



UNDERSTANDING THE LEGAL AND POLICY CONTEXT

3. UNDERSTANDING THE LEGAL AND POLICY CONTEXT

PREPARATION AND MATERIALS

OBJECTIVES

Understand the legal and policy context including health care providers' legal obligations

AVAILABLE TRAINING RESOURCES



Presentation

3. Understanding the legal and policy context



Facilitator guide

3. Legal and Policy context facilitator guide



Activities

3. Understanding the legal and policy context

REQUIRED SUPPLIES & MATERIALS

- Projector
- Laptop
- Pen and blank paper workbook for each participant

KEY MESSAGES

- It is crucial for health care providers to understand the legal and policy context – particularly health care provider's obligations regarding reporting and the protection of confidentiality for survivors.

FURTHER RESOURCES FOR FACILITATORS (OPTIONAL)

- None

LEGAL AND POLICY CONTEXT FACILITATOR GUIDE

INTRODUCTION



SLIDES 1-6 LEGAL AND POLICY CONTEXT (10-15 MINUTES)

Slide 2 notes

- It is important to understand what laws apply to or have implications for health-care providers' response to sexual violence, intimate partner violence and child sexual abuse.

Slide 3 notes

- It is the provider's responsibility to know the applicable laws and policies. It is the manager's responsibility to make providers aware of applicable law and policy.
- What forms of sexual violence and IPV are considered crimes under the applicable law?
- Are same-sex relationships criminalized?
- How are protection orders and regulations applied in practice? Do they protect or harm survivors?

Slide 4 notes

- Does the law have requirements about who may provide clinical care to survivors? For example, if the person wishes to report the rape officially to the authorities, the country's laws may require that a certified, accredited or licensed medical doctor provide the care and complete the official documentation.
- What are the national laws relevant to the management of the possible consequences of rape (e.g. emergency contraception, abortion, testing and prevention of HIV infection)?
- Specifically, what do laws and policies say age of parental consent for adolescents' access to care?

Slide 5 notes

- What are the legal requirements for health-care providers with regard to reporting cases of sexual violence or IPV to authorities?
- What are the consequences of not reporting for the survivors, and the health care provider?
- What are the legal and policy obligations or limitations to confidentiality of information and sharing data?
- Health-care providers need to be aware of the laws and obligations on mandatory reporting of sexual violence/rape and intimate partner/domestic violence to the police or authorities. While mandatory reporting is often intended to protect survivors, it may conflict with the guiding principles for working with survivors. It impinges on their autonomy, and ability to make their own decisions. It may raise safety concerns as women may experience retaliation, fear losing custody of their children, or face legal consequences (e.g. in countries where extramarital sex is illegal).
- Health-care providers need to understand their legal obligations (if any) and their professional codes of practice to ensure that survivors are informed fully about their choices and limitations of confidentiality where this is the case. By ensuring survivors are aware of mandatory reporting requirements, health-care providers can help survivors make informed decisions about what to disclose during a health visit.
- Who can issue/sign a medico-legal certificate?
- Who gets a copy of the certificate and where are the copies kept?

Slide 6

- What are the legal requirements with regard to forensic evidence? Who may collect it? Who can conduct forensic examinations? What is the minimum training required?
- Who can act as expert witness in court? Who is authorized to testify in court if applicable?
- What forms are required to document forensic evidence? Who keeps these or where are they kept?
- What samples and evidence can be stored and analyzed & in what time frame?
- What are the laws/policies regarding the chain of custody of the samples?



Activity 3 Understanding the legal and policy context (1-2 hours)