

International Academic Conference
Online, 8-9 December 2020

Access to Justice to End Violence

Keynote Speakers:

**The Hon. Justice Dr. D. Y. Chandrachud – Supreme Court
of India**

**Professor Kerry Carrington - Queensland University of
Technology, Australia**

UNODC Welcome Message

The United Nations Office on Drugs and Crime (UNODC) is proud to partner with the Tata Institute of Social Sciences to host this international academic conference on “Access to Justice to End Violence”. The theme of this important event is particularly relevant in terms of UNODC’s mandate to make the world safer from drugs, crime and terrorism. Our efforts in this field include intergovernmental work to support Member States through technical assistance and capacity building, and the provision of evidence-based research to inform policy-making and law reform.

In addition to this work, in recent years UNODC has embarked on an ambitious global education programme to promote the rule of law at the primary, secondary and tertiary levels. In 2015, with the adoption of the [Doha Declaration](#), the international community recognized the mutually supportive functions of education, crime prevention, and the rule of law in achieving the [Sustainable Development Agenda](#). The Doha Declaration was adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, and endorsed by the United Nations General Assembly in [Resolution 70/174](#). The Doha Declaration is the first political declaration that specifically highlights the important role of education and educators for crime prevention, criminal justice and rule of law.

The Doha Declaration has empowered UNODC to work with new stakeholders, educators and academics to promote and strengthen the rule of law worldwide, through the [Education for Justice \(E4J\)](#) initiative. In support of UNODC’s [Global Programme](#) for the Implementation of the [Doha Declaration](#), the E4J initiative aims to build a culture of lawfulness among children and youth through the provision of age-appropriate educational materials on topics related to criminal justice, crime prevention and the rule of law, and the integration of those materials into the curricula of all education levels.

At the tertiary level, E4J has developed together with hundreds of academics a broad range of [University Modules](#) to strengthen teaching on issues related to the rule of law at higher education institutions around the world. This includes modules on [crime prevention and criminal justice](#), [organized crime](#), [trafficking in persons and migrant smuggling](#), [counter-terrorism](#), [cybercrime](#), [anti-corruption](#), [firearms](#), [wildlife crime](#), as well as on [integrity and ethics](#). UNODC is also pleased to partner with academic institutions in hosting conferences, seminars and workshops to foster academic networks and the sharing of knowledge on topics that promote crime prevention, the rule of law, and the achievement of safe and inclusive communities. This online academic conference on “Access to Justice to End Violence” is an important initiative towards this goal. The objective of the conference is to bring together post-graduate students, academics, and criminal justice practitioners from India as well as other parts of the world to provide a forum for intellectual exchange on evidence-based strategies to ensure equal access to justice for all, and to eliminate all forms of violence.

UNODC is proud to partner with the Tata Institute of Social Sciences in providing a space for the rigorous intellectual exchange that is such a vital part of our shared efforts, globally, to achieving public safety, to upholding human dignity, and ensuring equal enjoyment of fundamental human rights.

Mr. Marco Teixeira, Senior Programme Officer, Global Programme Coordinator, UNODC

Dr. Suruchi Pant, Deputy Representative, UNODC Regional Office for South Asia

Dr Wendy O'Brien, Legal Officer, Justice Section, UNODC

TISS Welcome Message

The Tata Institute of Social Sciences (TISS) is happy to co-host this international, virtual conference on Access to Justice to End Violence. Access to justice is a constitutional right in India, and education plays an important role in ensuring the realisation of this right. Indeed, it is important to engage the younger generation in the pursuit of justice, and quality education offers an opportunity for universities to empower the next generation of future professionals and leaders in efforts to prevent violence and uphold human rights for all.

Since its inception, the vision of the TISS has been to be an institution of excellence in higher education that continually responds to changing social realities through the development and application of knowledge, towards creating a people-centred, ecologically sustainable and just society that promotes and protects dignity, equality, social justice and human rights for all. In pursuance of its vision and guiding principles, the Tata Institute of Social Sciences organises teaching programmes to facilitate the development of competent and committed professionals for practice, research and teaching; undertakes research; develops and disseminates knowledge; and reaches out to the larger community at the local, national, regional and international levels. Our courses align classroom education with social reality and work towards ensuring the well-rounded development of students.

The Education For Justice Initiative (E4J) that has been developed by UNODC to support academics from around the world will be very useful in teaching on justice and the rule of law in all our campuses across India. Universities and other higher education institutions have a critical role to play in promoting justice education, and the E4J classroom tools, educational aids, videos, activities, learning modules, and games for universities constitute a great set of resources. With our commitment towards ending violence and providing justice to victims, TISS will be pleased to collaborate in promoting these materials.

This conference builds on our prior engagement with the UNODC E4J initiative. In October 2019, Prof. Bajpai, a member of faculty from TISS, was invited to UNODC headquarters in Vienna, to attend the E4J conference for expert academics. At this event, Prof. Bajpai presented on an Indian initiative to enhance access to justice for children. In a continuation of our partnership, TISS is happy to co-host this online conference together with UNODC in 2020.

I wish delegates to this international conference all the very best as they work collaboratively to advance discussions on “Access to Justice to End Violence”.

Prof. Dr. Shalini Bharat, Director, TISS

Prof. Dr. Asha Bajpai, Professor of Law, TISS



Keynote Speakers



Professor Kerry Carrington- Queensland University of Technology, Brisbane, Australia

For the past 11 years, Professor Kerry Carrington has been Head of the School of Justice in the Faculty of Law at Queensland University of Technology, Australia. Kerry is one of the intellectual architects of southern criminology - a project that aims to bridge global divides, democratise criminological concepts, theories and methods and inject the field with innovative ideas and research from the periphery. For three decades she has been a leading figure in feminist criminology and is the author of *Feminism and Global Justice* (2015), co-author of *Southern Criminology* (2019) and another 126 other publications. She is the Founding Chief Editor of the *International Journal for Crime, Justice and Social*

Democracy ranked 14th in the world for open access in the field of Law. In 2014 she was the recipient of the American Society of Criminology Lifetime Achievement award (Division of Critical Criminology), and in 2013 recipient of American Society of Criminology, Distinguished Scholar Award (Division of Women and Crime). In 2016 she was elected a Fellow of the Academy of Social Sciences Australia for outstanding and distinguished contributions to the social sciences. She is currently undertaking an ARC funded [world first study on how Women's Police Stations in Argentina respond to and prevent gender violence](#). In 2019 she presented the findings of this study to the UN 63 Commission on the Status of Women NGO sessions in New York.

Keynote Abstract – How Women's Police Stations widen access to justice to end Violence Professor Kerry Carrington, QUT Centre for Justice, Faculty of Law, QUT, Australia.

Women's police stations are a distinctive innovation that emerged in postcolonial nations of the global south in the second half of the twentieth century to widen access to justice to end violence against women. They first emerged in Brasil in 1985, Argentina in 1988 and India in 1972. Little is currently known about how this distinctive multidisciplinary model of policing (which includes social workers, lawyers, psychologists and police) widens women's access to justice. First, I will outline the background of women's police stations in the postcolonial societies of the global south, designed to explicitly respond to and prevent gender-based violence. These stations are distinguished from the female-only police units that existed in the global north, which restricted women in law enforcement to caring for females and children in custody. Next, I will highlight the key findings from our world-first study of the unique way that police stations for women (Comisaría de la Mujer) widen access to justice to end gender-based violence in the Province of Buenos Aires, Argentina. The final section of this article critically reflects on the virtues and limits of women's police stations as a model for ending gender-based violence. It concludes that specialised women's police stations in the postcolonial societies of the global south enhance access to justice, empower women to liberate themselves from the subjection of domestic violence and prevent gender violence by challenging the patriarchal norms that sustain gender violence. As a by-product, women's police stations also offer women in the global south a career in law enforcement—one that is based on a gender perspective. The study is framed by southern criminology, which reverses the notion that ideas, policies and theories can only travel from the anglophone world of the global north to the global south.



