of their marriage, her husband departed for foreign employment. The family members still did not stop beating her and her husband devoid contacting with her neither send expense to her. She was also forbidden from home by the family members.

Hearing the returning back of husband from foreign employment, she returned to her husband's house and surmised his behavior might change but his behavior remain static. He with all the family members beat her till wounded. The excessive beating made her ill but they neither show any sympathy nor examine her illness. So, she left the house and stayed in her maternal home.

After the recovery of her illness, she time and again told her husband to call her back but her husband turn deaf ear towards her. However, she again went to her husband's home in spite of knowing the fact that they did not let her to stay at the home. However, she managed to stay there tolerating them and their ill behave. Day by day the violence has been reached to peak so she decided to discuss with villagers. But, the family members refused for a discussion with the villagers as a result of which she leaves the house and her in laws enjoyed all her dowry leaving her in pathetic situation and her husband too leaves for foreign employment again.

Case 3

A 45 years old woman was roughly beaten by her neighbors on the way to her field. Her neighbors interrupted her way and verbally assaults her saying whore. They tried to take revenge upon her because of previous anger and beat her in the midst of road. When one beat her other two perpetrators also started beating her harshly. They, moreover, used a bamboo sticks to beat and tear off all her clothes too until she turned unconscious.

After that incident also the perpetrators' torture her and threat her either. The incident had occurred in public place so she appealed for legal punishment as a public crime. Thus, she filed a case as public crime in police station and the police called upon the perpetrators for further inquiry

Case 4

A 51 years old women lives with her husband in a family of five members. She got married at the age of 14 and her husband has been working in India as a foreign employee.

She is severely beaten blaming for practicing witchery. She in quivering state reveals about the past life their forefathers. Thus, her brother in law doubts of being a witch and beats her. He always blame as a witch arising mental tension to her. Moreover, he charges her for misbehavior of the family members. This creates difficult environment to her and her family. Thus, she reported the incident. The stakeholders and the related organizations bring together the victim and perpetrator and made promise not to blame her as a witch

PART – 2

Gender Responsive Counseling Skills

MODULE SEVEN : CONCEPTUAL CLARITY ON PSYCHOSOCIAL COUNSELING

Overview:

Review of the Part one training.

Session 1 Review of the part one

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Rules of Review method	<ul style="list-style-type: none"> - To make aware on the ways and techniques to review the training subject matter; - To enable to follow the rules properly while reviewing the subject matter gained during one week training 	Semi lecture	10 min	Meta cards, marker and news print
Review on part one training capturing the major contents	To enable in reminding the subject matter learned in one week period before entering in part two of the training and link with part two	Quiz Game	1.2 hours	5 color Metacards, Marker, news print

Total Time: 1.3 hours

Activity: Rules of Review Method – 10 minute 

Overview:

In this session the rules to carry out in the quiz game will be discussed in order to properly follow.

Procedures:

- Write the rules in the news print
- Explain one by one of the rules

Key learning Points

The facilitator introduces the rule of review method as follows:

- Divide participants into two groups and give the name of each group with the consensus of participants
- Questions capturing the major contents should be written in meta card, each question in each meta card.
- Total number of question/ meta card should be prepared based on number of participants so that each participant will have access to participate
- The score number has to be written in another side of each meta card, which are equally important
- The score can be started from the 30 marks. Make 5 to 6 question/meta card in same marks. Then write 25, 20, 15, 10 marks respectively

- The meta card should be paste in soft board by showing the score. On the top of the score metacard need to paste the metacard by writing A,B,C,D,E, in order to demarcate score for example which one is 30 marks of A or b or c etc, same of others scores.
- With the consensus of all two group's participants can be started from which group. Then, each of participant of each group will choose the metacard with the marks written
- Facilitator will read the question after choose of metacard by each participant. If participant is able to reply correct answer on the question near to 90%, at that time, with the consensus of two group's participants, the group will obtain the full marks. To make hundred % correct answer need to discuss among the participants
- If the participant of the group could not answer on the choosen marks with question, at this time group will not obtain the score . But need to discuss and clear on the answer among the participants . Beside facilitator should also help for the clarity on the question
- The facilitator should get ready a news print to write the score obtained by each group
- The time for each answer should be 1 minute
- After completion of the game facilitator should help to add the score gained by each group and make loud and say the score of the each group and declared the lucky winner of the quiz game
- Provide one prize for the lucky winner group for the encouragement of the participants. The prize has to be ready before the game start. The prize should not be big. The prize need to share to all participants of both group equally. It is suggested the prize either pens or chocolates in a box base on number of participants.

Note to facilitators:

Explain the rules of quiz game one by one and demonstrate the examples so that participants can understand easily to follow the rules.

Activity: Review on Part One training capturing the major contents 1.2 Hours

Overview: 🔍

Through the quiz game participants will have clarity on the major topics of the part one subject matters and it will easier to link the second part of the subject matters.

Procedures:

- The questions with the scores paste in soft board in sequential order of scores
- Make two groups among the participants with the group name
- Remind shortly to follow the rules
- Carry out the quiz game following the all rules
- Complete the game following the rules

Key learning Points: ↓

The participant will learn the skills to review and remind each other among the participants about the training topics as they gained during their training period. So that they will never forget and able to utilize the gained technique.

Note to facilitators:


It must be carefully and peacefully carry out the quiz game. And create encouraging environment so that every participant can remember the answer and encourage to answer the question. Motivate to participants and help by giving few hints in the case of confusion situation. It is essential to make clarity in each question with participatory approach. Do not forget to manage prize for lucky winner group for the enjoyment considering the adult learning approach.

Session 2: Introduction to Psychosocial

Session Overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Psychosocial	-To make aware on the psychosocial issues	Brainstorming, Group work, Micro lecture	45 min.	News Print, Marker
Psychosocial problems and its causes (SGBV)	-To make aware on the causes and consequences of psychosocial problems - to be able to identify the consequences of sex and gender based violence	Brainstorming, Discussion, Case Study	45 min.	News Print, Marker

Total Time: 1.5 hours

Psychosocial: 45 mins 

Procedure

- Introduce the topic “Psychosocial”
- Group work exercise: divide the participants into a group of five. Provide each group with newsprint and a marker. Ask them to write their understanding of “psychosocial” with examples. Provide 15 minutes for the group work and another 10 minutes for presentation.
- Briefly explain that the word psychosocial is made from the combination of two different words – psycho (psychological) and social.
- Discuss psychological part and social part separately and give examples of what comes under psychological and what under social

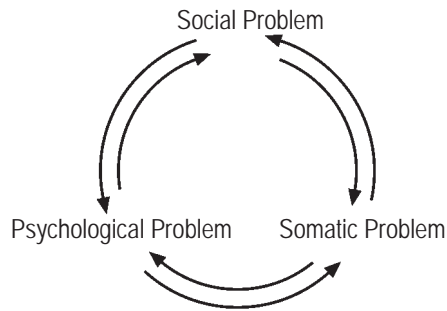
Key learning points:

- Psychosocial is formed from two words psycho (psychological) and social
- The “psycho” or psychological components, including the mind, thinking, emotions, feelings and behavior
- The social world which creates the context through the environment, culture, economics, traditions, spirituality, interpersonal relationships with family, community and friends, and life tasks
- The interaction of internal and external aspects of the individual and the dynamic influence of these interactions on the individual and his/her environment is psychosocial

Psychosocial problems and its causes : 45mins

Procedure

- Briefly explain when and how the interaction between psychological and social aspects of human needs becomes a problem (refer to flow diagram of psychosocial problems).
- Highlight that to identify psychosocial problems, three factors should be considered: a) time period: if the problem is continuing for long period of time; b) if the problem is increasing; c) if the problem is hampering the daily activity and output of the person. Provide appropriate examples.



Explain the inter-relationship between mind, body and society and how psychosocial problems are co-related to social, somatic and psychological problems

- Briefly provide examples of some common psychosocial problems (Anxiousness, somatic complaints, loss of energy and motivation, inability to work, guilt, aggression, intrusive thoughts, loneliness, distrust, low self-esteem, sadness, distrust etc.)
- Brainstorm amongst participants how social problem such as SGBV can cause psychosocial problems.
- Divide the participants into small groups. Provide a case study of SGBV for each group. Ask the groups to identify the psychosocial problems in the case and divide them into social, somatic and psychological problems. Allocate 15 mins for the group work and 10 mins for the presentation.
- Summarize the session.
- Ask the participants if they have any concerns or queries.

Key learning points:

- Those problems which arise from the interaction between the psychological and social aspects of human experience are known as psychosocial problems.
- Social events can be causes of psychosocial problems whereas psychological symptoms or processes are the manifestation of psychosocial problems.

Note to facilitators:

- As the training is based on sexual and gender based violence, the facilitators must provide the examples and cases based on SGBV to make it more contextual.
- The number of groups for group work activity should depend on the total number of participants and should be random.

Tool: Case study of Sita

Steps and procedures for Case Study Exercise

- Divide the participants into small groups.
- Provide the case study to each group.
- Ask the participants to read the case study thoroughly and analyze the case objectively.
- Provide discussion points related to the case to the participants and ask the participants to discuss the case study based on the discussion points.

Note: the facilitators should assure the participants that the identifying information of the people in the cases provided to them (name, place etc) are altered to protect their rights of confidentiality.

Sita Kunwar (name changed), aged 23, came from a lower income family of Kavre District. She was the fourth daughter among five children. She had studied until class nine and had discontinued her studies due to her economic conditions and the need to work at home and to look after her younger sister after her elder sisters got married. She was very much interested in her studies and enjoyed going to school. She was married to a man from her village when she was nineteen years old. After two years of marriage, her husband died in a bus accident. After her husband's death, Sita felt utterly lonely. Initially, she lost her appetite, was not able to sleep, lost weight, felt lethargic and didn't feel like working. This behavior escalated to a point where she couldn't even get out of bed. She was nagged and scolded regularly at her in-laws. Soon, her parents took her in and Sita was taken to lots of witchdoctors but none of their treatment worked. In fact, Sita only grew worse until she even stopped talking. At home, her family used signs to communicate with her. She looked dirty and stood in a drooped posture.

Content: Psychosocial and Psychosocial Problems

Psychosocial

The Word ‘Psychosocial’ simply underlines the dynamic relationship between psychological and social effects, each continually influencing the other”. The word “Psychosocial” is made up of two different words: Psycho refers to the psyche (mind- MAAN) and the soul (ATMA) of a person and social refers to a person’s external relationships and environment.

- The “psycho” or psychological components, including the mind, thinking, emotions, feelings and behavior;
- The social world, which creates the context through the environment, culture, economics, traditions, spirituality, interpersonal relationships with family, community and friends, and life tasks.

The word psychosocial is used to emphasize the close connection between psychological aspects of our experience (our thoughts, beliefs, desires, emotions, and behavior) and our wider social experience (our relationships, family, peers, school, community, social norms and values, traditions and culture).

Things to remember:

If the information regarding psychosocial situation of person coming to the women and children care centers are gathered, then it will be helpful while conducting investigation and providing support. It helps to understand the needs and requirements of the children and women in need of protection. If we have information on the background, environment, culture, finance, social, religion, beliefs and tradition of the women and children, then it helps while conversing and to create an environment of trust. Information on psychosocial situation also helps to conduct referral for appropriate services.

Psychosocial Problems

People are influenced directly or indirectly by the incidents of the society, while in the same way, the people’s actions may bring about changes in the society. The interaction between people and society is a dynamic that constantly influence each other. The consequences of this interactive relationship may be positive that helps in the growth and development of an individual or it may be negative that might create problems for the individual. Most of the times, individuals facing such negative consequences are capacitated to utilize their coping resources, resiliency and other support systems. However, when the individuals fail to resolve their problems even after using coping resources and protective factors, then in such cases the individuals might face psychosocial problems.

If the problems of an individual fails to hamper his/her daily activities, if the problems do not exist for more than short period of time (two weeks in most cases) and if the problems start to decrease within a short period of time, then it could be just be a normal reaction of the individual to an abnormal situation or stressful situation. However, if the problems hampers the daily living of the individual and those in his/her surrounding, if the problems persist for longer period of time and if does not decrease, then the problem is said to be a psychosocial problem.

Thus, we can say that psychosocial problems are the problems that arise due to the negative consequences of the interaction between psychological aspect (thoughts, emotions, feelings etc) and social aspects (family, work, community etc) of a person, which cannot dealt by the person through his/her coping resources or protective factors, can be termed as psychosocial problems.

Psychological symptoms arise because of social events or processes. Therefore, social events can be causes of psychosocial problems whereas psychological symptoms or processes are the manifestation of psychosocial problems. For example, poverty, unemployment, death, natural disaster, violence, conflict, sexual exploitation, separation, displacement, and so on are social events, whereas stress, fear, disability (or weakened ability), sadness, anxiety, low self-esteem, psychosomatic complaints (such as pain in different parts of the body, not wanting to eat, problems sleeping etc. that cannot be diagnosed by medical check up) are the psychological effects of such painful social events.

Things to remember:

Psychosocial problems are normally seen after a difficult situation. Hence, as most of the persons coming to the care centers have such problems and difficulties, our support helps to create a congenial environment without causing any additional pain to the clients. Even though our intention is to provide support, sometimes our support may cause additional pain. Therefore, while providing support we must think about what we would anticipate if we were in their place. As the police and service providers are the support networks for the children and women survivors, if such feeling of trust can be built with the clients, then it helps to identify the root of the problems as well as its solution.

Some common psychosocial problems that arise due to sexual and gender based violence are:

- Anxiousness
- Loss of energy and motivation
- Guilt
- Intrusive thoughts
- Sadness and worries
- Low self-esteem
- Withdrawal
- Confusion
- Flashback and nightmares
- Loss/change of interest
- Somatic complaints
- Inability to work
- Aggression
- Loneliness
- Distrust
- Problems in relationships
- Hyper-arousal
- Concentration Problems
- Shortness of breath & tightness in the chest
- Suicidal ideations

It is not necessary that the person having psychosocial problems display all of the symptoms mentioned above. Various people show different types problems that can be categorized as:

- Physical problems: headache, stomachache, nausea, weakness and fatigue, pain in hand etc.
- Psychological problems: nightmares, sleep and eating disturbances, fear, grief, confusion etc.
- Social problems: not participating in community activities, display of aggression or violence etc.

As gender based violence are very sensitive, the police and care centers providing support to the survivors should conduct the investigation sensitively as well as cautiously. The physical, mental, social and behavioral effects on the survivors needs to be focused and if necessary, should be referred for specialized psychosocial care. The people going through such problems face short-term as well as long-term effects and if it is not taken care of in time, then it may lead to mental illness.

Session 3: Psychosocial Wellbeing and Support

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Psychosocial wellbeing and Counseling	-Participants will have broader understanding on the psychosocial wellbeing and support	Brainstorming, Micro lecture	45 min.	News Print, Marker
Coping and Resiliency	-Participant can find out the coping and resiliency of the client. -Participants can distinguish constructive and destructive coping Participants can help client in strengthening positive and lessening destructive coping.	Discussion, Case Study, Role Play	45 min.	News Print, Marker

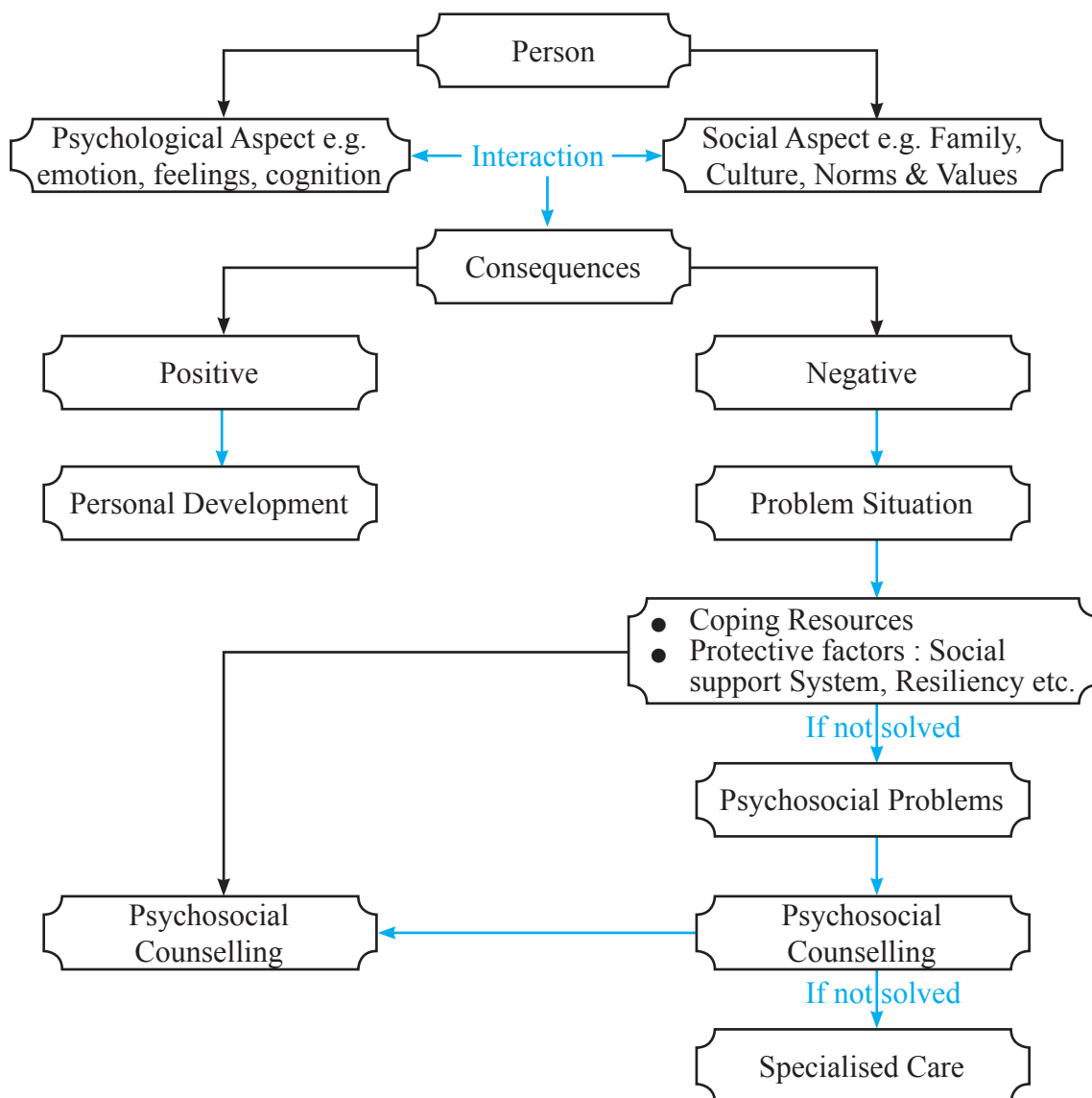
Total Time: 1.5 hrs

Psychosocial wellbeing and Counseling: 45 mins

Key Learning Points:

- Psychosocial wellbeing is a concept or a process whose main objective is to promote the overall welfare and health of an individual.
- Counseling is a planned intervention between the client and counselor to assist the client alter, improve, or resolve his/her present behavior, difficulty, or discomforts. In other words counseling helps the client to understand and work on social, emotional or psychological problems, through a process of listening, expression, empathy and support, aimed at functional improvements of the client's social life, reducing problem situations and/or the impact of problem situations.

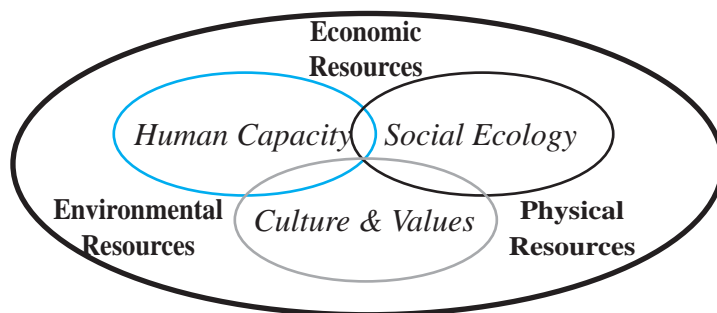
Psychosocial problems and support flow-chart¹



¹Source: SAPKOTA, R.P., DANVERS, K., TOL, W.A. & JORDANS, M.J.D. (EDS.) (2007). Psychosocial Counselling for people affected by armed conflict in Nepal: A reader for counsellors. Kathmandu; Sahara Paramarsha Kendra/USAID

Procedure

- Briefly discuss about psychosocial wellbeing.



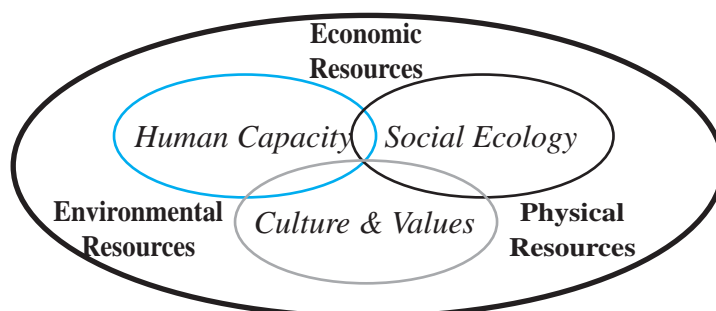
- Discuss the three factors that influence the psychosocial wellbeing of an individual namely: human capacity (a person's physical and mental health as well as their knowledge and skills); social ecology (a person's social support and his/her relationship with the society); and culture & values (person's culture, values and beliefs that determines his/her response to any situation).
- Discuss how various factors (coping and resources, resiliency and protective factors such as family and social norms) contribute to the psychosocial wellbeing. Refer to psychosocial problem and support flow chart.
- Through the flow chart, introduce psychosocial counseling as part of psychosocial support.
- Brainstorm with participants their understanding of psychosocial counseling.
- Summarize the brainstorming session and explain what psychosocial counseling is.

Content: Psychosocial Wellbeing and Counseling

Psychisocial Wellbeing

The term psychosocial well-being has come to be preferred to narrower concepts such as mental health by humanitarian agencies to the extent that it points explicitly to social and cultural (as well as psychosocial) influences on well-being.

The psychosocial well-being of an individual is here defined with respect to three core domains: human capacity, social ecology and cultural & values. These domains map in turn the human, social and cultural capital available to people responding to the challenges of prevailing events and conditions.



