SURVIVING VIOLENCE

# Surviving Violence, from Coping to Thriving

## Conference Report

**Wadham College, Oxford University. 19-20 April 2023.**

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**Project lead investigators**

Shazia Choudhry and Philippa Williams

**State leads and research teams**

***Maharashtra***

Lead state investigators: Girija Godbole and Preeti Karmarkar

Research team: Sayali Oak, Kranti Agnihotri-Dabir, Pallavi Dhavale

Photographer: Vidya Kulkarni

***Tamil Nadu***

Lead state investigator: Swarna Rajagopalan

Research team: Sudaroli Ramaswamy and Sandhya Srinivasan

Photographer: Priyadarshini Ravichandran

***West Bengal***

Lead state investigators: Supurna Banerjee, Nandini Ghosh and Ruchira Goswami

Research team: Kolika Mitra, Aunkita Dutta, Ronojoy Banerjee

Photographer: Debalina

**Report authors and conference rapporteurs**

Anjali Rawat

Anupriya Dhonchak

Misbah Reshi



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**Report design**

www.patridgecreative.co.uk

**Contact**

www.survivingviolence.org

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Vidya Kulkarni, Priyadarshini Ravichandran and Debalina


WADHAM LAW & JUSTICE RESEARCH HUB

Chaitanya The Policy Consultancy

DSK

Queen Mary University of London

UNIVERSITY OF OXFORD

## About

# Introduction

This two-day multidisciplinary conference was held in Wadham College, University of Oxford as part of the British Academy funded project Surviving Violence: Everyday Resilience and Gender Justice in Rural-Urban India ('Surviving Violence'). The conference engaged with research on violence against women in their everyday lives and how survivors, especially those at the margins in different jurisdictions, experience, navigate, negotiate and/or resist institutional and cultural norms as well as legal rights, services, and provisions. The conference saw vibrant discussions in four panels and two roundtables by a diverse range of speakers representing civil society, policy and academic perspectives, and included an inspiring keynote on Day One by the formidable Pragna Patel, co-founder of the Southall Black Sisters. The conversations collectively built on and contributed to discussions in feminist legal theory and feminist geolegality that are concerned with the myriad ways in which women create spaces to cope, if not thrive, in the face of the everyday violence in their lives. The primary themes that emerged through these conversations were:

**1) Infrastructural violence:** the systemic violence perpetuated against women and girls by legal and social infrastructures.

**2) Intersectional lives and multicultural worlds:** the double burdens faced by migrant or minoritised women, with intersecting identities, in multicultural or plural legal systems.

**3) Art as transformative:** visual art as transformative and a tool for resisting violence.

**4) Strategies for future intervention:** feminist transnational solidarities, collaborations, and other strategies for future interventions.

# 1. Infrastructural Violence


The first panel of the Conference, 'Institutions, infrastructures, (in)justice' began with Cathy Mcilwaine's presentation on 'navigating gendered infrastructural violence and resistance among Brazilian migrants in London.' Cathy emphasised that infrastructure was relational, consisting of things but also constituting the relationship between things. State authorities such as the police routinely disbelieved Brazilian migrant women's complaints, did not provide them with any language and translation support, exacerbating their suffering by excluding them from essential infrastructure. Exclusion from infrastructure can be considered a form of violence culminating in marginalisation, abjection, and disconnection. At the same time Cathy self-reflexively cautioned against the overextension of the language of violence to include indirect infrastructural violence because it risked diluting the content of its meaning and diminishing the harm caused by direct forms of violence.

### The 'threshold' problem

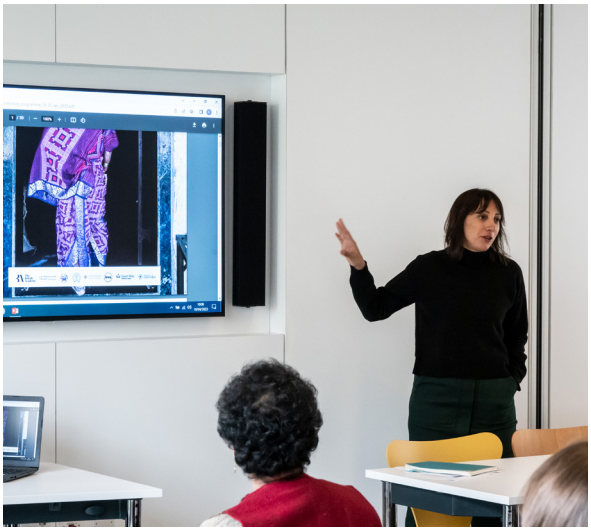
Cathy highlighted the 'threshold' problem through a striking example from her report, 'We can't fight in the dark': Violence Against Women and Girls (VAWG). Undocumented Latin American women in the UK were assaulted 60 times before their first call to the police in contrast to 35 assaults among women in general. Women's testimonies revealed that they did not recognise emotional and psychological violence as violence at all because of a lack of awareness, delaying their help-seeking. This threshold problem is also highlighted in the report Surviving Violence based on survivors' testimonies in three states in India, Maharashtra, Tamil Nadu and West Bengal. Domestic violence was considered the norm by survivors, community, and stakeholders and was reported to state institutions only if the violence escalated beyond a certain threshold of severity.