Hon. Justice Dr. Dhananjaya Y. Chandrachud– Supreme Court of India

Hon. Justice Dr. D.Y. Chandrachud is a sitting judge of the Supreme Court of India. He was previously the Chief Justice of the Allahabad High Court and a former judge of the Bombay High Court. He joined the Bombay bar after obtaining a LLM and JSD from Harvard Law School. He is a guest lecturer at Harvard Law School, Yale Law School, University of Australia and University of Witwatersrand, South Africa. He has been invited to several organizations as a speaker, including the United Nations High Commission on Human Rights, International Labour Organisation, United Nations Environmental Program, the World Bank, Asian Development Bank and the Association of Asian Constitutional Courts. Justice Chandrachud, in his 4 years at

the Supreme Court so far, has delivered several seminal judgements- including the decriminalization of homosexuality, decriminalization of adultery, declaration of privacy as a fundamental right and combated caste and gender discrimination through the Indian Constitution. His judgements, including his notable dissents, have enriched Indian jurisprudence on constitutional law, human rights law, gender justice, criminal law and labour law. His vision for a just and equitable society precedes his days at the bench. As an advocate practicing predominantly at the Bombay Bar, he was a champion for several causes, including the right to privacy, the rights of HIV+ workers, religious and linguistic minority rights. As the current chairperson of E-committee, he is spearheading a digital transition of the judicial system in India, with an equal aim of ensuring access to all litigants.

Keynote Abstract – The Price of Liberty- From Principle to Practice: Transforming Institutional Attitudes towards Undertrials and Prison Reforms

Dr. Dhananjaya Y. Chandrachud

In 1977, the Supreme Court in the case of State of Rajasthan, Jaipur v. Balchand, had laid down the cardinal rule for preserving the liberty of scores of undertrials languishing in jails in the following terms- “Basic rule is bail, not jail”. However, even today, common citizens at the bottom of the social and economic hierarchy continue to be deprived of their liberty in disproportionate numbers and await months for the disposal of their bail applications. The data available on National Judicial Data Grid shows that around 91,568 bail application are pending before the High Courts and 1,96,861 bail applications are pending before the District Courts.

Justice Chandrachud will be elaborating on his experience with criminal law from his days at the bar, to his days at the bench. He will elucidate on the principles of a carceral state as justified in a modern welfare state, only when coupled with goals of restorative justice. In meeting the goals of restorative justice, preserving the dignity of undertrials and prisoners are crucial; and can only be achieved by the synergies of the state machineries, prisons and the judiciary. He will underscore the existing chasms of justice and locate them across the following factors: (1) lack of effective legal aid; (2) corruption and misuse of criminal law; (3) a colonial mindset pervading the district judiciary, which chooses to defer cases of personal liberty to High Courts, treating itself as a “sub-ordinate”; and (4) a systemic deficiency in demonstrating urgency for disposal of cases of personal liberty. He will examine these themes with an aim to ensure that criminal law does not become a weapon of state oppression.

Agenda

Day One - 8 December

**Times shown below are in India Standard Time (IST) (5:30 hours ahead of Coordinated Universal Time (UTC))*

OPENING PLENARY

Session 1

11:00-12:30

[India Standard Time](#)
(IST)

Dr. Suruchi Pant, Deputy Representative, UNODC Regional Office for South Asia

Prof. Dr. Shalini Bharat, Director, Tata Institute of Social Sciences

Mr. Marco Teixeira, Global Programme Coordinator, UNODC Global Programme for the Implementation of the Doha Declaration

Keynote address

Professor Kerry Carrington- Queensland University of Technology, Brisbane, Australia

How Women's Police Stations widen access to justice to end Violence?

Welcome from Conference Co-Convenors

Professor Asha Bajpai, Professor of Law, Tata Institute of Social Sciences; and
Dr. Wendy O'Brien, Legal Officer, UNODC

Moderator: Dr Wendy O'Brien, Legal Officer, UNODC

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Session 2

2A Strategies to end violence against women – international perspectives

Moderator: Dr Wendy O'Brien, Legal Officer, UNODC

[Join here](#)

13:00 – 14:30

[India Standard Time](#)
(IST)

Prevention to stop femicide

Mr. Daniel Pecheny
Cybercrime Investigator, Ministry of Security,
Buenos Aires, Argentina

Addressing domestic violence against women in Nigeria: private affair or public concern

Professor Adeyinka Aderinto
Professor, University of Ibadan, Nigeria

2B Access to Justice for Children

Moderator: Professor Dr. Asha Bajpai, Professor of Law, TISS

[Join here](#)

Educating Youth can be a game changer in the fight to end violence against women

Ms. ElsaMarie D'Silva
Founder & CEO of Red Dot Foundation, India, and
President of Red Dot Foundation Global, United States of America

POCSO Act and its pitfalls: A socio-legal analysis

Ms. Pankhuri Agarwal
PhD Scholar National Academy of Legal Studies and Research, Hyderabad, India
Ms. Chadni Kaur Bagga

Combating violence against women and children in Africa

Ms. Emma Pimpong
Assistant Registrar, University of Professional Studies, Accra, Ghana

PhD Scholar, NALSAR University of Law, Hyderabad, India

Benefits and problems with non-legal and nongovernmental avenues for access to justice for children

Ms. Therese Boje Mortensen
PhD Candidate, Human Rights Studies, Lund University, Sweden

Session 3

3A Community-based initiatives to end violence against women

Moderator: Dr. Wendy O'Brien, Legal Officer, UNODC

3B Restorative Justice and children in conflict with the law

Moderator: Professor Dr. Asha Bajpai, Professor of Law, TISS

15:00 – 16:30

[India Standard Time \(IST\)](#)

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[Join here](#)

Community led strategies to end violence on women: Learnings from antitrafficking program of sex workers' community in Sonagachi, Kolkata

Mr. Jaffer Latief Najar
PhD Researcher, International Institute of Social Studies, The Hague, The Netherlands

To second chances: Restorative justice practices for children in conflict with law

Advocate Vikas Kumar
Delhi High Court, India
Advocate Nikita Opal
PhD Scholar, National Forensic Science University, Gandhinagar, India

Women police stations: Proven access to justice for women in the global south

Dr. Mangai Natarajan
John Jay College of Criminal Justice, The City University of New York, United States of America
Ms. Dhanya Babu
Doctoral Student, John Jay College of Criminal Justice, The City University of New York, United States of America

Juvenile justice in India: A case for restorative justice

Ms. Sheba Rivy Simon
The National Academy of Legal Studies and Research, Hyderabad, India
Ms. Shelvin Aleena John
Visvesvaraya National Institute of Technology, Nagpur, India

Project Taana-Baana: Community policing initiative of Bikaner police

Dr. Amandeep Singh Kapoor
Superintendent (Chief) of Police, Bharatpur District, Rajasthan, India
Gopal Singh Chauhan,
Secretary Lokayan, Bikaner, Rajasthan

Jurisprudence of the juvenile justice system in India: A TISS intervention model facilitating rehabilitative and restorative justice to children in childcare institutions

Dr. Josephine Anthony
Assistant Professor, Centre for Equity and Justice for Children and Families School of Social Work, Tata Institute of Social Sciences, Mumbai, India

PLENARY

17:00 – 18:15
[India Standard
Time \(IST\)](#)

Introductory Remarks
Professor Dr. Shalini Bharat, Director, TISS

Keynote Address
The Hon. Justice Dr. D. Y. Chandrachud, Supreme Court of India
The Price of Liberty – From Principle to Practice: Transforming Institutional Attitudes towards Undertrials and Prison Reforms

Vote of Thanks
Professor Dr. Asha Bajpai, Professor Law, TISS

Moderator: Dr. Wendy O'Brien, Legal Officer, UNODC

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Day Two - 9 December

Session 4

11:00-12:30
[India Standard Time
\(IST\)](#)

4A Addressing gaps in strategies to end violence against women
Moderator: Professor Dr. Asha Bajpai, Professor of Law, TISS

[Join here](#)

Digital sisterhoods: What promise does online activism hold for gender justice in India's northeast?