1. Human capacity is fundamentally constituted by the health (physical and mental), knowledge, and skills of an individual. In these terms, improving physical and mental health, or education and training in support of increased knowledge, enhances human capacity and thus psychosocial well-being.
2. While the importance of mental health and particularly in work with children and adolescents, development of skills are widely accepted as a contributed to psychosocial well-being, social connection and support has increasingly been seen as an important complementary dimension of experience. There is strong empirical evidence linking mental health outcomes to the presence of effective social engagement, but wider cultural and programmatic concerns also justify the specification of social ecology as a discrete domain underpinning psychosocial well-being.¹⁴
3. The critiques of psychosocial programs as having failed to fully reflect the cultural construction of experience and wider rights issues are sufficiently telling to suggest that the domain of culture and values are recognized in its own right as a third key determinant of psychosocial well-being.

Whilst these domains have meaning in seeking to define the determinants of the psychosocial well-being of individuals, they also have utility and validity as discrete 'lenses' through which to consider affect resources at the community level.

Challenges to Psychosocial Wellbeing

Depressions, social withdrawal, physical disability and loss of skilled labor all serve to degrade available human capacity, as do less tangible impacts such as a reduced sense of control over events and circumstances.

Events and conditions also frequently lead to wide disruption of the social ecology of a community, involving social relations within families, peer group, religious and cultural institutions, links with civic and political authorities etc. Targeted disruption of such structures and networks is often the central focus of contemporary political and military conflict. Impacts on the social ecology of an affected community frequently include changes in power relation between ethnic groups and shifts in gender relations.

Events and conditions may also disrupt the culture and values of a community, challenging human rights, cultural values etc. Conflict and natural disaster can each threaten cultural traditions of meaning that have served to unite and give identity to a community. Conflict can also serve to reinforce hardened images of other political or ethnic groups, encouraging escalation of violence and hatred.

Psychosocial well-being – of both individuals and of the respect to these three core domains, other issues clearly have a significant influence on such well-being. The loss of physical and economic resources available to households, disruption to community and regional infrastructure, and degradation of the natural environment all-plausible have impact on the psychosocial well-being of communities. Such issues define the broader context within which individuals, families and communities seek to protect psychosocial well-being.

While psychosocial well-being is appropriately defined with respect to these three core domains, other issues clearly have a significant influence on such well-being. The loss of physical and economic resources available to households, disruption to community and regional infrastructure and degradation of the natural environment all plausibly have impact on the psychosocial well-being communities. Such issues define the broader context within which individuals, families and communities seek to protect psychosocial well-being.

Psychosocial Counseling

Counseling is a planned intervention between the client and counselor to assist the client alter, improve, or resolve his/her present behavior, difficulty, or discomforts. In other words, counseling helps the client to understand and work on social, emotional or psychological problems, through a process of listening, expression, empathy and support, aimed at functional improvements of the client's social life, reducing problem situations and/or the impact of problem situations. It is called psychosocial because it aims at enabling the person with problems of psychological and social in nature. The word psychosocial is put in front of counseling to put focus on the both individual aspects brought to counseling as well as the social aspects, consisting of wider community connections, existing healing resources, and culture and values and because it qualifies to be called as psychosocial counseling as it has been believed that interventions qualify as psychosocial if they are primarily directed towards a functional improvement i.e. expanding the individuals opportunities to live in the community and to participate in societal life.

- Psychosocial counseling helps people with psychosocial problems to find solutions to their problems by providing emotional support through talking (in most cases) and through other alternative tools and techniques such as drawing, playing, relaxation, role play etc.
- Psychosocial counseling does not provide suggestions to clients on how to solve their problems. Rather, it helps clients to find solutions to their problems by themselves.
- Psychosocial counseling remains independent of any class, caste, gender or religious discriminations and empowers clients to deal with their problem situation by discussing about their feelings, emotions and experiences.

Things to Remember:

In order to provide psychosocial counseling in Nepal, atleast four months training is required and 40 percent of the training period should be spent in practical classes. As the 7 days training is based on the psychosocial skills, it incorporates only the important aspects and if counseling support is needed, then referral to a trained counselor should be done. The techniques related to counseling mentioned here are for information only.

Coping and resiliency: 45 mins

Procedure

- Brainstorm amongst participants their understanding of coping.
- Summarize the brainstorming sessions and explain the meaning of coping.
- Provide a simple situation where an individual is required to cope (eg. a row between husband/ wife or siblings). Ask the participants what they do to cope with such situation.
- Write the responses in a newsprint.
- Explain about types of coping: emotional/solution oriented and positive/negative coping.
- Ask the participants to categorize their coping strategies written in the newsprint into the different types of coping.
- Introduce the topic “resiliency”.
- Explain about resiliency and provide situations where individuals become resilient (example death of a loved one).
- Facilitate a discussion regarding the importance of coping and resiliency in psychosocial support.
- Summarize the session.
- Ask the participants if they have any concerns or queries.

Key learning points

- Coping refers to the any action or strategies covert (cognitive i.e. thinking positively, rationalization) or overt (running away, listening to music, shouting) assumed by an individual in the face of difficulty in order to reduce the impact of the difficulty or to change the difficult situation.
- Coping strategies may be positive or negative. The strategy may help the person to overcome the suffering completely or it helps for the time being but may have negative effects in the long run.
- Resilience has been defined as the capacity to withstand, recover, and even grow from negative experiences. Resilience involves a range of processes operating before, during and after an encounter with a stressful experience or adversity.

Coping

Coping refers to the thoughts and actions we use to deal with stress. In large part, feeling stressed depends on whether we believe we have the coping resources to deal with the challenges facing us.

Types of coping strategies

Most coping strategies fall into one of two broad categories:

Problem-focused coping strategies are used to tackle the problem directly. People using problem-focused strategies try to deal with the cause of their problem. They do this by finding out information on the problem and learning new skills to manage the problem. Problem-focused coping is aimed at changing or eliminating the source of the stress. . A classic example of a situation where one applies these types of coping mechanisms is applying for a job while you are confronted with other problems like financial difficulties.

Emotion-focused coping strategies are used to handle feelings of distress, rather than the actual problem. Emotion-focused strategies involve releasing pent-up emotions, distracting oneself, managing hostile feelings, meditating or using systematic relaxation procedures. Emotion-focused coping "is oriented toward managing the emotions that accompany the perception of stress". The approaches used in these coping mechanisms are the following: talking it out with a friend, crying, denial, rationalization, wishful thinking, relaxation, re-appraisal and humor. Though these coping mechanisms cannot directly address the stressor, it can greatly help to calm down your stressful feeling, and then applying action-based coping mechanisms to make you feel better.

The coping strategies, the person adopt to deal with the difficulty may have positive and negative impact in the future. The strategy may help the person to overcome the suffering completely or it helps for the time being but may have negative effects in the end. Hence, the action or the strategies followed by a person could be both positive and negative. Positive coping skills help a person get through situations at nearly the same level as those who do not have the disadvantage. Some examples of positive coping include relaxing, exercising, participating in community activities, meditating etc. Negative coping skills, however, may provide short-term relief or distraction, but ultimately worsen the person's disadvantage. Some common examples of a negative coping skill are abuse of alcohol or drugs, shouting or abusing others, over/under eating etc.

The survivors of domestic violence are coping with their problems through their own ways and even during their arrival to the care centers, they have already used one coping strategy or the other. For example, if a woman is suffering from domestic violence, then she is coping with the problem by keeping quiet, arguing along side, abusing children, saying what is in her heart or by revolting. In terms of children however, their ways of coping depends on the problem and their behavior.

It has been proven that use of positive and problem focused coping strategies are most effective to deal with the problems of a person.

Steps in Coping Mechanisms

According to Lazarus and Folkman, the processes of coping mechanisms have four basic steps:

- a. Appraisal- This particular step in coping mechanisms includes knowing the meaning of an event and its implications on your personal well-being.

- b. Assessment of your coping resources- this step involved in coping mechanisms allows an individual to choose the most effective kind of coping mechanism among the other kinds of coping mechanisms.
- c. Carry out the best coping mechanism among the many varying types of coping mechanisms- you do your selected strategy or a coping mechanism of your choice, you have to be patient and guided accordingly by a guidance counselor or a psychologist.
- d. Evaluation of your coping efforts with the use of coping mechanisms in as far as solving your dilemma is concerned.

Resilience

Resilience has been defined as the capacity to withstand, recover, and even grow from negative experiences. Resilience involves a range of processes operating before, during and after an encounter with a stressful experience or adversity. It refers to the idea of an individual's tendency to cope with stress and adversity. This coping may result in the individual “bouncing back” to a previous state of normal functioning, or using the experience of exposure to adversity to produce a “steeling effect” and function better than expected.

The experience of ongoing violence might affect everyone in certain communities, yet each responds differently. A severe trauma, for example rape, death or loss of property, can cause different levels of distress. It seems to depend on the individual situation and the protective factors of the individual, family and community. The balance between stressors and protective factors has an impact on possible traumatisation, which might explain why some people develop reactions and others do not, even though they are exposed to the same events.

Have you ever wondered why some people seem to remain calm in the face of disaster, while others seem to fall apart? People that are able to keep their cool have what psychologists call resilience, or an ability to cope with problems and setbacks. Resilient people are able to utilize their skills and strengths to cope and recover from problems and challenges, which may include job loss, financial problems, illness, natural disasters, medical emergencies, divorce or the death of a loved one.

Those who lack this resilience may instead become overwhelmed by such experiences. They may dwell on problems and use unhealthy coping mechanisms to deal with such challenges. Generally, these individuals are slower to recover from setbacks and may experience more psychological distress as a result.

A range of factors seems to provide protective functions to minimise stress, assist coping and prevent long-lasting psychological problems. The important protective factors include :

- ♦ That the person is able to make meaning of the event
- ♦ The person has family and social support
- ♦ The person has a “strong” personality and is able to problem-solve
- ♦ There are material resources and coping resources available to the person

Although overall there is a high degree of resilience amongst people who experience traumatic events, there is a small minority who continue to experience significant psychological distress long after the traumatic event has finished. Some people have alterations in personality, level of functioning and interpersonal relations and a few are unable to re-organise and re-stabilise their lives.

Session 4: Counseling process and ethical considerations in counseling

Session overview/activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Psychosocial process	- Participants can say the process and stages of counseling	Mini Lecture	45 min.	News Print, Marker
Core Principle and Ethical Consideration	-Participants can say 6 core principle of psychosocial programming	Mini Lecture	45 min.	News Print, Marker

Time: 1.5 hrs

Counseling process: 45 mins

Procedure

- Brainstorm why following a process or basic steps is important in counseling:
 - So the counsellor knows what she or he is doing and why;
 - So the counsellor can think clearly about cases and not get muddled;
 - So the counsellor can make a plan about what to do next;
 - So the counsellor can choose actions that are right for this particular client, not just do the same thing with each client;
 - So the counsellor can focus more on process, because his or her tasks are clearer and more structured;
 - So the counsellor can give better help to the client.
- Introduce the basic stages of counseling: introduction/intake, beginning/ rapport building, assessment, formulation & goal setting, implementation and ending. For each stage of counseling, ask the participants their understanding on the topic.

Key learning points:

- There are basically 6 stages of counseling namely: i) identification; ii) beginning; iii) assessment; iv) formulation & goal setting; v) implementation; and vi) ending
- The identification stage is when a client is found to have a problem that might be helped by seeing a counsellor.
- It is in the beginning stage where counselors will become engaged with the client and build trust and rapport.
- Assessment is the process of gaining information about the problem and the client
- Formulation means coming to an understanding of the client's problem, which is informed by theory and knowledge. The theory and knowledge can be a counselling model, psychological theory, psychosocial experience, cultural knowledge, background information about the client, factual knowledge about biology or development, knowledge

about what is “normal” – anything, as long as it is relevant to the client’s situation. Goal setting and intervention planning can be an important part of formulation

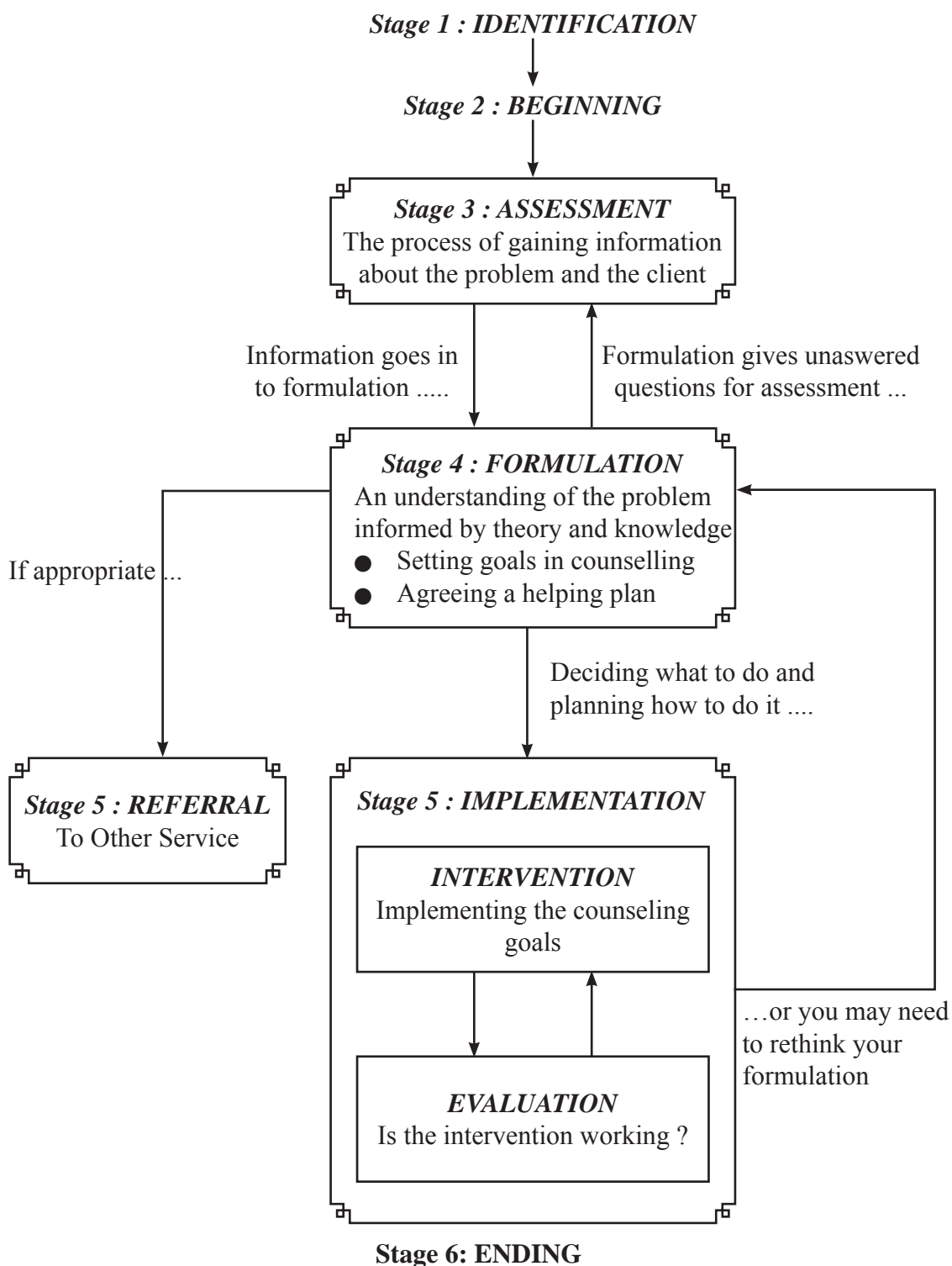
- The Implementation stage has two parts: intervention and evaluation. During the implementation stage, counselors should be intervening and at the same time constantly evaluating to see if their intervention is working.
- Endings should wherever possible be planned in advance, rather than sudden. This gives the client a chance to adjust to and prepare for the end of your relationship.

Content: Counseling Process

Importance of following basic steps in counseling

- ◆ So the counselor knows what he or she is doing and why
- ◆ So the counselor can think clearly about cases and not get muddled
- ◆ So the counselor can make a plan about what to do next
- ◆ So the counselor can choose actions that are right for this particular client, not just do the same thing with each client
- ◆ So the counselor can focus more on process, because his or her tasks are clearer and more structured
- ◆ So the counselor can give better help to the client.

There are six stages of counseling namely: i) identification; ii) beginning; iii) assessment; iv) formulation & goal setting; v) implementation; and vi) ending. The structure for counseling process is shown in the flow-chart below.



(Source: Sapkota, R.P., Danvers, K., Tol, W.A., & Jordands, M.J.D. (Eds.) (2007). *Psychosocial Counselling for people affected by armed conflict in Nepal: A reader for counsellors*. Kathmandu; Sahara Paramarsha Kendra/USAID)

Stage 1: Identification

The first step of counselling include indentifying whether a client have a problem that require counselor's help or not. The identification may take place by the clients themselves or by others, who then refer clients to the counselor. Not all clients who are identified by other professionals do need counselling. It is important to do your own assessment because sometimes people who do not understand counselling might "misidentify" people as clients for counselling.

Stage 2: Beginning

The beginning of the counseling normally takes place counselor establishes a good human relationship with the client. In this stage, counselor strives to build trust and rapport with the client. This is considered the most important stage as without this, no helping relationship will be successful.

Stage 3: Assessment

During the assessment stage, the counselor tries to gather information about the client, their situation and their problem. In this stage, the counselor uses active listening skills such as asking questions and observing to assist the client in identifying and explore her/his problems. Some people also use formal measuring systems, such as questionnaires. In this phase it is also useful to identify and explore the point of strengths the person has in general and mainly in relation to the identified problems (this meaning all the possible resources available or to be activated by the client in setting the goals and face the situation). Assessment may be carried out with the client or sometimes with others who are familiar with the client's situation. It is necessary to gather as much information as possible, even if this phase takes a long period of time (if there is no direct risk to the client, wherein, the counselor must try to protect the client first).

Stage 4: Formulation

Formulation stage is most important if the counselor really wants to understand the client's problems and plan on providing help to the client. Formulation means coming to an understanding of the client's problem, which is informed by theory and knowledge. The theory and knowledge can be a counselling model, psychological theory, psychosocial experience, cultural knowledge, background information about the client, factual knowledge about biology or development, knowledge about what is "normal" – anything, as long as it is relevant to the client's situation. As you are learning to formulate, you may need help from books, colleagues or supervisors to give you the extra theory and knowledge you need.

In formulation, counselor tries to understand the information gathered through assessment, connecting the scattered pieces of information and making sense of them. When you formulate, you draw together all your assessment information, try to make sense of it, and make links between different bits of information. The stages if assessment, formulation and implementation (5th stage of counseling), is a repetitive and ongoing process as the counselor can go back to finding more information through assessment if they see need during the formulation and implementation stage.

Goal setting and intervention planning is an important task of the formulation phase, where the counselor helps the client to identify a feasible goal for the future, where the problem is either solved or s/he is better able to manage and cope with it.

Stage 5: Implementation: Action and Evaluation

The Implementation stage is divided into two parts: intervention (putting the plans into action) and evaluation. During this stage, the counselor helps clients practice to achieve the identified goals and at the same time helps to evaluate if the actions are working to achieve the goals or not. Intervention includes everything the counselor does to help client, for example counseling, supportive listening, networking, empowerment, referral, advocacy and other practical assistance. While evaluating, the counselor can ask the clients for feedback, observe or use formal methods such as questionnaires or rating scales. If the counselor feels that the intervention is not

working, then they can go back to assessment stage to gather more information, or to the formulation stage to further understand the information and make further plans. During the implementation stage, you should be intervening and at the same time constantly evaluating to see if your intervention is working.

Stage 6: Ending

The ending is as important stage as the beginning of the process. The client must be informed since the beginning that the helping situation has an end. The end is reached when the plan of action is carried out and the achievements are evaluated and effectiveness of the intervention is obtained. This process is done together by the counselor and the client gradually. It is important to *close well* the relation because, even if the counseling relation has been properly developed through the empowerment of the client who does not have any dependence feeling and attitude toward the counselor, ending a help relation always involves the feeling of *losing* something. For some clients, it can be difficult to end the relation and they will tend to try ways to continue and keep it alive; this has to be monitored by the counselor and in case set a gradual plan for positively “discharge” the client from the relation.

Ethical consideration: 45mins 

Procedure 

- Ask the participants their understanding of ethical practice and its importance in counseling.
- Explain what ethical practice means.
- Discuss amongst participants the major principles or ethics that should be followed during counseling.
- Facilitate a discussion on the importance of each principle with examples.
- Summarize the session.
- Ask the participants if they have any concerns or queries.

Key learning points: 

- Ethical practice means doing your job in a “morally right” way: a way that is good for the clients you see, good for you, and good for the organization you work for.
- Ethical practice can help counselors make a trusting and safe counselling relationship with client and help make the counselling more effective.
- Some of the major principles of ethical practice for counselors include: open relationship and informed consent, confidentiality, non-judgmental and neutral approach, empowering clients, respecting boundaries, competence to counsel and respecting the best interest of client.

Note to facilitators:

- As the participants are from law enforcement background, it will be relevant to discuss the ethics in their line of work. A brainstorming session can be held to let the participants discuss about the importance of their ethics and what happens when they do not follow their principles during their work.

Content: Ethical Considerations in Counseling

Ethical practice means doing your job in a “morally right” way: a way that is good for the clients you see, good for you, and good for the organization you work for. Ethical practice can help you make a trusting and safe counselling relationship with your client and help make the counselling you do more effective.

Open relationship and informed consent

The counselor should strive to establish an open and honest relationship with the client by answering the client’s questions accurately, explaining what they are doing, providing information on what the counselors can do, and what they cannot do to help the client. They should not retain or hide any information from the client.

Clients have the freedom to choose whether to enter into or remain in a counseling relationship and need adequate information about the counseling process and the counselor. Counselors have an obligation to review in writing and verbally with clients the rights and responsibilities of both the counselor and the client. Informed consent is an ongoing part of the counseling process, and counselors appropriately document discussions of informed consent throughout the counseling relationship.