## Everydayness of violence

In their presentation on 'Feminist geolegalities of complaint' Philippa Williams and Shazia Choudhry discussed how India's National Family Health Survey (2019/2021) reported that 77% of women had neither sought any help nor told anyone about the physical or sexual violence they had endured. Against this backdrop Survivors' testimonies revealed the infrastructural exclusions and inadequacies in addition to the massive societal stigma and shame attached to 'complaining' about domestic violence and challenging the institution of marriage. A similar sentiment was echoed by Nahid Rezwana while discussing her work with Rachel Pain on GBV and layered disasters in Bangladesh and UK: many women in her study believed that leaving an abusive marriage was akin to jumping from the frying pan into the fire since it made them more vulnerable to exploitation by other men.

Philippa and Shazia's paper discussed how the everydayness of the 'violent domestic' (Banerjee et al 2022) made the act of 'complaining' even more difficult. Borrowing from Sarah Ahmed in this context, they noted that if you expose a problem, you pose a problem and ultimately become the problem. They troubled the normative individualistic framings around 'help seeking' which depoliticise not just survivors' violent contexts but also the violent and unjust state, legal and societal structures which often re-traumatize survivors and penalise them for complaining. They highlighted that the same institutions that are meant to address DV are often involved in perpetuating it.

The paper also discussed the societal trope of the nagging, hysterical and irrational woman who sought help or complained. This reveals a theme brought into stark contrast by Pragna Patal's keynote mentioning the partial defence of grave and sudden provocation which diminished the perpetrator's responsibility from murder to manslaughter not amounting to murder. The nature of the violence condoned, i.e., grave, and sudden, can blatantly exclude women's experiences. Pragna discussed the case of Kiranjit Ahluwalia wherein Ahluwalia was found guilty of murdering her husband who had raped and abused her for 10 years. During her trial, the defence's argument regarding provocation was unsuccessful because the law required an immediate ("sudden") trigger for provocation leading to loss of self-control. In Ahluwalia's case, there was a significant gap of a few hours between her husband's last attack and her retaliation, which was considered a "cooling down" period instead of "loss of control" and "provocation." Thus, her defence had failed. Ahluwalia appealed against the verdict and won with the help of Southall Black Sisters and Justice for Women. She was found guilty of manslaughter due to diminished responsibility for murdering her husband. The



partial defence of grave and sudden provocation is likely to excuse male violence (including intimate partner femicides out of jealousy) as a norm while allowing battered women who kill their husbands its benefit only as an exception to the norm and by means of pathologizing and syndromisation. This also echoed Shazia and Philippa's observations about the Surviving Violence research in India wherein men's trivial complaints were also considered credible while women's serious complaints were routinely dismissed. This is only to make a limited point regarding the cultural normalisation and condonation of male violence. A feminist project should ultimately be aimed at transforming society's violent means into peaceful ones.

Normalisation of patriarchal violence was also a theme that came to the fore in Nahid Rezwana and Rachel Pain's presentation, drawing on their book Gender-Based Violence and Layered Disasters. They draw on their fieldwork in Bangladesh and the UK to note that the time that follows the moment of crisis as disaster witnesses aggravated instances of gender- based violence (GBV). However, this is not because the disaster makes men abusive, most of those men were abusive even before the disaster. This problematises distinctions between disaster vs. non-disaster because part of what is disastrous is patriarchy itself. Philippa Williams and Supurna Banerjee's presentation, which discussed the work of three documentary photographers commissioned by the 'Surviving Violence' project, also revealed similar reasons for focusing on everyday objects to highlight the violence embedded in the daily life of survivors with mundane household objects as mute witnesses to it. Relatedly, Nandini Ghosh and Supurna Banerjee's presentation on 'Domestic Violence and Survival Work in West Bengal' focused on recognising survivors' everyday labour as 'survival work' (Brickell 2020) carried out by adopting various coping strategies to build resilience and engage in crucial work to survive, by pursuing independent livelihoods. Thus, they dispute the narrow framings of resilience and argue that the journey from victim to survivor constitutes survival made possible by the ongoing labour and initiative of survivors.