Dr. Sabina Yasmin Rahman
Independent Researcher, Jawaharlal Nehru University, New Delhi, India

Addressing domestic violence in live-in relationships: Legal challenges and solutions

Ms. Ishita Das
Phd Scholar NALSAR University of Law, Kolkata, India

Therapeutic jurisprudence in India and its scope in cases of domestic violence and sexual harassment

Ms. Chahana Charles
Gujarat National Law University, Gujarat, India

4B Access to legal aid: Access to justice
Moderator: Dr. Devakumar Jacob, Assistant professor, Centre for Statelessness and Refugee studies, School of Law, Rights and Constitutional Governance, TISS

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Violence & discrimination against LGBTQ: The need for greater engagement in India

Mr. Saif Rasul Khan
Assistant Professor NERIM Law College, Guwahati, India

Green criminology and the victimisation of Indigenous Peoples: a story of politics, corruption and culture

Ms. Geetha A. Rubasundram
Forensic Accountant, Kuala Lumpur, Malaysia

Involvement and inclusion of women in national security

Ms. Krutika Patil
Master's student at Jawaharlal Nehru University, New Delhi, India
Ms. Kiran Chauhan

Session 5

5A Legal Recognition to end violence against women

Moderator: Dr Trupti Jhaveri Panchal, Assistant Professor and Chairperson, Centre for Women Centred Social Work, TISS

5B Restorative approaches to serious crime

Moderator: Prof. Dr. Vijay Raghavan, Professor, Centre for Criminology and Justice, TISS

13:00-14:30

India Standard Time

(IST)

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Extra marital affairs, breach of trust in marriage and therapeutic jurisprudence: A critical analysis of victimization of women from Indian criminal law and therapeutic jurisprudence perspectives

Dr. Debarati Halder

Professor Legal Studies Unitedworld School of Law, Karnavati University, Gandhinagar, Gujarat, India

Worth of Waste Handlers and their struggle for legal recognition and entitlements

Mr. Sudhanshu Shekhar

Research Associate, Connecting Dreams Foundation, Delhi, India

Implementation of DV Act in hilly remote regions

Advocate Ayushi Parashar

Tamil Nadu National Law University, Bhopal, India

Revisiting the potential for restorative justice at the International Criminal Court: A search for theoretical justifications of the practice of ICC

Mr. Abhiroop Saha

Alumnus (NLSIU, Bangalore), Associate (Luthra & Luthra LLP), Trivandrum, India

Ms. Surbhi Soni

Student, National Law School of India University, Jaipur, India

Restorative justice and counter violent extremism: what lessons from Nigeria

Professor Don John O. Omale

Professor of Criminology/Head, Department of Sociology, Federal University Wukari, Taraba State, Nigeria

Rule of law as a therapeutic jurisprudential response to end terrorism

Ms. Shainy Pancrasius

Assistant Professor, Christ University, Bangalore, India

Ms. Bhaygalakshmi R

Assistant Professor, Department of Law, School of Legal Studies, Central University of Tamil Nadu, Thiruvavur, India

Session 6

6A Extra-legal supports for victims

Moderator: Anna Giudice, , Crime Prevention and Criminal Justice Officer, UNODC

6B Access to legal aid: Access to justice

Moderator: Ms. Anika Holterhof, Crime Prevention and Criminal Justice Officer, UNODC

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[Join here](#)

15:00 – 16:30
India Standard Time
(IST)

Financial abuse experienced by an elderly living alone with dementia: A case study

Ms. Cicil R Vasanthra
PhD Scholar, National Institute of Mental Health and Neurosciences, Bangalore, India
Co-authors: Dr. Thirumoorthy and Dr. Sojan Antony, Dr. PT Shivakumar

A sociological analysis of domestic violence and abuse against elderly women

Dr. Mallarika Sarkar (Das)
Assistant Professor of Sociology, University of Calcutta, Kolkata, India
Co-author: Ms. Titi Mukherjee

Expectations of women survivors of domestic violence from counsellors in legal settings

Dr. Aparna Joshi
Assistant Professor, School of Ecology, Tata Institute of Social Sciences, Mumbai; Project Director, Sukoon, Tata Institute of Social Sciences, Mumbai, India

Dr. Amrita Joshi
Project Director, Sukoon, Tata Institute of Social Sciences, Mumbai, India

Ms. Ipsita Chatterjee
Project Coordinator, Sukoon, Tata Institute of Social Sciences, Mumbai, India

Ms. Chinmayee Kantik
Programme Officer, Sukoon, Tata Institute of Social Sciences, Mumbai, India

Ms. Anushree Puntambekar
Senior Research Assistant, Sukoon, Tata Institute of Social Sciences, Mumbai, India

The role of Chhattisgarh state legal services authority to strengthen access to justice and innovative strategies

Dr. Balwinder Kaur
Assistant Professor in Law, Hidayatullah National Law University, Raipur, India

Legal aid institutions and the pursuit of social justice in Africa

Dr. Samuel Opoku Pimpong
Lecturer, University of Education, Winneba, Accra, Ghana

The right to criminal justice in sub-Saharan Africa

Professor Eddy L. Nguiffeu Tajouo
University of Dschang, Cameroon

CLOSING PLENARY

16:40 – 17:30
India Standard Time
(IST)

Presentation by UNODC Regional Office for South Asia

Ms. Deepika Naruka, Programme Coordinator, TOC & Illicit Trafficking, UNODC Regional Office for South Asia

Closing Remarks

Mr. Samarth Pathak, Communications Officer, UNODC Regional Office for South Asia

Closing Remarks from Conference Co-Convenors

Professor Dr. Asha Bajpai, Professor of Law, Tata Institute of Social Sciences;
Dr. Wendy O'Brien, Legal Officer, UNODC

Moderator: Professor Dr. Asha Bajpai, Professor of Law, TISS

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1. “Addressing domestic violence against women in Nigeria: private affair or public concern”

Professor Adeyinka Aderinto
Professor, University of Ibadan, Nigeria

Domestic violence against women is considered as the most pervasive and the least recognised human rights abuse in the world. Although gender-based violence has probably been a part of the human condition, governments, particularly in developing countries, are just beginning to officially recognise its existence and take steps to addressing it. In most societies, violence within the home has been regarded as a private matter; thus there are no appropriate intervention programmes or policies in this regard. Many cultures have beliefs, norms and social institutions that legitimise and, therefore, perpetuate violence against women. This suggests that domestic violence originated from the social structures of the society and their complex sets of values, traditions, customs, habits and beliefs which relate to gender inequality. This and other traditions treat the woman as a child, lacking the ability to control her life, and also regarded as the property of the household. In this, the abuse of women is seen as a display of male power, the outcome of social relations in which the woman is considered inferior to the man, responsible to him and in need of protection by him. The phenomenon has become a major social problem in Nigeria now. In a nine month period in 2017, there were 852 cases of domestic violence in Lagos State alone. This paper therefore addresses the underlying causes of domestic violence against women in Nigeria, and the traditions and norms that seem to sustain it. The paper will also dwell on studies that have been conducted on the subject, in a bid to addressing the problem in Nigeria.

2. “POCSO Act and its pitfalls: A socio-legal analysis”

Ms. Pankhuri Agarwal
PhD Scholar National Academy of Legal Studies and Research, Hyderabad, India

Ms. Chadni Kaur Bagga
PhD Scholar, NALSAR University of Law, Hyderabad, India

The Prevention of Child Sexual Offenses Act, 2012(POCSO Act) has been believed to be an all- encompassing legislation and a readymade armor against child sexual abuse in India. Yet the National Crime Records Bureau (NCRB) report shows its dismal implementation, with less than 50 percent of all such cases recorded by states. The authorities and personnel seem to be untrained and ill-equipped to follow up the charges framed under POSCO Act as compared to that under Indian Penal Code, 1860. In society, there is a lack of intrinsic understanding of the provisions, the effect of which has been observed in some cases where an out of Court settlement was attempted by the family of the victim and accused. The NCRB 2018 reports that on an average 109 children are facing sexual violence per day in India, with a silver lining in increased number of reporting under POCSO Act. The mandated special courts and trained personnel for ‘justice’ delivery to the child is yet another cry muffled up under state’s blissful ignorance. From its enactment to its implementation the law has been lost in translation. The multilayered problems range from a lack of understanding of the term ‘child sexual abuse’ to the social stigma attached to anything related to ‘sex’, to the prejudiced state personnel and authorities. Each of these factors adversely affect the implementation of the laws. The authors will present a study on the causes of under-realization of the benefits of POCSO Act through the legal, administrative and sociological lenses. Case studies will be used to demonstrate the technical challenges in the implementation of procedural requisites under the law – such as

the recording of witness evidence in such cases. The recognition of those issues will be used to provide suggestions to enable the POCSO Act to fulfil its mandate.