Confidentiality

Confidentiality refers to information that is shared with the implicit or explicit promise and expectation that it will not be disclosed to others. Confidentiality is considered of the utmost importance because of the nature of the therapeutic relationship. Clients discuss past and present situations, as well as their innermost feelings, so confidentiality is both an ethical consideration and an important element in the counselor/client relationship. It is important that everything said in a counselling session remains confidential, and this must be communicated clearly during the initial contract discussion. Without this in place, the client may not fully “trust” the counselor. Confidentiality also encourages honesty and respect. Confidentiality can be broken in a number of circumstances including: Consent from the client, if the information is already in the public domain, when referring (with the client’s consent), when the interest to protect another outweighs confidentiality, prevention of terrorism, instruction by a court or during supervision.

Non-judgmental and neutral approach

Most clients seek a counselor who is accepting, non-blaming, and non-judgmental. Being *non-judgmental and neutral* means treating all clients with respect, and not giving different treatment because of personal characteristics or beliefs such as race, ethnic group, sexuality, caste, income, class, disability, gender, culture, marital status, religion, age or political group. The counselor must be self-aware that the clients may follow their own values, beliefs and ideas that may differ from the counselor themselves. The decisions made by the clients due to their personal beliefs may clash with the counselors. However, the counselor must accept the beliefs, values, ideas and beliefs of the client and continue to provide services by avoiding being judgmental and staying neutral.

Empowering clients

Counselors should always try to empower clients by helping the clients make their own decisions rather than fostering dependency on counselors by making decisions for them. In most of the cases, the clients have low level of self-esteem and confidence and come from disadvantaged group. The counselors should help to build the self-confidence and esteem of the clients by

assisting them in making their own decisions and expressing their interests and emotions. The counselors should avoid giving advice or trying to influence the beliefs of the clients

Professional relationship

Counseling is a helping relationship that is professional in nature. Hence, the counselor should avoid forming a multiple relationship with the clients. A multiple role is when the counselor is in professional relationship with a client and at the same time has another relationship (friend, colleague, family etc) with the same client. Counseling is a one-way relation where the counselor provides emotional support to the clients. If the counselor establishes multiple relationships with the client, then it becomes a two-way relationship where the counselor is equally emotionally involved. A counselor has to be objective while dealing with the clients and his or her situation. If the counselor does not maintain the professional boundary, then s/he loses the objectivity and hinders the healing process. The counselors should avoid any behaviors that might confuse the clients and make the relationship more personal. Examples of such behaviors include having a romantic or sexual relationship with the client, accepting gifts from the client, doing favors for the client that you would not do for other clients, continuing regular contact with the client after counselling has finished. If clients try to make the relationship into a friendship, counselors should gently remind them why this is not possible.

Competence to counsel

Counselors should have proper training in counseling along with regular supervision to be able to provide counseling service to the clients effectively. The counselors should strive to further their knowledge and skills through further training or study. They should be aware of their potentials as well as their limitations. No counselors can provide help to all the clients, and in such cases, the counselors should refer the cases to counselors that are more experienced or other professionals as deemed necessary.

Respecting the best interests of the client

Counselors should respect the rights of clients and should always work to secure the best interest of the clients. They should make sure that their interests do not conflict with those of the clients, and if they do, then they should put the client's need first.

MODULE EIGHT : COMMUNICATION SKILLS

Overview:

This module deals with the understanding of basic communication skills, which is an important skill of counseling. Basic communication skills are the foundation of helping relationship through which counselors are able to gain the trust of the client and provide support to them. The module is divided into 4 sessions: 1) active listening and introduction to non-verbal communication; 2) skills in non verbal communication; 3) verbal communication skills; and 4) other major skills in verbal communication.

Objectives:

The participants will:

1. be able to understand the importance of empathetic listening skills
2. be able to use active listening skills in support and interviewing
3. be able to understand the importance of basic communication skills

Time: 4.5 hrs

Materials required: Meta-card, flipcharts, marker, board, newsprint

Session 1 : Active listening and Non-Verbal Communication

Session overview/activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Active Listening	<ul style="list-style-type: none"> - Be able to understand the importance of active listening skills - Be able to use active listening skills in their work 	Discussion, Role play, games	45 min	Meta-cards, flip charts, marker, board
Non- Verbal Communication Skills	<ul style="list-style-type: none"> - Be able to understand nonverbal communication skills and its important - Be able to use this skills in their work 	Discussion, Games	45 min.	Meta-cards, flip charts, marker, board

Total Time: 1.5 hrs

Active listening: 45 mins 

Procedure:

- Introduce the topic “communication skills”. Discuss what participants understand by communication skills and if they have used it in their profession or everyday life.
- Practice exercise:
 - Divide the class into two groups. Let group 1 go outside the classroom and group 2 stay inside the classroom. Instruct the group 1 to partner with one individual of group 2 after returning back to the class and talk with the partner about something that is important to them (job, family, relationship) for about 5 minutes. Instruct group 2 in the classroom that when a partner from group 1 arrives and talks to them, ignore in

any possible way they can (by not looking at them, by looking bored or looking at their watch etc). After the instruction has been provided, call group 1 inside and ask them to pair with participants from group 2 and carry out the instructions provided to them. After 5 minutes, ask them to stop. Again, ask the group 1 to go outside the classroom and instruct them once more to do the same as instructed before. However, this time, ask the group 2 to listen to their partner carefully and even make them comfortable (by asking them to sit down, if they want to drink water etc.). Ask the second group to respond appropriately to their partners when they start to talk. After the instructions have been provided, call the group 1 inside class and carry out the instruction. Give the participants 5 minutes. Ask the participants to settle down and discuss-*How they felt when their partner did not listen to them? How did they know they were not listening? How did they feel when their partner listened and responded to them? How did they know their partner were listening to them?*

- Briefly explain about active listening, why it is important and how it is done.

Key learning points:

- Active listening, means being able to focus and concentrate, to summarize and reflect, to ask relevant questions and be silent, to give respect and structure. In other words, it means being responsive and communicating that you are following what the person speaking means.
- Basic communication skills are put under active listening skills because active listening is possible only by the use of basic communication skills, which is why when we say active listening we mean basic communication skill.
- Active listening is done through verbal and non-verbal communication skills.

Introduction to non-verbal communication skills: 45 mins

Procedure

- Practice exercise:
 - All the participants sit quietly in a circle and choose a partner who is sitting just opposite to him/her. Then, when everybody finds the partner, each of them try to communicate non-verbally with the partner how they are feeling on that very moment, how they feel being there in this training, and each of them respond non-verbally to what the partner is trying to communicate. After everyone finishes communicating, ask them to discuss with their partner what they were trying to communicate. Discuss with the group at large: *were they able to understand what their partner was trying to communicate? Was it difficult to communicate? Was it difficult to understand?*
- Briefly explain that basic communication skills can be divided into verbal communication skills and non- verbal communication skills.
- Discuss the importance of non-verbal skills while communicating.
- Practice exercise:
 - All participants sit in a circle. One participant turns to her neighbour on the right and begins by saying: “I’m very happy,” while making a miserable face, “I am angry” by expressing joy, or by saying: “I’m very sad,” with a very big smile. Continue around the circle, with everyone carrying out the assignment. When everybody gets the opportunity then discuss: *how did they feel while doing the exercise? Was it difficult? What was more important- the verbal or the non-verbal aspect?*
- Introduce the skills used in non-verbal communication: SOLER, affirmation, silence, and observation.

- Summarize the session.
- Ask if the participants have any concerns or inquiries.

Key learning points: ↓

- Basic communication skills can be divided into: verbal and non-verbal communication skills.
- SOLER, affirmation, silence and observation are some of the non-verbal communication skills.

Session 2 :Non verbal Communication

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
SOLER	Be able to understand the importance and use of SOLER	Discussion	10 min	Meta-cards, flip charts, marker, board
Affirmation	-be able to understand importance and use of affirmation in conversation	Discussion	10 min	Meta-cards, flip charts, marker, board
Silence	be able to understand importance and use of silence in conversation	Discussion	10 min	Meta-cards, flip charts, marker, board
Observation	be able to understand importance and use of observation in conversation	Role play	20 min	Meta-cards, flip charts, marker, board
Role Play on Skills	-practice non verbal communication skills through role play	Role play	40 min	

Total Time: 1.5 hrs

SOLER: 10 mins 

Procedure  

- Facilitate a discussion with the participants regarding SOLER as a form of non-verbal communication skills.
- Introduce and discuss the meaning of SOLER. Explain its importance.
- Demonstrate the use of SOLER and ask the participants to practice.

Key learning points: ↓

- SOLER is a form of non-verbal communication skills which consist of S: sitting position, O: open posture, L: leaning forward, E: eye contact and R: staying relaxed

Affirmation: 10 mins 

Procedure:  

- Discuss what the participants understand by affirming.
- Explain what affirming means and why it is important.
- Ask if they use affirming during communicating with others.
- Practice affirming in group.

Key learning points:

- Affirming is important to make clients feel that counselors are listening to what s/he has to say. Affirming can be done through humming, nodding or saying yes or *hajur*.

Silence: 10mins

Procedure:

- Discuss with participants why keeping silence is a skill of non-verbal communication.
- Explain the meaning and importance of keeping silence during counseling.

Key learning point:

- Keeping silence gives you and client time to think, organize the information, understand it and respond better.

Observation: 20 mins

Procedure:

- Discuss with participants their understanding of observation and its importance.
- Ask if they have used this skill in their profession and ask them to share their experience.
- Explain why observation is important while counseling and what are the things that a counselor should observe in a client.
- Practice exercise:
 - Ask the participants to divide into a group of three. Ask one of the participants in the group to share the happiest moment of their life. Ask another participant to discuss the saddest moment of their life and the third participant to share their angriest moment of their life. While one group member is share ask the other two to observe the member. After everyone has finished sharing and observing discuss: *what they observed when their group members were sharing about- a) happy moment b) sad moment and c) angry moment?(example- facial expression, body language etc.)*

Key learning point:

- Observation skills are a critical tool in determining how the client interprets the world. You should observe the non-verbal behavior (client's eye contact patterns, body language, and vocal qualities, facial expressions - brow furrowing, lip tightening or loosening, blushing etc) and discrepancies and these discrepancies might be between nonverbal behaviors, between two statements, between what clients say and what they do, or between statements and nonverbal behavior.

Role-play on skills: 40 mins

Role-play on non-verbal communication skills

Split the group in triads. Each group has a person X, a person Y, and a person Z. Person X plays the role of a client, person Y plays the role of a counsellor (counsellor, uses the non-verbal communication skills as much as possible) and person Z plays a role of observer and takes notes of the all the non-verbal communication skills used by the counsellor. Provide the groups with a case study for role-play. After each 10 minutes the role is switched i.e. person X plays the role of an observer, person Y plays the role of client and person Z plays the role of counsellor and so on.

After the role-play, discuss: *What were the non-verbal communications skills used? Was it difficult to use these skills while communicating with client? Which of the skill was difficult to use and why? Were the skills effective to encourage clients to share their story?*

- Summarize the session.
- Ask if the participants have any concerns or queries.

Content: Active Listening and Non-Verbal Communication Skills

Active Listening

Active listening, means being able to focus and concentrate, to summarize and reflect, to ask relevant questions and be silent, to give respect and structure. It is the key of the helping relationship. It refers to the ability of being open toward the source of communication and being attentive and focused on its messages. To be a good helper counselors have to be a good listener and a good observer. The (active) listening process means the counselors are empathetic and non-directive towards the client. Being a good listener means being able to listen with ears and with eyes: “neutralizing” inner values, social constraints and stereotypes, being attentive to the non-verbal communication of the client and the communicative modality through which the client is expressing him-herself (tone of voice, facial expression, looking, gestures...). This technique is necessary to establish, during the first meeting with the client, a positive feeling of trust, acceptance and comprehension of the other. The counselor must participate in the communication, verbally and non-verbally.

The psychosocial workers or service providers should comprehend the verbal outputs, observe the non verbal cues and provide appropriate responses for both in order to ensure that the client feels their warmth and acceptance and understands them, which is active listening.

In other words, it means being responsive and communicating that you are following what the person speaking means. Basic communication skills are put under active listening skills because active listening is possible only by the use of basic communication skills, which is why when we say active listening we mean basic communication skill. Active listening is done through verbal and non-verbal communication skills.

Non-verbal communications skills

Although conversation is often the dominant form of communication, many studies find that most of a message is sent non-verbally, through position of our body while we talk gestures, movements, eye contact, tone of voice, and non-verbal sounds like humming. Nonverbal communication, is a vital form of communication—a natural, unconscious language that broadcasts our true feelings and intentions in any given moment, and clues us in to the feelings and intentions of those around us.

When we interact with others, we continuously give and receive wordless signals. All of our nonverbal behaviors—the gestures we make, the way we sit, how fast or how loud we talk, how close we stand, how much eye contact we make—send strong messages. These messages do not stop when you stop speaking either. Even when you are silent, you are still communicating non-verbally.

Oftentimes, what clients say and what they communicate through body language are two very different things. When faced with these mixed signals, the counselor has to choose the non-verbal messages. Along with being in tuned with the non-verbal messages sent by the clients, the counselor must also be aware of the non-verbal messages sent by him/her to the clients.

The skills of non-verbal communication used in counseling are SOLER, affirming, silence and observation.

SOLER: Sitting position, Open posture, Leaning forward, Eye contact and Relaxed

Sitting position: Sitting position is important to make the client and counselor feel comfortable. The bodily direction counselors adopt sends the message that they are involved with the client. Sitting in L shape or in 45 degree with the client is considered most appropriate sitting position in the counseling. The counselor should also sit in the equal position with the client i.e. if client is sitting on a chair, then the counselor should also sit on a chair and if client is sitting on the floor, then the counselor should do the same. This way, the client will feel respected and equal, which will help build good relationship between counselor and client.

Open posture: Keeping an open posture means not crossing arms and legs, as this sends a message that counselors are not involved or interested in what clients have to say. Ensuring that the arms and legs are not crossed will convey a sense of ease to the client. This openness in body posture will stop feelings of intimidation from occurring.

Lean forward: By leaning towards the client, a sense of care and genuine interest will be conveyed to them. Simply leaning forward will automatically make the clients feel that their concerns are being heard and understood and this will instill further ease and facilitate openness.

Eye contact: Having good eye contact with the client shows that the counselor is listening and is not distracted. It also sends the message of confidence, trust, interest and concern. Not maintaining eye contact shows lack of interest or that the person is hiding something. However, it is important to vary the eye contact so that the client does not feel intimidated or threatened.

Be relaxed: The counselor must stay relaxed before the client. If the counselor is fidgeting or showing any anxiety, it will be conveyed to the client, which will lead them to think that the counselor is not interested in them. The clients might also take on the anxiety of the counselor.

Affirming

Affirming is a positive confirmation. When you affirm something that someone has done or said, you are providing them with support and encouragement. This is unbelievably simple, yet most of us forget to do it! Affirming in counseling shows that the counselor is paying attention to the client and is interested in what s/he has to say or do. Affirming could be done by humming, nodding or in Nepal's case by simply saying *hazur*.

Silence

Silence is an important communication tool. Most of us find an extended period of silence rather oppressive and threatening, and we rush to fill the void with words—usually saying more than we mean to say. By using silence at strategic times, counselors can sometimes get clients to reveal certain feelings and emotions that may be hindering effective communication. Silence can also help provide clients and counselors time to think carefully, understand and process information, and respond better. It helps counselor to think when they are stuck during the counseling session by providing time to think, reassess and move in another direction.

Observation

Non-verbal communication is an important method of communication that can be interpreted with the use of observation skills. Clients convey myriads of feelings, emotions, thoughts and attitudes through the non-verbal means. The counselor must always be aware and observe carefully the client's facial expression (trembling of lips, brows furrowing, blushing etc), body language, tone of voice and eye movement to better understand what the client is communicating and if there is any discrepancy in what they are saying and what they are feeling.

Session 3 : Verbal Communication Skills

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Verbal Communication Skills	-Be able to understand verbal communication skills and its important -Be able to use this skills in their work	Discussion, Role play	15 min.	News Print, Marker
Questioning	-Be able to use questioning skill -Be able to understand importance of open question	Lecture, role play and discussion	25 min	
Reflection of Feeling	-Be able to understand client feelings and respond appropriately	Lecture, role play and discussion	25 min	
Paraphrasing	-Be able to continue talking even with reluctant client in client friendly manner	Lecture, role play and discussion	25 min	

Total Time: 1.5 hrs

Verbal communication skills: 15 mins 

Procedure: 

- Discuss with participants their understanding of verbal communication skills and why it is important while dealing with clients.
- Ask the participants about different types of skills of verbal communication and if they use them in their profession.
- Facilitate a brief discussion on the major skills used in verbal communication.

Key learning points: ↓

- Verbal communication means the exchange of messages through words or phrases. It has to do with the contents of what we are talking about, the words that are spoken.
- Questioning, reflection of feeling, paraphrasing, repeating key words and summarizing are the major skills in verbal communication.

Questioning: 25 mins 

Procedure: 

- Facilitate a discussion on why questioning is an important verbal communication skills.
- Explain about different types of questions (open ended, closed ended, suggestive) with examples. Discuss what type of questions should be used and what type should be avoided.
- Discuss about how questioning skills can be used effectively and what should be avoided.
- Group role play exercise:
A volunteer sits in the middle of semicircle (so that every participant and the volunteer can see each other- face to face) and role plays a client (provide a case or the client can play his or her own case). The other participants in the semicircle are the counsellors

who will do an intervention by using only questioning skills one after another. The client responds according to the skills used by the counsellors. At the end, they discuss which questions seemed to elicit most useful information of the client.

Key learning points:

- Questioning is a major component of active listening which is used to explore, to clarify or further define some issues.
- It provides a systematic way of understanding and accepting feelings.

Tool: Case study of Anita

Anita aged 24, is an unmarried girl and has passed her +2 examination from Dang district. She contacted a NGO working for women's rights. She was crying profusely and was unable to express herself when she first arrived in the NGO. On giving emotional support through paraphrasing and assuring confidentiality, she revealed her story and also came to the centre for personal counselling. Anita had lost her parents when she was 6-7 years old and was brought up by her aunt and uncle. They brought her up with tender love and care and provided support for all her needs. Her aunt and uncle recently got her engaged to a 46 years old man whom she did not know at all. Anita thinks that she is a burden on her foster parents and in order to get rid of her, they have got her engaged to a much older man. She does not like the idea of getting married to a much older man and also does not find him attractive as he is not very educated. She is unable to express her true feelings to her foster parents, as she does not want to hurt them. Anita is undergoing tremendous stress and conflict, as she is unable to make any decision.

Reflection of feeling: 25 mins

Procedure:

- Discuss with the participants their understanding of reflection of feeling.
- Explain the meaning of reflection of feeling and its importance while communicating.
- Provide appropriate example.
- For example: “I have a feeling that you are sad because you couldn't pass S.L.C.”
“You are angry because you couldn't make it through your exam”
- Group role play exercise:
Repeat the above group role play with another volunteer posing as client. This time ask the participants to use reflection of feeling along with questioning skills one by one.

Key learning point:

- In this skill, the counsellor listens and observes carefully to the explicit (expressed) and implicit (unexpressed) feelings of the client and reflects his/her understanding back to the client.

Paraphrasing: 25 mins

Procedure:

- Discuss with the participants their understanding of paraphrasing.
- Explain the meaning of paraphrasing and its importance while communicating.
- Provide appropriate example.

- For example: “*You say that you have had difficulties in the relationship with your husband for quite some time now and that it is therefore difficult for you to concentrate*” am I right?
“*If I understand what you are saying is, you want to quit your job but you are not sure of the consequences of such an action*”.
- Highlight the importance of starting the sentence with: “if I understand you correctly/if I am right” and end it in a questioning tone: “am I right?/ is that correct?”
- Group role play exercise:
Repeat the above group role play with another volunteer posing as client. This time ask the participants to use paraphrasing along with reflection of feeling and questioning skills one by one.
- Summarize the session.
- Ask if the participants have any concerns or queries.

Key learning points: ↓

- Paraphrasing is to repeat in short a client’s statement in your own words. It can be in the form of statement or a question.
- Paraphrasing invites the client to confirm your statement, enabling you to check whether you have understood the content correctly.

Note to facilitator:

As participants may find paraphrasing and reflection of feeling similar, difference between reflection of feeling and paraphrasing must be made clear to the participants for better understanding.

Session 4 : Other Skills in Verbal Communication

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Repeating Key Words	-be able to identify the key words and repeat it in client friendly manner	Lecture, role play and discussion	25 min	News Print, Marker
Summarizing	-be able to reflect what client has said and check whether it was correct.	Lecture, role play and discussion	25 min	
Barrier of communication	-identify and minimize the barrier of communication	Interaction	10 min	
Appreciative Inquiry	be able to reflect AI procedure in psychosocial support	Discussion	30 min	

Total time: 1.5 hrs

Repeating key words: 25 mins

Procedure

- Discuss with the participants their understanding of repeating key words.
- Explain the meaning of repeating key words and its importance while communicating.

- Provide appropriate example.
- For example: *Client: “I feel so fed-up and hopeless these days; I feel nobody is helping me and no one cares about me.*
Counselor: “you said nobody is helping you?” or “you feel hopeless?” or “no one cares?” or “hopeless?”
- Group role play exercise:
Repeat the group role play exercise mentioned above with another volunteer posing as client. This time ask the participants one by one to use repeating key words along with paraphrasing, reflection of feeling and questioning skills.

Key learning points: ↓

- The counselor repeats the words or part of the sentence that the client has just said which are emotionally charged or important in content.
- Counselor repeats these words if s/he wants to explore more or to encourage the client to talk more on that topic.

Summarizing: 25 mins 🕒

Procedure 🏃📈

- Discuss with the participants their understanding of summarizing.
- Explain the meaning of summarizing and its importance while communicating.
- Explain when summarizing is most useful.
- Provide appropriate example.
- For example: “so you are saying that...” or “so far, we have talked about...” or “on today’s session we have talked about two main topics and those topics are...”
- Group role play exercise:
Repeat the group role play exercise mentioned above with another volunteer posing as client. This time ask the participants one by one to practice summarizing along with the rest of the verbal communication skills i.e. repeating key words, paraphrasing, reflection of feeling and questioning skills.

