

WEBINAR

Access to Justice for Survivors of Domestic Violence During COVID-19

Saturday, 29 May 2021 | 11:00 am to 1:30 pm GMT +6 (BST)

Jointly organized by

BIGD, BRAC University and Rule of Law Program, GIZ Bangladesh

Technical Assistance from

GIZ on behalf of the German Federal Ministry of Economic Cooperation and Development (BMZ) and the UK Foreign, Commonwealth & Development Office (FCDO)



WEBINAR

Access to Justice for Survivors of Domestic Violence During COVID-19

Saturday, 29 May 2021 | 11:00 am to 1:30 pm GMT +6 (BST)

Conducted by

Gender and Social Transformation Cluster, BIGD

Commissioned by

Rule of Law Programme, GIZ Bangladesh on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) and the UK Foreign, Commonwealth & Development Office (FCDO)



Team Members

Dr Marufa Akhtar
Pragyna Mahpara
Nuha Annoor Pabony
Fariha Tasnin
Maheen Sultan (Team Leader)

Advisors

Dr. Faustina Pereira
Dr. Mirza Hasan

Research partners

Bangladesh Legal Aid and Services Trust
(BLAST)
BRAC Human Rights and Legal Aid Services
RDRS Bangladesh

Commissioned by

Rule of Law Programme, GIZ Bangladesh on
behalf BMZ and FCDO

COVID Context in Bangladesh



- **Strict lockdown** from March 26th, 2020, and gradual shift to to the “new normal” by end May
- Offices closed in April and May; courts fully opened from August
- “Strict lockdown” period was limited in time and scope - **not enforced evenly** in all areas and **not followed strictly** by all socioeconomic groups
- Far-reaching socio-economic impacts due to COVID-19 such as **reduced household income** and **job losses**

“ Domestic violence means physical, psychological, sexual or economic abuse against a woman or a child of a family by any other person of that family with whom victim is, or has been, in family relationship. ”

DVPP Act 2010

Nuanced Context of DV in Bangladesh

Domestic violence **already pervasive** in Bangladesh

42%



Of ever-partnered women experienced physical violence from intimate partners (WHO, 2005)

58% women experienced a form of physical, sexual, or emotional violence in their lifetime (BBS VAW Survey, 2015)

Situation **worsened by COVID-19**

- Movement restrictions and closure of courts and offices **limited survivors' physical access** to formal institutions
- **Economic hardships** led to exacerbation of DV

Scope of the Study: Dual Focus

DV Survivors' justice journeys during COVID

- Complaints made before COVID/complaints made during COVID
- Rural/peri-urban
- Multiple touch points
- Resolved/unresolved conflicts
- Use of formal and informal justice mechanisms