3. “Jurisprudence of the juvenile justice system in India: A TISS intervention model facilitating rehabilitative and restorative justice to children in childcare institutions, Hyderabad”

Dr. Josephine Anthony
Assistant Professor, Centre for Equity and Justice for Children and Families
School of Social Work, Tata Institute of Social Sciences, Mumbai, India

The Juvenile Justice legislation in India has come a long way in terms of the stance it now takes on the care and protection of children and the underlying principles of rehabilitation instead of retributive justice. However, reality on the ground is far from the law on paper. Children who come under the purview of JJ system, and are institutionalised, have experienced violence in different forms, as witnesses, victims and perpetrators. Most of these children come from communities and families that are socially marginalised, ridden with violence, abuse and conflict. Substance abuse, school dropout/illiteracy, and neglect from families are common issues seen among the children in institutions. While their families are not safe spaces for them to go back to, the institutions provide no better alternative. In addition, the inefficient and insensitive system fails to help children get out of the cycle of violence and exploitation for the rest of their lives. Hence, it becomes critical to work with both the child, their family, and the broader systems that shape a child's life..

TISS Field Action Project on 'Improving Psychosocial Wellbeing of Children in Childcare Institutions' is implemented in four government run CCIs in Hyderabad for the past 3 years. The project strengthens psychosocial intervention with the children as well as families and other stakeholders in the ecosystem of the child.

Based on the field outcomes, this paper will delve into the rehabilitative and restorative

justice model of practice with the child, family and the system as a whole, in ensuring child protection and therapeutic jurisprudence. The paper will highlight the rehabilitative measures of healing to empowerment of the child, including trauma-informed care, group intervention, and vocational education and family and community group conferencing, using peace-making circles to address conflicts and efforts to reform staffing patterns and impart skills.

4. “Benefits and problems with non-legal and nongovernmental avenues for access to justice for children”

Ms. Therese Boje Mortensen
PhD Candidate, Human Rights Studies, Lund University, Sweden

It is overwhelmingly recognised that delays in legal access to justice is a significant problem with judicial administration in India.¹ This is particularly true for child victims of violence, who have little benefit from a court case that drags on for years or even decades. This paper examines the potentials of an alternative non-legal avenue for such children, namely India's national child helpline. CHILDLINE – a project financially supported by the Ministry for Women and Child Development, managed by a foundation and implemented by hundreds of local NGOs – prides itself on being a 24-hour emergency service that reaches a child in need within one hour and links him/her to appropriate government services. Such speediness stands in stark contrast to the lengthy legal avenue, yet they both pursue the goal of reacting to injustices towards individual children.

The paper discusses the benefits and problems with non-legal and non-governmental avenues to access to justice. The benefits include that access to justice can be delivered in a relatively unbureaucratic manner; that a large number of children and families who would never have been willing or able to approach the legal system get in contact with state services (with NGOs as mediators); and that CHILDLINE has the potential to further complement the legal system. The problems with outsourcing access to justice to NGOs

include the dependency on an existing, nationwide NGO network which is further dependent on external fundraising; low salary and an insecure job situation for social workers in the field; and the “governmentalisation” of NGO processes, which in themselves become bureaucratic and documentation-orientated as they have to report and document to several mother-NGOs and state structures at the same time, and thus limit their potentials as social initiators and mobilisers.

5. “Therapeutic jurisprudence in India and its scope in cases of domestic violence and sexual harassment”

Ms. Chahana Charles

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Therapeutic jurisprudence is the study of law as a therapeutic agent (Wexler, 1996). The combined roles of the court personnel produce either therapeutic or non-therapeutic consequences. In India, the use of therapeutic jurisprudence is based on restorative justice theory and is mostly limited to matrimonial courts and the field of family law. In a country with a population of around 1.3 billion, with rising inequality, the existing justice system is indifferent to societal realities - much like its colonial foundations. In India, mainstreaming therapeutic jurisprudence is not the most feasible option, however it must be implemented in domestic violence and sexual harassment cases. With the rise of the me-too movement, redressal has been an impending issue. With the unsympathetic Justice system appropriate redressal for sexual harassment and domestic violence survivors seems unlikely. This also leads to a question about the efficiency of Indian legal education and how restorative justice can be included in the existing system to promote empathy among law students and in the legal profession in general.

Therapeutic justice is prevalent in many countries like Australia, and in Drug Courts in the United States. It has been observed through research that mainstreaming

therapeutic justice is an extremely costly affair which requires resources and manpower on an extremely large scale.

This research analyses whether therapeutic jurisprudence could be applied in domestic violence and sexual harassment cases and if it may bring a revolution in the way we address the issues in society, including by ensuring timely redressal, by lowering the burden on courts and by provide healing to the victims while rehabilitating those who have caused harm.

Keywords: restorative justice, domestic violence, Sexual harassment, me-too movement, effective redressal, empathy

6. “Educating Youth can be a game changer in the fight to end violence against women”

Ms. ElsaMarie D’Silva

Founder & CEO of Red Dot Foundation (India) and President of Red Dot Foundation Global (USA)

Red Dot Foundation has been active for the last six years in imparting education in schools and colleges in India on the topic of sexual violence prevention. Over 25000 people of all ages have attended workshops where they are able to understand in a deeper manner the issue of gender roles and stereotypes in the promotion of patriarchal attitudes and mindsets that promote, encourage, normalise and condone violence against women and girls.

Through this paper we would like to share our experiences in engaging with youth and their educators on our sexual violence curriculum and the effect of such curriculum in shifting mindsets and ultimately behaviour. We will share various case studies and also our recent project with the Canadian Funds for Local Initiatives by the Government of Canada that supported a safe college campus program in 20 colleges in Maharashtra.

Central Arguments:

- In countries like India the education system can be found lacking in developing social skills, basic empathy and respect.
- There is no curriculum for sex education or human rights leading to many being ignorant about social bias and low standard of ethics.
- Through a focused program on gender sensitisation and a leadership program on college campuses, we can engage youth to contribute towards change through personal reflection and being peer educators and innovators.
- The importance of creating platforms for youth to learn life skills by “doing” and having the opportunity to “fail” whilst being able to experiment on creating solutions to social issues.
- Building confidence and leadership is essential in developing the capacity of youth to take charge and be agents of change.

7. “Addressing domestic violence in live-in relationships: Legal challenges and solutions”

Ms. Ishita Das
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Kolkata, India

Domestic violence is one of the pressing global problems facing our world. Victims may be subjected to physical, sexual, economic, mental and emotional abuse. Violence within the so-called ‘sacred’ institution of marriage is a reality that is hard to fathom in the 21st century. Victims of domestic violence in live-in relationships face tougher challenges. As the social architecture undergoes changes, an increasing number of men and women are entering into live-in relationships in India, triggered by various factors such as financial prospects, caste-based differences, loss of faith in the institution of marriage, *inter alia*. Yet laws and judicial developments have not kept pace with the changes in society.

For example, the Supreme Court of India, through certain judgments, has expounded how certain provisions of The Protection of Women from Domestic Violence Act, 2005, can

be invoked in the case of a ‘relationship in the nature of marriage’. The Court has also laid down conditions that would enable one to ascertain if the relationship fulfils the requirements, as stipulated under Section 2 (f) of the Act. However, a survivor of domestic violence in a live-in relationship who is unable to satisfy these conditions might be left vulnerable. This would not only be a gross affront to her fundamental rights but also have an enduring impact on her well-being.

This research aims to understand the legal challenges associated with the concept of domestic violence in live-in relationships and provide solutions in this regard. Section 1 of the paper will explore the international developments concerning domestic violence, and Section 2 will explore the relevant laws as regards live-in relationships in India and highlight the challenges therein. Section 3 will discuss judicial trends as regards domestic violence in live-in relationships, and Section 4 will provide concluding remarks and suggestions.