Key learning points: ↓

- Summarizing includes enumerating the key thesis, recapitulation of the conversation thus far, and reformulating a longer statement into shorter, more direct form.
- It helps maintain the dialogue, secures clearness and gives room to check whether counsellor have understood correctly what was being stated

Note to facilitator:

- As paraphrasing and summarizing is similar, take care to differentiate between the two skills for clearer understanding.
- As basic communication skills is an important tool of helping clients, the participants must have clear understanding of these skills before proceeding with other training contents.

Tools: Other case studies for roleplay exercise

Case study of Sukumaya BK

Sukumaya BK (name changed) of Bardiya district is 19 years old. There are six members in her family. Their economic status is weak but they've been managing somehow. Within ten months of Sukumaya's birth, she acquired a disease called Sukenas (Marasmic kwashiorkor). According to Sukumaya, her face resembled that of a monkey's because of the disease. Her parents took her to many different places for treatment. She was even hospitalized for seven days, but none of the treatment seemed to work on her. Her parents had already lost all hope of her recovery. After nothing else seemed to work, her parents took her to an ayurvedic doctor. He prescribed certain herbs which miraculously began to take effect on her, leading eventually to her recovery. When she turned 9, Sukumaya began her schooling from the second grade. When her father saw and understood his daughter's enthusiasm towards her education, he promised her that he would help her through her education till she completes her SLC (School Leaving Certificate) examinations. Unfortunately, her father died when she turned 14. They did not have any money and her mother had to live as a Sukumbasi. Hence, Sukumaya was sent to live with her brothers and their wives. None of the 3 couples, whom she lived with, treated Sukumaya well. On top of that, they had problems with her education and didn't pay her school fees, give her money for books and copies, and insisted on her leaving school. In spite of all this, Sukumaya had been going to school out of her own will and she was studying in the seventh grade. On the one side, Sukumaya was affected badly by her father's death and on the other, by her separation from her mother. To add to her woes, she feels miserable due to the bad behavior of her brothers and their wives towards her. She said that no matter how much work she did and however hard she tried, they sometimes didn't give her food, restrained her from going to school, scolded her, beat her up, and threw away her books. Due to this, Sukumaya began to have psychological problems - she began staying alone and crying a lot. This encouraged even more hurtful behavior from her brothers and their wives. Her problems only got worse and at one point she began to faint all of a sudden. She continued to want to stay alone, she stopped wanting to study, was very worried, continuous crying, babbling, being unable to think, being depressed, stopping abruptly in the middle of some activity, feeling her head heavy, finding it difficult to breathe, tingling sensation in hands and feet (Jhamjhamaune) having a dry mouth, feeling like something was stuck in her throat, feeling like she was being poked by thorns, etc.

Case study of Sadia

Saadia is a mother with five children aged between 7 - 15 years old. She has run away from home and shows up at 3 p.m. in your office. She tells you that her husband has been abusive to her for a long time, physically and psychologically and she cannot live with him any longer. She cannot go anywhere, do anything or spend any money – he watches her all the time, criticising her all the time. Her husband has problems with her family over land issues and has threatened to kill her family members if she seeks help from them. She has not been in touch with her family for some time now. When you ask her why she left the children behind, she responds by telling you, they have only two rooms in the house and he sleeps with the children in the same room. She did not want him to know she was leaving – she was confused and did not know where she would go. She first went to her cousin's house; she gave her money, but said she would not allow her to stay because her husband is unpredictable and would cause her many problems. Her cousin promised not to say anything to anyone.

Case study of Sheela

Sheela, a 31-year-old married woman who had been sexually abused during her childhood constantly thinks that it was her fault as she did not take care of herself. She has never shared her experience with anyone who is significant in her life as she feels that it was her mistake that led to the situation. Informing others will not help to resolve any problem. She thinks that sharing with others will make her more vulnerable. She blames her destiny and is always doubtful of her actions. She always consults significant others for all her decisions. She tries to please everyone around because she feels that she may get into some kind of trap if she disobeys anyone around. She is oversensitive and generalizes her fears to other situations. She fears meeting and facing all men and occasionally doubts her ability to protect herself from any outside harm. She is self-doubting and guilt ridden. She is unable to understand her self-defeating ideas and in spite of her high level of education prefers to stay at home and do household chores with dedication. Sheela has two children, a girl aged 5 and a boy aged 2. She overprotects them and does not permit them to do several normal things children at their age should be doing. She blames herself for any behavioural problem of her children and her self talk is that “I am a useless mother;” “I am responsible for not giving happiness to others,” “I should improve my behaviour otherwise.....,” “I am not as lucky as others,” “this is not the time for me to enjoy,” “I should do my duties diligently.” At home, her husband constantly ridicules and often beats her for her ‘inefficiency’. Her in-laws blame her for the ‘poor upbringing’ of the children as they are not ‘socially apt’ and for not being an ‘efficient’ housewife. Sheela takes all the blame in a submissive way and hardly asserts herself for any issues that arise in her family. She contacts a counseling agency for support and help.

Content: Verbal Communication Skills

The use of words in counseling is a skill, which, like any other skill, requires practice to master. If inappropriate vocabulary or words are used, rapport and understanding is hindered. Similarly, it may also lead to misinformation or information that has no value while dealing with the problems. The verbal communication skills used in counseling are questioning, repetition of key words, reflection of feelings, paraphrasing and summarizing.

Questioning

Questioning is a fundamental skill of counseling while dealing with clients. The counselor should be aware that asking too many questions when they have doubt in what to say or do or when they want to fill the silence will not only make clients uncomfortable, it will add no value in the session. Although counselors do not have to ask too many questions, it is crucial which kind of questions they ask to the client. Some questions may be a barrier to communication, for instance the counselor may have the tendency of asking questions that seek information s/he needs in order to complete the theories s/he has developed about the person and his/her problems. Instead questioning must be focused on the client’s need, not on the helper’s needs. The counselors must be aware about three types of questions while using the skill with client: closed questions, open questions and suggestive question.

Closed questions are those questions that may drive the client to provide short, specific answers that, normally, tend to close the communication channels. To give an example a closed question can be- “Did you feel well after that experience?” These questions usually bring the client to a yes or no answer, and do not motivate them to go more deeply into his/her feelings. This type of questions can be used in the beginning of the sessions when the counselor wants to

collect specific information about the client. However, after the sessions progress, care must be taken by counselor to not use too many closed questions.

At the opposite side, we have *Open questions*. They tend to open up the communication and give the possibility to the clients to say what s/he wants to say about the topic under discussion. It encourages the clients to express his/her feelings, emotions and thoughts freely. On the same note of previous example an open question may be- “How did you feel after that experience?”

Another type of questions that must be avoided by the counselors is *suggestive questions*. A suggestive question is one that implies that a certain answer should be given in response, or falsely presents a presupposition in the question as accepted fact. Such a question "tricks" the person into answering a specific way that may or may not be true or consistent with their actual feelings, and can be deliberate or unintentional. For example, the phrasing "Don't you think this was wrong?" is more suggestive than "Do you think this was wrong?" despite the difference of only one word. The former may subtly pressure the respondent into responding "yes," whereas the latter is far more direct.

Paraphrasing

Paraphrasing is a skill where the counselor restates what the client said. Often different words are used and the counselor may be using this to draw attention to a particular concern or aspect. The counselor uses different words to restate in a nonjudgmental way what the client has said. This is intended to help the client to know that the counselor is aware of the client's perspective and has heard what he or she has said. Paraphrasing and restating allows the client to correct any misunderstanding on the part of the counselor. Examples of paraphrasing: “If I understand you correctly...”; “So you're saying that...”, “If I understand you correctly, you think that...”

Reflection of feelings

Reflecting feelings involves the attempt done by the counselor to understand the client's feelings; it is also expressed through tentative tone since the counselor does not have to tell which are the feelings the client is experiencing or should feel. Rather, it invites for confirmation by the client in order to understand if your understanding is accurate. In reflection of feeling, counselors repeat what a client has said, paraphrase, display empathy, and reflect back verbal and nonverbal feelings. For example, saying, “So you feel...” or “It sounds like you...” ensures the counselor understands what the client has said. Examples of reflection of feelings: “Sounds like you are angry.”; “It seems to me that you feel annoyed.”

Repetition of key words

Repeating key words or certain phrases of what clients said helps the counselor to focus or direct the session into important issues. The counselor pays close attention to the emotionally charged or important contents of the client's word or phrases and repeats them back to the client. This skill helps the counselors to explore more or encourage clients to speak more on the topic. For example- client: “I feel so sad and depressed most of the time” counselor: “You feel depressed?” or just “sad?”

Summarizing

Summarizing is focusing on the main points of a conversation in order to highlight them. At the same time, the counselor is giving the “gist”, s/he is also checking to see if they are accurate. It is a brief statement, usually –but not exclusively- at the end of the session, that tries to represent feelings and thoughts that have been expressed by the client, trying to identify the main issue(s) emerged. It provides opportunities to confirm understanding, to conclude discussion

about a particular issue or to make transition between different stages of the helping process. For example- “so far we have talked about...”

Summaries are particularly helpful under following circumstances:

- At the beginning of a new session. A summary of this point can give direction to clients who do not know where to start; it can prevent clients from merely repeating what they have already said, and it can pressure a client to move forwards.
- When a session seems to be going nowhere. In such circumstances, a summary may help to focus the client.
- When a client is stuck. In such a situation, a summary may help to move the client forward so that he or she can investigate other parts of his or her story.

Barriers of communication: 10 mins

Procedure:

- Brainstorm with participants about barriers in effective communication. Ask them to list a number of communication barriers and write them down in newsprint.
- Briefly explain about different types of barriers in effective communication.
- Facilitate a discussion about the importance realizing the barriers and how it can be overcome.

Key learning points:

- Communication is a key aspect of helping a client and providing counseling service. However, communication is not always easy and simple. Such barriers should be overcome for effective communication.
- Barriers may be in verbal as well as non-verbal communication.
- Environmental barriers, emotional barriers, judging, sending solutions, avoiding other’s concerns, language barriers and culture barriers are some of the examples of communication barriers.

Content: Barriers to Effective Communication

Communication is a key aspect of helping a client and providing counseling service. However, communication is not always easy and simple. No matter how good a communication system and how much skills counselor use, barriers can and do occur. The counselor must be aware of such barriers and work to overcome them for effective counseling. The barriers may be in verbal or non-verbal communication. Some of the barriers of communication are:

- **Environmental/Physical barriers** are often due to the nature of the environment. The place for counseling may have poor or too bright lightening or may be too hot or cold that affects the concentration and morale of the clients. Similarly, the room itself may be too bleak or dull, seats too uncomfortable for the clients to feel relaxed.
- **Emotional barriers** are one of the chief barriers to open and free communications. It is comprised mainly of fear, mistrust and suspicion. The clients may not trust the counselors and view them suspiciously or even fear them. The clients may not open up properly during counseling sessions due the emotional barriers.
- **Cultural barriers** are the differences in the culture of the clients and the counselors that creates obstacles while communicating. Especially in diverse community such as Nepal, it is very important to understand the cultural differences and try to make the clients comfortable.
- **Language barriers.** Similar to cultural barriers, language also can create obstacles while communicating with the client. The counselors may not be familiar with the language the

clients use and may have to use translators during counseling sessions. Talking fast, asking questions as it is done during formal investigations and giving pressure may create barriers in the communication.

- **Judging.** Judging involves imposing your values on another person and giving solutions to their problems. When you judge you don't fully listen to what someone is saying because you are too busy assessing their appearance, the tone of their voice and the words they use. Examples include:
 - Criticizing – “You don't understand anything?”;
 - name-calling – “You are crazy”;
 - diagnosing – “You are not really interested in this subject”;
 - praising to manipulate a person – “With a little more effort you could do a lot better”
- **Sending solutions.** Interrupting before the speaker has finished or giving your idea of a solution before being asked can be irritating for the speaker and can prevent them from transmitting their original message. It may also encourage individuals to become dependent on us to solve problems for them and deny them the opportunity to practice decision-making skills. This type of communication may convey to them that their feelings, values and problems are not important. Examples include:
 - Ordering – “You will study two hours a night”;
 - Threatening – “If you don't do this”;
 - Moralizing – “You should do this...”;
 - Excessive/inappropriate questioning – “Where did you go? What did you do? Who were you with?”;
 - Finishing sentences for the speaker.
- **Avoiding the other's concerns.** Here the problem is never dealt with by the counselor. The individual's feelings and concerns are not taken into account. The listener does not want to deal with the fears, anxieties and worries of the individual. Examples include:
 - Advising – “It would be best if you...”;
 - Diverting – “What sport are you playing this term?”;
 - Logical argument – “The only way to improve your results is to study more”;
 - The emphasis is on facts, and feelings are avoided;
 - Reassuring – “It will all work out”, may make the person feel
 - Better but not deal with the problem;
 - Discounting – “Yes, but...”

Appreciative Inquiry: 30mins

Procedure

- Introduce the topic “Appreciative Inquiry”.
- Brainstorm what the participants understand about “appreciation or appreciative” and about “inquiry” separately.
- Briefly explain about the meaning of appreciative inquiry, its assumptions and process common to appreciative inquiry.

- Facilitate a discussion about the 4D model of AI.
- Summarize the session.
- Ask if the participants have any concerns or queries.

Key learning points:

- An Appreciative Eye gives us the capacity in the world around us to see the true and the good, the better and the possible.
- It is based on the assumption that inquiry into and dialogue about strengths, successes, values, hopes and dreams is itself transformational.
- The 4D model of AI includes Discovery, Dream, Design and Destiny.

Content: Appreciative Inquiry

An Appreciative Eye gives us the capacity in the world around us to see the true and the good, the better and the possible. Appreciative Inquiry (AI) comes from the two words: *appreciate* – to value, to recognize with gratitude, to increase in value; and *inquiry* – to seek to understand through the asking of questions.

AI involves making a very conscious and deliberate choice: to ask only positive questions when we seek to understand what is needed to make life better in organizations; we want to ensure that the very act of our asking questions causes what is best about the organization to appreciate.

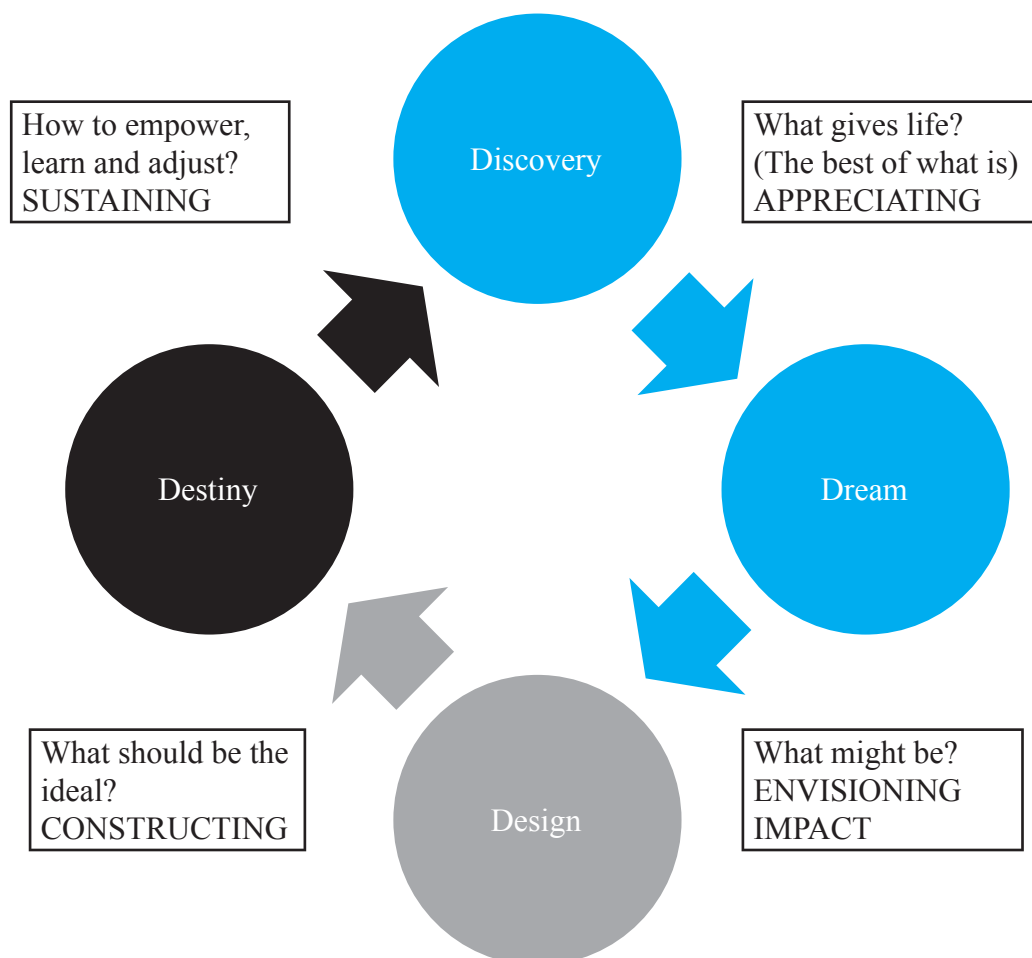
Appreciative Inquiry is about the co-evolutionary search for the best in people, their organizations, and the relevant world around them. It is based on the assumption that inquiry into and dialogue about strengths, successes, values, hopes and dreams is itself transformational. In its broadest focus, it involves systematic discovery of what gives “life” to a living system when it is most alive, most effective, and most constructively capable in economic, ecological, and human terms. AI involves, in a central way, the art and practice of asking questions that strengthen a system’s capacity to apprehend, anticipate, and heighten positive potential.

The Assumptions of AI

- In every organization, group or person, something works.
- What we focus on becomes our reality.
- Reality is created in the moment, and there are multiple realities.
- The act of asking questions influences the people in some way.
- People have more confidence and comfort to journey to the future (unknown) when they carry forward parts of the past (known).
- If we carry parts of the past forward, they should be what are best about the past.
- It is important to value differences.
- The language we use creates our reality.

The 4D model of AI

The 4D model of AI includes- Discovery, Dream, Design and Destiny.



Discover - *Appreciating and valuing the best of what is.* Information and stories are gathered about what is working well.

Dream - *Envisioning what might be.* How do we want things to be for the future?

Design - *Determining What Should Be.* How can we move from where we are now to this vision of the future that we have created? How can we put the ideas into practice? Who will be involved?

Deliver (or Destiny) - *Innovating What Will Be.* In this phase, practical strategies or projects are put into practice and space created for ideas to flow and develop. There is an emphasis on empowering and encouraging people to take action and carry forward their own ideas.

MODULE NINE : COUNSELING PROCESS IN DOMESTIC VIOLENCE

Overview:

This module deal with the specific issue of domestic violence and how to respond to the cases of domestic violence as a counselor. The module is divided into four sessions: session1 deals with the nature and forms of domestic violence and psychosocial issues; session 2 deals with the psychosocial support to domestic violence survivors; and 3 & 4 deals with using communication skills to deal with domestic violence survivors.

Objectives:

The participants will:

1. Develop skill in counseling Domestic violence survivors
2. Have understanding of important issues when counseling with Domestic Violence Survivors

Time: 6 hrs 

Materials required: Newspaper, markers

Session 1: The nature and forms of DV and Psychosocial issues

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
The nature or forms of DV	-Understand the nature or forms of domestic violence	Brainstorming, Micro lecture, group work	45 min.	News Print, Marker
The psychology/ Emotions of the victim	-understand psychological impact of the domestic violence	Discussion, Case Study	45 min.	News Print, Marker

Total time: 1.5 hrs

Nature or forms of Domestic Violence: 45 mins 

Procedure

- Introduce the topic “domestic violence”.
- Brainstorm amongst participants the meaning of domestic violence.
- Divide the participants into a group of five. Ask the groups to discuss amongst themselves the meaning and types of domestic violence. Provide each group with newspaper and marker. Provide 10 minutes for group discussion and another 10 minutes for presentation.
- Summarize the group work and briefly explain about domestic violence and its forms.

Key learning points:

- Domestic violence is a purposeful pattern of assaultive and coercive behaviors that adults or adolescents use against their intimate partner causing physical, economic, or psychological harm.

- Forms of domestic violence include physical, sexual, psychological, emotional and economic/financial.

Note to facilitators:

As the participants of the training deal with the cases of gender based violence, you can draw their experiences and their examples to link with domestic violence and its forms.

Content: Domestic Violence, Its Forms and Consequences

Many consider domestic violence to be simply a man beating up his wife, or “wife-battering”-but it is not that simple. The best definition of domestic violence is *a purposeful pattern of assaultive and coercive behaviors that adults or adolescents use against their intimate partner causing physical, economic, or psychological harm.* Most domestic violence is gender violence, which means it is violence by men directed at women or girls, due to the fact that they are female. Though males can be victims as well, we will refer to the abuser as male and the victim as female throughout the manual as this is the most common scenario that you will encounter in counseling.

