Beyond Saving: A Case for Agency-First Approach Against Domestic Violence

Aakash Gautam
Virginia Tech
Blacksburg, VA, USA
aakashg@vt.edu

Chandani Shrestha
Virginia Tech
Blacksburg, VA, USA
chandani@vt.edu

Deborah Tatar
Virginia Tech
Blacksburg, VA, USA
dtatar@cs.vt.edu

ABSTRACT

This note presents an analysis of videos containing narrative stories of eight women in Nepal who had experienced domestic violence. The analysis highlights multifaceted issues and dependencies that coerced the survivors[1] to stay in the abusive environment. Further, we present cases where the legal system failed to support the survivor because it overlooked the survivor's unique and complex situation. We contrast those cases with agency-supporting cases where the survivors had more control and could decide when and how they wanted to engage resources. We argue that designed systems, whether they be technologies or public policies, need to support the survivor's agency rather than seeing them as victims needing to be saved.

CCS CONCEPTS

• **Human-centered computing** → **User studies**; • **Social and professional topics** → **Gender**; *Computing / technology policy*;

KEYWORDS

domestic violence, global south, HCI4D, policy intervention

1 INTRODUCTION

Domestic violence is a widely prevalent problem throughout the world; Nepal is no exception [11]. A significant majority of domestic violence cases in Nepal involve violence against women. A predominantly patriarchal social structure with deeply rooted societal norms and practices of gender inequity and discrimination against women has contributed towards violence against women in Nepal. Gender inequity has resulted in women having relatively low access to resources. Women continue to face barriers in accessing

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[1]We use the word "survivor" (in contrast to "victim") to signify the agency of the women.

basic legal documents such as the citizenship certification which is required for owning property; women own land and property in only 19.71% of households [1]. Moreover, the deeply ingrained patriarchal values are reflected in evidence that around 80% of the women in rural areas and around 30% in Kathmandu, the capital city of Nepal, endorse the idea that a husband has the right to beat his wife [10, 17].

Within this context, non-governmental organizations (NGOs) and governmental organizations work with and for survivors. As part of our earlier exploratory study, we came across a set of eight (8) videos created in 2011 by survivors who were living in a shelter home supported by Saathi, a well-known NGO in Nepal. These videos were created in collaboration with Silence Speaks, an organization that supports the creation of stories using drawings and audio recordings to inform and advocate against social injustice. The videos are available to all through Saathi. It is to be noted that none of the authors were involved in the creation of the videos.

This note presents an analysis of the eight videos to highlight some aspects of the complex circumstances of the survivors. Our analysis suggests that the survivors face multiple issues including limited opportunity to access social support, dependence on the abusive partner for financial and, in some cases, social support, and existing social norms that impose restrictions, all of which play a role in forcing the survivors to stay in the abusive environment. We then contrast two different support systems: 1) the existing legal system which is influenced by its own goal to "save" survivors and overlooks the survivors' complex and unique circumstances, and 2) an agency-enabling approach whereby the survivors are informed of possibilities outside of the abusive environment that help them to take a self-determined, assertive decision to leave the abusive environment and seek help. We discuss the implications of the findings for policy design. We also discuss implications for potential technological intervention.

2 DOMESTIC VIOLENCE AND TECHNOLOGY

Some ongoing work around gender and technology design focuses on the intertwined relationships between technology and violence against women (e.g. [2, 6, 14]). Dimond et al. [6] present a complex relationship between domestic violence survivors and technology in which harassment is sometimes conducted over the same mobile phones or social networking sites that are, at other times, used to achieve social support. Sometimes survivors utilize their knowledge of privacy and security to protect themselves. The paper advocates a need for technological tools to protect survivors' information, facilitate safety by considering that each individual has different practices and needs for safety, and supporting actions to address dynamically changing social relationships.

Ahmed et al. [2] present a system to fight sexual harassment in Bangladesh and discuss the cultural forces of shame and fear that prevent women from sharing experiences with others. For similar reasons, Sultana et al. [15] argue for designing *within* the patriarchal structures rather than against them. Both call for supporting survivors' agency in deciding what they want to share without being intrusive, as exemplified by Clarke et al.'s photo-elicitation approach [5] and our own variant [8].

Sterling [14] presents a survey of ICTD efforts in combating violence against women where she raises concerns about prescriptive approaches to ICTD that express technological determinism and put a significant burden of safety on the women. The paper further raises concern about the disconnect between the goal of advocating for survivors' agency and the approaches to addressing the circumstance and conditions that reduce the agency in the first place. We build on this work by arguing for the need to see agency-building as a process rather than a final outcome. The case study presented in this note highlights the unique circumstances of the survivors and argues for a holistic understanding of the intersectional perspectives, and advocates against designing interventions, both technical as well as policy, with pre-determined notions of well-being.