8. “Extra marital affairs, breach of trust in marriage and therapeutic jurisprudence: A critical analysis of victimization of women from Indian criminal law and therapeutic jurisprudence perspectives”

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Gujarat, India

Marriage in India, especially amongst Hindus, is considered to be a sacred institution. Even though customary laws flowing from ancient Hindu scripts had been regulating marriage related laws, grounds for divorce etc, the colonial British laws, which were later included in the Indian Penal Code of independent India, also played a role in determining marriage related offences. This paper argues that breach of trust in marriage by way of extra marital affairs and consequent restorative measures for the aggrieved wife are yet to be properly addressed by law. On 27th September 2018, a five-judge Bench unanimously [struck down](#) Section 497 of the

Indian Penal Code (IPC), thereby decriminalising adultery. It struck down [Section 497 IPC](#) on the grounds that it violates Articles [14](#), [15](#) and [21](#) of the Constitution. The Bench held that the section is an archaic and paternalistic law, which infringes upon a woman's autonomy and dignity. The Bench also read down Section 198 of the Code of Criminal Procedure Code (CrPC). [198\(2\) CrPC](#) specifies that only a husband can file charges for offences under Section 497. Such women may be prohibited from reaching out to any authorities because this may be considered a social taboo. Extra marital affairs have very narrow scope as grounds for divorce and subsequent claiming of matrimonial alimony. This paper suggests that such women must be considered as victims of marriage related offences. This paper further suggests that the DLSAs may take the responsibility of awareness building and therapeutic family counselling which may help such victims. The free legal aid clinics run by Law schools must provide counselling through trained counsellors in accordance with the principles of Therapeutic Jurisprudence. This may help in empowering the women to reach out to proper authorities including family courts, DLSAs and the Lok Adalats for restitution of justice.

9. “Expectations of women survivors of domestic violence from counsellors in legal settings”

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Women survivors who experience violence at their matrimonial homes often approach family courts for redressal after seeking help from other sources. Family courts are special courts established to promote reconciliation and speedy settlement of disputes related to marriage and family. A part of the redressal process is mandatory counselling by court appointed marriage counsellors who operate from a psycho-socio-legal lens. Since women approach courts seeking legal redressal, they are often unaware of counselling and do not have prior knowledge of the counselling process. Therefore, the present paper aims at exploring women litigant's expectations from marriage counsellors. The paper selects data from a larger exploratory mixed methods study, using a self-constructed questionnaire. For the purpose of the study, 118 women were surveyed by the research assistants across two Family Courts across Maharashtra. Data was analysed through descriptive statistical testing. Most dominantly, it emerged that their expectations from counselling mirrored their expectations from the court process itself. Women's expectations to seek reconciliation, irrespective of abuse, reflected the larger discourse of why women continue to stay in abusive marriages - entrenched in familial, social and financial factors. The study has implications on individual and couples counselling, focusing on the need for a more gendered understanding of expectations from counselling and the manner in which counsellors can then provide support in women's journey of negotiating relationships without violence. It also has larger implications for interventions at a familial as well as policy level.

10. “Project Taana-Baana: Community policing initiative of Bikaner police.”

Dr. Amandeep Singh Kapoor
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District, Rajasthan, India

Gopal Singh Chauhan
Secretary Lokayan, Bikaner, Rajasthan

Since 2016, Rajasthan Police has created an unique platform to deal with the issue of radicalization & social harmony through music, culture and art. In partnership with Lokayan Sansthan, Bikaner this initiative takes the form of *Rajasthan Kabir Yatra*, a travelling music festival under Project Taana-Baana for community outreach by police.

Communal tensions were the reason that I was posted as Superintendent of Police, Bikaner - to quell the fire, literally and metaphorically. The traditional secular and inclusive values had been destroyed by many forces including cyber onslaughts and echo chambers and *need was to counter these forces by rebuilding a counter narrative to extremist forces*. The belief that “police is a force standing between chaos and civilisation”, led to community outreach and deradicalisation efforts by Bikaner Police. And the tool was “*Rajasthan Kabir Yatra*” a travelling music festival singer with the idea of taking local sufi and vani singers on the lines of traditional music gathering of the region- Jaagran or Satsang to those places which were torn by communal strife. The voices of Bhakti and Sufi saint-poets such as Kabir, Mira, Bulleh Shah questioning and dissolving boundaries of caste, class & religion were extensively used due to familiarity. The exhilarating experience of these four consecutive years in seven districts of Bikaner, Barmer, Jaisalmer, Jodhpur, Jaipur, Sikar and Jhunjhunu has given Rajasthan Police the vision of promoting and nurturing a harmonious atmosphere between different castes/communities & to ensure peaceful coexistence in society.

11. “Role of Chhattisgarh state legal services authority to strengthen access to justice and innovative strategies”

Dr. Balwinder Kaur
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National Law University, Raipur, India

“All are equal before the law and are entitled without any discrimination to equal protection of the law.” Undoubtedly, the delivery of legal services to indigents and worthy litigants is covered by article 14 of the Indian Constitution. For, through legal aid, the poor or the oppressed must be given competent legal representation to make them equal before the law and to respect their inherent dignity despite the circumstance of their poverty and deprivation. In 1976, the 42nd Constitutional Amendment inserted Article 39-A in the Indian Constitution obligating the State to “provide free legal aid and to ensure that opportunities for securing justice are not denied to any citizen because of economic or other disability”. It is in this context the Legal Services Authorities Act 1987 was passed by the Parliament. This has led to the setting up of Legal Services Authorities at the National, State and District levels and the Taluka levels. The State Legal Services Authorities, led by the National Legal Services Authority are the key institutions providing legal services to the poor and are taking several steps to enhance people’s access to justice by providing improved legal services. Since then much progress has been made in the field of legal aid provision in India. Several legal aid schemes have been rolled out including a scheme on paralegal volunteers, Lok Adalat, legal aid clinic scheme, the scheme for workers in the unorganized sector etc. Many State Legal Services Authority has tried to adopt a new and innovative way to strengthen access to justice for indigent persons and have adopted different strategies to provide improvised legal services to the poor. It has been said by the father of the Nation, Mahatma Gandhi, that “The first step to achieving justice is to make injustice visible.” In this context, the Chhattisgarh State Legal Services Authority (CGSLSA) has also tried to adopt and implement different strategies to not to leave

any stone unturned. The present paper will focus on the role of the CGSLSA in terms of access to justice and the innovative steps adopted by the authority.

12. “To second chances: Restorative justice practices for children in conflict with law”

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Delhi High Court, India

Advocate Nikita Opal
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In India, the criminal justice system is guided by retributive and reformatory/rehabilitative justice. While, dealing with children in conflict with law, focus on reform and rehabilitation is slightly more dominant. However, with a 5%¹ recidivism rate amongst adults and juveniles, a natural question arises - what are the major policy outcomes undertaken for reform and mainstreaming of children in conflict with law?

This Article argues that the current framework of Juvenile Justice (Care and Protection of Children) Act and Rules of 2015 provides a platform for restorative justice processes to be explored. Guiding principles of the JJ Act, such as Section 3(iv) dealing with best interest of child and Section 3(xv), which focus on the principle of diversion, wherein measures for dealing with children in conflict with law should be without resorting to judicial proceedings shall be promoted, together create a framework for restorative justice process. Further, the JJ Act gives the Juvenile Justice Board powers to treat each case individually and also create an individual care plan² for each child. Such a legal framework backs restorative justice practices. Restorative justice processes explore crime as a violation of interpersonal relationships, promotes circle processes which act as equalizer, with no judges or hierarchy, and in

this sense, restorative justice has the potential to shift the way we look at crime and justice. The paper aims to explore how such a platform, which provides perpetrators and victims with an opportunity to make peace and resolve conflict, are also imperative for the reform of correctional facilities.

13. “Community led strategies to end violence on women: Learnings from antitrafficking program of sex workers’ community in Sonagachi, Kolkata”

Mr. Jaffer Latief Najar
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In contemporary times, debates about human trafficking in India have acquired larger attention. According to the reports, India’s human trafficking cases have increased up to 25 percent and on an average, 63 (sixty three) people per day are rescued through its anti-trafficking system. The government’s data states that there are 2.8 million people (especially women) in India who are ‘trafficked’ for the commercial sex sector (Najar, 2014; NCRB, 2016). Such disturbing numbers and increasing tensions in India have attracted global pressure and larger interventions, which also marks sex work as a key focus of India’s anti-trafficking interventions.