Forms of Domestic Violence

Domestic violence is rarely a one-time event and usually escalates in frequency and severity. It is important to remember that domestic violence is not just physical, but can take many forms. The five main forms of domestic violence are:

1. Physical

- Punching; slapping; hitting; throwing objects; biting; pinching; kicking; pulling hair out; pushing; shoving; burning; strangling; raping; beating - often leading to permanent injuries and sometimes death
- Denying food, warmth or sleep
- Keeping someone locked up
- Keeping someone locked out of the house
- Refusing to help someone when they are sick, injured or pregnant
- Holding a person to keep them from leaving
- Abandoning someone in a dangerous place

2. Sexual

- Rape: using force, threats or intimidation to make someone perform sexual acts; having sex with a person who does not want to have sex; forcing sex after beating a person; forcing sex when someone is sick or when it is a danger to their health; forcing a person to have sex in front of others. There are three main categories of rape:
 - a. *Power Rape:* The rapist uses enough physical force to subdue the victim. He uses each assault to prove that he is powerful and competent and to give him a sense of self-worth by deluding himself into thinking that the woman “wanted it” (most common form).
 - b. *Anger Rape:* The rapist brutally beats and degrades his victim. He uses each assault to express his rage against women; usually these rapes are of women he knows. The pleasure he derives is not from the sex but from hurting and humiliating his victims.
 - c. *Sadistic Rape:* The violence becomes eroticized. The victim is stalked and tortured (least common, usually carried out by mentally ill men).
 - Sexual degradation, including: using abusive insults such as “whore” and “frigid”; sexual criticism; making demeaning gender based comments
 - Forced sadomasochistic practices
 - Insisting on unwanted and uncomfortable touching

- Forcing a person to strip
- Having affairs with other people after agreeing to a monogamous relationship
- Publicly showing sexual interest in other people
- Withholding sex and physical affection
- Minimizing someone's feelings about sex

3. Emotional

- Putting a person down: calling them "ugly," "stupid," "fat," "worthless," etc
- Constant criticism
- Putting a person down in front of others
- Mocking
- Shouting
- Being excessively jealous
- Frequently accusing a person of flirting when they are not
- Controlling what a person wears
- Not listening or responding when someone is talking
- Refusing to accept a person's decisions, saying they have no choice in any decisions
- Lying to friends and relatives about someone
- Humiliating a person in public

4. Psychological

- Isolation: from friends and relatives; monitoring or blocking a person's telephone calls or disconnecting the telephone; telling someone where they can and cannot go; making someone a prisoner in their own home
- Harassment: following a person; checking up on them; opening their mail
- Threats: making angry gestures; using physical size to intimidate; wielding a knife or a gun; threatening to kill or harm someone, their children, their friends and family, or himself
- Punishing or depriving the children when he is angry with their mother
- Abusing the pets to hurt someone or their children
- Denial: Saying the abuse does not happen; saying the abused caused the abusive behavior; being publicly gentle and patient or charming, but privately violent and abusive; crying and begging forgiveness; saying it will never happen again
- Manipulating a person with lies and contradictions

5. Financial/Economic

- Keeping a person from working
- Controlling someone's money or the household/family money
- Withholding money
- Spending money on himself (often on alcohol or drugs) or/and on other women

Consequences of Domestic Violence

Physical

- Bruises
- Lesions and cuts
- Pelvic pain
- Headaches
- Back pain
- Broken bones

- Gynecological injuries
- Pregnancy complications
- Sexually transmitted diseases
- Gastrointestinal disorders
- Heart or circulatory conditions

Psychological/Emotional Consequences—most psychological and emotional aftereffects should be viewed as normal human responses to horrific, terrifying, extreme event. In some cases, however, the survivor experiences mental illness that requires medical intervention.

- Post traumatic stress
- Depression
- Anxiety, fear
- Anger
- Shame, insecurity, self-hate, self-blame
- Mental illness
- Suicidal thoughts, behavior, attempts

Social Consequences—most societies tend to blame the survivor for the incident, especially in cases of rape. This social rejection results in further emotional damage, including shame, self-hate and depression. Due to their fear of social stigma and rejection, most survivors never report the incident and never receive proper health care and emotional support. Most incidents of GBV are never reported to anyone.

- Blaming the victim
- Loss of ability to function in community (e.g., earn income, care for children)
- Social stigma
- Social rejection and isolation
- Rejection by husband and family

The psychology and emotions of the victim: 45 mins

Procedure:

- Discuss about the possible consequences of domestic violence with the participants.
- Provide a case of domestic violence to the participants. Ask them to list the effects of domestic violence as given in the case study. From those effects, ask which of the effects are emotional or psychological to the participants.
- Ask the participants to share their observation of emotional or psychological state of victims in their professional experience.
- Discuss briefly about the emotional or psychological characteristics of victims of domestic violence.
- Summarize the session.
- Ask if the participants have any queries or concerns.

Key learning points:

- It is crucial to understand the psychology and emotional state of victims before providing any intervention.
- Characteristics exhibited by victims include: timidity, jumpiness, anxiousness, perfectionism, obedience, submissiveness, depression, despair, feelings of inadequacy, powerlessness, worthlessness, humiliation etc.

Tool: Case study of Ina

Ina Pandey married Jagat Pandey and they had three daughters aged 11, 9 and 4. Jagat Pandey battered his wife and as a result, she was forced to leave the home on a few occasions. He has similarly beaten up all his daughters. Recently, Ina learned from her eldest daughter that her father was subjecting her to sexual abuse. When Ina attempted to confront her husband, he brutally beat her, and she left the home. The father refused to let his daughters join their mother, conditioning this to the end of school exams. At the end of school term Jagat still did not allow the daughters to join their mother. At that point, Ina assisted by some women's organisations, returned home and took them with her. Since then, they had been hiding in a shelter. The daughter is suffering from anxiety, lives in constant fear and is not able to mingle with others while her mother complains of body aches, sleeplessness, loss of appetite, and lack of concentration.

Content: Psychology/emotions of Victims of Domestic Violence

The following are characteristics often exhibited by victims of domestic violence and good warning flags to look for if you suspect that someone is being abused:

- Timidity, jumpiness, anxiousness
- Perfectionism, obedience, submissiveness
- Depression, despair
- Feelings of inadequacy, powerlessness, worthlessness, humiliation
- Sleeping disorders, eating disorders
- Suicidal, self-injury
- Truancy, withdrawal from activities and friends
- Crying easily, getting hysterical, overreacting to minor incidents
- Low self-esteem

Session 2: Psychosocial Support to the DV Survivors

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Coping with DV	-be able to understand the coping mechanism of the Victim	Discussion, Case Study	45 min.	
WHO ethical safety recommendation for interviewing	-be able to understand and implement WHO ethical safety recommendation - be able to state 5 ethical safety consideration	Micro Lecture	45 min	News Print, Marker

Total time: 1.5 hrs

Coping with domestic violence: 45 mins

Procedure:

- Re-introduce and refresh the topic “coping”.
- Brainstorm amongst participants about the coping strategies used by victims of domestic violence.
- Briefly explain types of coping mechanisms used by the victims (approach/avoidance and behavioral/cognitive) and the factors that influencing the choice of coping strategy

(frequency of abuse, severity of abuse, length of relationship, available resources, social support and prior effectiveness of coping strategies).

- Provide a case of domestic violence to the participants and ask them to identify the coping strategies used by the victim. Discuss about the positive and negative coping strategies in the case.
- Discuss about the risk factors and its assessment of staying in the relationship and ending the relationship.

Key learning points: ↴

- There are various coping mechanisms and strategies applied by the victims of domestic violence that may be categorized into: approach/avoidance and behavioral/cognitive.
- The coping strategies used by the victims depend upon: frequency of abuse, severity of abuse, length of relationship, available resources, social support and prior effectiveness of coping strategies.

Note to facilitators:

- While brainstorming about coping strategies used by victims, keep in mind that victims have to cope with not only physical abuse but other forms of abuse such as: economic, sexual and psychological as well.
- Focus on the cultural context brainstorming about coping strategies of the victims. What coping mechanisms are used by victims in Nepali community could be one of the questions for brainstorming.

Content: Coping with Domestic Violence and Assessment of Risk

Coping

The negative physical and psychological effect of intimate partner abuse has been documented in most of the cases. Abuse inflicted by an intimate partner is the source of a great deal of psychological distress for many women. Yet, some manage to survive and emerge from abusive relationships with fewer negative outcomes than others.

Coping strategies include a broad diversity of thoughts and behaviors used to manage the demands of a difficult situation. The coping used by victims of domestic violence is found to be organized in two different categories:

- i. Approach and avoidance coping; and
- ii. Cognitive and behavioral coping

Approach and avoidance coping is also distinguished as active or avoidant coping or engagement/disengagement coping. The approach/avoidance construct, as the label implies, indicates whether the individual attempts to change the situation or distance him- or herself from the stressor as a way to reduce negative outcomes. Examples of approach coping are “Talked with a friend about the problem” and “Made a plan of action and followed it”. In contrast, “Refused to believe that it happened” and “Kept my feelings to myself” are examples of avoidance coping.

A second factor that has appeared in several studies is a distinction between *cognitive* versus *behavioral* strategies.

Behavioral coping may include observable actions taken to reduce the impact of stress, for example, “Got away from things for a while”. Cognitive coping strategies include attempts at changing one’s way of thinking about a situation (e.g., “Tried to see the positive side of the situation”).

The predictors or factors affecting coping strategies of women are:

- Frequency of abuse: high frequency of abuse result in active or approach coping such as breaking the relationship and staying in shelter;
- Severity of abuse: higher severity of abuse result in use of avoidance coping;
- Length of relationship: if the length of relationship is more, a woman may feel dedicated to making the relationship work;
- Prior effectiveness of coping strategies;
- Available resources; and
- Social support

Assessment of the risk factors in domestic violence

It is important for the victims to carefully and realistically before making decision about staying or leaving the relationship. The assessment may be done based on the following risk factors:

Risk Factor	If she <u>stays</u> in the relationship	If she <u>leaves</u> the relationship
<i>Loss or damage to possessions</i>	He may destroy things of importance or value to her to gain further control	He may destroy things of importance or value to her to gain further control, she may have to leave things behind when she leaves, he may get things in a divorce proceeding
<i>Loss of partner or relationship</i>	He could leave her or be emotionally unavailable	Loss of partner and relationship
<i>Being alone, single parenting</i>	He could be emotionally unavailable, he could do little to help her with the children	He is unavailable and she may not be able to (or want to) find someone new, he may not visit or help raise the children, it may not be safe for the children or her to have him do so
<i>Standard of living</i>	He may control the money and give her little money to live on, he could lose or quit his job, he could make her lose or quit her job	She may now live solely on her income, she may have to move out of her home or neighborhood, she may have less money
<i>Loss of caretaker</i>	If she is disabled and he is her caretaker he may not adequately care for her	If she is disabled and he is her caretaker he will no longer be there to help her
<i>Substance abuse</i>	She may abuse drugs and/or alcohol to help her cope with the emotional and physical pain	Even if she leaves, she will take an addiction with her, she may abuse drugs and/or alcohol to cope with her new life situation

WHO ethical safety recommendation for interviewing: 45 mins 

Procedure: 

- Introduce the topic “WHO ethical safety recommendation for interviewing”.
- Brainstorm the importance of following ethical guidelines for interviewing.
- Briefly discuss about the 10 guiding principles for ethical and safe conduct of interview recommended by WHO.
- Summarize the session and ask if the participants have any queries or concerns.

Key learning points:

- There are 10 guiding principles for the ethical and safe conduct of interview with women: do no harm; know your subject and assess the risks; prepare referral information - do not make promises that you cannot fulfill; adequately select and prepare interpreters and co-workers; ensure anonymity and confidentiality; get informed consent; listen to and respect each woman's assessment of her situation and risks to her safety; do not re-traumatize a woman; be prepared for emergency intervention; and put information collected to good use.

2

Content: WHO Ethical Safety Recommendation

There are 10 guiding principles to the ethical and safe conduct of interviews with women.

1. Do no harm

Treat each woman and the situation as if the potential for harm is extreme until there is evidence to the contrary. Do not undertake any interview that will make a woman's situation worse in the short term or longer term.

2. Know your subject and assess the risks

Learn the risks associated with trafficking and each woman's case before undertaking an interview.

3. Prepare referral information - do not make promises that you cannot fulfill

Be prepared to provide information in a woman's native language and the local language (if different) about appropriate legal, health, shelter, social support and security services, and to help with referral, if requested.

4. Adequately select and prepare interpreters, and co-workers

Weigh the risks and benefits associated with employing interpreters, co-workers or others, and develop adequate methods for screening and training.

5. Ensure anonymity and confidentiality

Protect a respondent's identity and confidentiality throughout the entire interview process from the moment she is contacted through the time that details of her case are made public.

6. Get informed consent

Make certain that each respondent clearly understands the content and purpose of the interview, the intended use of the information, her right not to answer questions, her right to terminate the interview at any time, and her right to put restrictions on how the information is used.

7. Listen to and respect each woman's assessment of her situation and risks to her safety

Recognize that each woman will have different concerns, and that the way she views her concerns may be different from how others might assess them

8. Do not re-traumatize a woman

Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to a woman's distress and highlight her strengths.

9. Be prepared for emergency intervention

Be prepared to respond if a woman says she is in imminent danger.

²Source: World Health Organization (WHO). (2003). Ethical And Safety Recommendations For Interviewing Trafficked Women. Geneva: WHO.

10. Put information collected to good use

Use information in a way that benefits an individual woman or that advances the development of good policies and interventions for trafficked women generally.

Session 3: Using Communication Skills to support DV

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Verbal and Non verbal communication skills	-Be able to use this skills in their work	Role Play	1:30 Hrs	

Procedure:

- Split the group in triads. Each group has a person X, a person Y, and a person Z. Person X plays the role of a client (provide a case of domestic violence or let the participant come up with their own case), person Y plays the role of a counselor (counselor, uses the basic communication skills as much as possible) and person Z plays a role of observer and takes notes of the all the basic communication skills used by the counselor. After each 20 minutes discuss the role play session and switch the roles i.e. person X plays the role of an observer, person Y plays the role of client and person Z plays the role of counselor and so on until all three participants in a group gets a chance to take on the role of client, counselor and observer.

Tool: Use case study of Ina

Session 4: Using Communication Skills to support DV

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Verbal and Non verbal communication skills	-Be able to use this skills in their work	Role Play	1:30 Hrs	

Procedure:

- Repeat the activity of session 3.

Note to facilitator:

- During the role-play, make sure the participants make maximum use of communication skills. Observe the role-play sessions and provide feedback and suggestions.

Tool: Case study on Domestic Violence

Case study of Hema

Hema is a young woman of 28 years who lives with her husband and five children in Jhapa. Her husband is unemployed and drinks alcohol excessively. He treats Hema badly, hitting and beating her and the children on a daily basis. Whenever things get out of hand, Hema leaves home and takes refuge at her parents' house. Her husband had forbidden the children from leaving with their mother as a way to pressure Hema and punish her for leaving the house. Hema always goes back to him for the sake of the children. Every time she reconciles with him, he forces her to have sex without protection, often resulting in a new pregnancy. Although the family needs the money, the husband forbids her from working whenever they fight because of the evident signs of beating on her body and his fear of her talking to other people and exposing his behaviour.

Hema is constantly under fear, suffers from sleep and eating disorders, has low self esteem and is depressed most of the time. She complains about having bad memory- forgetting small things like where she kept keys or forgetting that she is boiling water until it is too late. The last time she left home, her husband forced their eldest daughter to quit school in order to take care of her siblings and other domestic matters. She is now fearful for her daughter's security and worried about her future. She does not want her daughter to suffer like her.

MODULE TEN : COUNSELING PROCESS IN CHILD SEXUAL ABUSE

Overview:

This module deals with the understanding of children's needs, emotions and behavior and on how to handle cases of child sexual abuse as a counselor. The module consists of four session: 1) Child Sexual Abuse: their needs and behavior; 2) Alternative tools to support children; 3) Behavior Modification; and 4) Using Communication Skills to support Children.

Objectives:

The participants will:

1. Understand children's needs and children's behavior
2. Develop skill in counseling with children.

Time: 6 hrs

Materials required: News Print, Marker, toys, drawing papers, sign pens

Session 1: Child Sexual Abuse: children's needs and behavior

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Psychological and emotional effects of child sexual abuse	-be able to understand emotional and psychological state of sexually abused children	Discussion, Case Study	45 min.	News Print, Marker
Children's needs and understanding children's behavior	-be able to understand children need and behavior - be able to state minimum five children needs	Brainstorming, group work, Micro lecture	45 min.	News Print, Marker

Total time: 1.5 hrs

Psychological and emotional effects of child sexual abuse: 45 mins

Procedure:

- Introduce the topic “child sexual abuse” and discuss briefly about its meaning.
- Brainstorm the effects of child sexual abuse on the children. List the responses in a newsprint or a board. Ask the participants to identify the emotional and psychological effects from the list.
- Provide a case of child sexual abuse. Discuss: what happened to the child? What are the problems the child is facing? What are the emotional and psychological problems of the child?
- Briefly discuss about “five things to tell a child when they confide in you”.

Key learning points:

- Child sexual abuse is the contacts or interactions between a child and an adult when the child is being used for sexual stimulation of the perpetrator or another person when the perpetrator or another person is in a position of power or control over the victim.
- Sexual abuse is a traumatic event for a child that often results in severe emotional and behavioral problems (such as feeling depressed, fearful), physical problems (such as stomach pain) and learning problems.
- Frustration, anger, anxiety, fear, depression, loneliness, distrust, fear of being rejected or neglected, frequent recall of the incident, depression, sleep and eating disturbances, nightmares are some of the psychological and emotional effects of child sexual abuse.

Content: Child Sexual Abuse and its Effects

Child sexual abuse is the contacts or interactions between a child and an adult when the child is being used for sexual stimulation of the perpetrator or another person when the perpetrator or another person is in a position of power or control over the victim. It is a sexual exploitation of a child through fondling, penetration, exposing the child to sexual material and/or information. Sexual abuse is a traumatic event for a child that often results in severe emotional and behavioral problems (such as feeling depressed, fearful), physical problems (such as stomach pain) and learning problems.

Effects of sexual abuse on children

The effects of child sexual abuse are complex. At times, it is possible that there will be an absence of symptoms. In other cases, the child might have multiple manifestations. In another instance, there could be long-term effect making a child vulnerable to other problems.

Short Term Effects

- Feeling of powerlessness
- Anger
- Fear
- Increased anxiety
- Phobias (object or people)
- Nightmares
- Difficulty concentrating (e.g. day-dreaming)
- Flashbacks of the event
- Frequent vigilance of one’s environment for fear of confronting the perpetrator

Long Term Effects

Psychological Problems

- Depression
- Chronic or severe anxiety
- Low self-esteem
- Guilt
- Sleep disturbance
- Dissociative phenomena
- Difficulties with trust and intimacy in relationships (frigidity)
- Adult survivors of sexual abuse have a high incidence of being re-victimised as adults by battery, sexual assault or both.
- Potential abusers
- Lack of assertiveness
- Aggressiveness

Problem behavior

- Self-harm
- Drug use
- Prostitution
- Running away

Relationship and sexual problems

- Social withdrawal
- Sexual promiscuity
- Re-victimization

Learning disabilities

Psychiatric disorders

- Eating disorders
- Somatization disorders
- Post-traumatic stress disorder
- Borderline personality disorder

Content: Emotional Characteristics of Sexually Abused Children

Emotional characteristics of sexually abused children

- **Fear.** The offender may swear the child to secrecy and say that if they tell something bad will happen. Sexual abuse is usually accompanied by coercion, bribery or threats. The child is afraid to tell because of what the consequences might be. e.g. punishment, blame, abandonment or not being believed.
- **Helplessness/powerlessness.** Children in this situation often feel that they have no control over their own lives or even over their own bodies. They feel that they have no choices available to them.
- **Guilt and Shame.** The child knows something is wrong and blames him or herself not others. The offender will often encourage the child to feel that the abuse is his or her fault and sometimes s/he will feel that s/he is a "bad" person.

- **Responsibility.** The offender often makes the child feel responsible for keeping the abuse a secret. Sometimes the child also feels responsible for keeping the family together and the burden of this responsibility interferes with experiencing a normal childhood.
- **Isolation.** Incest victims feel different from other children. They must usually be secretive. This even isolates them from non-offending parents, brothers, and sisters.
- **Betrayal.** Children feel betrayed because they are dependent upon adults for nurturing and protection and the offender is someone who they should be able to love and trust. They may also feel betrayed by a non-offending parent who they feel has failed to protect them.
- **Anger.** Not surprisingly, this is one of the strongest feelings, which many children have about their sexual assault. Children may feel anger against the perpetrator and against others who they feel failed to protect them.
- **Sadness.** Children may feel grief due to a sense of loss, especially if the perpetrator was loved and trusted by the child.
- **Flashbacks.** These can be like nightmares, which happen while the child is awake. They are a re-experience of the sexual assault and the child may experience all the feelings a gain which they felt

Five Things to Tell a Child who confides in you

1. I believe you.
2. It is not your fault (a child can never be held responsible).
3. I am glad you told me.
4. I am sorry this happened to you.
5. I am going to try to help you.

Understanding the children's need and their behavior: 45 mins

Procedure:

- Brainstorm on the needs of the children. Ask the participants to think about the needs of their own children. List the responses in newsprint. Ask them to provide some additional needs concerning sexually abused children. Summarize the responses and discuss about the basic needs of the children.
- Facilitate a brief discussion on problem behavior of children.
- Divide the participants in a group of five. Ask the groups to discuss about the problem behavior of sexually abused children. Provide newsprint and marker to each group. Provide 15 minutes for the discussion and 10 minutes for presentation. Summarize the group work and briefly discuss about behavior of sexually abused children.

Key learning points:

- Need of sexually abused children include: affection, approval, discipline, demand, material needs, basic security and attachment.
- Fear, excessive crying, regression to earlier behaviors such as bed wetting, pessimistic, aggressive, hurting other children or animals, lying, not speaking, nightmares and sleep disturbances, eating disturbance, withdrawal from family and friends, poor school performance, substance abuse, suicidal gestures and pseudo-mature behavior are some of the characteristics shown by sexually abused children.

Content: Needs of Children

Every human have their own need and children are no exception. Just like adults, the children too have needs for the fulfillment of which, are dependent on adults. Children have physical needs, which must be met in order for them to grow – they need food and water, they need to be warm and dry, and they need to be clean and free from disease. They also have psychosocial needs that must be met in order to develop emotionally – children need love and support, acceptance and boundaries, and they need to have a secure base within their family from which they can explore the world.

1. Affection

A child needs love. We should accept the child and his/her feelings and thoughts. The parent/caretaker should try to fulfill the child's needs.

2. Approval

The parent/caretaker must be able to express his/her approval of the child's positive behavior. Parents/caretakers must give approval whenever the child does something and the child needs to know it. Giving approval is conditional. A parent/caretaker does not approve of everything that a child wants or does. The child must feel that the parent/caretaker supports him/her. The parents/caretakers must appreciate the good behavior of the child.

3. Discipline

The child has to learn what behavior is generally acceptable in the given society. There is a need to sanction inappropriate behavior for the child to develop properly. Parents/caretakers should be role models for children. This is the basic responsibility of parents/caretakers since children learn from parents/caretakers. The child needs a certain amount of discipline to gain a feeling of structure and safety from where to explore life.

4. Demands

Children have certain demands, which are essential for a healthy upbringing such as unconditional love, attention, and discovering new experience i.e. sports, going outside to visit new places, going to a temple. This broadens their vision. These experiences (such as playing and education) provide the child with intellectual and social stimulations, which is necessary for healthy development

5. Material needs

Children have material needs without which they cannot survive, such as food, clothing, and shelter.

6. Basic security and attachment

Children need an environment that they can trust. This means that they should be in a safe place where they feel protected and secure. Only then can emotional stability take place.