3 METHODOLOGY

3.0.1 Authors' Reflexive Stance. The data analysis and the subsequent discussion presented in this note are shaped by our view that finds patriarchal values problematic, and domestic violence as symptomatic of deeply ingrained patriarchal norms.

3.0.2 Data Source. The findings presented here are from eight (8) videos created by domestic violence survivors who were living in shelter homes. The videos were created during a four-day digital storytelling workshop conducted in October 2011. A typical video is about two minutes long and contains drawings and videos clips of the survivors, and an audio recording in Nepali.

3.0.3 Data Analysis. The videos were translated and transcribed by the first and second authors, both of whom are from Nepal. They independently conducted open coding on the transcripts and on the collection of drawings from the videos. The two authors independently worked on identifying recurring themes. These codes were then discussed and negotiated between the authors.

4 FINDINGS

The analysis suggested three different aspects of the survivors' circumstances: 1) the multifaceted issues and dependencies that coerce them to stay in the abusive environment, 2) their lack of control over the help-seeking process through the existing legal system, and 3) the agency-supporting encounter that enables the survivors to take a decisive action towards their goals.

4.1 Staying in Abusive Environment

A common theme that emerged from the stories was that the survivors had little social support to leverage during their stay in the abusive environment. S1, for example, was about to be married at a young age against her wish, and so she sought support from a male acquaintance whom she refers to as *dai* (elder-brother). The male acquaintance promised her a job and education. S1 broke her

connection with her family to stay with him, thereby forgoing an avenue of potential social support. Similar lack of social support from family members can be seen in all the other stories.

In some cases, the social support was further diminished when the abusive partner isolated survivors. S6 recounts,"I was not allowed to work and share my story with anyone. I used to feel like I am all by myself." The survivors' lack of social support outside of the abusive partner was exploited by the abusers. S6 further narrated that her husband threatened her by reminding her of her limited social support and uncertainty of living situation outside of the abusive environment, " He used to tell me, 'You are already at my place, and you have nowhere else to go'."

Few had the option of moving away from the abusive environment to their family. There were some like S1 and S4 who were rejected by their families because they acted against the family's wishes. Others, whose families were welcoming, rejected the offer fearing social norm that reproaches married women against staying in their pre-marriage homes. S7, for example, after suffering life-threatening violence, expressed her reluctance in staying at her parent's home and the social norm that later forced her to go back to the abusive environment:

> "I spent 24 days in the hospital [after a violent period], and I do not remember anything. After that, I was *compelled* to stay at my parent's house for one and a half years. One day my aunt [maternal uncle's wife] told me, 'Married women do not live at their parent's house', therefore I returned to my husband's house."

Other survivors too had to rely on their abusive partner due to lack of social support resulting in a dilemma in acting against the abusive partner. S5 expressed her dilemma, "My husband asked me to return to my parent's house but I couldn't go there. Despite his unwillingness to have me, I started living with my husband. After that, he again started beating me."

The survivors expressed familial and financial dependence on the abusive partner as well. S6, for example, was convinced to stay with her husband for her children, "I tolerated all those sufferings for ten years for my son." S2 decided against filing a police case because she was promised "half of the wealth and citizenship". Likewise, S8 stayed in the abusive environment despite repeated physical abuse and threats of being kicked out of the house because of uncertainty in living conditions after separation.

The complexity of the survivors' lives is further illustrated by their differences in wanting to reconcile and go back home. S3, for example, did not want to go back to her village, S1, S2, and S5 expressed their happiness in being in the shelter homes, whereas S4 and S8 maintained their desire to be reunited with their family and return to their villages. This complexity further raises questions of the single mediation-focused approach that is practiced widely in the Nepali community and embodied by the approach that police and the legal system have taken.

The findings suggest that the survivors have a plurality of experiences [3] with numerous, multi-faceted issues, and have differing goals. The stories highlighted issues of a limited social support network, social norm restricting their access to family support,

reliance on the abusive partner for financial and social support, frequent intimidation by the abuser, and a fear of uncertainty of living situation outside of the abusive environment. Many of these factors occur simultaneously in the survivors' lives thereby increasing the complexity of the approach that the survivors have to take to cope with the situation. Any intervention would have to be cognizant of these dynamic, complex issues that the survivors experience.

4.2   Lack of Control over Processes

Four of the survivors described life-threatening violent incidents after which they were taken to a hospital. Among the four, S2 and S5 described their first encounter with the police in the hospital. It is unclear if police were involved in the other two cases.

