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## **CONDUCTING A COMMUNITY NEEDS ASSESSMENT: A STUDENT-CLIENT APPROACH TO CLINIC RESEARCH**

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### **Abstract**

This paper will discuss how to create a research team and conduct a community needs assessment. The focus will be primarily on the process of conducting such research. The process is adaptable to either an international team of academics, professionals and

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<sup>1</sup> Please note that Dr. Bruce Moseley, U.S.A.; Advocate Sumit Kapoor, India; and Manju Gautam, Nepal contributed significantly to this article through their work on this project. Christina Clark, B.S. candidate in Criminal Justice with a concentration in Legal Studies, Missouri Western State University, helped edit this article.

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students or it can be conducted by a clinic in its community without outside collaboration. Results of the research will be discussed on a minimal basis.

The goals of a law school legal aid clinic should include at least two things. One is to improve the education of students. The other is to provide access to justice for members of the community. These goals may be met in many ways and through many different projects. Forming a research team of academics, professionals and law students to study a legal issue, develop a survey and find out what the community needs are in terms of legal assistance provides many excellent learning tools for students.

Students develop research and writing skills over the course of a research project that includes conducting a literature review, interviewing skills when they survey the community, best practices in being client/community centered and presentation skills if they present their results at a conference as was the case in the study to be discussed here. We often think we know what is needed in our community, or by our client, from our experience; but best practices and professional responsibility point toward finding out what the community or client wants in order to serve their legal needs.

## INTRODUCTION

There are around four billion people excluded from the rule of law worldwide. This creates a great need to design legal aid systems where law students provide at least

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some services. Part of this process is to determine those with the greatest need in a community and address those needs first.<sup>2</sup> That is where community needs assessments come in.

Community needs assessments are an integrated service learning tool. They provide students with a means to learn by doing, in the topic of study they are engaged in. Such service learning improves student analyses of issues, their perspectives on problem solving, and critical thinking skills.<sup>3</sup> Community needs assessments are different than the scholarly research typically done in the global clinical legal research movement.<sup>4</sup> Scholarly work has tended to focus on the creation and sustainability of clinical legal education programs. A majority of the articles have been by scholars in the U.S. and Europe, often about the clinics in those countries; but other countries as well.<sup>5</sup> Clinics can use research done to conduct community needs assessments in several ways that are not typically attainable with other kinds of research. For one, needs assessments have purposes similar to interviewing a client. You have to know what the problem is and how you can help before you can assist any client. Needs assessments model a

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<sup>2</sup> Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone*, Rep. Vol. I. New York: Commission on Legal Empowerment of the Poor and United Nations Development Programme (2008) available at <http://www.undp.org/legalempowerment/reports/concept2action.html>

<sup>3</sup> Eylar, Janet & Giles, Dwight E., Jr. *Where's the Learning in Service-Learning?* (Jossey-Bass, 1999).

<sup>4</sup> *The Global Clinical Movement: Educating Lawyers for Social Justice* 313-16 (Frank S. Bloch ed., Oxford University Press 2011).

<sup>5</sup> Mkwebu, Tribe, 'A Systematic Review Of Literature On Clinical Legal Education: A Tool For Researchers In Responding To An Explosion Of Clinical Scholarship', *22 International Journal of Clinical Legal Education* 3 (2015).

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professionally responsible way to help a community, much like you would do research to help a client. Needs assessments help determine programs that can best address key problems, as well as the agencies in the community that a legal aid clinic or lawyer can collaborate with.<sup>6</sup> Needs assessments can also be used to document problems that the community needs to address. The documentation can then be used to advocate for reforms on a system-wide basis, either through legislative or court advocacy.<sup>7</sup>

Any law school legal aid clinic or research class can engage its students in conducting a community needs assessment. The study here was carried out by volunteer students and advocates with the law schools' permission; but not under any law school clinic or program. A needs assessment can be done on any one issue, several issues or can focus on community knowledge of legal rights and the community's legal aid clinic without a focus on a specific issue. In any case, with any topic, ethical considerations must be addressed from the start of the project.