Content: Problem Behaviors of Sexually Abused Children

Children sometimes misbehave or become involved in mischief. However, when the children starts to behave in a developmentally inappropriate manner that are not standard to social culture and norms, then the children's behavior could be problematic. Children who are sexually abused have to undergo through a traumatic situation, which may result in behavioral problems. Children from different age groups show different behavioral problems. The behavior problems shown by children of different age groups are:

Children up to age 3 may exhibit

- Fear or excessive crying
- Vomiting
- Feeding problems
- Bowel problems
- Sleep disturbances
- Failure to thrive

Children ages 2 to 9 may exhibit

- Fear of particular people, places or activities
- Regression to earlier behaviors such as bed wetting or stranger anxiety
- Victimization of others
- Excessive masturbation
- Feelings of shame or guilt
- Nightmares or sleep disturbances
- Withdrawal from family or friends
- Fear of attack recurring
- Eating disturbances

Older children and adolescents may exhibit

- Depression
- Nightmares or sleep disturbances
- Poor school performance
- Promiscuity
- Substance abuse
- Aggression
- Running away from home
- Fear of attack recurring
- Eating disturbances
- Early pregnancy or marriage
- Suicidal gestures
- Anger about being forced into situation beyond one's control
- Pseudo-mature behaviors

Session 2: Alternative tools to support children

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Alternative tools: Drawing Playing	-be able to use alternative tools while working with the children	Mini Lecture, Role Play	1:30 hrs.	News Print, Marker, toys, drawing paper, sign pen

Total time: 1.5 hrs

Alternative tools: Drawing and Playing: 1.5 hrs 

Procedure:

- Introduce the topic “drawing and playing”.
- Brainstorm the importance of using drawing and playing while dealing with children.
- Briefly facilitate a discussion on drawing and playing as an alternative tool to counseling.
- Discuss the process of conducting play with children. (Discuss about no intervention, mild intervention or total intervention during play).
- Demonstrate the play technique to the participants.
- Discuss about the process of conducting drawing technique to the children. (Identifying when the counselor needs to use the technique, introducing the drawing materials, providing themes for drawing etc.). Explain the important points that the counselor must reassure the children about.
- Demonstrate the drawing technique to the participants.

Key learning points:

- Children are often less verbally oriented than adults and hence require an additional or alternative tool besides talking to express their emotions, feelings, and thoughts.
- Drawing and playing are important tools of counseling children below the age of 11.
- Play is a form of counseling or psychotherapy that uses play to communicate with and help people, especially children, to prevent or resolve psychosocial challenges.
- Drawing is a natural mode of communication that children rarely resist and that offers a way to express feelings and thoughts in a manner that is less threatening than strictly verbal means. For the child who has experienced trauma or loss, it helps to externalize emotions and events too painful to speak out loud and is one of the only means of conveying the complexities of painful experiences, repressed memories, or unspoken fears, anxieties, or guilt.

Note to facilitator:

While explaining about drawing and playing, it must be made clear play and art is used by counselors strictly for assessment only, although it might itself be therapeutic in nature. The participants must understand that the counselors do not use them as a therapy.

Content: Alternative Tools while Dealing with Children

Although counseling is mainly carried out through talking, other tools are also used during the counseling to make the process easier and effective. Writing journals, me-mapping, storytelling, drawing, playing, relaxation etc. are some of the alternative tools used during the counseling. Children are often less verbally oriented than adults and hence require an additional or alternative tool besides talking to express their emotions, feelings, and thoughts. Hence, use of drawing and playing could be valuable tools while dealing with children, especially those below age of 11.

Drawing

Drawing is a natural mode of communication that children rarely resist and that offers a way to express feelings and thoughts in a manner that is less threatening than strictly verbal means. For the child who has experienced trauma or loss, it helps to externalize emotions and events too painful to speak out loud and is one of the only means of conveying the complexities of painful experiences, repressed memories, or unspoken fears, anxieties, or guilt. Drawings expediently bring issues relevant to treatment to the surface, thus accelerating the helping professional's ability

to intervene and assist troubled children. A drawing can provide information on developmental, emotional, and cognitive functioning, hasten expression of hidden traumas, and convey ambiguous or contradictory feelings and perceptions. It helps children quickly communicate concerns and problems, thus enhancing the efficiency of counselor-child interaction.

The reasons why drawing could be an important tool while dealing with children (especially children who have gone through difficult situations) are:

- Drawing may reduce anxiety and help the child to feel more comfortable with the counselor;
- Drawing may increase memory retrieval;
- Drawing may help children organize their narratives;
- Drawing may help in prompting children to tell more than they would during a solely verbal interview.

Process of conducting drawing with children:

1. Identifying when the counselor needs to use the technique. If the counselor realize that talking with the children is not helping with the counseling process and/or if counselor realize that s/he needs more information in certain area of the child's life that the child is not being able to communicate verbally, then drawing can be used with the child.
2. Introducing what is about to happen. The counselor explains to the child on what they are going to do and how long it would take.
3. Introducing the drawing materials. Materials such as pens, colors, papers, crayons etc should be introduced to the children and its uses should be explained to them.
4. Providing themes for drawing. The counselor can provide various themes for the children to draw. Themes can be based on the area where the counselor needs more information on (such as school, classroom, friends, family etc). The counselors can also provide themes by zooming in on the problem. For example, the counselor can first ask the child to draw a school. Then, s/he can ask the child to draw his/her classroom, and then zoom into the teacher teaching in the classroom and so on.
5. Explaining the drawing. After the drawing, the counselor can ask the child to explain his/her drawing or probe for any discord in the drawing. The counselor can also ask what the child was thinking/feeling before drawing, while drawing and after drawing.

Things to consider while conducting drawing:

- It is important to reinforce to the child that a simple drawing, even one created with stick figures, is helpful in communicating feelings and experiences.
- It is important to assure the child that it is not necessary for the drawing to be good and that a simple line or rough sketch is also helpful in the session.
- It is important to provide show positive affirmation and approval repeatedly of what the child is drawing.
- In using drawing tasks, it is important that the counselor be as curious as possible about all elements of the drawing. Asking about everything in a drawing demonstrates to the child that you are interested in his or her creation. More importantly, your questions will mobilize new information to surface and clarify for you what the child intended to express in the drawing.
- It is important to ask the child about what is not included in the drawing. For example, a child may draw an image of a traumatic event, but may not necessarily include family members or friends who were present. If someone significant to the traumatic event is not included, ask where that person is; the child may have forgotten to include that person or may wish to leave an individual out of the picture for some reason.

Play

Play has an intrinsic potential to be therapeutic, most especially, if it is a shared experience between a child and an emphatic, accepting and trustworthy adult. Play is a form of counseling or psychotherapy that uses play to communicate with and help people, especially children, to prevent or resolve psychosocial challenges. It is used as an alternative tool in counseling mainly for assessment rather than a therapy. It is also used as a tool of diagnosis. A counselor observes a client playing with toys (playhouses, pets, dolls, etc.) to determine the cause of the disturbed behavior. The objects and patterns of play, as well as the willingness to interact with the therapist, can be used to understand the underlying rationale for behavior both inside and outside the session.

Practitioners of play technique believe that this method allows the child to manipulate the world on a smaller scale, something that cannot be done in the child's everyday environment. By playing with specially selected materials, and with the guidance of a person who reacts in a designated manner, the child plays out his/her feelings, bringing these hidden emotions to the surface where s/he can face them and cope with them. The counselor is unconditionally accepting of anything the child might say or do. The counselor never expresses shock, argues, teases, moralizes, or tells the child that his/her perceptions are incorrect. An atmosphere should be developed in which the child knows that s/he can express herself/himself in a non-disciplinary environment.

The Importance of Play

- An adult can understand the child's world by observing the child at play.
- The adult can more naturally relate to the child through play activities than through a verbal discussion.
- Play is the child's natural medium for self-expression and consequently is essential in counseling.
- Through play, the child expresses their thoughts and feelings.
- Through play, the child recreates the events of the day or their life and seeks to understand them. In contrast, adults review everything in their heads

Principles in play technique

- Freedom of choice and action of the client, important to a child's development and maturity.
- Promotion of the child's welfare, what is in the child's best interest?
- Avoidance of anything harmful or damaging to the child.
- Faithfulness and loyalty, of maintaining the child's trust.
- Maintaining a sense of equity and fairness in the therapeutic relationship, avoiding any discrimination and advocating for client needs.
- Truthfulness emphasizes the importance of the counselor developing openness and trust.

Play technique can be used by counselors in:

- *Non-directive method* where the counselors let the child play freely without interrupting or intervening in any way and only observe.
- *Directive method* where the counselors intervenes the child's play by asking questions or directing the play to a certain course.
- *Semi-directive method* where the counselors intervene occasionally by asking few questions and only if they deem it necessary to intervene.

How to Play with a Child

- The counselors should have the play materials (human figures, animals, houses, temples/ church/mosques, cars, toy guns, rubber knives, kitchen appliances, baby items etc) ready in the counseling/play room.

- The counselor should first explain to the child what they are going to do and how long they can play etc.
- Introduce the play materials to the child.
- Allow the child to choose the materials with which to play. Do not suggest materials or activities. If the youngster wishes to leave before the session ends, that is allowed.
- Get down to the child’s level. If the child is on the floor, join them. (if this is not culturally acceptable, come down as close as possible to where the child is playing).
- Show an interest in what the child is doing.
- Occasionally comment on what you see. Example: “oh, look at that. The two dolls are dancing together.”
- DO NOT offer interpretations or judgments of the actions. ("He's a nice boy." "It's wrong for children to hit."). Some counselors ask probing questions to get the child to speak or investigate a situation further. ("I wonder why the grown up is doing that.", "What do you think that the girl is thinking right now?")
- Once you and the child feel comfortable with each other, you may ask, “Would you like me to play?”
- If the child says “yes”, ask the child what they would like you to do. Do whatever the child says as long as the actions do not hurt you or the child.
- Your job is now to follow whatever the child is doing. Follow their lead. Do not take over the play.
- If the child wants to play alone without your participation, just sit with them and provide them with approval and occasional comments.
- If the child does not show in interest in playing:
 - Show them several toys (sticks, dolls, clay, crayons, paper, drafts etc) and be patient. You can try playing with some toys yourself and see if the child joins you.
 - Change to another activity. Play soccer or throw a ball.
- Inform the child at the end of the session when their time has ended.

Session 3: Behavior Modification

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
How to influence Behavior	-be able to implement behavior modification approach	Discussion	1:30 Hrs.	

Total time: 1.5 hrs

How to influence behavior: 1.5 hrs

Procedure:

- Introduce the topic “how to influence behavior”.
- Facilitate a mini lecture on: how do children learn behavior ? (memory, modeling and conditioning); and how can we influence behavior?
- Brainstorm which methods (positive/negative) are used in Nepal to influence behavior of children.

- Discuss about the pros and cons of using different reinforcements: social rewards (praise), non-material rewards (activities), material rewards, taking away privileges, punishment (adding a disliked activity).
- Summarize the session and ask the participants if they have any queries or concerns.

Key learning points: ↓

- Children learn behavior through memory, modeling and conditioning.
- social rewards (praise), non-material rewards (activities), material rewards, taking away privileges, punishment (adding a disliked activity) are various methods used to influence children's behavior.

Content: Behavior Modification

It is important to modify the problem behaviors of the children. In order to modify the behavior, counselors must first understand how children learn behavior. Children learn behavior through memory, modeling and conditioning.

Modeling (social / imitating learning)

This is learning through observation, for example through films, peers, group processes and through adults.

Conditioning (reinforcement learning)

Reinforcement: we learn those behaviors that we are encouraged to learn and forget those behaviors, which are not encouraged; behavior is learned by the consequences that are related to this behavior.

Memory

Learning through what we remember, what was told to us.

Aim of influencing behavior:

- Increase (strengthen) positive behavior
- Reduce negative behavior

What kind of methods (reinforcers) are used to influence behavior of children?

- Social rewards (praise)
Examples: well done, thank you, congratulations
- Non-material rewards (activities)
Examples: dance, playing games, playing football, drama, watching movies, picnic, visits.
- Material rewards
Examples: hairclips, chocolates, watches, video games, clothes.
- Taking away privileges
Examples: not allowed to play games or to watch TV
- Punishment (adding a disliked activity)

Examples: cleaning the room, cleaning the bathroom for one week, sing a song.

Positive reinforcement means that something is added because of the behavior of the child. For example- giving social or materialistic reward or praise because of cooperative behavior in an aggressive child. The goal is to strengthen the desired behavior. Because the desired behavior is followed by positive consequences, the child is motivated to repeat these.

Negative reinforcement means that something is taken away because of the behavior of the child. For example- a liked activity can be taken away or attention can be taken away because of fighting. The goal is to eliminate the undesired behavior. Because the undesired behavior is followed by negative consequences, the child is not motivated to repeat these.

Similarly, behavior can be influenced by *punishment*. Punishment can be conducted by adding a disliked activity/reaction as a consequence to undesirable behavior (positive punishment) or taking away a liked activity/reaction as a consequence to undesirable behavior. It is essential that the punishments are not degrading, hurtful or harmful to the child.

Four conditions when you are using reinforcers:

1. Identify the desired and undesired behavior of the child.
2. Know the background of the behavior of the child.
3. The consequences to behavior (the reinforcers) have to be immediate, specific, consistent, age-related and the consequence has to stand in relation to the behavior.
4. Explain the consequence of behavior to the child, the child has to understand it, discuss the desired and undesired behavior with the child and involve the child in choosing a reinforcer.

While encouraging the child to change his/her behavior:

- Give the child time
- Preferable: pay attention to wanted behavior, and less attention to the unwanted behavior
- focus on positive things, express it verbally
- stay close to the child, so that you can guide them
- join them
- be a model, show a convincing attitude
- give time limit (be clear when the reinforcement will start/end)
- limit warnings
- other possibility: use distraction (help the child to focus on other behavior or give attention to something else)

Session 4: Using Communication Skills to support Children

Session overview/Activities 

Content	Behavioral Objectives	Methodology	Time	Material Needed
Verbal and Non verbal communication skills	-Be able to use this skills in their work	Role Play	1:30 Hrs	

Verbal and Non-verbal communication skills: 1.5 hrs 

Procedure: 

- Ask the participants to split into a group of three where one is counselor, one is observer and another is client. Provide a case of child sexual abuse or let the participants come up with their own case related to child sexual abuse. Ask the participants to conduct a role play using verbal and non verbal communication skills along with alternative tools for 30 minutes, after which the role is swapped until each person in the group gets to play the role of client, counselor and observer.

Tools: Case study on Child sexual abuse

Case study of Shreya

Shreya was aged five when her father started abusing her. She remembers the smell of alcohol on her father's breath and her heart beating fast when her father forced her to touch his male organ. As she grew older, the abuse got even more intense when she was forced to put his organ in her mouth while he touched her in different places sexually. When she was home alone with her father, he used to show her dirty movies in the television and masturbate in front of her. Shreya remembers always feeling afraid in the house. She was too afraid to share the incidents with anyone even her mother. She had two elder brothers but was unable to confront them as well. When she was small she used to cry a lot without any reason. She became wary and afraid of all elder males, even her teachers at school. Her school performance was really poor, she did not make any friends at school. She had low self esteem, nightmares and problems of bed wetting even when she got older. Her father abused her until she was 12 years old but stopped after that. However, she could not forget what her father did to her and suffered from extreme depression since 14 years of age. She could not have good relationships with any person- not even her mother or brothers (hugging or having fun with them).

Case Study of Bimala

Bimala was repeatedly sexually abused by her uncle between ages of nine to fourteen. It stopped when she finally found courage to tell about it to her mother. The ties with her uncle was broken after that and the abuse stopped, which brought relief to Bimala. Bimala tried to push the memories of the abuse to one side and tried to cope with it. However, she found forming relationships such as friendships difficult and was extremely distressed when she had to live outside her family home away from her parents. Bimala was extremely hard on herself, blaming herself for the abuse, for upsetting her parents, and for not coping better with her life. She had a number of problems that affected her life; she was generally quite anxious; she was a perfectionist; she had a phobia about the dark; she worried about her appearance excessively; and she would occasionally binge eat.

MODULE ELEVEN: COUNSELING PROCESS IN RAPE AND SEXUAL ASSAULT

Overview:

This module deals with the understanding of the effects of rape on the victim, its psychological implications. It focuses on how to practically manage and deal with clients who are the victims of rape and sexual assault. The module consists of two parts. First part, consists of 4 sessions: 1) Psychological/Psychosocial symptoms; 2) managing rape crisis; 3) Using Communication Skills to support Rape and Sexual Assault victims; and 4) Using Communication Skills to support Rape and Sexual Assault victims. And second part, consist of 4 practical interactions at selected an appropriate Counseling Center along with observation of the counseling activities.

Objectives:

Participants will :

1. Be able to develop skill in counseling of victim of Rape and sexual assault
2. Have understanding of important issues when counseling with Rape Survivors
3. Be able to provide counseling service to victim women and children

Time: 12 hrs

Materials required: Newsprints, markers, multimedia

Management: Need to arrange the two way transportation for participants in order to visit to Counseling Center.

Session 1: Psychological/Psychosocial symptoms

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Psychological symptoms of rape trauma syndrome	-to understand symptoms of rape trauma syndrome -able to distinguish between other mental illness to the rape trauma syndrome	Brainstorming, Micro lecture	45 min.	News Print, Marker
Managing rape crisis	-able to handle the rape survivors and provide first hand care upon their arrival -be able to offer the services available	Discussion, Case Study	45 min.	News Print, Marker

Total time: 1.5 hrs

Psychological symptoms of rape trauma syndrome: 45 mins

Procedure

- Ask all the participants to think about a most traumatic event in their life (death/accidents/abuse).
- Ask the participants to voluntarily share the traumatic event in the class.
- Discuss: what they felt during the incident, describe their thoughts and feelings while remembering the incident and how they felt while narrating the traumatic event in the class.

- Introduce the topic “rape and sexual assault”.
- Briefly discuss about “rape trauma syndrome”.
- Brainstorm about the effects of rape and sexual assault on the victim. Highlight the psychological effects.
- Summarize the brainstorming session and discuss about psychological symptoms of RTS.
- Facilitate a discussion on difference between RTS and other mental illness.

Key learning points: ↓

- Sexual assault is defined as any unwanted sexual act including forced sexual contact and sexual touching.
- Rape trauma syndrome (RTS) is a form of psychological trauma experienced by a rape victim that consist of disruptions to normal physical, emotional, cognitive, behavioral, and interpersonal characteristics.
- Increased fear and anxiety, guilt and shame, self-blame, humiliation, lowered self esteem, anger, confusion, memory loss, emotional numbness are some of the psychological symptoms of RTS.

Content: Rape, Assault and Rape Trauma Syndrome (RTS)

What is Sexual Assault and Rape?

Sexual assault is defined as any unwanted sexual act including forced sexual contact and sexual touching. Women always have the right to say no to any sexual involvement. Rape is defined as sexual intercourse without the consent of the parties involved. Like domestic violence, rape and sexual assault are crimes that are far too common. Rape is a devastating crime. Some women are badly physically injured. Some become pregnant. Some contract HIV. However, the emotional trauma can be worse than any physical injury. The lives of women who are raped are forever changed. Even if they have not been physically harmed, women who have been sexually assaulted often suffer from long-term psychological and physical health problems.

Rape Trauma Syndrome (RTS)

RAPE TRAUMA SYNDROME (RTS) is a form of psychological trauma experienced by a rape victim that consist of disruptions to normal physical, emotional, cognitive, behavioral, and interpersonal characteristics.

When a person experiences a traumatic event, whether it is physical or psychological, they will respond in a predictable manner. When the response consists of a series of reactions, that series is called a syndrome. When the trauma is psychological, the response will be emotional.

Reactions and adjustment to rape are similar to those that might be experienced after other types of major life traumas. Reactions vary from individual to individual depending on the victim's age, maturity, life experience, and support systems. There is no one way that victim's respond to rape. Most rape victims do, however, experience a predictable range of emotions following the assault. This cluster of reactions is called Rape Trauma Syndrome. RTS describes a cluster of psychological and physical signs, symptoms and reactions common to most rape victims, during, immediately following, and for months or years after a rape.

Symptoms of Rape Trauma Syndrome

Physical symptoms of rape trauma syndrome

- Shock, in which the survivor feels cold, faint, confused and disoriented, trembles, nauseous and sometimes vomits
- Resulting pregnancy

- Gynecological problems include irregular, heavier and painful periods, vaginal discharge, bladder infections and sexually transmitted diseases
- Bleeding and infection from tears or cuts in the vagina or rectum
- A soreness of the body, bruising, grazes and cuts
- Nausea and vomiting
- Throat irritation and soreness from forced oral sex
- Tension headaches
- Pain in the lower back and in the stomach
- Sleep disturbances, including difficulty sleeping or feeling exhausted and needing more sleep than usual
- Eating disorders, including not eating, eating less or eating more than usual

Behavioral symptoms of Rape Trauma Syndrome

- Crying more than usual
- Difficulty concentrating
- Restless, agitated and unable to relax or feeling listless and unmotivated
- Not wanting to socialize or see anybody or socializing more than usual, to fill up every minute of the day
- Not wanting to be alone
- Stuttering and stammering more than usual
- Avoiding anything that reminds victim of the rape
- More easily frightened or startled than usual
- Very alert and watchful
- Easily upset by small things
- Problems with family, friends, lovers and spouses from irritability, withdrawal and dependence
- Fear of sex, loss of interest in sex or loss of sexual pleasure
- Change in lifestyle
- Increased substance abuse
- Increased washing or bathing
- Denial, behaving as if the rape did not occur, trying to live life as it was before the rape

Psychological symptoms of Rape Trauma Syndrome

- Increased fear and anxiety
- Self-blame and guilt
- Helplessness, no longer feeling in control of life
- Humiliation and shame
- Lowered self-esteem, feeling dirty
- Anger
- Feeling alone and that no one understands
- Losing hope for the future
- Emotional numbness
- Confusion
- Memory loss
- Constantly thinking about the rape
- Having flashbacks to the rape, feeling it is happening again
- Nightmares
- Depression
- Developing suicidal ideas

Managing Rape Crisis: 45 mins

Procedure:

- Brainstorm about how rape crisis can be managed.
- Briefly discuss about the importance of referring victims to the counselors and medical management.
- Present a case study on rape and sexual assault. Discuss: *what was the situation, what were the effects and how was the case managed?*

Key learning points:

- Rape crisis could be managed by ensuring safety and security of victims and referring them to the counselors and medical management.
- It is important that those talking to the victims do not only feel comfortable with talking about sex themselves, but that they also show understanding that it is not always easy for women to talk about it, especially if the experience was painful.