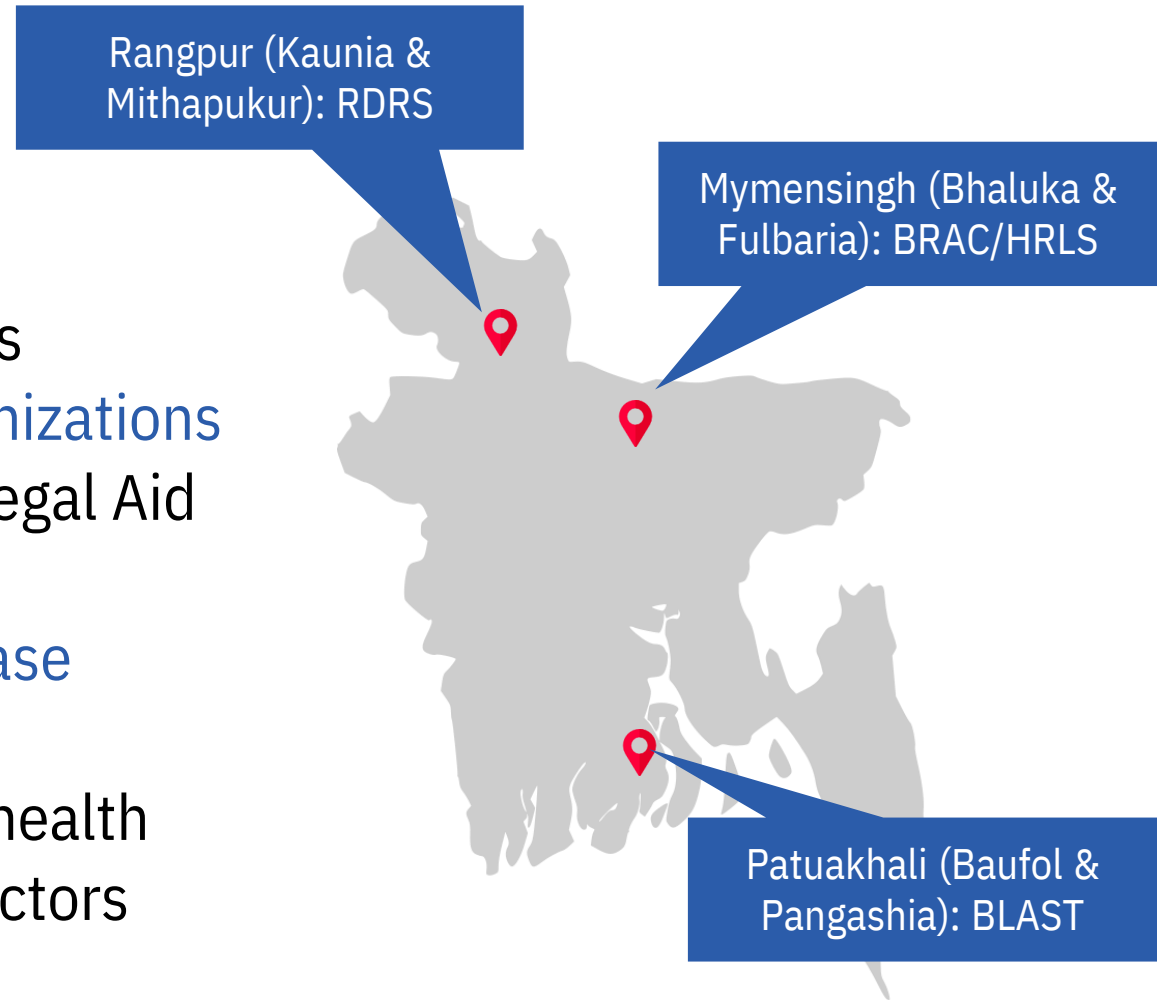
Responses by State and non-State actors to DV survivors during COVID:

- Three legal service agencies: BLAST; BRAC HRLS and RDRS Bangladesh
- Local communities and local government representatives
- State level services: Police, Health Service Providers, Courts, DLAC, Enforcement Officers

Caveat: Not legal analysis of cases or of institutional mechanisms available

Methodology

- In-depth assessment: case study methods
- Collaborative research with legal aid organizations
- Process documentation: case diaries by Legal Aid NGO staff
- In-depth interviews of DV Survivors: 12 case studies (3 districts, 4 cases per district)
- KIIs with family, UP, NGOs, police, DWA, health service providers including different key actors associated with 12 survivors (84 KIIs)



Pilot Visits and Data Collection: Nov '20- March '21
Analysis and writing: Apr '21 –May '21

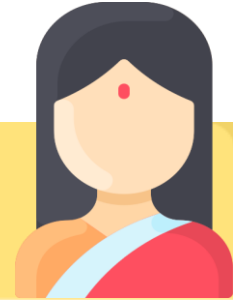


Findings

Patterns of Violence

- Multiple forms of violence and history of abuse from before COVID
- Severity ranging from continuous verbal and psychological abuse to burns, beating, sexual abuse and attempted
- Most common forms are physical, economic and psychological
- Violence perpetrated by multiple persons (husbands & in-laws)
- Reported causes: dowry, conflicts with in-laws, polygamy, women's assertiveness
- Complaints generally made once violence reaches a certain level