## ETHICAL CONSIDERATIONS AND THE PROCESS

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<sup>6</sup> *Access to Justice Assessment Tool: A Guide to Analyzing Access to Justice for Civil Society Organizations*, American Bar Association, page 2 (2012),

[http://www.americanbar.org/content/dam/aba/directories/roli/misc/aba\\_rol\\_i\\_access\\_to\\_justice\\_assessment\\_manual\\_2012.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/directories/roli/misc/aba_rol_i_access_to_justice_assessment_manual_2012.authcheckdam.pdf).

<sup>7</sup> *Ibid.*

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Whether a community needs assessment is done through a clinic or as a separate project, ethical considerations are very important. These considerations begin at the inception of the project. In this case, the sensitive nature of domestic violence created several ethical issues to be addressed. Project supervisors in India and Nepal were not clinical law professors; but they were already educated as attorneys and working in the field as professionals. They were aware of cultural and ethical considerations and other issues involved in conducting research and surveys on such a sensitive subject. Safety and security of students was a priority. Selection of students to volunteer for the project focused on students who had knowledge and experience with working on domestic violence issues.

The student volunteer selection process started with the circulation of a detailed advertisement highlighting the area of research in domestic violence and skills involved in carrying out the project, including research, communication and technology skills. The recruitment advertisement was drafted in a way to help students understand the subject and the requirement of community assessment research. Recruitment looked at potential volunteers' statement of purpose, their interest in the study and their resumé within the context of socio-economic issues around domestic violence.

A detailed analysis of applicants' statement of purpose and resumé was done to shortlist suitable candidates based on their interest and experience. A detailed

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telephone interview of shortlisted candidates was conducted to judge their capabilities to examine their skills in conducting surveys. Candidates were questioned on the work they had done in the law and domestic violence; their ability to communicate in local languages effectively; their knowledge of the surrounding areas of the community and their ability to understand issues the community faces.

The team of four volunteer students selected in India had all worked on matters relating to domestic violence beforehand and were conversant with the issue. One volunteer had interned in Egypt and worked extensively on domestic violence. Another volunteer was actively involved in child rights and also had interned in this field. A third volunteer had written articles and was involved in human rights work. The fourth volunteer was a member of the Legal Aid Society and Clinic at the law school.

Once selected, the volunteers spent many sessions discussing the ethics of the surveys, how to conduct the surveys and what to say. Volunteers learned more about the issue through the literature review process. During the project the team<sup>8</sup> discussed the safety aspects of carrying out the questionnaire on multiple occasions. This influenced the team's decision to not include certain questions in the questionnaire about sexual violence. Supervisors went against the student team members' wishes to ask these

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<sup>8</sup> The team consisted of four Indian students, Nepali students, one Nepali team leader who is an attorney and director of a NGO, one Indian team leader who is an attorney and two law professors in the United States.

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questions for safety concerns. Regarding the possibility of harm, whenever a student surveyor felt she was going to an area that was less comfortable/familiar/safe, the student was required to be accompanied by another volunteer.

Practice surveys were conducted before going into the field. Advisories were developed regarding survey practices and safety. Real time monitoring was done by getting in touch with volunteers by telephone and instant messaging, as well as email for less critical communications.

#### CHOOSING A TOPIC

As noted earlier, any access to justice topic is a legitimate focus of a community needs assessment. In the example to be discussed in this article, the team focused on domestic violence because it is a serious global problem, which is broadly defined to include all the acts of physical, sexual, psychological and economic violence. Both the lack of awareness and the problems in access to justice are a catalyst in the growth of domestic violence. While attempting to gain a cultural perspective, it is crucial to not encourage violence in our attempt to 'respect' culture. This is one of the greatest challenges of advocacy and policy work. Since both India and Nepal address similar issues of domestic violence with similar laws, which includes physical, sexual and economic

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violence, our study was conducted in Kolkata and Kathmandu to explore the communities' knowledge and attitudes toward domestic violence.