## Law as infrastructural violence

The 'legal epistemologies and subjectivities' panel on Day Two focused on the role of the law and its operationalisation as an exclusionary infrastructure. Women on the margins are excluded from legal systems and by legal system – either through the drafting of the law, through the process of law, or through inaccessibility of the law. Leonie Theis presented her findings from an institutional ethnography of the Berlin Criminal Justice System to highlight the '(De-) Construction of Credibility'. She argued that the method of adjudication in sexual violence cases in intimate partner relationships places a higher burden of proof on all women whilst excluding some women from the process of law. She categorised this as a form of epistemic injustice, where practices by the state do not align with the lived realities of many women survivors. Philippa and Shazia similarly categorised the lack of state support to victims as a form of epistemic violence and highlighted the testimonial oppression faced by trans survivors who were not believed. They highlighted how patterns of law do not consider complaints by women as credible and simultaneously morally regulate complainants. Kolika Mitra and Ruchira Goswami, through their paper 'Mapping rights from the margins: Awareness and access to PWDVA among disabled women and queer persons assigned gender female at birth in West Bengal' highlighted the exclusion of disabled and queer women from the language of the law as in the Protection of Women from Domestic Violence Act, 2005 (PWDVA). The way the law understands the category of 'women' as the only victims, excludes both in law and in its implementation queer women and disabled women who face violence at the hands of their natal family. They also highlighted the lack of collaboration between women's organisations that work on various intersectional identities and its consequence of not addressing collectively wider gaps in law, that exclude groups of women, on the margins of society. On exclusions by law – through the process and through the text - Ayesha Riaz, spoke about the experiences of immigrant women, through her paper titled, 'Widening the Scope of 'Domestic Abuse' in UK Immigration Law'. Through the UK's Destitute Domestic Violence (DDV) concession introduced in 2012, and through the introduction of the Domestic Violence Act, 2021, survivors of domestic violence in the UK on a spousal visa, with immigration status received some relief. They can access public funds if it is to escape the violence and are eligible for three moths leave to remain outside the rules. Although this concession came through rigorous advocacy by women's organisations, primarily the Southall Black Sisters, the law still excludes many immigrant women who are on other types of visas, but reliant on their partners in the UK. A common concern about the law, expressed by many panellists, stressed the crisis in legal aid triggered by severe cuts in state support. The inability or unwillingness of the state to fund legal aid, ensure that the aid provided is effective and that lawyers providing such aid are sensitised to the intersectionalities of violence, creates an inaccessible legal system and contributes to infrastructural violence.

**Family: Support or site of violence?**

Nandini Gooptu's presentation drew on the research she leads in Gurgaon on the periphery of New Delhi, India as part of The GendV project. She highlighted the role of upper and middle-class families in confining women and disciplining their conduct and behaviour via coercive control, intimidation, manipulation, and economic restrictions, revealing the family as a site of private violence. A sense of terror is inculcated in women about 'external' male violence even as the internal violence of the family continues unabated. Nandini Ghosh and Supurna Banerjee's presentation on survival and resilience employed the concept of sansar (marital domestic world) which, in West Bengal, signifies a woman's marital home and represents her familial responsibility. They highlighted how periodic violence is a normalised part of sansar and women employ different informal survival techniques such as maintaining silence and temporary exits to cope with the violence in their sansar. Kolika Mitra and Ruchira Goswami's presentation also used the natal family as the site of violence, along with institutions of the state and the law. Their research reflected on the lack of comprehension amongst community members and state institutions that natal family can perpetrate violence on many women, but especially those on the margins of society. A crucial intervention by Hannana Siddiqui, of Southhall Black Sisters, on the importance of family for survivors touched on the role played by family in mitigating or exacerbating infrastructural violence. She first noted that a family is important for survivors, and that oppression faced by women is not inherent in a family unit, but it is patriarchy and structural violence that influence its working. She focused on the need to reimagine the meaning of family, and not think solely of traditional consanguine relations as family members. For many, family includes various forms of relationships, with partners, friends, and community members that play a significant role in a person's life who should have such legal recognition, something that Kolika and Ruchira's paper also emphasised.