Justice Journey within Family



Role and agency of respondents

Coping > Protesting >

Disclosure > Justice seeking

Family members **first point of contact** for women and girls experiencing DV

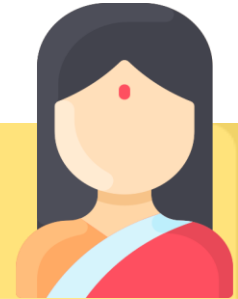
Case Study: Komola

- 19 years, with 1.5 year old boy
- @ 16, married Jibon, pick-up driver
- After a year, in-laws demanded dowry
- Beatings, psychological abuse & food deprivation encouraged by in-laws
- She tried to counter violence by moving out of in-laws' home and having child

Justice Journey within Family

Impact of COVID at family level

- Increased economic hardship due to lockdown
- Job loss, migrants' return to villages
- Respondents' family members lose incomes
- Respondent's family members financially support daughters and their husbands or arrange an alternative income source for the husbands.



Case Study: Komola

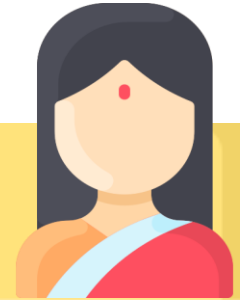
- Komola's natal family tried to placate Jibon by giving gifts, setting up household
- Komola's mother and locals rescued her from in-laws when she was thrown out; took her to the UP Chair and hospital
- Komola's brother offered her shelter and covered her hospital expenses.
- In the 2021 second wave, Komola feels that her brother's income dropped and won't be able to support her

Justice Journey within Community

Next common place to seek justice: **Community**

- when survivor can't stop violence at family level
- Approach neighbours, influential people in community and elected local representatives.

Case Study: Komola



- Hearing that Jibon beat his pregnant wife, neighbours tried to convince him not to do so in a meeting
- 5 month pregnant Komola is thrown out of in-laws' home.
- Komola's mother rescues her and provides shelter
- Mother & daughter approach UP Chair for *Shalish* but Jibon does not respond. **Komola wants to go back to husband**
- Komola faces violence thrown out of in-laws' house with her child

COVID Impact at Community and UP levels

Not affected by COVID

Though busy with relief distribution, UPs responded to DV survivors in limited scale

- In Patuakhali, *shalish* took place at UP Members' houses, complainants' houses and in bazaars
- Health precautions (masks, social distancing) maintained

Emergency violence cases: UPs went beyond their official mandate and assigned Gram Police to intervene

Justice Journey at the Community: UP Representatives

Respondents' Expectations

- Most sought help from UPs before visiting courts—*shalish* easier than legal complexities
- Women and their families presented own views and were vocal

Perceptions of UP

- chairmen could not live up to their words
- unable to understand women's struggles