Tool: Case study on Rape and Sexual Assault

Case study of Renu

Renu (name changed) was born in 2045 BS. Including her father, her brother and his wife, her younger sister, and her brother's two sons and herself, there are 7 people in her family. The family's main earning source is farming. Her father had gone to India to work for 3-4 years without sending any letters or money back home. He finally contacted after four years but did not return until 5-6 years. During his time there, her mother had to ask lots of favors and help from people in order to sustain herself and her children. Renu's own relatives began sending letters to her father telling him bad things about her. After that, her father came back home after which there were many fights that lasted all night. Her mother couldn't take the never-ending fights, and she divorced her husband, and left for her parent's house in Nawalparasi, leaving all her young children behind. She has been managing her livelihood there by hammering stones. 13 years have already passed since her mother left home.

Renu passed her SLC in 2063, but because her father couldn't pay for higher education, she had just been staying at home. Since her friends who studied with her had gone on to study in campus, she had been urging her father to send her for further education as well. Seeing his daughter's interest in studies, Renu's father talked to one of her uncle who lived in Kathmandu about all his problems including their financial situation and Renu's interest in further education. In Asoj 2065, her uncle took Renu in, in his place in Kathmandu, in order to study. After one year, when her uncle couldn't keep her in his house any longer due to certain constraints, he sent her to a woman whom he knew, with whom she could stay, go to campus from, and also help with the housework. Initially the woman seemed to take care of Renu, due to which she was very happy, and after some time even when the woman began misbehaving with her by scolding and hitting her, and not letting her study, Renu did not react and kept it to herself. What's more, she didn't know anyone whom she could talk to nearby and so she used to cry alone. Two to three months passed in this way. After some time, the woman even began sexually abusing Renu by bringing male "friends" to her house. Renu tried to run away crying from the woman's house but the woman caught her and locked her up in her house and beat her. Soon, she found that the woman intended to have her sold. One day, the woman took her for an outing, behaving very nicely with her just to get her sold, but Renu had caught of her intentions and she ran away and took refuge in a stranger's house, where she stayed for a few days. After that, she found her uncle and told him about all that had happened.

After the incident, Renu began to have problems such as screaming in the middle of night, crying and laughing without reason, not talking much to others, lack of appetite, fainting, walking around aimlessly, staying alone, sleep disturbance, and talking to self. Her uncle sent her back to her home in Bardiya but her problems did not stop.

Session 2: Managing Rape Crisis

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Managing rape crisis	-able to handle the rape survivors and provide first hand care upon their arrival -be able to offer the services available	Discussion, group work, case study	45 min.	News Print, Marker
Factors influencing victims coping capacity	-able to understand factors influencing coping mechanism of victims	Discussion	45 min.	News Print, Marker

Total time: 1.5 hrs

Managing rape crisis: 45 mins 

Procedure: 

- Divide the participants into a group of five. Ask the groups to discuss about how counselors can offer their support to rape victims. Provide newsprint and markers to the groups. Ask each group to present their discussions.
- Summarize the group work and discuss about the counselors support to the victims.
- Reflect upon the WHO ethical guidelines for interviewing women.
- Provide a case study to the participants. Ask a female participant to volunteer as client and three others to act as law enforcement officers. Ask the client to imagine that she was raped and is going to the police to file a complaint. Ask the other three volunteers to carry out the interaction as they normally do when a victim of rape or sexual assault come to them. Discuss: how did the client feel? Was it comfortable to talk to the officers? Which part was most difficult to verbalize? What does she wish that was done differently?

Key learning points: ↓

Counselors can offer support by:

- Creating a supporting environment in which to share the experience
- Exploring and addressing client concerns
- Addressing client fears about health care, family and social consequences
- Addressing the fears and concerns of the guardian or parent for a child survivor

Tool: Case study on Rape

Case study of Phulmaya

Phulmaya, a 33-year-old woman from a small village in Acham, was gang raped by a group of men. She fled the village and went to live with sister and her brother-in-law in another village. Her husband had left gone to India in search of work three years back but had never contacted her. She did not have any children. She suffered from extreme anxiety, nightmares, sleep and eating disorders. She was restless, easily frightened and cried most of the time. Few months later, she learnt about her pregnancy and became extremely depressed. She stopped talking to others completely and even stopped taking her food. She had to be force fed. A woman in the village who was a member of women's group had heard about psychosocial counselling and referred her to a counsellor.

Note to facilitators:

- It is important that care workers do not only feel comfortable with talking about sex themselves, but that they also show understanding that it is not always easy for women to talk about it, especially if the experience was painful. However, as women (specially women of Nepalese community) find it difficult to talk about sex with others. Hence, facilitator should take care on making the participants comfortable to talk about sex and emphasize the issue during role play.

Content: Management of Rape Crisis

Rape crisis can be managed by:

- *Ensuring the safety and security of the victims:* It is very difficult for the survivors of rape and sexual assault to feel safe and secure. Rape and sexual assault is a crime where the victims are left vulnerable physically and emotionally. Fear of the perpetrators and of being re-victimized lies high amongst the survivors especially if they wish to testify against them. Hence, it is important to ensure the victims and their families concerning their safety and security.
- *Refer for medical management:* Survivors of rape should seek care as soon as possible, preferably within 24-72 hours of the assault. This is important, not only for collecting evidence, but also to ensure that drugs for preventing infections and pregnancy are taken as soon as possible. A delay in seeking care will hamper the effectiveness of these drugs and therefore increase the risk of infections and pregnancy.
- *Refer for counseling:* Sexual assault is a frightening and sometimes life-threatening violent experience. The survivors are vulnerable not only physically but also emotionally and psychologically. Later on, memories can resurface and impair a victim's ability to function properly. Counselling will help facilitate recovery in assault victims, and help them regain control of their lives.

Asking for help

Victims of sexual violence seldom ask for help directly. There are several reasons that may apply:

- They do not know what kind of help is available and what it can do for them.
- They do not want to talk about it and try to forget, they might be afraid to become overwhelmed by painful emotions.
- Personal taboos, shame, self-blame making it hard to talk about what has happened.
- They may be afraid of possible social consequences: to be blamed or stigmatized; also, members of their family or community might want to take revenge.
- They do not define what happened as trauma, and are unaware of the relationship between the trauma and later symptoms like depression, fear, avoiding physical contact and intimacy, distrust, insomnia, addictive behavior and self-neglect.

How the counselor can offer support

The counselor can offer the survivor support by:

- Creating a supporting environment in which to share the experience
- Exploring and addressing client concerns
- Addressing client fears about health care, family and social consequences
- Addressing the fears and concerns of the guardian or parent for a child survivor

Survivors will not respond in the same ways. While most survivors experience the symptoms, some may experience only a few and others none at all. Counselors must be careful not to judge by the symptoms whether someone has been raped. Because most survivors are afraid to tell anyone, it is important to treat everyone who says they have been raped as if they were.

Bringing Up the Issue of Sexual Violence with a Client

How can we make a start with talking about sexual violence?

- By asking the client if she has had any experiences that she finds difficult to talk about, experiences that have harmed her as a woman. Try to adapt your idiom to that of the client, use metaphors. Use examples (“I know there are women who have experienced abuse and find it difficult to talk about it”).
- Make clear to her that you have heard many stories of abuse and that you can handle it.
- Be clear that anything she says remains a secret, and that you will not take any action without her permission.
- Talk about the possible consequences of sexual trauma, and that it is normal to have certain symptoms (name them).
- Give information about what sort of help is possible and what she can expect.
- Ask her what help she wants; maybe a physical examination for pregnancy or testing for diseases.
- Make sure she knows that anything she does not want to talk about now, she can always come back for later (tell her that some women find it very hard to start talking about these things with somebody they don’t know, but that some of them come back later, after they have thought about it, and this is okay).

Factors influencing coping capacity of the victims: 45 mins

Procedure:

- Discuss briefly about coping and coping strategies used by victims of rape and sexual assault.
- Brainstorm what could be the factors that influence the coping capacity of the victims.
- Summarize and facilitate a discussion on factors determining the coping capacity of victims.
- Summarize the session and ask if the participants have any queries or concerns.

Key learning points:

- Coping capacity of a victim depends upon the following factors:
 - Support systems, such as referral to health care provider and counsellor, family support and spiritual support
 - The relationship with the offender
 - The violence used
 - Social and cultural influences
 - Previous experience with stress
 - Ability to cope with stress
 - Attitude of those immediately contacted after the assault

Content: Factors Influencing the Coping Capacity of Victims

There are many influences on how each sexual violence survivor copes with the experience and how long the symptoms may be present. These include:

- Support systems, such as referral to health care provider and counselor, family support and spiritual support
- The relationship with the offender
- The violence used
- Social and cultural influences
- Previous experience with stress
- Ability to cope with stress
- Attitude of those immediately contacted after the assault

Session 3: Using communication skills to support rape and sexual assault victims

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Verbal and Non verbal communication skills	-Be able to use this skills in their work	Role Play	1:30 Hrs	

Verbal and Non-verbal communication skills: 1.5 hrs 

Procedure:

- Ask the participants to split into a group of three where one is counselor, one is observer and another is client. Provide a case of rape or sexual assault or let the participants come up with their own case related to it. Ask the participants to conduct a role-play using verbal and non-verbal communication skills for 30 minutes, after which the role is swapped until each person in the group gets to play the role of client, counselor and observer.

Session 4: Using communication skills to support rape and sexual assault victims

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Verbal and Non verbal communication skills	-Be able to use this skills in their work	Role Play	1:30 Hrs	

Verbal and Non-verbal communication skills: 1.5 hrs 

Procedure:

- Same as session 3.

Tools: Use case studies of Phulamaya and Renu

Session 5: Interaction on counseling process with the team of counseling center

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Interaction on counseling process on rape and sexual assault	-Be able to use counseling skills in daily work prospect	Discussion Question answer	1:30 Hrs	

Procedure:

- Interaction between participants and the team of Counseling Center
- Discussion and question with team of Conseling center about whole process of counseling to victims of rape ad sexual assault

Session 6: Interaction on counseling process with the team of counseling center

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Interaction on counseling process on rape and sexual assault	-Be able to use counseling skills in daily work prospect	Discussion Question answer	1:30 Hrs	

Procedure:

- Interaction between participants and the team of Counseling Center
- Discussion and question with team of Conseling center about whole process of counseling to victims of rape ad sexual assault

Session 7: Observation of counseling materials used for counseling process at counseling center

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Counseling materials need to use for victim of rape and sexual assault	-Be able to use counseling skills in daily work prospect	Observation, question and answer	1:30 Hrs	

Procedure:

- Observe the materials used by counseling centers in counseling process of victim of rape and sexual assault.

Session 8: Observation of counseling materials used for counseling process at counseling center

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Counseling materials need to use for victim of rape and sexual assault	-Be able to use counseling skills in daily work prospect	Observation, question and answer	1:30 Hrs	

Procedure:

- Continue observe the materials used by counseling centers in counseling process of victim of rape and sexual assault.

MODULE TWELVE : CRISIS INTERVENTION, REFERRAL MECHANISM

Overview:

This module deals with the understanding of crisis intervention, management of stress and the referral process. The module is divided into four sessions: 1) crisis and crisis intervention; 2) stress management; 3) referral mechanism; and 4) closing of the training.

Objectives:

The participants will:

1. Have better understanding on crisis intervention
2. Have deeper understanding of stress management
3. Be acquainted with referral process

Time: 6 hrs

Materials required: Newsprint, markers, pens

Session 1: Crisis and Crisis Intervention

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
What is Crisis Intervention?	-be able to understand crisis intervention and its objectives	Brainstorming, Micro lecture	30 min.	News Print, Marker
Provide support in Crisis - Establishing contact and engagement - Stabilization - Practical assistance	-be able to establish contact with crisis victims properly -be able to stabilize emotions and provide practical assistance in integrated approach	Discussion, Case Study	60 min.	News Print, Marker

Total time: 1.5 hours

What is Crisis Intervention?: 30 mins

Procedure:

- Introduce the topic “crisis management”.
- Divide the participants into small groups of five. Provide each group with newsprint and markers. Ask the group to discuss their understanding of crisis and crisis intervention and write their response in the newsprint. Allow 10 minutes for presentation.
- Summarize the group work and briefly discuss about the meaning of crisis and crisis intervention.
- Facilitate a discussion on the principles of crisis intervention.

Key learning points:

- **Crisis can be defined as one’s perception or experiencing of an event or situation as an intolerable difficulty that exceeds the person’s current resources and coping mechanisms.**

- Crisis Intervention is an emergency psychological care aimed at assisting individuals in a crisis situation to restore equilibrium to their biopsychosocial functioning and to minimize the potential for psychological trauma.
- It refers to the methods used to offer short term immediate help to individuals who have experienced an event that produces mental, physical, emotional and behavioral distress
- Principles of crisis intervention include: human rights and equity, participation, do no harm, building available resources and capacities, integrated support systems and multi-layered supports.

Providing support in Crisis: 1 hr

Procedure:

- Brainstorm about what should be done in case of emergency situation- what actions should be taken.
- Briefly discuss about the primary goals of those carrying out crisis intervention.
- Discuss about the core actions of crisis intervention: establishing contact and engagement, stabilization and practical assistance.
- Provide a case, which consists of crisis situation. Ask a volunteer to act as client. Discuss with other participants how intervention can be done to help the client.
- Summarize the session and ask if the participants have any queries or concerns,

Key learning points:

- Crisis intervention could be carried out through establishing contact and engagement, stabilization and practical assistance.

Note to facilitators:

During the group exercise, make it clear to the participants that the objective of the crisis intervention is to get the crisis or immediate result of the crisis under control and relieve the high level of distress. They have to try to solve the immediate crisis.

Content: Crisis and Crisis Intervention

What is crisis?

Crisis can be defined as one's perception or experiencing of an event or situation as an intolerable difficulty that exceeds the person's current resources and coping mechanisms. Most crises are part of the normal range of life experiences that most people can expect, and most people will recover from crisis without professional intervention. However, there are crises outside the bounds of a person's everyday experience or coping resources, which may require expert help to achieve recovery.

A crisis can refer to any situation in which the individual perceives a sudden loss in their ability to problem solve and to cope. These may include natural disasters, sexual assault, criminal victimisation, mental illness, suicidal thoughts, homicide, and a drastic change in relationships and so on. Therefore, in terms of mental health, a crisis does not necessarily refer to a traumatic situation or event. It is the person's reaction to an event. One person may be deeply affected by an event, whilst another does not suffer.

What is crisis intervention?

Crisis Intervention is an emergency psychological care aimed at assisting individuals in a crisis situation to restore equilibrium to their biopsychosocial functioning and to minimize the potential for psychological trauma. It refers to the methods used to offer short-term immediate help to individuals who have experienced an event that produces mental, physical, emotional and behavioural distress. Crisis intervention has several purposes. It aims to reduce the intensity of the person's physical, mental, emotional and behavioural reactions to a crisis. It also helps the individual return to the level of functioning they were at before the incident.

Principles of crisis intervention

According to the IASC Guidelines for mental health and psychosocial support in emergency setting³, the core principles of crisis intervention are:

1. Human rights and equity
2. Participation
3. Do no harm
4. Building on available resources and capacities
5. Integrated support systems
6. Multi-layered supports.

Core Actions of Crisis Intervention or Psychological First Aid (PFA)

Contact and Engagement

Goal: To respond to contacts initiated by affected persons, or initiate contacts in a non-intrusive, compassionate, and helpful manner.

The first contact with a survivor is important. If managed in a respectful and compassionate way, it can help establish an effective helping relationship and increase the person's receptiveness to further help. Your first priority should be to manage contacts with persons who seek you out, especially if a number of people approach you simultaneously. Make contact with as many individuals as you can. Often this will be very brief, but even a brief look of interest and calm concern from another person can be grounding and helpful to people who are feeling detached or overwhelmed.

Others will not seek your help but may benefit from assistance. When you identify such persons, timing is important. Do not interrupt conversations. You may try to make nonverbal contact first (e.g., by returning eye contact). *Do not assume* that people will respond to your assistance with immediate positive reactions. It may take time for some survivors or bereaved persons to feel some degree of safety, confidence and trust. If an individual declines your offer of help, respect his/her decision and indicate when and where Psychological First Aid providers will be available later on.

Introduce Yourself/Ask about Immediate Needs

Introduce yourself with your name and title, and describe your role. Ask for permission to talk to them, and explain your objective of finding out whether there is anything you can do to make things easier, or helping with ways to help themselves feel better. Invite the person to sit, try to ensure some level of privacy for the conversation and give the person your full attention. Speak softly and calmly. Refrain from looking around or being distracted. Find out whether there is any pressing problem requiring immediate attention. Immediate medical concerns have the utmost priority.

When making contact with children or adolescents, it is good practice to make a connection with a parent or accompanying adult to explain your role and seek permission. When speaking with a child in distress when no adult is present, it is important to find a parent or caregiver to let him or her know about your conversation.

Stabilization

Goal: To calm and orient emotionally overwhelmed or disoriented survivors.

Most individuals affected by a disaster or other traumatic incident will not require stabilization. Expressions of strong emotions, even muted emotions (e.g., numb, indifferent, spaced-out, or confused), are expectable reactions to disaster, and do not of themselves signal the need for additional intervention beyond ordinary supportive contact.

Stabilize Emotionally-Overwhelmed Survivors

Observe individuals for signs of being disorientated or overwhelmed. Signs include:

- Looking glassy eyed and vacant – unable to find direction
- Unresponsiveness to verbal questions or commands
- Disorientation (e.g., engaging in aimless disorganized behavior)
- Exhibiting strong emotional responses, uncontrollable crying, hyperventilating, rocking or regressive behavior
- Experiencing uncontrollable physical reactions (shaking, trembling)
- Exhibiting frantic searching behavior
- Feeling incapacitated by worry
- Engaging in risky activities

If the person is too upset, agitated, withdrawn, or disoriented to talk, or shows extreme anxiety, fear, or panic, the Psychological First Aid provider should consider:

- Is the person alone or in the company of family and friends? If family or friends are present, it may be helpful to enlist their aid in comforting or providing emotional support to the distressed person. Alternatively, you may take a distressed individual aside to a quiet place, or speak quietly with that person while family/friends are nearby.
- What is the person experiencing? Is he/she crying, panicking, experiencing a “flashback” or imagining that the event is taking place again? When intervening, address the person’s primary immediate concern or difficulty, rather than simply trying to convince the person to “calm down” or to “feel safe”, (neither of which tend to be effective).

For children or adolescents, consider:

- Is the child or adolescent with his/her parents? If so, briefly assess the situation to make sure that the adult is coping. Focus on empowering the parents in their role of calming their children. Do not move in and supplant the parents, and be careful to avoid making any comments that may undermine the parents’ authority or ability to handle the situation. Let them know that you are available to assist in any way that they find helpful.
- If emotionally overwhelmed children or adolescents are separated from their parents or if their parents are not coping well, refer below to the options for stabilizing distressed persons.

Options for stabilizing distressed persons include:

- Respect the person's privacy, and give him/her a few minutes alone. Tell them that you will be available if they need you or that you will check back with them in a few minutes to see how they are doing and if there is anything you can do to help at that time.
- Remain present, and offer a drink or chair, rather than trying to talk directly to the person, as this may contribute to cognitive/emotional overload. Make small talk, talk to other persons in the vicinity, do some paperwork, or in other ways demonstrate that you are occupied with other tasks but available should the person need or wish to receive further practical or emotional help.
- Offer support and help him or her focus on specific manageable feelings, thoughts, and goals.

Practical Assistance

Goal: To offer practical help to the survivor in addressing immediate needs and concerns.

Assisting the survivor with current or anticipated problems is a central component of Psychological First Aid. Ongoing adversities and continuing problems resulting from a disaster can add significantly to the stress level of the survivor, distract from self-care, and help maintain distress reactions. In addition, survivors may welcome a pragmatic focus on a current problem that is uppermost in their mind. Often, it is important to help them with problem solving concerning important problems.

Discussion of immediate needs occurs throughout a Psychological First Aid contact, and as much as possible, you should help the affected individual address those needs. Assistance may be helpful because problem solving may be more difficult for the survivor under conditions of stress and adversity.

Identify the Immediate Need(s)

If several needs or current concerns have been mentioned by the survivor, it will be necessary to focus on them one at a time. For some needs there will be immediate solutions (e.g., getting something to eat, phoning a family member to reassure them that the survivor is OK). It will not be possible to rapidly solve other needs (e.g., locating a lost loved one, returning to previous routines, securing insurance for lost property, acquiring care giving services for family members), but it may be possible to take concrete action steps that address the problem (e.g., completing a missing persons report or insurance form, applying for care giving services).

Clarify the Need

Talk with the survivor to specify the problem. If the problem is understood and clarified, it will be easier to identify practical steps that can be taken to address it.

Discuss an Action Plan

Discuss what can be done to address the individual's need or concern. The survivor may indicate what he or she would like to be done, or you can offer a suggestion. Knowing what services are available ahead of time will ensure that appropriate assistance can be provided about services related to obtaining food, clothing, shelter, medical, mental health, spiritual care services, financial assistance, help in determining the location of missing family members or friends, and volunteer opportunities for those who feel a need to contribute to relief efforts. Inform survivors about what they can realistically expect in terms of potential resources and support, qualification criteria, and application procedures.

Act to Address the Need

Follow through in making an active response. For example, help the person make contact or set an appointment with a needed service, or assist them in completing paperwork.

Crisis intervention in the cases of Sexual Assault or Rape

Another acute crisis situation is when a sexual assault has occurred within the last seventy-two hours. Obviously, it is important for the counselor to assess when the assault took place. If the survivor is already at the hospital and a member of the hospital staff has called the hotline, then you will want to obtain the following information before heading out to the hospital.

How old is the survivor?

Have any members of her family been contacted?

Has the survivor reported the assault to the police?

What is her mental status (that is, coherent, crying, etc.)?

