

## **GUIDELINES FOR ADVOCATES FOR VICTIMS OF SEXUAL VIOLENCE**

### **Introduction**

Victims of sexual violence suffer not only physical injuries, but also emotional and psychological effects. They may be afraid to contact anyone other than a close friend or a member of their family. Fears arise from worries about retribution if they tell anyone as do concerns about stigmatization by a partner, the community or village. Although a friend or relative can provide comfort, she/he may not be knowledgeable about the resources available to a victim.

A trained victim advocate can not only advise a woman of her choices in responding to a sexual violence assault but can also help her to heal the physical and psychological injuries she has suffered. Recent research has found that rape survivors who had the assistance of an advocate were significantly more likely to have police reports taken, were less likely to be treated negatively by police officers and experienced less distress after their contact with the legal system.

The purpose of the following checklist (or “guidelines”) is to ensure that sexual assault victims are treated by all victim advocates in a consistent, responsible, competent, comprehensive and sensitive manner. These guidelines give specific directions to victim advocates, and should be followed in dealing with sufferers of gender-based violence.

### **Initial Contact with the Sexual Assault Survivor**

\_\_\_ Introduce yourself, and advise the victim that everything she says to you will be kept confidential, subject to her permission to tell judicial police officers.

\_\_\_ Listen to the victim without judging.

\_\_\_ Let her know the assault was not her fault, and she doesn't deserve to be abused.

\_\_\_ Determine if medical assistance is needed.

\_\_\_ Arrange transportation to a hospital (preferably a police hospital), and follow the instructions listed in “Medical Assistance” below.

\_\_\_ Find a safe place for the children if there is no adequate caretaker in the home.

\_\_\_ Locate a place for the survivor to stay if she has been a victim of domestic violence.

\_\_\_ Enlist friends or relatives to provide the victim with emotional support and comfort and help with the children when the victim is absent.

### **Medical Assistance**

\_\_\_ Encourage the victim to get medical treatment for any injuries, and to have a forensic examination, if available, that can be used in court.

\_\_\_ Explain that the decision to seek medical help is the victim's, but that it is highly advisable.

\_\_\_ Tell the survivor that she has the right to consent or refuse any medical procedure, and can withdraw her consent for any part of a forensic examination.

\_\_\_ If the victim agrees to a forensic examination, tell her not to wash or remove any of her clothing.

\_\_\_ Make sure all medical personnel wash their hands before each procedure.

\_\_\_ Suggest that the victim request testing for HIV/AIDs or any sexually transmitted diseases, and any available medications for the prevention of pregnancy.

\_\_\_ Stay with the survivor at the hospital, if possible. If not, have a family member or friend wait with her.

\_\_\_ Make sure that the victim has return transportation to her home or alternate shelter.

\_\_\_ Arrange for the victim to have a change of clothes after she has been examined.

### **Reporting the crime**

\_\_\_ Advise the victim that it is her decision whether or not to report the crime.

\_\_\_ Suggest that the survivor writes down everything she can remember about the assault with details about the perpetrator.

\_\_\_ Advise the victim that she will be asked personal and intimate questions.

\_\_\_ Although the decision is hers, tell the victim that if she reports the assault, it will enhance the chances of the perpetrator being punished and prevented from injuring the victim or others again.

\_\_\_ Remind the survivor that marital rape is a crime under the Gender-Based Violence Law.

\_\_\_ Advise the victim that if she reports the assault she doesn't necessarily have to testify in court.

\_\_\_ Request to speak to a female police officer.

\_\_\_ Make sure the victim can talk in a separate room or space away from others.

### **Interview with the Police or Judicial Police Officer**

\_\_\_ Subject to the victim's consent, add any information that the survivor omits.

\_\_\_ Ask to speak to a female officer in a private room or space.

\_\_\_ Ask the judicial police officer (jpo) if the suspect has been apprehended and if an arrest warrant has been issued.

\_\_\_ If the suspect has not been arrested, ask the officer to explain to the victim the reasons.