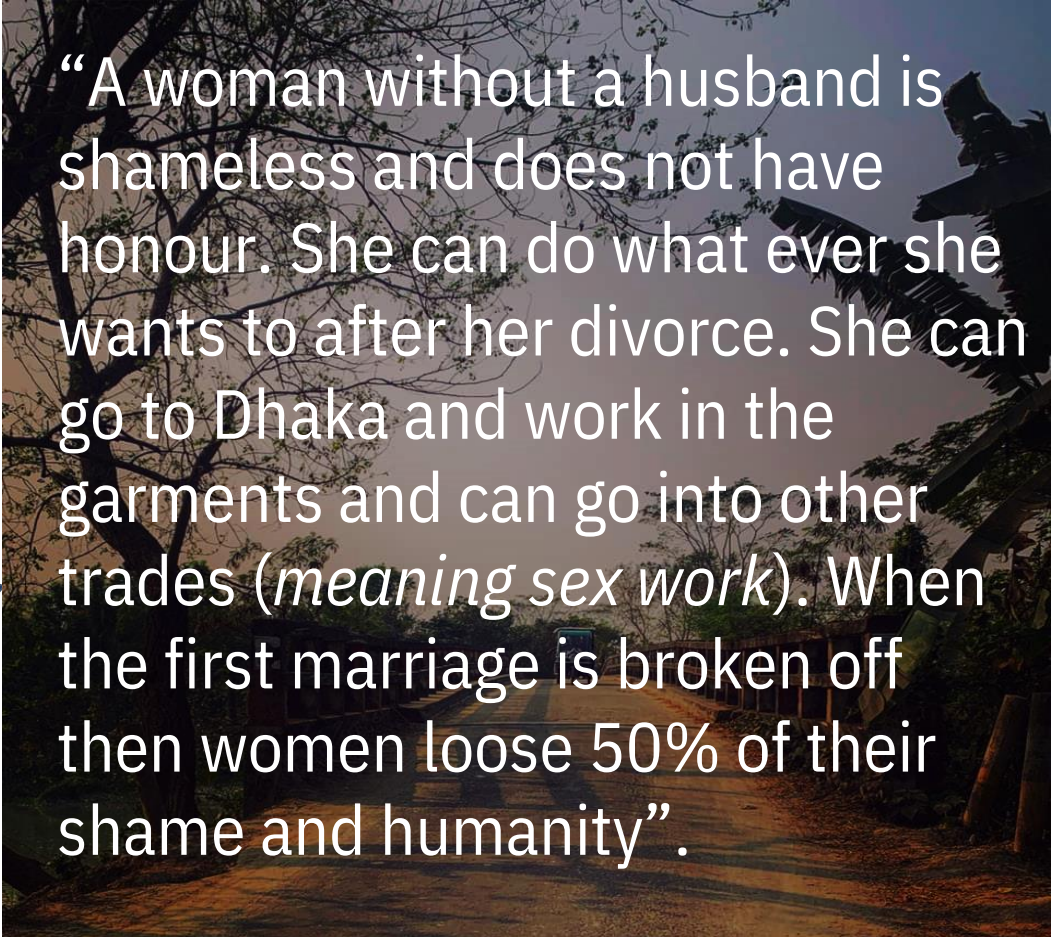
Norms at the Community Level

- Preserving families and maintaining the status quo
- Women considered as upholding family honour and stigma if VAW exposed
- Divorce considered a wrong choice for women

Justice Journey at the Community: UP Representatives

একটা মেয়ে যদি হাজব্যান্ড হারা হয়, তারপর ওই মেয়ের কিন্তু লজ্জাটা থাকেনা, অনেক লজ্জা কমে যায়। তারপরও তালোকপ্রাপ্ত হওয়ার পরে, ইচ্ছে করলে অনেক কিছুই করতেই পারে। ইচ্ছে করলে ঢাকা যাইয়া গার্মেন্টসে চাকরি করে। ইচ্ছা করলে অন্য পেশায় জড়িয়ে যায়। প্রথম সংসার যখন ছাড়াছাড়ি হয় তার ভিতর থেকে লজ্জা এবং মানুষত্ব বোধ ফিফটি পার্সেন্ট কমে যায়।

(UP Chairman)



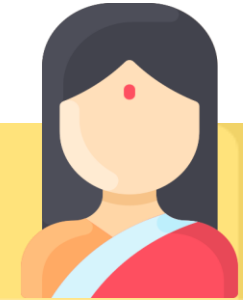
“A woman without a husband is shameless and does not have honour. She can do what ever she wants to after her divorce. She can go to Dhaka and work in the garments and can go into other trades (*meaning sex work*). When the first marriage is broken off then women loose 50% of their shame and humanity”.

Justice Journey with NGOs

- Known to communities and government agencies in area of operation
- Reputed for serving the poor
- **Good working relationship** b/w police, court, DLAC, health services and legal aid NGOs

COVID Impact

- **Access constrained** – office closed, online constraints
- **Mediation activities affected** by the COVID lockdown



Case Study: Komola

- Komola's mother knew BLAST and took her there after partial opening in Oct 2020
- Attempt at mediation by BLAST failed
- BLAST filed case under Dowry Prohibition Act (Oct 2020)
- Husband took bail on condition that he would take back Komola and child
- He walked off from the court premises leaving behind Komola

Case Study: Komola



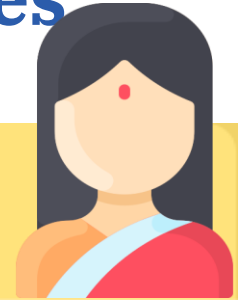
Escalation of violence

- Komola went back to the UP Chair, asked for another *shalish*
- UP Chairman suggested reconciliation attempt.
- Husband's family demanded motorcycle, Komola family refused
- Husband and his uncles beat Komola and the child in her parents' house
- Both were badly injured and taken to the hospital.