When characteristics of domestic violence are defined, it is important to remember that these discussions are often influenced and sometimes tainted, by the conflicting political, cultural and social situations of various communities.<sup>9</sup> At the same time, we recognize this right to be free from violence as a universal right.<sup>10</sup> India's "Protection of Women from Domestic Violence Act" (PWDVA) and Nepal's "Domestic Violence (Offence and Punishment) Act" were adopted in the year 2005 and 2009 respectively. Like India, Nepal is predominantly Hindu. Nepal has its own cultural practices & values regarding the status of women and men. The Shrutis and Smriti, who influence some Nepalese attitudes, consider women as dependent on men, creating unequal status in the society<sup>11</sup>. Thus many families are male-dominated and treat women as commodities or child-producing machines. The Domestic Violence Act of Nepal<sup>12</sup> defines "Domestic Violence" as any form of physical, mental, sexual or economic harm perpetrated by a person against another person with whom he or she has a family relationship. This includes any acts of reprimand or emotional harm. The Act further

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<sup>9</sup> See Elizabeth M. Zechenter, 'In the Name of Culture: Cultural Relativism and the Abuse of the Individual', 53 *J. of Anthropological Res.* (2011).

<sup>10</sup> UDHR Art. 3, ICCPR Art. 6, 9; CEDAW.

<sup>11</sup> According to Manusmirti, men are independent and women are dependent on men. Thus women are not even capable to take loans without consent of a husband or son. This was reflected in the "Nyayashastra" document brought by King Jayasthiti Malla in the 14<sup>th</sup> century to regulate society.

<sup>12</sup> Domestic Violence (Crime and Punishment Act) 2066 (2009).



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defines "Domestic relationship" as a relationship between two or more persons who are living together in a shared household and are related by descent (consanguinity), marriage, adoption or are family members living together. The Indian Protection of Women from Domestic Violence Act (PWDVA) law is similar; but includes verbal abuse as a form of abuse for which a woman can seek protection from the courts.

A team of four students from the National University of Juridical Sciences, Kolkata was selected to conduct the Indian study under the guidance of Professor David Tushaus and Bruce Moseley in the United States. Advocate Nirmal Upreti, an attorney and NGO director in Nepal, agreed to conduct a parallel study in Kathmandu. The research project consisted of various stages: research, writing literature reviews, developing a survey, conducting surveys, field work, data collection and assimilation. Before the research was carried out three hypotheses were formed. The team of students predicted that people from the lower economic strata would be largely unaware that there is a legal recourse against domestic violence available to them. The team also thought they would find that the majority of domestic violence would take place amongst families who were uneducated or earned less, which is a common stereotype. Finally, the team wanted to see if a majority of men would find domestic violence acceptable in cases where the woman is disobedient, especially men who earned less or had minimal educational qualifications.

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RESEARCH PROCESS

Research into the facts and law of a case must be done to develop an understanding of a client's legal problem. Similarly, a community needs assessment must be done to identify the social justice needs of the community before a clinic can know how to best serve the people in its community. Conducting research prior to doing the assessment is vital. The literature review will help the team to form the survey questions by researching on distinct topics. During the course of the project each student team member researched and wrote a literature review on a distinct topic. The topics that were covered included issues of domestic violence in India by the Indian team, and in Nepal by the Nepali team. Research was conducted on the laws relating to domestic violence, the effectiveness of these laws, and the remedies associated with overcoming the gaps in the law. The research material included scholarly articles, books, case laws, commentaries, newspaper articles, official reports, journals and other online sources. Below are some of the team's findings that helped inform the development of the surveys.

**The problem of domestic violence**

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The problem of domestic violence, which is ubiquitous in society, includes dowry violence in India and Nepal. Dowry is a system where the bride's family pays some amount, in either cash or kind, to the groom's family. If there is a failure to meet the demands of the groom and his family at the time of the wedding, or sometimes afterwards, the bride is sometimes subjected to torture by the groom's family, with whom she traditionally goes to live. In the year 2013, a total of 8083 cases of dowry death were reported in India, of which the conviction rate was only 32.3%.<sup>13</sup> The problem of domestic violence is not limited to dowry related torture; but also escalates to wife battering, cruelty, rape and other types of violence. Ironically, marital rape is neither included within the definition of domestic violence in India nor is it punishable under any other law in India at this time.