Under Nepal's Domestic Violence Act (2009), police are to be informed in cases where medical personnel or others suspect of domestic violence. This was followed by the hospital to the letter where S2 was, at first, refused admission since it was a "police case".

Further, according to the Act, the police are required to take a written or oral report from the victim and witnesses. The survivors shared their experiences with the police, and in both the cases, they did not report the incident truthfully. S2 recounted of her experience with her abusive in-laws:

> "When the police arrive, my in-laws got scared. They apologized to me and said they would take me back home. They also promised me to give half of their wealth and make my citizenship. I trusted them and gave a false statement (to protect them)."

While it could be argued that the survivor was making a choice, the fact that women have limited ownership of fixed assets and that they require a male – either their father or husband – to vouch for them to get citizenship document [12] suggests that the choice may not be free from subjugating influences. She was coerced by the promise of citizenship and property, coupled with the apology that was taken as a sign of change in behavior. This coercion was overlooked by the police in their report-gathering process. While S2 was extrinsically coerced, the coercion was intrinsic in S5's case:

> "When the police inquired about this incident, I told them that I accidentally got burnt as the stove exploded. I didn't have the courage to have my husband convicted, because after marriage he was the only one whom I could call my own."

S5 had eloped severing ties with her family. Her social support was limited to her husband as she expresses above which forced her to stay with the abusive husband even after the incident. Limited financial opportunities and uncertain living conditions are circumstances that were overlooked by the police when they come to ask for a report from the survivor. The abuses began in both the cases after the survivors lied to the police.

In both the cases, the approach involved the police trying to "save" the survivor. It did not give the survivor an opportunity to control her participation in the legal process. The legal system considered the survivor as a helpless person and set a goal that involved gathering reports and saving the survivor. The survivors' goals were different. The survivors were grappling and trying to balance numerous, entangled forces. We find that S2 and S5 were given two options, 1) report truthfully to seek justice but lose the little social support and face possible uncertainty, and 2) lie and hope to build on the limited social support they currently have towards a chance of greater social acceptability. Both of these options are "given" to the survivors towards the aim of saving them without supporting the survivors to be more engaged in the evaluation, and possibly generating better options for themselves.

These observations suggest that the survivors need more control over the processes, particularly in knowing and thinking through all the possibilities and selecting or generating the option they think is the best based on their unique circumstances.

4.3   Turning Point and Leaving

In the stories, the survivors discussed the factor that convinced them to leave the abusive environment. Such turning points occurred when an actor, typically a female acquaintance, provided information about the possibilities of living away from the abusive environment. For example, S1 recounts, "One day when he wasn't around, a 'neighboring-sister'[2] came to meet me and I told her my story. She told me of a place where women live and she brought me here."

The supportive neighbor provided information on a possibility away from the abusive environment. The information was not forced and allowed S1 to take control over her decision. Similarly, S8 mentioned a friend's help in locating a job in a city, which brought her away from the abusive environment. Similar support was expressed by S5, S6, and S7.

Chang et al. [4] identifies five factors that trigger the decision to change the environment including an increased awareness of options and access to resources. Through acquaintances, the survivors were made aware of possibilities outside of the abusive environment but, unlike the police gathering report, the survivors were not required to decide on the spot. The survivors got a chance to develop a broader understanding with support from the acquaintance, evaluate the option with less coercion (both intrinsic and extrinsic coercion), and decide the terms in which they wanted to leverage the resources. In this case, the survivors had the agency to choose whether or not to engage the resources, and *when* and *how* to engage it. We argue that providing control over the decisions to the survivors is critical.

5   DISCUSSION

These case-studies highlighted various forces such the social norms and patriarchal values, financial and social dependence on the abusive partner, and uncertainty of future possibilities that influence the survivors' abilities to make informed choices and decisions. This is parallel to Susan Wendell's concern about women's choices being limited, "Much of what women appear to do freely is chosen in very limiting circumstances, where there are few choices left to us. Even where the circumstances present many choices, it is often the case that our knowledge, our ability to judge, and our desires have been so distorted and manipulated by social influences as to make a mockery of the idea that we choose freely." [16, pp. 17].

Considering the limited agency that the survivors have in the abusive environment, potential approaches should aspire to support

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[2] "Sister" is a commonly used unmarked term in Nepali and does not necessarily signify relation.

and build agency among the survivors. While access to resources is important, the power to utilize the resources is critical. As we see with the police cases, access may not necessarily imply that the survivors have the power to achieve their goals. Our interventions would have to be cognizant of the various social, cultural, and economic factors that affect the survivors' unique goals, beliefs, situation and choices, and aspire to support them in their journey towards greater self-determination and agency, through a greater understanding of intersecting identities [9, 13].