This larger focus on sex work also indicates repercussions on the lives of adult women who work in red light areas voluntarily. For example, a study by Kimberly Walters noticed that almost eight out of 10 times, women were rescued against their will in the name of saving them from sex trafficking in India (Walters, 2018).

To deal with such negative consequences of anti-trafficking actions, the sex work community in India’s largest red light area of Sonagachi (in Kolkata) through its sex workers’ collective (Durbar Mahila Samanwaya Committee) is engaged with a community driven Self-Regulatory Board

¹Crime in India 2018, National Crime Record Bureau, Statistics Volume- III, (March, 26, 2020, 18:10) available at <http://ncrb.gov.in/StatPublications/CII/CII2018/pdfs/Crime%20in%20India%202018%20-%20Volume%201.pdf>

² The Juvenile Justice (Care and Protection of Children) Act and Rules of 2015. Section 2(ix)

(SRB) that aims to monitor and regulate cases of sex trafficking and entry of children into prostitution.

This paper will highlight strategies that the Self-Regulatory Board of Durbar Mahila Samanwaya Committee has adopted, with a key focus on conceptual frame of collective agency and citizenship. This paper is based on ethnographic evidence and argues that such community led strategies indicate positive outcomes and help in reducing violence against women, especially for those who are at the margins, like urban migrant sex workers.

14. “Women police stations: Proven access to justice for women in the global south”

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Ms. Dhanya Babu

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Intimate partner or domestic violence (DV) has been recognized worldwide as criminal behavior and, to date, 144 countries have laws against domestic violence. To give teeth to these laws, a variety of police administrative units have been introduced, including women police bureaus, all WPS; women cells, women police units, domestic violence units, women’s desk, protection cells. Among these, Women Police Stations (WPS) stand out as the preeminent criminal justice policy response. WPS are recognized as an important component of gender-sensitive policing for dealing with domestic violence (DV). They serve an important role for many women victims of violence who are terrorized by their male partners, and they have provided a platform for many thousands of women to report being victimized or their fear of being attacked. Most of the countries that introduced the stations are developing economies, such as India and Brazil, where there are now more than one thousand WPS. The public in these countries has widely welcomed the stations as providing a cultural

and gender-sensitive solution for women and girls who have been the victims of violence. WPS fit the police mission of public safety and security and are congruent with a variety of contemporary policing models including restorative justice and community policing. Using primary and secondary data sources, we discuss the structure and functioning of the stations, review pertinent studies on WPS, and analyze official data (specifically from India) to explain the role of the WPS in empowering victims, in improving their access to justice and in reducing victimization. These advantages that are so substantial that many western countries could benefit from introducing WPS or some modification of the WPS to fit their needs. Theory, policy and research implications are discussed.

15. “The right to criminal justice in sub-Saharan Africa”

**Professor Eddy L. Nguiffeu Tajouo
University of Dschang, Cameroon**

The right to justice is a fundamental human right enshrined in various national and international legal instruments. The Universal Declaration of Human Rights of 1948 stipulates in its article 8 that: “Everyone has the right to an effective remedy before the competent national tribunals for acts violating the fundamental rights granted to him by the constitution or by the law”. Its article 10 underlines that: “Everyone has the right, in full equality, to have his cause fairly and publicly heard by an independent and impartial tribunal, which will decide either on its rights and obligations or on the merits of any criminal charge against him”.

As can be seen, the right to criminal justice as set out in article 10 above is a central concept for questions relating to justice in that it indicates the quality of state and judicial institutions and their functioning. As a general rule, it expresses the possibility of bringing a case before a criminal court when an offense has been committed. Access to criminal justice is cross-cutting since it refers to the promotion of good governance and the rule of law. The importance of justice is reflected in the fact that various mechanisms

have either been established by law or developed by judicial practice in order to guarantee the effectiveness of this fundamental human right.

Paradoxically, criminal justice is still far from meeting the expectations of litigants. Indeed, the right to criminal justice is certainly enshrined, but it sometimes remains elusive given the multifaceted barriers which separate the institution from those subject to justice. These barriers reflect the major challenges that governments must face in order to contribute to the edification and consolidation of the rule of law, the achievement of the SDGs and to liberate all from the fear of the oppression and violence in sub-Saharan Africa.

16. “Restorative justice and counter violent extremism: what lessons from Nigeria”

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Nigeria like most societies in contemporary times is witnessing high level of violent extremism; and the government’s reactions to counter violent extremism are often predicated on hard power. The Nigerian government’s fundamental counter violent extremism strategy is focused on “warfare” because of government’s responsibility to protect; and to maintain law and order. But despite the military’s claim of reducing Boko Haram’s capabilities, and the decline in attacks, the opinions of Nigerians are divided ‘along two opposing lines: those who support the use of warfare, and those who support conciliation. This complexity on the appropriate strategy suitable to counter Boko Haram extremism underscores the need for multifaceted and multi-agency interventions that address the root causes as well as the symptoms of the violent extremism in North East Nigeria. It is on this premise that this paper dwells on the restorative justice philosophy, to argue that one of the sustainable ways to counter violent extremism in our society is to prevent this from emerging in the first place, by mitigating

root causes. This paper advances its argument using the restorative justice paradigm; and presents selected international evidence to support the discourse. The paper uses desktop empiricism and analysis of ex post-facto data on the ongoing de-radicalization programme of violent extremist offenders in Nigeria; and concludes that restorative justice has significant role to play in countering violent extremism when properly harnessed.

17. “Legal aid institutions and the pursuit of social justice in Africa”

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Accra, Ghana

Accessing justice in most African countries has been challenging, especially for the poor due to the cost involved in seeking legal services. This has necessitated the need for legal aid as an alternative for improving access to justice for the impoverished, marginalized and excluded groups in society. The rationale for this research was to evaluate two legal aid schemes with respect to their institutional capacity and constitutional legal mandate in the delivery of social justice. Theoretically, the study hinges on the justice theory, vertical equity theory and access rights theory. Methodologically, the study adopted a case study research design, using two legal aid providers: Legal Aid Scheme and the International Federation of Women Lawyers. In all, twenty Paralegals, four Alternative Dispute Resolution Officers (ADRs) and sixty beneficiaries across the legal aid centres were interviewed, using semi structured interview guides. Purposive sampling techniques were used in selecting the ADRs and Paralegals, whereas a multi-stage sampling technique was applied in sampling beneficiaries. Both thematic and trend analyses were employed in the study. The study revealed a high demand for legal aid services in both institutions, with few applicants having access to legal aid. Moreover, the promotion of meaningful justice is impeded by the lack of follow-ups on cases by the legal aid providers; the low

engagement in public awareness creation regarding the availability of legal aid; the dependence on donor funds; and the limited coverage of the scheme. The study argues that in order to promote social justice, legal aid institutions should constantly monitor and evaluate the welfare of their beneficiaries who access justice, using an effective feedback mechanism. The study recommends the creation of legal aid zones across all geographical areas to enhance accessibility.

18. “Rule of law as a therapeutic jurisprudential response to end terrorism”

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Terrorism is generally construed as the violation of human rights of the victim who has been subjected to gruesome acts of terror. Terrorist acts, regardless of the motive, cannot be justified and States have a duty to protect potential victims from such gross violations of human rights. In recent years, concerns about the threat of terrorism have resulted in the proliferation of many national counter-terrorism laws. The current challenge is the ability of governments to respond effectively to national and international security concerns. This paper will discuss rule of law as a crucial factor in formulating a therapeutic jurisprudential response to terrorism. It argues for the foundation of a political order that tries to preserve the rule of law while fighting international terrorism. Applying this concept avoids deceptive labelling of terrorist acts as acts of independence, and rejects torture as a method of countering terrorism. This paper will analyse the underlying security discourse where the sovereign of the global order allow countries to exempt itself from the framework of law, while demanding compliance by others. This concept of

sovereignty reduces the life of individuals by bureaucratic techniques of risk management and surveillance. There are international human rights laws and standards relevant to these issues which came into being before the current global focus on terrorism. This paper argues that when sovereign States enact and implement counter-terrorist legislation they must do so in a manner that is consistent with human rights instruments and standards. Human rights, along with democracy and social justice, will, in the long-term, be one of the best defences against terrorism. Human Rights institutions have an important role to monitor and advocate for human rights standards and the rule of law in relation to counter-terrorism measures enacted in sovereign States. This paper will examine the concerns of terrorism and the role that therapeutic jurisprudence has in challenging the effect of terrorist activities.