Justice Journey at State level: Access to Health Services

Access relatively easy

- 6 respondents severely injured by husbands, received service from govt hospitals
- 2 respondents admitted to hospital in post-lockdown period to treat injuries
- 2 respondents advised and assisted to file cases by doctors who thought injury was “grievous” and offence was criminal



Case Study: Komola

COVID Impact

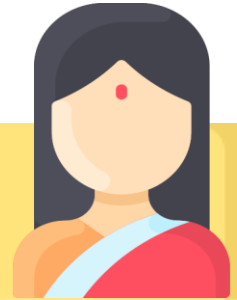
Komola and her child got treatment at hospital but did not want to get admitted for fear of COVID infection

Received medical certificate.

“চাচী এই ওষুধগুলো খাওয়ান আর পুলিশ কেইস হইবে। আর সুস্থ হইলে যদি মামলা দেন, আমরা রেকর্ড কইরা দিয়া দিবো। কোর্টে দিয়া দিমু নে”
(Mother quoting hospital staff)

Justice Journey in Courts

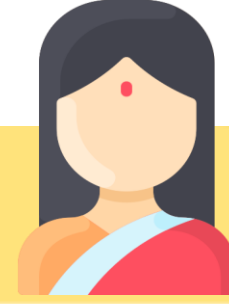
- Respondents showed courage in pursuing legal remedies by refusing threats, financial offers from the perpetrators
- Experienced several hurdles accessing courts services
- Lack of information/understanding on progress of cases
- Delays in proceedings lead to respondents changing their minds and/or choosing to pursue parallel tracks (UP/community level mediation)



Case Study: Komola

- Komola returns to BLAST which refers her to DLAC
- DLAC assists in filing another case under *Nari o Shishu Nirjatan Daman Ain*
- In revenge Jibon sends police with “search warrant” to Komola and her brother’s house
- Both “Dowry” and “Nari Nirjatan” cases continued
- Husband continues to abuse her psychologically and pressurize her to divorce him
- Husband was to appear in Court on 23rd May 2021 but courts now closed for COVID second wave

Case Study: Komola



Komola's justice journey remains unfinished

“এখন ও আমি তো চাই সারাজীবন অর লগে থাকতে, পোলাডা অর লগে, মানে পোলাডারে মানুষ করতে চাই। এহন অ তো হেইডা চায় না। এহন আমি তো চাই, ও যেন আমার ধারে ভালো অইয়া আউক। আর ও যদি আমারে যদি না নেয়, তাহলে অরে যা করা লাগে আশ্মেরা করেন।” (Komola)

(I still want to live with Jibon all my life and bring up my son. But he does not want that. I want him to come back to me corrected. And if he does not want me back then you do what you have to do)

Justice Journey in Courts

COVID Impact

Courts closed during COVID and virtual courts did not entertain DV cases

- Out of six legal cases, 3 clearly affected by COVID.
- One court proceedings delayed in first lockdown and the two others in second phase of lockdown (starting 14 April 2021).
- Perpetrators seemed happy and even taunted the respondents about the delay.

Respondent's justice seeking journey was affected by the COVID restrictions

- Respondent **decided to withdrawn case and agreed to compromise** with an abusive husband because of uncertainty.



Justice Journey in DLAO

- 6 out of 12 case studies referred to DLAO (formerly DLAC) from 3 partner organizations
- DLAO hotline started before COVID, poster disseminated at district level. No respondent tried or received service online

COVID Impact

- Offices closed during the first phase of lockdown
- National NLASO hotline and DLAO hotlines at district level active in providing advice and referral services
- Office resumed their activities slowly after June and were fully operated after the opening up of the courts in August 2020
- Limited numbers of socially distanced ADR were arranged by the DLAO office during the partial opening.



Justice Journey at State level : Access to the Police

- 5 out of 12 respondents sought assistance from police
- Responsiveness and follow-up depends on incentives and approach
- Roles of police during the respondents' justice seeking journey included:
 - rescuing respondent from in-laws;
 - rescuing and reuniting child with mother during lockdown
 - advising the respondent and her husband to go for a mediation, instead of filing case
 - negotiating *Mahr* payment
 - warning perpetrators.