# 2. Intersectional Lives And Multicultural Worlds

Cultural relativism understood as tolerance without limits or the absence of any moral/ethical judgments about other societies assumes that cultures are consensual, homogeneous, static and fossilised systems that can be demonised or uncritically accepted in a wholesale fashion. This totalising conceptualisation creates a false binary of us vs. them or protecting minority communities vs. protecting women. Christine Schenk's presentation on 'War and the fragmentation of Muslim Personal Law in Sri Lanka' illustrated that with rising Islamophobia in Sri Lanka, the Muslim community in Kattankudy have retreated inwards. This makes it harder for Muslim women to assert their voice against conservative conceptions of Muslimness. The Qazi courts in Kattankudy systematically disadvantage women, operating as 'petty sovereigns' (Butler 2004, p.56), in a post-war society. As Nandini Gooptu's presentation revealed, these contexts make it easy to deploy protectionist arguments, and confine women to the home. The real danger to minority or migrant communities can then often be used to further police and regulate women's mobility and behaviours in upper- and middle-class households in India. The 2012 Delhi gang rape and murder, commonly known as the Nirbhaya case, had generated nationwide and international coverage, and led to massive public protests in India. The perpetrators in that case were lower caste, working class men. It led to the demonisation of rapists as belonging to a particular caste and class demographic. Gooptu's work challenges this stereotyping of perpetrators by focusing on the internal violence in upper- and middle-class families, as highlighted above. Cathy Mcilwaine and Migrants in Action (MinA) drew our attention to the complex intersectional identities of m inoritised migrant women. MinA creatively interpreted the report led by Cathy McIlwaine in the form of a drama performance as well as an audio-visual piece 'We Still Fight in the Dark'. A major criticism by MinA of this report lay in its inadequate emphasis on race which formed a primary part of the black Brazilian women's experience. Cathy emphasised that Latin American women, at the intersection of multiple marginalisations, experienced heightened vulnerability to violence due to their insecure immigration status. Many Latin American women also reported being exploited due to the hyper-sexualisation of their racial identities by men in the UK.

Kolika Mitra and Ruchira Goswami's presentation highlighted the limitations of the law in protecting women with intersectional identities from violence. The unique challenges for disabled women and queer persons assigned gender female at birth, were often beyond the understanding of law. Institutions of the state – the police or the courts, were unhelpful in providing redressal for the difference in the violence they suffered from able-bodied married women. Preeti Karmarkar also spoke of the need to understand the different identities women hold when she reflected on the strategic and practical interventions that Nari Samata Manch, her NGO in Maharashtra, India, has to make in its work with survivors. For instance, the experiences of Dalit or migrant women in Maharashtra, with the law and the state, would be uniquely different from those of upper caste Marathi women. Hannana stressed the need to adopt a position of mature multiculturalism and ensuring that discrimination against a community, between communities, and between individuals within a community are all simultaneously addressed.

**'We still fight in the dark' video performance produced by @mina_theatre and artist Nina Franco**
**Photo: Renata Peppl**

# 3. Art As Transformative

In conversations on visualising violence and survival, art emerged as a transformative tool to cope with, heal from, and resist GBV. All the panellists touched upon the themes of visibility, co-production of art, and resisting violence in and through their work. Charlotta Salmi drew on her British Academy funded project which studies representations of GBV in graphic art forms in Kathmandu and Pokhara in Nepal to highlight the use of street art as a visibility and an awareness-raising tool towards everyday violence suffered by women and girls. The process of making the art engenders understanding how new ideas and new meanings are ascribed to the art in question. However, this co-creation then raises concerns regarding ownership and attribution as well as differential remuneration. However, the preliminary findings show that art helps women and girls make sense of their experience and offers them a visual vocabulary to think about the violence they face in different terms.

Philippa Williams and Supurna Banerjee's presentation on photography as part of the Surviving Violence project highlighted the complete invisibility of everyday violence in representations of domestic violence. Several existing representations of domestic violence sensationalise violence by showing battered and bruised women. The commissioned photos are being used to redress this silencing of everyday violence and disseminate the project findings to a larger audience through an open access gallery. Their project, however, raised ethical questions around showing survivors'

**Photo: Vidya Kulkarni commissioned for the Surviving Violence open access photography gallery**

faces in view of the open access nature of the project. The choice of survivors in wanting to be photographed seemed to be in tension with concerns for their safety from threats of further violence, especially if they were still embedded in the violent context which also raised questions of continuing consent. The discussions mapping agency also cautioned against the dangers of romanticising resilience in the process of visualising violence.