Keywords: Therapeutic Jurisprudence, Terrorism, Rule of Law

19. “Implementation of DV Act in hilly remote regions”

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As per the *Innocenti digest* published by the UNICEF, “domestic violence is a result of several complex, interconnected and institutionalized social and cultural factors which are long-established manifestations of unequal power relations between women and men”. In India, often the problems and perspectives of the people living in the remote hilly regions and desert regions are not taken into account by policymakers, academicians and researchers.

This paper will analyze the effectiveness of the Protection of Women from Domestic Violence Act, 2005 and rules thereof with respect to factors hindering or supporting its implementation in these regions. These factors include the first-hand information obtained from domestic violence survivors including the causes of violence, the role of

the authorities, strategies used by aggrieved to protect themselves and their children, and their status during the pendency of the complaints/cases.

Additionally, this paper will also analyze other key contributing factors such as the socio-cultural, geographical, educational, and economic factors, amongst others, which perpetuate domestic violence against women in the society. Further, the paper will discuss the parallel government-run schemes, the role of the judiciary, the role of civil society, the role of *Nari Adalats* (Women's courts) in rural areas and the role of families in empowering the aggrieved females, ultimately, dismantling the practice of domestic violence.

20. "Involvement and inclusion of women in national security"

Ms. Krutika Patil

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Ms. Kiran Chauhan

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The involvement and inclusion of women in National Security issues has considerable security implications, but is yet to achieve policy traction. In this paper, I defend the usefulness of using UNSCR 1325 as a tool to develop a National Action Plan for the Women, Peace and Security issues that advocates for the inclusion of women in matters of National Security (military, legislature, bureaucracy, intelligence, diplomacy, academia and social work). I give various examples of underrepresentation of women in National Security and the reasons for that. I further argue that the current National Security discourse in India is deficient without the women's perspectives and I identify that there needs to be a conversation on what women's role in a pre-during-post conflict would look like. Women's perspectives can bring a tactical change in how National Security is viewed, by achieving a more nuanced human security approach to solving problems.

21. "Prevention to stop femicide"

Mr. Daniel Pecheny

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The different types of violence against women in Argentina constitute a serious problem which is difficult to solve. Despite new legislation and the creation of mechanisms to report, protect and help victims, and publicity aimed to create awareness in the population, perpetrators find ways to avoid existing law enforcement measures, and many times the victims who have reported violence are murdered. In 2019 there was almost 1 woman killed every 24 hours in Argentina. A significant percentage of these victims are murdered by either their current or ex-boyfriends, husbands or partners.

Since a quarantine was established because of the covid-19 pandemic, families are staying at home and, in that situation of isolation, the risks of femicide is increased. The root causes of femicide includes social, cultural and psychological aspects. These need to be addressed, and will take time, but meanwhile there is an urgent situation that needs immediate redress.

In some provinces, women face the problem that when they want to report violence the police do not pay attention or respond by mistreating the victim. In recent years, prosecutor offices specifically for women were set up in different parts of the country, with the intention to ensure the access of victims to Justice. But still, many times, insufficient action is taken to restrict the accused man from reaching the victim and committing femicide.

This paper describes and analyzes the effectiveness, and proposes improvements, regarding the legislation and the judicial and law enforcement mechanisms to prevent the repetition and escalation of violence against a reporting victim and to ensure that all victims have access to justice.

22. “Combating violence against women and children in Africa”

Ms. Emma Pimpong
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The study was conducted to seek the determinants, consequences and strategies needed to end violence against women and children. The research methodology was qualitative with focus group discussion and purposive interview guides. The research findings indicate that women and children face violence due to gender inequalities and disparities, irrespective of geographic location. The study affirms that violence against women and children is varied and relates to economic, sexual, reproductive, cultural, legal, juvenile, educational, social, marital, religious issues with devastating consequences. Women and children suffer violence due to harmful cultural and social practices such as female genital mutilation and forced marriages where the wives are regarded as slaves or servants in the home with its attendant health problems and risks for children. There are also rape cases, sexual or cyber harassment, unsafe abortions and defilement with fatal outcomes sometimes. The research made known that the negative effects of violence against women and children are extensive.

The study found the following strategies as potential measures to prevent violence against women: awareness raising to educate everyone to know more about rights and needs of women and children; increased efforts to achieve gender equality; capacity building and the economic empowerment of women; and sanctions against offenders. The study revealed that ensuring sanctions to perpetrators will serve as a deterrent measure to eliminate injustices and bad cultural practices. Policy implementation and collaborative regulatory framework will be of great benefit, and to make healthcare accessible to women and children at an affordable cost. The study revealed that, education, advocacy, coalitions, stakeholders' engagement, enforcement of law and policies

by responsible entities, will drastically reduce violence and abuse of women and children.

23. “Digital sisterhoods: What promise does online activism hold for gender justice in India’s northeast?”

Dr. Sabina Yasmin Rahman
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In recent years, the world has seen unprecedented rise in women and nonmen forging digital solidarities to have a global conversation about women’s rights, consent, and more urgently, the all-pervasive reality of sexual violence cutting across class, caste, race, ethnicity and nationality. Women are also seen at the forefront of the anti-CAA protests that began in Assam/NE region (NER) but spread like wildfire to the rest of the country towards the closing of last year. Digital spaces are offering up immense potential for many such conversations to take place remotely, but also transport issue-based mobilisations offline by generating public opinions and facilitating collective action, even as people continue to have divergent views about how inclusive or “real” these solidarities are.

India has been a part of these ongoing conversations more prominently since 2018 when they proclaimed #MeToo has finally arrived in the country. We saw many cycles of debate around sexual harassment by powerful men in different industries, and for the first time, survivors coming out in large numbers to name their perpetrators and demand accountability. While India’s NER has always had women playing a vital role at the front lines of civil society resistance—both online and offline—against Indian state’s excesses and to safeguard of political and cultural rights of the indigenous communities, their collective voice is conspicuous by its absence at the historical juncture when the country is witnessing use of online spaces to challenge women’s oppression in their private/intimate lives. This paper seeks to understand the circumstances that keep survivors of sexual violence in NER ‘disconnected’ from the

powerful global digital sisterhoods, and how gender justice is at the heart of political empowerment and development of oppressed communities.

24. “Violence & discrimination against LGBTQ: The need for greater engagement in India”

Mr. Saif Rasul Khan
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The LGBTQ community has come a long way in terms of social acceptance globally. In India, the struggle has been a lengthy one with the judiciary coming to the rescue of the community. The Indian legal system, based on the English law, had by law oppressed sexual minorities under the now repealed Section 377 of the Indian Penal Code. The clause which defined *unnatural offences* applied to members of the LGBTQ community and created an environment of fear, oppression and violence by society in general and also by the police force. The decision of the Supreme Court resulted in a major step forward towards normalising the idea of sexual minorities in India and has provided a legal foundation for the community. Transgender persons are in a better position owing to their recognition as the third gender, though the legal enactment drafted for them has been subjected to much criticism. Sexual minorities have been systematically oppressed and have been forced to live a life in anonymity. There is a clear lack of understanding and discrimination may be observed in many different forms; namely, transgender persons are not included in social organisation and are denied work or employment; there are no guaranteed rights of marriage, reproduction or adoption/maintenance for same sex couples etc among others. In light of the above, the paper shall be a doctrinal study on the struggles and exploitation of LGBTQ. The paper shall focus on elucidating the dire need for better engagement to prevent discrimination and development of a healthy environment. The paper shall dwell on this issue from the prism of human rights law and

define possible solutions to ensure justice for this marginalised collective.