In the context of Nepal, domestic violence is generally perceived as violence against women as most of the victims are women. Action arising from a number of NGOs and the government can be interpreted in this way.<sup>14</sup> The secrecy that surrounds domestic violence means that incidents are very rarely reported. Data shows that mostly women

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<sup>13</sup> Crime in India 2013 Compendium, National Crime Records Bureau, Ministry of Home Affairs, available at <http://ncrb.nic.in/CD-CII2013/compendium%202013.pdf>

<sup>14</sup> Domestic Violence Act enacted by the government has been formulated from the perspective of women. Similarly, a unit has been created under the prime minister's office to control domestic violence against women. Almost all NGOs working to end domestic violence have predominantly focused on women like WOREC Nepal, INSEC etc.

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seek legal assistance.<sup>15</sup> Domestic violence is a chronic and under-reported crime as illustrated by the Demographic Health Survey in Nepal.<sup>16</sup> It found that three quarters of women who had experienced physical or sexual violence at some point in their lives had not sought any help – and two thirds had never mentioned the violence to anyone. The problem of not seeking care was particularly acute among women who had experienced sexual violence – only 7% had reported the assault. Even when care is sought, it is rarely from the state sector – only 4% of Demographic Health Survey respondents who sought care had been to the police, and 3% to medical services. The majority of the care-seeking women had relied on friends and family for care and support.<sup>17</sup> These findings led the DHS authors to conclude that “despite the efforts of the Ministry of Women, Children, and Social Welfare and nongovernmental organizations to cater to victims of violence, the data suggest that few abused women are accessing these services”.<sup>18</sup>

**Developing the Survey**

Developing the survey of community members is one of the most important parts of the project. The survey should result in the collection of a wide range of first hand quantitative data, qualitative data, demographics and valuable inputs through survey

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<sup>15</sup>Fact on Violence Against Women' in Nepal available at [www.worecnepal.org](http://www.worecnepal.org)

<sup>16</sup> National Demographic Health Survey, 2011.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

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subjects' comments. It is important for the survey to be a collaborative process involving the entire team. Ideally, each student team member should develop questions the student thinks would be useful to find out from the community given what was found out in the student's literature review. Students are encouraged to review each other's aforementioned research, literature review and paper leading up to the survey; but offer questions suggested primarily from their own research. Access to all literature reviews is best accomplished through a secure, shared drive. In this case, the team used a Google, Educational Account through Professor Tushaus' University account. By using an educational account the Google drive is a more secure environment for the research project.<sup>19</sup>

Any survey team will bring to the process a point of view that will impact the topic and how it is studied. There may be some overlap of questions proposed for the survey; but the process should create a bank of questions for the team to work with and choose from, which will be impacted by the teams' preferences. The research team must then collaborate to edit these questions down to a manageable number that covers the demographics, knowledge and attitudes of the sample surveyed. In this research project, the team communicated with members from three different countries (Nepal,

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<sup>19</sup> The Google educational account, with its enhanced features, is considered secure enough for the University to store student specific information, the privacy of which is protected by the Family Educational Rights and Privacy Act (FERPA), available at 20 U.S.C. § 1232g; 34 CFR Part 99.

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India and the USA) via the internet to develop the survey. The literature review about domestic violence issues provided some different perspectives from Nepal and India. The team wanted the two surveys to be identical, or as similar as possible, so that the results could be compared with each other.

The India and Nepal team members in this project did not have a lot of experience with writing survey questions. One way to address this problem is to ask one or more team members to research the issue of writing survey questions. The team members who conduct the research, and their peers who they will inform, will benefit from learning about striking a balance between quantitative and qualitative questions, using a Likert scale<sup>20</sup> and including demographic questions. On this project, the team task was to keep the survey at a manageable length of two pages. The team wanted the survey to solicit sufficient data from each subject; but we did not want to have subjects refuse to do surveys or finish surveys because the surveys were too long or the subject became too sensitive. The entire team debated which questions were most important to include in the survey. The team must ultimately decide on how many demographic questions are necessary, which quantitative and qualitative questions are needed and whether any of the questions are too controversial. This is where the most conflict occurred in this

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<sup>20</sup> A Likert scale is a popular rating system for survey research. Respondents can indicate the extent of their agreement or disagreement to a given statement in a survey using a five or seven-point scale. The scale usually ranges from “strongly disagree” to “strongly agree”, which is what this research team used.