\_\_\_ If the victim has a well-founded fear of further abuse by the perpetrator; ask the police if they have sufficient personnel to guard her house.

\_\_\_ If a decision has been made to arrest the suspect, ask the jpo to inform the victim and you of the nature of the charges.

\_\_\_ Ask the jpo when she/he will deliver the file to the prosecutor, and advise the victim of the date.

\_\_\_ Enlist the services of a lawyer, preferably one with the Kigali Bar who can speak for the victim in court.

### **Interview with the Prosecutor**

\_\_\_ Request that the prosecutor speak with the survivor and let her describe the sexual assault to him/her.

\_\_\_ Ensure that the prosecutor's interview of the victim takes place in a private place.

\_\_\_ Have the prosecutor explain all of the strengths and weaknesses of the case.

\_\_\_ If the prosecutor decides not to proceed with the case, ask her/him to provide the victim with a written statement explaining the reasons not to go forward.

\_\_\_If the decision is based on a lack of evidence, tell the survivor to cooperate with the judicial police officer in collecting any missing evidence. When that evidence is gathered ask the prosecutor to reopen the case.

\_\_\_Ask the prosecutor to use an alias for the victim in all documents and proceedings.

\_\_\_Have the prosecutor explain, without intimidating the witness, the benefit of her testifying.

\_\_\_Tell the victim that she does not have to testify if she is still afraid to do so, despite the help it will be towards prosecuting the case.

\_\_\_ Request the prosecutor to include in the charges against the defendant compensation for damages and restitution for any expenses that the victim has incurred.

\_\_\_Ask the prosecutor to inform you and the victim all court dates and pertinent case information such as the criminal court docket number.

\_\_\_If the victim is in danger of future assaults, ask the prosecutor to consider holding the defendant in custody.

\_\_\_If the defendant is released prior to the trial date, ask the prosecutor to advise you and the victim, and to request appropriate conditions for the release such as protective and no contact orders and/or a prohibition against threats to commit further abuse.

\_\_\_Request that the court personnel familiarize the victim with a courtroom orientation and explain court procedures to her.

### **Assistance with court proceedings**

\_\_\_Insist that the victim has a private place to wait.

\_\_\_Ensure that the proceedings are held *in camera*.

\_\_\_Make sure that the proceedings and testimony are kept confidential.

\_\_\_Double-check that an alias is used for the victim in the proceedings and the court documents.

\_\_\_Try to find a lawyer who can speak for the victim in court.

\_\_\_If no lawyer is available and if the victim has agreed to testify, help her prepare a statement that she can read in court, detailing all the elements of the abuse against her.

\_\_\_ Advise the victim to ask for damages that she is entitled to under the Gender-Based Violence Law.

\_\_\_ If the defendant is released without charge, tell the victim to advise the court of any well-based fear of future violence, and ask the court to put conditions on the defendant's release.

\_\_\_ If the defendant is sentenced, encourage the victim's presence at the sentencing hearing, and assist her with crafting a statement concerning the continued risk to her or her family from the defendant and/or his associates.

\_\_\_ Tell the victim to advise the court of any future fear she has of retribution or further abuse from the defendant to her and/or her family.

\_\_\_ Advise the victim to ask the court to put conditions on the defendant's sentence such as a protection order to be imposed after any jail sentence, and a split sentence in conjunction with incarceration to allow the offender to work to provide restitution for the victim; provided, however, this does not pose any risk to the victim.

### **Follow-up with the victim**

\_\_\_ Visit the victim after the court proceedings have concluded to make sure that she has no ongoing injuries, and if so, assist her in going to a hospital and seeking treatment.

\_\_\_ Determine whether the victim needs counseling, and if so, try to arrange for this through ARCT, FACT or any other civil society organization.

\_\_\_ Ask the victim whether she has received any further threats or abuse from the defendant or third parties acting on behalf of the defendant, and if so, encourage her to report this to the police and accompany her to do so.

\_\_\_ If any damages or restitution were awarded to the victim, make sure that such payments are being made.