25. “Juvenile justice in India: A case for restorative justice”

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With the ratification of the United Nations Convention on the Rights of the Child, India undertook steps to reform juvenile justice administration. The enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015 is the latest in this process. One of the important challenges confronting the juvenile justice system is to ensure proper adjudication and disposal of the matter while preventing juvenile recidivism. Despite the lofty goals and the façade of progressive legislation, the Act of 2015 is regressive. While the Act of 2015 stipulates that all resources including those of the family and community are to be mobilized to ensure an inclusive and enabling environment to reduce the vulnerabilities of children, closer scrutiny of the provisions reveals that the rudiments of the criminal justice administration have permeated the juvenile justice administration as well. Victims of offences find no solace in the system. A victim-centric approach through restorative justice can help achieve the greater goals of victim satisfaction, acknowledgement of the obligations by the juvenile, and societal support. Restorative justice paves the way for empathy and restitution. Juveniles often lack the integrity that adults are expected to possess, making them excellent beneficiaries of restorative justice. Whilst it is a reformative opportunity for offenders of all ages, it is a holistic means of healing that is particularly well suited to promoting the rehabilitation and reintegration of children in conflict with the law.

26. “Green criminology and the victimisation of Indigenous Peoples: a story of politics, corruption and culture”

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Across the world, and for centuries, Indigenous Peoples have been perceived as being lower class citizens and have been persecuted in many ways. To date, this can still be witnessed in many parts of the modern world, especially when there is abundance of natural resources, arousing greed and creating opportunities for negative rent-seeking behavior and corruption. The Indigenous Peoples claim customary or traditional rights as they have been living in the forest even before the law of the land existed. This can result in conflict, as traditional rights may not be recognized under some countries' legal codes.

This contravenes the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Articles 32 and 10, which asserts the rights of the Indigenous Peoples to determine their own development or use of their lands and resources; including that they should not be forcibly removed from their lands or territories without their free, prior and informed consent.

This study refers to “Green Criminology”, which conceptualizes environmental harm concerned with human, animal and ecological rights in the eco-justice framework. Environmental harm is also evidenced in the unfair treatment of the Indigenous People in the forest areas, including land grab, physical intimidation, sexual exploitation, murder and disappearances.

Factors that contribute to this include the lack of transparent procedures in awarding licenses to logging companies, as well as the lack of monitoring by forestry departments, corruption in the legal system, and the lack of awareness or education for Indigenous

People. Hiding behind the veil of legitimacy - poachers, criminals from organized crime groups, loggers etc. can do much harm including motivating a culture of acceptance and victimization. Using a case study approach, this paper assesses an international perspective of violence against Indigenous People in reference to the violation of their rights caused by the greed of environmental resources.

27. “Revisiting the potential for restorative justice at the International Criminal Court: A search for theoretical justifications of the practice of ICC”

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The International Criminal Court was conceptualized in the 1990s as an institution that would transform the disbursement of criminal justice at the international level. Having been profoundly impacted by the UN Declaration on the Justice for victims of Crimes, its structure sought to involve victims in the criminal process in a manner unprecedented in international humanitarian law. Accordingly, the ICC came to be a unique international institution undertaking a victim-centred approach to the administration of criminal justice. These victim-focused provisions of the Rome Statute have given rise to claims that the ICC disseminates restorative justice in a sui-generis manner.

The paper seeks to examine the validity of these claims, and explore the tension between restorative justice and the various adversarial features of the ICC. It explores the idea of ‘commodification’ of restorative justice in the Rome Statute. Further, it questions the legitimacy of some of the founding principles of ICC in the contemporary discourse on criminal justice models. Addressing the desirability and viability of the transition of ICC into a more restorative system of criminal

justice, the paper suggests procedures and practices that can initiate such a transition. The final section of the paper seeks to inquire into a theoretical and model-based explanation of the ICC's practices, as presently constituted. It concludes that Professor Roach's punitive victims' rights model most accurately depicts the functioning of the ICC.

Almost two decades since its establishment, the jurisdiction of the ICC has been invoked in several major conflict zones around the world. We hope that as a body of increasing relevance in international criminal justice, the policy suggestions in this paper help the ICC's transition into a more victim-centred restorative justice institution.

28. "A sociological analysis of domestic violence and abuse against elderly women"

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Ms. Titi Mukherjee

The ageing population is increasing worldwide. The abuse of elderly women (often unrecognized and hidden) is a form of domestic violence that has also been growing, with significant public health and societal implications. The empirical literature is scant on the extent and impact of violence on the lives of elderly women, but studies do show that abuse against older adult women is highly underestimated.

This paper seeks to identify the most prevalent forms of abuse in the elderly women, the abusers in women's close circles, as well as to examine the social context in which abuse occurs with the help of theoretical approaches. The study does not cover other forms of violence directed at older women by strangers. Through the quantitative and qualitative techniques, descriptive and explanatory research, a cross-sectional survey of 100 Bengali elderly women residing in the city of urban Calcutta reveals that gender and age are the major risk factors.

Our findings revealed that 58% of the elderly have suffered some form of abuse, these being especially of the emotional kind, that of neglect, disrespect, verbal abuse, violation of rights followed by loss of dignity, choice and feelings of insecurity. The most common perpetrators of abuse are found to be the primary caregivers, the immediate family members. The determinants of abuse were the marital status, living arrangements economic condition, educational level, relationship with the family, increased dependency and social isolation. Most of the cases being underreported, we found that identifying abuse in the case of elderly women is challenging. The evidence therefore invites us to reflect on the development of intervention strategies in order to identify and combat the problem of abuse and assist the policy planners to help the elderly women to lead a life with dignity.

29. "Worth of Waste Handlers and their struggle for legal recognition and entitlements"

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The normative perception of liberal democracy, especially in the urban population of India, is that the system of legal claim-based allocation of rights and entitlements is good for all. However, what we fail to recognize is that laying claim to those entitlements is in itself an exercise of privilege. There are certain sections of the urban society which provide essential and important services for the sustenance of the urban social structure but are still denied the basic entitlements and legal recognition that is largely taken for granted by many urban dwellers. This denial of legal inclusion pushes many underprivileged communities in urban society to the margins. Rag pickers and waste handlers are one such marginalised section of the population, despite their delivery of services considered necessary for the urban community. People undertaking these jobs are mostly migrant workers who flee to urban centers for better economic opportunities.

The allotment of occupational roles in Indian society has long been based on the relative position of an individual in the hierarchy of stratified social identities. This paper seeks to extricate the legal response to the societal process by which migrant workers in unorganised sectors of the urban economy are coerced to take up the most menial jobs like ragpicking. The paper also examines the limitation of existing legal instruments and institutions in arresting the societal processes which prevent those who undertake such menial jobs from laying claim to recognition and rights which are normatively seen as imperative for the modern-urban community and its members.

30. “Financial abuse experienced by an elderly living alone with dementia: A case study”

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Dr. Sojan Antony, Associate Professor, Department of Psychiatric Social Work, Geriatric Clinic & Services, NIMHANS

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Mr. Ashok, Fellowship in Psychosocial Care in Elderly, Department of Psychiatry, Geriatric Clinic & Service, NIMHANS.

This is a unique case of financial abuse and social vulnerability of an elderly woman with a diagnosis of dementia, who was living alone in urban area in India. The elderly woman faced social neglect which had made her prone to financial abuse by neighbours. This report follows a qualitative single case study method. The case was referred to Psychiatric Social Work team working with Geriatric Clinic and Services at National Institute of

Mental Health and Neuro Sciences, Bengaluru. The case report was made using multiple source of data. The primary data was obtained from the relatives, forensic psychiatrists and psychiatric social workers involved in the case. In addition, the case file was retrospectively analysed to ascertain mechanisms for legal aid and social support. Home visits were used as a tool to collect in-depth interview and to assess psychosocial issues, stressors and available support systems. The case concerns a retired state government employee who was living alone in her own property in a well-known neighbourhood. Her relatives visited once every few months. Relatives and neighbours were aware of her poor memory in recent years. However, when a relative visited after a gap of 8-10 months, it was noted that someone else was living in the house and the neighbours were not aware of the whereabouts of the elderly widow. A missing person complaint with the police station identified her to be residing at an old age home in a neighbouring district and the power of attorney to manage all her property had been granted to a neighbour, who had sold all the property. The case has been referred to legal aid as a violation of human rights and the property rights of the elderly. Though issues such as these are common, clarity about the roles and duties of families, friends and neighbours of a single elderly person is poor. The fact that the legal provisions to secure the rights of such persons are not well known to society contributes towards the continuation of elder abuse.