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project. There was agreement on many issues, including keeping the survey relatively short at two pages. The basic demographic questions to ask, including age, education and household income were easily agreed to. However, when it came to some controversial issues there were disagreements.

The Kolkata law student team members wanted to include a specific question on sexual abuse in the survey. The student volunteers, all women, argued for inclusion in the survey of this question and issue. Team leaders in both India and the United States did not question the value of such an inquiry. Team leaders, however, were concerned about asking questions on sexual violence for two reasons. One, there was concern that the extra controversial nature of a question on sexual violence would result in subjects terminating interviews, resulting in incomplete surveys. The other reason was the concern that questions on sexual violence might put the survey team at greater risk.<sup>21</sup> The team engaged in healthy debate over this issue. A consensus was reached to avoid specific questions about sexual abuse; but open ended questions made it possible for subjects to volunteer information on this topic.

Engagement of all team members in the research process from the literature review to the development of the survey questionnaire made it easier to develop and conduct the

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<sup>21</sup> Sensational reports of sexual abuse, especially the 2012 Delhi gang rape, heightened the concern for safety.

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survey in both India and Nepal. In this case, the very first draft questions were framed by the professor as the team members did not have much experience with surveys, quantitative and qualitative data collection or Likert scales.<sup>22</sup> This issue was not anticipated, or one of the team members would have been tasked with researching survey development so that the student or students could take charge of survey development, as noted above. After Professor Tushaus developed a draft survey the team's inputs were invited to comment on the substance and format of the survey. These questions were framed to test people's awareness about the domestic violence laws, the existence of legal aid clinics, and victimization of people in domestic violence situations. These questions were just a framework that intended to cover the area of study. After debating over the questions, the team suggested to improve the survey by also inserting the age, gender, marital status, and income of the persons taking the survey. This ensured that the team kept track of whether it surveyed an almost equal number of people from different social backgrounds or the results might be skewed toward a particular group.

There was a lot of discussion regarding whether 'sexual abuse' should be listed as an option as a survey question when referring to the different forms of domestic violence.

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<sup>22</sup> In a previous research project, some team members had experience in writing and conducting surveys and were able to develop their own survey questions quite well. The research team leader must be prepared to adjust to team strengths and weaknesses.



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In light of India and Nepal being relatively conservative societies, it was an issue of concern for the mentor to allow a female surveyor to administer that type of question, which is considered to be taboo in Indian society. One Indian team member felt that having our student volunteers, who were all women, ask about issues of sexual violence, might be too risky. This was particularly a concern given that the goal was to conduct the survey with a broad spectrum of the population in terms of demographics. We expected our surveyors to encounter a relatively equal number of men and women from a variety of socioeconomic and educational backgrounds. The concern was that sexual violence may be too sensitive a topic and cause some respondents to terminate the interview or, worse, become aggressive toward the volunteer student surveyor. It was also agreed to introduce 'civil or criminal penalties' in the option where the surveyors were to select the type of penalty associated with domestic violence because it was believed that people may not be aware of the exact nature of penalties associated with the crime. We realized that there existed certain discrepancies with regards to who the perceived inflictor of the violence could be, who the victim was, and what the definition of 'violence' itself was.

It seemed rather shocking to team members from the United States that only 'women' could be victims of domestic violence under the law in the Indian and Nepal domestic violence protection order context. This was a matter of concern to members of the

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research team from the United States. To understand the reasons behind this, it would require one to understand the complex historical, political and social contexts in India. Understanding this equips someone engaged in grass-roots level work to deal with the issue with a nuanced perspective. The implementation of India's and Nepal's domestic violence protection acts and people's understanding about domestic violence were important for the team to survey. In Nepal and India, where both countries are predominantly Hindu and have cultural practices indicative of a patriarchal value system, domestic violence is predominantly violence against women. So, the survey was developed to target results of domestic violence against women.