COVID Impact

- Police could be approached during lock down
- In one case, the mobility of police was affected by COVID, as the respondent's in-laws' house was far from the police station, but the police was finally able to rescue the child



Expectations of Justice

- Respondents expected to lead a life free from domestic violence and continue their marriage.
 - মেয়ে মানুষের জীবনে বিয়া কয়ডা? একটাই তো বিয়া। (women marry only once)
- Expected that their husbands fulfilled their responsibilities, which included bearing of their children's expenses, providing them food, shelter, clothes and taking care of them.
- See justice as restitution of their “*shajano shongshar*” where they've invested their time, energy and resources for years. ■
 - আমার বাসায় এখন আমার ঠায় নাই। (Rina) (I have no space in my own home)
- Some of the respondent's expectations of justice changed over the course of their justice seeking journeys such
 - When she realized that her marriage was over (husband had remarried) she decided that she wanted to punish him for the harm he had done her (Afroza)

Satisfaction/dissatisfaction with overall outcomes



Satisfaction

- 2 of 12 respondents went back to husbands and are living with in-laws, and satisfied with outcome
- Of 7 respondents who got divorce
 - 4 received *Mahr*
 - 3 of divorced women satisfied
 - 1 was relieved to be alive.



Dissatisfaction

- Those who chose divorce or were divorced took the option to exit the marriage
- Of the 7 who were divorced 4 were unsatisfied with the outcome despite receiving *Mahr*

On-going struggle

- For 4 of 9 respondents filing cases, cases ongoing and decision of divorce and Mahr money is pending

COVID impact on State/Non-State services

Service Providers	COVID Impact	Adjustments made to deal with COVID
GO/NGO	Staff COVID infections and deaths	
UP	hardly affected, conducted shalish, intervened locally as necessary.	Doing shalish with health precautions meeting outside office
Legal Aid NGOs	<p>Offices closed till 30th May, ADRs and legal cases stopped during strict lockdown.</p> <ul style="list-style-type: none"> ▪ BRAC conducted both virtual and physical ADR during partial opening. ▪ Community animators of RDRS were active at the community level during strict lockdown, involved in shalish. ▪ BLAST online radio shows, advice, training of paralegals, sim cards to staff online (what's app mediation) some offline - ie mobile clinics 	Followed up with existing clients, provided referral services over phone.
Health and police	Open for business during strict lockdown. Access of clients constrained due to mobility restrictions and fear of infection. Only severe cases availed services.	
District Legal Aid Office	Offices closed till 30th May, hotline continued. Not fully functional till courts opened fully	Online applications continued
Courts	Courts closed altogether April to July 2020 and reopened from August 2020	Virtual courts only for bail hearings but not for family matters or DV

Recommendations

1. Recognize and prioritize needs of DV survivors: **DV is a case of emergency, even during pandemic.**
 - Primary and support services for DV survivors should be comprehensive, be treated essential and uninterrupted
 - Other relevant services should also be available: **medical, shelter, referral, financial, counselling as well as accompaniment to these services**
 - **Greater access to information** to DV survivors on medical, legal services, shelter
2. Courts should remain open to accept family matters and DV related cases.
3. **Increasing gender responsiveness** to counter social pressure on women to accept violence and abuse in marriage by family, community and government and non-government officials.
4. Strengthen survivors through **mental health support, financial support, alternative livelihoods** though support from government and NGOs

Recommendations

5. Strengthen community role in preventing DV and supporting DV survivors

- Ensure that community mediation efforts **respect domestic laws, international human rights principles and allow women to express themselves freely**
- Strengthen capacity of UP elected representatives to address DV issues
- Introduce ‘**every door is the right door**’ approach for DV survivors for grievance redressal as early as possible. E.g., UP representatives
- **Recognize of paralegals, *ain shebikas*, community animators and legal aid providers as essential service providers**

6. Enabling family members to support survivors

- Families supporting DV survivors should be advised and counselled on options and services available for seeking redress

Thank You