Once you have arrived at the hospital, you might use the following strategies :

- Let the survivor know that you are sorry that this has happened to her and that you would like to provide her with any support and assistance she might need or like.
- Briefly explain that your role as a sexual assault counselor is to be there for her. It may be helpful to recognize directly that the medical staff will need to interact with her as a “patient” (that is, clinically) and the police (if present) as a “witness.” You, by contrast, are there to support her as a “survivor” and to address the social and emotional aspects of her experience. Encourage and normalize any emotional response (for example, shock, crying), and encourage her to talk about the assault if she is able to.
- As in any acute crisis, the amount of information that she can digest will be limited. Keep in mind that the goal of crisis intervention is to re-empower and to reconnect. Again, re-empowerment involves giving control back to the survivor in all ways possible and as soon as possible. This includes obtaining “permission” to go further in all steps. For example, it is important to ask the survivor if she would like to contact the police or proceed with the medical-legal exam. This is not to say that you cannot provide her with information about these processes, but the decision to go forward must belong to the survivor, not you, the doctor, the police, or her family. Reconnection begins by assuring the survivor that she is not alone and that you, and the rape crisis center, will be available to her for as long as she may need.
- Remember that unless the survivor has sustained injuries that place her life at risk, the emergency room staff may be pulled into taking care of other patients. This, coupled with the fact that some hospitals have to call in a designated doctor or nurse for the medical-legal exam, can make for a long waiting period. If the survivor has not been placed into a private area already, ask the hospital clerk if this can be arranged. This will allow you and the survivor to talk about her options in private. If family or friends are present, you may want to ask them to leave for a moment. This will allow you to ask the survivor if she would like them to be present for your conversation.
- Prioritize the information that you provide. This is not the time for discussing the social context of rape or challenging rape myths except to say that it was not her fault. It will be important for you to discuss these beliefs with her later. Instead, focus on the immediate needs.

Remember that there are several reasons for obtaining medical attention and several advantages and disadvantages in involving the police. Reasons for getting medical attention include:

- Evaluation of injuries. Because survivors can be in a state of shock shortly after an assault, the extent of injury can often be overlooked.
- Prevention of venereal disease, pregnancy, and AIDS. Although the prevention of these outcomes cannot be guaranteed, taking the necessary steps can be a first step to regaining control.
- Collection of medical evidence for future prosecution. It is important to discuss considerations for participating in the medical-legal exam in order to pursue legal action against the perpetrator. She can decide later if she wants to file a formal crime report and how much she wants to cooperate with law enforcement. Make sure to inform her about what is involved in the exam and how it is different from other gynecological visits she may have had (for example, fingernail clippings, collection of pubic hair).

With regard to involving law enforcement, it is important to remember that some hospitals automatically contact law enforcement if a crime has been committed. However, only the survivor can decide whether to file a formal report or not. There are a number of advantages and disadvantages in reporting.

Reporting has the following advantages:

- By exercising her right to the process of justice (but not necessarily the outcome!), the survivor is re-empowering herself and, in effect, taking control over the situation.
- Reporting a crime makes the survivor eligible for financial compensation from the state.
- If the suspected rapist is caught, the survivor will be protecting others from future rape.
- Reporting the crime may help to substantiate another survivor's report.

Reporting has the following disadvantages:

- The prosecutor, not the survivor, will decide if there is enough evidence for an arraignment.
- The number of cases that actually go to trial is 10 percent of reported assaults. Although this statistic is discouraging, those cases that are filed with medical evidence and subsequently prosecuted often lead to conviction.
- Reporting the assault may be emotionally upsetting because it involves retelling the story several times. Although there is strong evidence that retelling the story is good for recovery, the nature of the telling is very different. (One focuses on facts, the other on feelings.) Again, law enforcement will be looking at the "credibility of the witness" in the story, whereas sexual assault counselors will be addressing the "emotional experience of the survivor."

Session 2: Stress Management

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Stress Management - Identifying the causes of stress - Common reactions to stress - How to manage Stress	-be able to identify causes and reaction of stress -Be able to manage stress with positive stress management skills	Group discussion, exercises	1:30	News Print, Marker

Stress Management: 1.5 hrs

Procedure:

- Demonstrate a stress relieving exercise: guided imagery
- Introduce the topic “stress”.
- Briefly facilitate a discussion on stress and types of stress.
- Brainstorm on how the participants react to stress. List the response and discuss common reactions to stress.
- Discuss briefly on how to manage the stress.
- Demonstrate stress-reducing exercise: deep breathing, progressive muscle relaxation.
- Summarize the session and ask for queries or concerns.

Key learning points:

- Stress is a state of psychological and physical arousal, which is initiated because of threat, challenge or change in one’s environment.
- Stress can be positive (eustress) or negative (distress).
- Day-to-Day Stress, Cumulative Stress, Critical Incident Stress (Traumatic stress) and secondary stress are the types of stress.
- Poor concentration, easily changing moods and irritability, sleeping problems and/or over-tiredness, headaches, stomachache or backache are some of the reactions to stress.
- Stress can be managed by identifying the source of stress, self-affirming that increases self-esteem and maintaining psychological balance.

Content: Stress and Stress Management

What is stress?

Stress is a state of psychological and physical arousal, which is initiated because of threat, challenge or change in one’s environment. Stress is a condition or feeling experienced when a person perceives that demands exceed the personal and social resources the individual is able to mobilize.

People feel little stressed when they have the time, experience and resources to manage a situation. They feel greatly stressed when they think they cannot handle the demands put upon them. Stress can come from any situation or thought that makes you feel frustrated, angry, or anxious. Everyone sees situations differently and has different coping skills. For this reason, no two people will respond exactly the same way to a given situation. Additionally, not all situations that are labeled “stressful” are negative. The birth of a child, being promoted at work or moving to a new home may not be perceived as threatening. However, we may feel that situations are “stressful” because we do not feel fully prepared to deal with them. Hence, stress can be both positive and negative. The positive stress (also called *eustress*) motivates us and helps us to become more productive, while the negative stress (also called *distress*) causes more harm.

Positive stress or *Eustress* has the following characteristics:

- Motivates, focuses energy
- Is short-term
- Is perceived as within our coping abilities
- Feels exciting
- Improves performance

In contrast, negative stress or ***Distress*** has the following characteristics:

- Causes anxiety or concern
- Can be short or long-term
- Is perceived as outside of our coping abilities
- Feels unpleasant
- Decreases performance
- Can lead to mental and physical problems

Sources of Stress

We can experience stress from four basic sources:

The Environment – the environment can bombard us with intense and competing demands to adjust. Examples of environmental stressors include weather, noise, crowding, pollution, traffic, unsafe and substandard housing, and crime.

Social Stressors – we can experience multiple stressors arising from the demands of the different social roles we occupy, such as parent, spouse, caregiver, and employee. Some examples of social stressors include deadlines, financial problems, job interviews, presentations, disagreements, demands for your time and attention, loss of a loved one, divorce, and co-parenting.

Physiological – Situations and circumstances affecting our body can be experienced as physiological stressors. Examples of physiological stressors include rapid growth of adolescence, menopause, illness, aging, giving birth, accidents, lack of exercise, poor nutrition, and sleep disturbances.

Thoughts– Our brain interprets and perceives situations as stressful, difficult, painful, or pleasant. Some situations in life are stress provoking, but it is our thoughts that determine whether they are a problem for us.

Types of stress

- *Day to day stress*- stress that we experience in our day-to-day living
- *Cumulative stress*- stress that slowly accumulates or pile up within us that occurs when we suffer prolonged unrelieved exposure to variety of stressors
- *Traumatic stress*- stress that is suffered due to a traumatic incident in life such as accident, rape, exposure to violence etc
- *Secondary stress*- experienced mostly by caregivers who provide care and support to survivors of traumatic events

Reactions to stress

Physical reactions

- | | |
|-----------------------------------|-------------------|
| - Tiredness | - Palpitations |
| - Pain and tightness in the chest | - Indigestion |
| - Breathlessness | - Nausea/vomiting |
| - Rapid weight gain or loss | - Headaches |
| - Sweating | - Trembling |

Emotional reactions

- | | |
|-----------|----------------|
| - Amnesia | - Mood swings |
| - Anger | - Guilty |
| - Fear | - Helplessness |

- Hopelessness
- Lack of self-esteem
- Self-blame
- Depression
- Loss of confidence
- Withdrawal
- Nervousness
- Hallucinations

Behavioral reactions

- Accident-prone
- Increased irritability
- Overeating or under eating
- Change in sleeping pattern
- Change in lifestyle
- Poor work
- Increased consumption of alcohol/drugs
- Impaired speech
- Physically careless
- Forgetfulness

Skills, techniques and strategies for managing stress

- Identify the stressors or source of stress
- Change the situation
 - Add resources
 - Subtract from the task
 - Avoid the situation
- Accept the unsolvable or unchangeable
- Change the way we think
 - Stop negative self-talk
 - Start positive self-talk
 - Expect and allow for imperfections
 - Make allowances
- Relaxation, such as taking holidays
- Physical exercise
- Manage time better

Some helpful stress relieving exercises

Guided Imagery

Guided imagery is a convenient and simple relaxation technique that can help you quickly and easily manage stress and reduce tension in your body. It is virtually as easy as indulging in a vivid daydream and, with practice, this technique can help you to ease the tension and stress that you feel. When used as a relaxation technique, guided imagery involves imagining a scene in which you feel at peace, free to let go of all tension and anxiety. Choose whatever setting is most calming to you, whether a tropical beach, a favorite childhood spot, a therapist's chair, or a quiet place in the woods.

Here is how to get started with guided imagery:

- Get into a comfortable position. If lying down will likely put you to sleep, try sitting cross-legged, or recline in a comfortable chair. Close your eyes and breathe deeply, focusing on breathing in feelings of peace, and breathing out feelings of stress.
- Once you get to a relaxed state, begin to envision yourself in the midst of the most relaxing environment you can imagine. For some, this could be floating in the cool, clear waters on a tropical beach, listening to smooth music playing in the background. For others, this might be sitting by a fire in a secluded snow cabin, deep in the woods, sipping hot chocolate and reading a good novel while wrapped in a plush blanket and fuzzy slippers.
- As you imagine your scene, try to involve all of your senses. What does it look like? How does it feel? What special scents are involved? What is around you? Who is there or not there with you? What sounds do you hear? Focus your attention on the smells in the area. What does the air feel like on your skin? Do you feel any other sensations?

- Stay here for as long as you like. Enjoy your surroundings and let yourself be far from what stresses you. When you are ready to come back to reality, count back from ten or twenty, and tell yourself that when you get to one, you will feel more calm and refreshed, like returning from a mini-vacation, but you will not have left the room!

Deep Breathing

Deep breathing is a relaxation technique that can be self-taught. Deep breathing releases tension from the body and clears the mind, improving both physical and mental wellness. We tend to breathe shallowly or even hold our breath when we are feeling anxious. Sometimes we are not even aware of it. Shallow breathing limits your oxygen intake and adds further stress to your body. Breathing exercises can help to reduce this stress.

The key to deep breathing is to breathe deeply from the abdomen, getting as much air as possible into your lungs. When you take deep breaths from the abdomen, rather than shallow breaths from your upper chest, you inhale more oxygen. The more oxygen you get, the less tense, short of breath, and anxious you feel. This kind of breathing is called diaphragmatic breathing. It means to breathe from the depths of your belly, rather than from your chest and nose.

The importance of good posture cannot be overstated. While sitting, we tend to slouch, which compresses the diaphragm and other organs, resulting in shallow breathing. Slouching also strains muscles in the neck and back. It is helpful to sit in a chair with good back support to avoid fatigue that leads to slouching.

Deep breathing exercise can be carried out in many ways. One simple exercise is mentioned below:

- Sit comfortably with your back straight. Place one hand on your chest and the other on your stomach. Breathe in through your nose. Try to make the hand on your stomach rise, while keeping the hand on your chest still. Exhale through your mouth, pushing out as much air as you can while contracting your abdominal muscles. The hand on your stomach should move in as you inhale, but your other hand should move very little. Continue to breathe in through your nose and out through your mouth. Try to inhale enough so that your lower abdomen rises and falls. Count slowly as you exhale. If you have hard time breathing from your abdomen while sitting up, try lying on the floor.

Progressive muscle relaxation

*Be careful. Take care not to hurt yourself while tensing your muscles. You should never feel intense or shooting pain while completing this exercise. Make the muscle tension deliberate, but gentle. If you have problems with pulled muscles, broken bones, or any medical issue that would hinder physical activity, consult your doctor first.

Progressive muscle relaxation is another effective and widely used strategy for stress relief.

It is a great technique for reducing overall body tension. It involves a two-step process in which you tense and relax different muscles in the body. With regular practice, progressive muscle relaxation helps you recognize what tension as well as complete relaxation feels like in different parts of the body. This awareness helps you spot and counteract the first signs of the muscular tension that accompanies stress. As your body relaxes, so will your mind. You can combine deep breathing with progressive muscle relaxation for an additional level of relief from stress. As you practice tensing and relaxing all the muscle groups in your body, you can move to a shortened procedure, where you rapidly relax your whole body. As you reduce the tension you carry in your body, your whole being will feel less stress and you can enjoy increased physical and emotional health. Here is how to get started:

After finding a quiet place and several free minutes to practice progressive muscle relaxation, sit or lie down and make yourself comfortable. Loosen your clothing, take off your shoes and get comfortable. Take a few minutes to relax, breathing in and out in slow, deep breaths.

- Begin by tensing all of the muscles in your face. Make a tight grimace, close your eyes as tightly as possible, clench your teeth, even move your ears up if you can. Hold this for a count of eight as you inhale. Now exhale as you relax completely. Let your face go completely lax, as though you were sleeping. Feel the tension seep from your facial muscles and enjoy the feeling.
- Next, completely tense your neck and shoulders, again inhaling and counting to eight. Then exhale and relax.
- Continue down your body, repeating the procedure with the following muscle groups: chest, abdomen, entire right arm, right forearm and hand (making a fist), entire left arm, left forearm and hand (again making a fist), buttocks, entire right leg, lower right leg, right foot, entire left leg, lower left leg, and left foot.

For a shortened version, focus on the following four main muscle groups: 1) face; 2) neck, shoulders, and arms; 3) abdomen and chest; and 4) the buttocks, legs and feet. You can use progressive muscle relaxation to quickly de-stress anytime.

Session 3: Referral Mechanism

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Referral Mechanism	-be able to identify referral mechanism -be able to map of available services	Brainstorming, discussion, group work	1hr	News Print, Marker

Referral mechanism: 45 mins

Procedure:

- Discuss with participants what they understand by referral and why referral is important.
- Discuss about the process of referral (identifying one's limitation and the need of client, identifying the resource organization, contacting the resource organization, referral and follow-up).
- Resource mapping: divide the participants into groups according to their geographical area. Ask the groups to draw the resources (police station, hospitals, counseling centers, schools, social service agencies etc) where they can form a link for referral. Ask the groups to write down the strengths of these organizations, services they are providing and their area of expertise.
- Summarize the session and ask for concerns or queries.

Content: Referral Mechanism

Even though a counselor may be genuinely concerned about their clients and interested in helping them, they may sometimes find themselves in situations where it would be better to refer them to other resources. It is necessary to understand that not one individual or one organization cannot resolve all the problems of the clients.

Circumstances that might necessitate a referral include:

- The problem is more serious than you feel comfortable handling.
- You are either extremely busy or are experiencing stress in your own life and are unable or unwilling to handle other requests for help.
- You have talked to the client and helped as much as you can, and further assistance is needed.
- You think your personal feelings about the client will interfere with your objectivity.
- The client admits that there is a problem but does not want to talk to you about it.
- The client asks for information or assistance that you are unable to provide.

The referral mechanism entails a process of coordinating service delivery to ensure that:

- Access to needed services is expedited.
- Confidentiality is maintained.
- Referrals between the organizations in the network can be tracked.
- Referrals and their outcomes are documented.
- A feedback loop informs the organization initiating the referring organization that the requested service has been delivered and has met the needs of the client.
- Gaps in services can be identified and steps taken by organizations in the network to bridge them.

Process of making referral

- The counselor should first be able to identify one's or the organization's limitations and the need of the client.
- Counselors and member agencies should be aware about the presence of other agencies operating in their district/region and the scope of services provided by them. (Conduct mapping of resources)
- The counselor should discuss the reason and process of referral with the client. It is important to reassure the client that the confidentiality will be maintained during the process of referral. List the possible resource agencies and help the client make the decision on the choice of resource agencies.
- Contact the resource organization. Provide referral form along with information on the case, what has been done until date, reason for referral etc. while still keeping the identifying information of the client confidential.
- After the case has been referred, the counselor should follow-up regularly on the progress of the client. The agency/organization, who accepts the referred case, should provide necessary service/support to the referred client. Information regarding the type/duration of service/s provided should be shared with the referring agency on regular basis or as/when necessary.

Session 4: Closing of the training

Session overview/Activities

Content	Behavioral Objectives	Methodology	Time	Material Needed
Reflection, Review and Closing of Training			2 hrs	

Reflection, review and closing of the training: 2hrs

Procedure:

- Summarize briefly about the training. Discuss with participants what they learned from the training.
- Distribute the training evaluation form to the participants. Ask the participants to fill-up the form and submit them to the trainer.
- Distribute meta-cards to the participants. Ask the participants to write down their feedback of the training on the meta-card (points they liked and points that they think should improve).
- Thank the participants and express hope that the newly acquired knowledge and skills will help them in their profession.
- Close the training.

References for Further Reading

- Brymer, M., Jacobs, A., Layne, C., Pynoos, R., Rujek, J., Steinberg, A., Vernberg, E., and Watson, P. (*National Child Traumatic Stress Network and National Center for PTSD*), *Psychological First Aid (PFA): Field Operations Guide*. 2nd Ed. July, 2006. Available on: www.nctsn.org and www.ncptsd.va.gov
- Farm Orphan Support Trust of Zimbabwe (FOST). 2005. *Psychosocial Support Training Manual*. Zimbabwe.
- GRT and UNHCR. 2009. *Psychosocial counseling and social work with clients and their families in the Somali context: A facilitator's guide*. Somalia: GRT/UNHCR.
- Inter-Agency Standing Committee (IASC) (2007). *IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings*. Geneva: IASC.
- Kamwendo, A.S., Syamujaye, T., and Brakarsh, J. 1999. *Manual for Psycho-Social Counselling of Children*. Zambia; Children in Need Network.
- Kenya, Ministry of Health. 2004. *Trainers Manual for Rape Trauma Counselors in Kenya*. Nairobi: MoH.
- Klinik Community Health Centre. 2010. *Stress and Stress Management*. Canada.
- Sapkota, R.P., danvers, K., tol, W.A. & jordans, M.J.D. (EDS.) (2007). *Psychosocial counselling for people affected by armed conflict in Nepal: A reader for counsellors*. Kathmandu; Sahara Paramarsha Kendra/USAID
- Terre des homes. 2008. *Child Protection Psychosocial Training Manual*. Tdh: Switzerland.
- UNICEF. 2003. *General manual on psychosocial counseling for children in especially difficult circumstances*. Kathmandu: UNICEF Nepal.
- Vann, B. 2004. *Training Manual: Facilitator's Guide, Interagency & Multisectoral Prevention and Response to Gender-based Violence in Populations Affected by Armed Conflict*. JSI Research & Training Institute/ RHRC Consortium.
- Waldrop, A.E., and Resick, P.A. (2004). Coping Among Adult Female Victims of Domestic Violence. *Journal of Family Violence*. Vol. 19. No. 5.
- World Health Organization (WHO). (2003). *Ethical And Safety Recommendations For Interviewing Trafficked Women*. Geneva: WHO.
- World Health Organization, War Trauma Foundation and World Vision International (2011). *Psychological first aid: Guide for field workers*. Geneva: WHO.
- Alignihil et est, sunt re, sam ea pa coreperovit et dolupta ius plaudae cullest ex eles nus.
- Nienis sum inus debis el ma il iliscipsam aliquunt.

- Ehent. Equas expero ene que laborene omnihil etur, ad enditas ut anda velique et eturehendis voluptat delles asimi, quodi apictoratur aspist, cone repudi nissusa nditiat quias dent que nest, quae. Nequame prorentur?
- Icto volupta tempori non corum everibus.
- Soluptam, cus sunt quamust, simil ipidess equiand elecepe remperesti cora volore vollecto velles sus esed mo ent quodictur, quia eiusandi verspernatur molorepudit, test, alitatem nis ero etus de lique ma conse laut quam sandae commoles aut landunt pa estior mostiat emquod qui ut et ut quationsequo omnis exero tem et magnimus, conem estin corepudis dem in et volores tetusan derecae perferitin enditiaerem ex exeriate sit eiciiss itatur? Qui sus.
- Ovid quas excestis que nis aceped molut eos endesci dignis etur sendebit laboreped moloritem quia velectotamus volorro voloreped quidiorio explam, et quam la doluptio bereraecab il id qui aborum hitaque denitaquam, occuptis aut ipiet, sin cuptam uta sero modit, que quamet voluptatem simi, consece stotae doluptatur, optius.
- Arci unt, cores inullab oremporepta ea id modipis aciis qui qui nos explaborrum ea imagnim aximagniet lacesti arum endiae culpa con rernam que si doluptam im explis sendus ex et et estionserem non porporpor alique non conecta vendament quat est, culliqui in estem aperum adi con consedi blandebit imusant doluptatem sinis aliquissi dolesent od ma simped ute invel ipsaeratio doleniam, te nobitiorrum dolor susti ommoles idel eum rerum ut dolorer spellupta volupti consequam qui doluptatem sectemp editat assinihil et eius aut exerum, velis dolum quibusa ntotatur reicia estis et ad millupt atemper untores aciae id quas aut eos niaes dolori derro dis ium veles etur aliquidit, ut optae ex eium, volupta erchici ommos et quatis et pore,



TRAINING FOR TRAINERS ON GENDER RESPONSIVE INVESTIGATION AND COUNSELING SKILLS

FOR

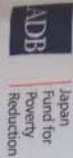
SENIOR POLICE OFFICERS/ WCCO DISTRICT NETWORK

COMMITTEE MEMBERS

24 JULY TO 14 AUGUST, 2012

KATHMANDU

SUPPORTED BY



JFPR 9135

ORGANIZED BY



NEPAL POLICE