**Survey Training and Administration**

Everyone who conducts a survey must be trained in administering the survey. Confidentiality is an important aspect to conducting surveys, similar to practicing law. In this way, law students involved in a research project learn valuable lessons and practice confidentiality as if they are working in a law office. If the survey is to be administered orally, you must give the survey in a safe, confidential environment. Once paper surveys are completed, they are scanned by the surveyor and uploaded to a secure, educational account Google Drive folder dedicated to survey uploads. They will then be tabulated electronically, after which they should be destroyed. No names should be taken during the survey process, which is one of the few differences from a

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law office environment. Survey volunteers should always conduct the survey in a safe environment. Much of the survey best practices relate to best practices in a law office. Surveyors, like law office personnel, should be trained to appropriately greet the interviewee, make that person feel comfortable, ask open-ended questions as well as close-ended questions, be organized and culturally aware and sensitive.<sup>23</sup>

Safety concerns are always something to address no matter what the survey topic may be. The United States team leaders laid down certain rules for the Nepal and the Indian team, which included not going to remote places alone and not entering houses of respondents alone. After arriving on a common framework an Institutional Review Board (IRB) proposal was developed and submitted by Professor Tushaus. Projects should involve the students in the IRB process to educate them on doing research and the ethical and professional responsibilities involved in conducting research, which are similar to those in the practice of law. The IRB process is designed to assure that the research being conducted protects the rights of human subjects participating in a research study. A key goal is to protect human subjects from physical or psychological harm. The process assesses the ethics of the research and its methods. It requires fully

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<sup>23</sup> Stefan H. Krieger, Serge A. Martinez, 'Performance Isn't Everything: The Importance Of Conceptual Competence In Outcome Assessment Of Experiential Learning', 19 *Clinical L. Rev.* 251, 292; William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* 180-2 (Jossey-Bass, 2007).

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informed and voluntary participation by prospective subjects capable of making such choices and seeks to maximize the safety of subjects.

It was agreed that the team would not survey people they knew personally. Abiding by all these conditions, the most important one being anonymity of the survey taker, the team agreed to try to survey a broad cross section of the community. In particular, at least four different groups of people were to be surveyed, including the wealthy and educated class, the middle-educated class, the lower class (predominately uneducated), and working women who were predominately uneducated and engaged in unskilled work.

**Response Problems with the Survey**

The survey was completed over a period of four weeks. From the team's experience, most people agreed to take the survey, but not without some hurdles. The goal was a sample size that would provide a significant sample, preferably close to 100 for Kathmandu, Nepal and about 100 for Kolkata, India. The team effectively reached its goal. The team noticed that some people, especially unskilled women who worked, were at first apprehensive about taking the survey. After learning that it was anonymous and of its purpose, they agreed to answer the questions. These women were unable to communicate in English, so the team decided to administer a parallel survey

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in the subjects' language when required. Since most of these women were also unable to read their own language, the team decided to translate the questions orally from the English survey instrument as the student volunteers conducted the survey. This was accomplished because some of the team members were fluent in the respondents' language, which allowed for the survey to be translated orally while at the same time keeping uniformity. The ethical aspect of the survey was important to the team. The team kept the survey anonymous and no attempt was made to mold respondent opinions. Surveys included Likert scale quantitative questions as well as qualitative questions. A blank survey is available as Appendix 1.

As noted earlier, an area of concern that arises when researching and studying domestic violence is the engagement of legislation with society; specifically whether violence as defined in the legislation is reflective of the cultural situation of the country. For example, the Indian PWDVA includes 'sexual violence' within the ambit of violence.<sup>24</sup> However, while conducting the survey, we were confronted with simple problems such as explaining sexual violence to the respondent whom we surveyed. Those administering the survey must not only be aware of the law, but also the society in which the survey is being conducted. For example, given that the topic of sex itself is

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<sup>24</sup> The Protection of Women from Domestic Violence Act, Section 3(a): "...harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse".