MinA, a London based applied arts organisation, uses theatre to support minoritized migrant women survivors of violence in the UK (primarily Latin American). Carolina Cal Angrisani, Simone Amorim, and Adriana Pereira from MinA focused on the experience of Brazilian women in the UK and highlighted how art is used by them to narrate their stories, help each other heal from violence, raise awareness of the systemic nature of violence faced by them, and claim rights that are due to them. The value of art, for MinA, lies in starting the conversation directly or indirectly. They recited a poem written by them based on their experiences and sought audience experiences which highlighted the commonality of experiences of different migrant women in the UK. The 'crushing of dreams' they talked about resonated with the crushed dreams of the urban women in the GendV Project led in India by Nandini Gooptu.

# 4. Strategies For Future Intervention

The conference, especially the second panel on the first day, which saw Carolina talk about MinA, Hannana Siddiqi talk about Southhall Black Sisters, and Preeti Karmarkar talk about Nari Samata Manch, focused on the need for activism and action to constantly evolve within changing contexts and fluctuating socio-political climates. Preeti recounted her experience over the years with her Indian NGO to highlight how emerging awareness on differential experiences of gender-based violence influences the kinds of interventions that her organisation employs. She mentioned how with changing government policies, organisational energies are also redirected, and strategies of intervention are redesigned. Working in the UK, Hannana spoke of how there is an increasing importance being attached to the strategies of intervention for those with insecure migration status and how with every new law and policy, the interventions will have to evolve. There was a general agreement on the importance of local contexts in understanding a universal problem like domestic violence, and how strategies need to take into consideration unique local needs. Swarna Rajagopalan, who is the founder of The Prajna Trust spoke of her experience in Chennai with Sri Lankan refugees, and their community-based dispute resolution that did not rely on the state at all. An important question was raised by Preeti, Hannana and Carolina on accommodating strategies of intervention within the communities' own understanding of justice and empowerment. A common concern across the conference was about the increasing marketisation of NGOs, strategies for organisational funding, commodification of victimhood, and navigating long-term and short-term goals in a neoliberal environment. The neoliberal market, politics, and patriarchy all operate simultaneously against women. Carolina from MinA, raised an important question about surviving while carrying the baggage of our history. For immigrant women, survival is not just against the violence inflicted by their partners, but continued and generational violence of colonisation, racism, misogyny, and patterns of normalisation of such violence that they deal with.

### Partnerships and solidarity

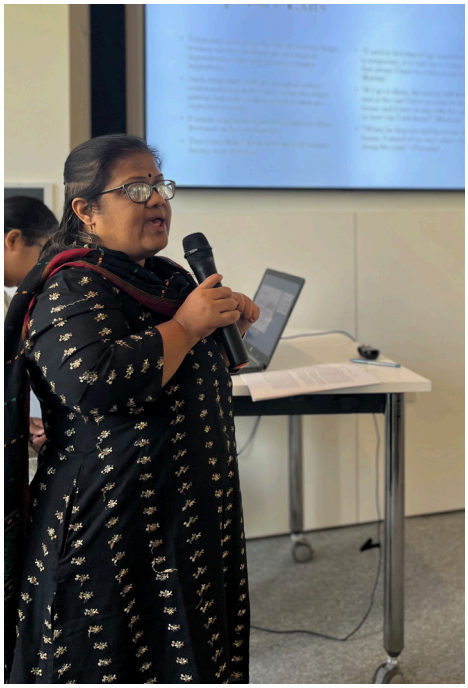
In the discussion on moving forward, the conversations in the policy and partnerships panel between academics, NGOs and policy organisations are salient. The main points of dialogue revolved around questions of meaningful collaborations and co-production of knowledge to develop short-term and long-term strategies of surviving violence and building transnational solidarities. While discussing the challenges faced in partnering with other organisations, Nicole Jacobs, Domestic Abuse Commissioner for England and Wales, reminded us that we need to ask whose vantage point is being used to drive the partnership and highlighted the importance of asking the question, 'who is not in the conversation?'. She also emphasised the need for strong local partnerships across sectors such as health and housing, to meaningfully address the needs of domestic violence survivors.