The increase in the agency would have to address all levels of interaction, from dyadic interactions to that between survivors and systems. Domestic violence is a social problem, and hence solutions would have to involve social systems. The role of ICTD has to transcend technology-centered approaches, towards a deeper engagement with social systems, particularly through public policies.

5.1   Informing Public Policy

In Nepal, changes have to be made in the Domestic Violence Act of 2009. In particular, the Act could specify resources activated when police record a report from a survivor and controlled by the survivors that thereby support survivor agency. Threats of prosecution can be used as a "power resource" to bring balance in the power in a violent relationships [7]. Thus, police could inform the survivors that they can be used as a resource in further incidences of violence. The police could inform the parties that they have taken a note of the case and that they will remain alert of any suspicious actions on their part, thereby functioning as an instrument of resource which can be controlled by the survivors.

In addition, Nepal's Domestic Violence Act of 2009 has a provision for local bodies, including the police, to conduct reconciliation if an incident of domestic violence is reported and if the victim desires reconciliation within 30 days of the incident. The goal of the provision is to bring balance in power between the survivor and abuser by providing a safe space for the survivor to share their stories and make demands so that they can lead a better future. However, lacking provision for survivors to be financially independent and socially supported outside of the abusive environment when they challenge the abusive party, the Act fails to restore the power imbalance. At the current state, the Act established a predetermined goal of being less adversarial and promoting agreement without addressing the inherent power imbalance. The evidence suggests the same: Nepal Police report that there were 11629 domestic violence cases in 2016-2017 out of which 6882 (59.18%) were reconciled, 3463 (29.78%) were under reconciliation, and only 17 (0.14%) cases reached the court [11, pp. 44]. The Act should enact the provision of financial and social support to the survivors during the reconciliation period, and an additional provision of ensuring the safety of the survivors during and after the reconciliation period.

We have to look at policies as designed social systems. Policy design and implementation afford interactions, usually mediated by actors who act on behalf of the public institutions. These interactions, such as between the police and the survivor, embody the policy's goals and ideals, and could also impact the way in which any technological intervention is used in the context. Therefore, we must advocate and design policies which aim to support survivors' agency.

5.2   Informing Technology Design

Our findings suggest a need to understand different identities and social forces that the survivors face during and after the abusive period. We have also argued for a case to focus on survivor's agency by supporting the survivors in achieving their unique goals. As designers, we have to be reflective and cautious in not embedding our goals and ideologies in the designed intervention which could restrict the choices available to the survivors. Dimond et al. [6] present an example of designers imposing their assumption of a family as a stable construct which made it hard for survivors to block or protect their privacy in cases of conflict with their domestic partner. Such ideologies embedded in the design of the system could rob agency from the survivors.

The second implication is that even before technological interventions are put in place, we should consider the survivor's access to and control of technologies. Our findings suggested that abusive partners isolate survivors from the community. Technologies can be seen as objects with power. Partner reactions can include an appropriation of the technology, isolation of the survivor from the technology, and worsening conditions. We argue for a multi-modal approach whereby access and control over the support mechanism are facilitated through the use of multiple media and through multiple social actors. We echo Sultana et al. [15] in suggesting approaches that indirectly reach survivors through different social relationships including neighbors, influential local women, NGOs, and health workers. We also argue for a minimizing approach to design, that creates unobtrusive, unthreatening technologies.

5.3   Limitations

Our study is based on eight videos created by survivors that we received from elsewhere. These do not give us a holistic understanding of the survivors' lives and the challenging situations they face. Additionally, conditions could have changed since 2011 and we do not present the perspective of other stakeholders such as the police or the NGO. However, we believe that the videos provide insight into a narrow aspect of the survivor's lives that could help inform future policy and technology design approaches.

6   CONCLUSION

We presented a qualitative analysis of eight narrative stories of survivors of domestic violence in Nepal. The note focused on the multifaceted issues faced by the survivors which coerced them to stay in the abusive environment. The analysis highlighted the failure of the existing legal system with its goal of saving the survivors, which limited the survivor's control over the existing help-seeking processes. In contrast, we presented cases where supporting the survivor's agency by enabling the survivors to choose when and how they want to leverage the resource if they want to do so, helped the survivors to take a more assertive stance. our findings have implications for both public policy and technology design. We proposed changes to Nepal's Domestic Violence Act of 2009 to support survivor's agency rather than its own goal of saving survivors. Further, we discussed the need for designers to be more reflective and cautious so that the designed technology supports the survivors to achieve their unique goals rather than being narrowed by the designed system's goals.

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