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not discussed openly in most of Indian society, the Indian team members were aware that explaining the concept of sexual violence (domestic violence itself is not spoken about very openly), would be difficult in at least some interviews. To do this would require an understanding of the social context. Due to difficulties in obtaining data on a nationwide basis, statistical studies on domestic violence have been limited. Most of the data is available with the Indian National Crime Records Bureau. It was found that on a regional basis, a lot of literature existed on Domestic Violence in Uttar Pradesh, although no state-wide data was found to exist.

The Nepali team was able to get access and responses from NGOs. However the Indian team found that the Indian NGOs were not open to taking the surveys and quickly denied any engagement over the phone. The Indian volunteers were often asked questions by NGOs who were circumspect regarding the purpose of the study. The surveyors were often asked by the person answering the phone at the NGO to contact other people in the NGO who were the heads of the organization or were said to be more experienced. However, there were no responses to the follow-up phone calls or emails sent to schedule an interview.

While there were no clear reasons given for NGO refusals to answer surveys, it appeared to the team that breach of confidentiality was a concern, in spite of clarification that none of the questions required the NGO to reveal any personal or

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confidential information. As a result of the unwillingness to cooperate on the part of NGOs, the Indian team was unable to carry out the NGO surveys as planned, which would have enriched the study and findings. Given the critical role played by NGOs in the legislative process,<sup>25</sup> and particularly the role played by Indian NGOs in passing the domestic violence legislation, the team was surprised by the lack of responsiveness of NGOs with regard to surveys that were specifically designed for NGOs working on domestic violence issues.

**Surveys as Community Education Outreach Opportunities**

A community needs assessment can provide an opportunity to conduct community education on a one to one basis. This turned out to be a bonus outcome for this project. After the survey was fully administered, a summary of the domestic violence laws was given to respondents. Since the team's educational institution had no provision for compilation of the survey data, the scanned copy of the survey documents were sent to the U.S. team leader's technology department to compile the survey data through a computer program.

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<sup>25</sup> For examples of ways in which NGOs are effective in the legislative process see *Understanding the role of NGOs in the legislative process*, retrieved at <http://www.endvawnow.org/en/articles/113-understanding-the-role-of-ngos-in-the-legislative-process.html>

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Team members in India and Nepal felt they were well orientated by the India, Nepal and United States team leaders before going out into the field to conduct the surveys. Indian surveyors met their respondents mostly in public and open places; however Nepali surveyors met their respondents mostly in their offices and homes. Linguistically, conducting the survey in Nepal was more convenient than in India because all the respondents and surveyors were able to communicate in the predominant Nepali language. However, in India due to the variance in respondents' educational level and language differences most of the surveyors and respondents needed help from a translator. The instructions for administering surveys also brought uniformity among surveyors. The systematic guidance and leadership within team members from professors to volunteers in the project helped to provide guidance to conduct the survey more effectively and efficiently. Bringing this diverse group together to collaborate through technology was critical. In order to remain informed about the progress the group communicated over different social networking websites.<sup>26</sup> It was much easier to transfer the data and compile the survey results using this technology.

**Survey Results**

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<sup>26</sup> The team used mostly Google mail and documents in the premium, educational service with enhanced confidentiality to communicate across international boundaries, as noted above.



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Survey results were compiled from each of the team members. Listed below is a breakdown of each of the team's results. Thorough studies of the results were compiled and it was found that the Indian team had surveyed 49% men and 51% women. The Nepal survey had a similar distribution. Most people who took the survey believed that domestic violence is limited to physical assault. The Protection Acts in both countries define domestic violence much more broadly to include emotional, economic and sexual abuse. Most people were also aware of the criminal penalties against offenders. While only a minority of the survey takers thought domestic violence is justified, clearly any percentage of acceptance cuts against national and international law. Most people seemed to personally know people who have suffered from domestic violence.