Pragna Patel pointed to the power imbalance in relationships which can often lead to exploitative partnerships. Co-production of knowledge must be a two-way process and only when the partners both bring something to the table can there be a meaningful collaboration. Questions of co-production also raise concerns about the neoliberal discourse of development that were highlighted in discussions on the visualising violence and survival panel. Charlotta raised concerns about the foreign funding of murals and street art by international NGOs and governments and the dangers of neoliberal development discourse. This, in turn, has

implications for the agency of the victim-survivors who are subjected to this 'humanitarian gaze' (Tascón 2017). Discussions also highlighted the problem of the charitable-industrial complex where the solutions fail to challenge the underlying structures that perpetuate violence. Pragna also highlighted that the key to a successful partnership lies in regular and transparent communication. Further, there must be an agreement on basic political values otherwise the partnership would develop fault lines quickly. Aleisha Ebrahimi, Advisor, Office of the Domestic Abuse Commissioner pointed to the challenges of academic paywalls for smaller NGOs and individual activists. She suggested that academics could help the sector and initiate meaningful partnerships by sharing their research with the organisations on the ground as well as with policy organisations like theirs. Yasmeen Zafar, Legal Adviser of the UK's Foreign, Commonwealth & Development Office (FCDO) brought attention to the recent adoption of the gender equality strategy by the FCDO. She also highlighted the 'What Works to Prevent Violence—Impact at Scale' programme currently funded by FCDO aimed at improving prevention and response to violence against women and girls. However, she acknowledged the challenges of delivering policy aims in the face of funding cuts, such as the £4bn cut from the foreign aid budget in 2021. The policy and partnership panel also addressed the constant tension between short-term and long-term strategies. Pragna suggested that a way forward was to learn from the things that do or do not work in the short-term and feed the learnings into the long-term response. However, each panellist highlighted that in some circumstances, the short-term clouds the long-term strategy as highlighted by the shadow pandemic of domestic violence that accompanied the Covid-19 pandemic.

### Mental health

Finally, there is increased awareness of the mental health impact on victim-survivors of GBV. Kolika Mitra and Ruchira Goswami spoke of the high rates of suicide within the queer community due to the violence committed by their natal families. Wellbeing of victim-survivors is an important facet of looking forward, something which MinA directly addressed in their work on theatre as a form of healing and resisting GBV. The discussions also noted the significance of paying attention to and taking care of the mental health of the researchers, activists, and policy makers who dedicate their lives towards the cause of resisting GBV.



# Conclusions

From the two days of panels and conversations, many key questions on the journey forward were raised and many solutions provided. The questions addressed survivors of gender-based violence, perpetrators of such violence, and infrastructures that support the violence. For survivors, it was asked – how can we create systems that will make experiences of survivors who choose to fight the system or choose to stay, more empowering? How can researchers, organisations, activists and practitioners, make counselling, family and community support, therapy (for survivors), more accessible – where do we channel our energies in creating awareness, and creating spaces of empowerment? A key issue raised was on how we create a society and community that addresses the perpetrators of violence? Consequently, it was asked if it was time to properly invest in perpetrator programmes? Nandini Gooptu, through her research highlighted how the growing differences in class will further the distance between communities and people that has the potential of creating hostile environments for women. Preeti spoke of her experience running the 'Purush Samvad Kendra' in her organisation, an intervention that focuses on raising awareness amongst men and young boys, and its importance in addressing the larger problem. Hannana cautioned against engaging with perpetrators of violence in domestic violence cases, for the trauma of survivors, and for the way the engagement is worded and controlled. She also stressed the importance of engaging with men, not just on domestic violence but also on consent, traditions and duty amongs other things, that often influence gender-based violence. Oninfrastructures, it was asked – how do we employ a multidirectional strategy to address both under policing, over policing, and the limitations of law and courtrooms? There was a consensus on the need to create what Pragna called 'democratic accountability' for actions of state institutions. There was also a need to facilitate survivors' access to state institutions, courts and the justice system which went beyond just listening to their story.

It may help to bear in mind the words of critical race theorist Mari Matsuda (1992, p.297), who said that sometimes we must stand outside the courtroom and say, 'this procedure is a farce, the legal system is corrupt, justice will never prevail in this land as long as privilege rules in the courtroom.' However, at other times, we may need to stand inside and say, 'this is a nation of laws, laws recognizing fundamental values of rights, equality and personhood.' And sometimes we may be required to make both these speeches on the same day. As Carolina from MinA reminded us, we should be mindful of the importance of creating pockets of hope for survivors while we work towards larger goals of legal reform and societal change, so there is collective healing directed towards the self. These 'pockets of hope' are perhaps what we need to keep going, to move, from coping to thriving.

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