

Q6:

What are the legal and ethical guidelines for investigation gender-based crimes?

Explain your answer with the help of suitable examples.

Ans:

### 1) Introduction:-

To investigate gender-based crimes ethically and legally, it's essential for law and enforcement to follow established guidelines that respect the rights of survivors while ensuring justice. These guidelines are derived from international human rights standards, domestic legal frameworks and ethical protocols that prioritize dignity, confidentiality and impartiality. The gender-based crimes including sexual assault, domestic violence and harassment, require sensitivity due to their often traumatic nature and societal stigma.

### 2) Analysis of legal and Ethical guidelines with Examples

#### i) Legal Rights and Protection Frameworks

Gender based crime investigation should adhere to local and international laws protecting survivors. This including conventions like the

## Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

and national laws such as Pakistan's Protection Against Harassment of Women at the Workplace Act (2010) and Women Protection Act (2006).

Example: In Pakistan, the Women Protection Act empowers women to seek legal recourse without the procedural hurdles found in traditional legal systems (Siddique, 2019)

## ii) Confidentiality and ~~Protect~~ Privacy of Survivors

Confidentiality is central in handling gender-based crimes to protect survivors from social stigma, harassment, or retaliation. Law enforcement is ethically and legally bound to ensure survivor anonymity during and after the investigation.

Example: In the UK's Serious Crime Act (2015), police departments are mandated to secure private information, especially in sensitive cases like domestic violence.

or Sexual assault. In a case study on India's "Nirbhaya" investigation, officers failed to protect the survivor's identity initially, which led to criticism and later reforms in Confidentiality Protocols.

### iii) Informed Consent and Survivor Autonomy:-

Investigations must seek informed consent before proceeding with interviews or collecting evidence, empowering survivors to exercise control over their participation. This practice upholds human dignity and aligns with ethical guidelines.

Examples:- According to Ethics in Policing by Stepping (2014) informed consent is vital when working with vulnerable groups to avoid further trauma, and also Canada's Victim's Bill of Rights (2015).

### iv) Training of Law Enforcement in Gender Sensitivity

Police officers should receive specialized training on gender sensitivity among officers significantly improved survivors' willingness to report ~~crimes~~ handle gender-based crimes with

empathy and understanding, reducing secondary trauma for survivors.

Examples:- Case study from Norway, shows that training on gender sensitivity among officers significantly improved survivors' willingness to report crimes. and then Westmarland's Gender Crime, and Justice (2015). which highlights gender-sensitive training process.

#### v) Non-Discriminatory and Impartial Investigation

Investigations must be free from gender bias as discrimination undermines the credibility of the justice system and the safety of survivors. Ethical guidelines require law enforcement to maintain objectivity and equal treatment.

Example:- In a 2019 case study, the Human Rights Commission of Pakistan reported incidents where survivors felt hesitant to report due to discriminatory attitude. Following this, policies were introduced as documented in Fair's Law and Society (2015).

## vi) Support Services and Survivors Assistance:-

Providing access to psychological, medical and legal support is vital for gender-based crime investigations, as these services assist in survivor recovery and facilitate cooperation.

Example:- In the U.S., the Violence Against Women Act (VAWA) mandates support services for victims including counseling and legal aid.

## vii) The Survivor-Centered Interviewing Techniques:-

Using survivor-centered, trauma-informed interviewing techniques is crucial to ensure that investigations do not re-traumatize the survivor. Interviews should be conducted with empathy, respect and without leading or suggestive questions.

Example:- Guidelines for Interviewing Survivors of Gender-Based Violence by the WHO emphasize using open-ended questions and allowing survivors to share their experiences at their own pace.

### viii) Collaboration with NGOs and Advocacy Groups:-

Law enforcement agencies can benefit from partnering with non-governmental organizations (NGOs) that specialize in gender-based violence, as these groups can provide expert knowledge and victim support.

Examples - In Pakistan, the Aurat Foundation collaborates with police to offer legal assistance and counseling, creating a multi-dimensional support network for survivors. The success of this approach has been documented in international reports, with cases showing improved survivor outcomes and case management.

### ix) Avoidance of victim-blaming language and practices:-

Ethical guidelines emphasize the importance of avoiding victim-blaming, as this practice dissuades victims from reporting and

perpetuates harmful stereotypes.

Example: In a high-profile case in India, a judge's ~~insensitive~~ insensitive remarks during trial proceedings led to public outrage and reforms in courtroom language guidelines. Ethical principles in policies, as discussed in **Stemming (2014)**

• Stress the importance of respectful language to maintain survivor's dignity and encourage other victims to come forward.

## Conclusion:-

Legal and ethical guidelines for investigating gender-based crimes emphasize a respectful, unbiased, and survivor-centered approach, rooted in both human rights and criminology principles.

Implementing these standards in law enforcement can improve case outcomes, increase survivor cooperation and bolster public trust in justice systems. Ensuring confidentiality, informed consent, and proper training not only protects survivors but strengthens the investigative process overall.