Out of the 80 Indian respondents surveyed regarding what constituted domestic violence, 75% believed that verbal abuse constituted domestic violence, 67.5% believed that emotional abuse constituted domestic violence, and 63.75% believed that economic abuse constituted domestic violence. The results were in line with our expectations since domestic violence is almost always associated with physical violence. On the contrary, in the Indian scenario, where often men are the only income-earning members of the family, and women are rarely financially independent, economic abuse is rarely seen as a form of 'domestic violence', although the Protective Orders Act recognizes such abuse as something that can be filed for protection against.

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Regarding a question on whether violence was justified in certain circumstances, 75% of the surveyed respondents believed that violence was not justified under any circumstances. However, 8.75% of the surveyed respondents believed that violence is justified in cases where the woman is not obedient; reflecting on the fact that there are segments of Indian society where violence is considered acceptable. Perhaps more telling of the incidence of domestic violence is that 45% of the 80 surveyed respondents personally knew of somebody who had been a victim of domestic violence, and 3.75% had been victims of domestic violence themselves. There were 16.75% of those surveyed who knew of someone who had been victims of dowry violence. There were only 27.5% of respondents who claimed they did not know anybody who had been a victim of such a situation. Among those surveyed, people belonging to the higher income brackets of the community showed a widespread belief that incidents of violence were limited to the families belonging to lower classes.

Unfortunately, many of the respondents who had known of people who had been victims of domestic violence or been victims themselves, knew little about the procedure for seeking justice for a victim of domestic violence or the outcome of any complaint that had been filed. There was very little awareness regarding the specific protection mechanisms available under the Domestic Violence Act, 2005, that evolved as a response to the violence against women. However, some individuals who had been

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involved in seeking justice were able to give an idea of various hurdles faced, pointing to the lack of implementation of the legislation. Few individuals who had been victims themselves opened up during the survey in order to understand avenues for seeking justice better, and with the hope of being able to get some form of legal aid.

Lastly, regarding the form of penalties available against offenders who commit domestic violence, most people believed there was some form of penalty, but were unaware of the exact penalty. Almost nobody was aware of the difference between civil and criminal penalties, and a majority of 72.5% of the surveyed respondents believed that a remedy for domestic violence would be criminal in nature. However, 11.5% of the respondents also believed that there is no remedy the law provides for a victim of domestic violence.

Most people surveyed believed that legal protections against domestic violence included criminal penalties as opposed to civil penalties. Perhaps this is a contributing factor as to why a minimal percentage of domestic violence cases are reported. Women may be of the opinion that serving a long sentence in jail is too harsh of a punishment for their family member. This shows a need to conduct community legal education programs on the relatively new civil protection laws. There is little awareness about the intricate details of the legal procedures or assistance that is available through legal remedies. While some people are willing to approach the authorities if family problems

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are not solved amicably, numerous people view the legal system and even NGO's as formidable, unapproachable institutions. However, very few were well versed with how to use the legal system to protect them against domestic violence. These results suggest several needs for community education that law school legal aid clinics can engage in.

The prevalence of domestic violence is not the same across all states; the group of eighty people that were surveyed in Kolkata, India was generally aware of the problem of domestic violence and most were of the opinion that it is unacceptable. This does not mean the survey in other communities would get the same results. This is just another reason why each law school legal aid clinic should conduct community needs assessments in their own community and not rely on other studies to guide their institutions. Survey results indicated that a large percentage of people believed that physical and verbal violence was associated with the legal definition of 'domestic violence' as per Indian law, however a far smaller number of people believed that emotional or economic abuse was a form of domestic violence that they could seek legal protection from. Furthermore, a minority of those that answered the survey believed that sexual abuse was legally within the ambit of the meaning of domestic violence.

**WHAT WE CAN LEARN FROM THE RESEARCH PROJECT**

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Technology is important in spreading awareness about the problem of domestic violence through the work of legal aid clinics in India and Nepal. Unfortunately the effectiveness of technology is limited because many in the population do not have access to the internet.<sup>27</sup> The government and voluntary organizations are making efforts towards ending violence against women through enacting relevant legislation, issuing orders and launching various women welfare schemes. But there appear to be various gaps when it comes to implementation as lower level government functionaries are not gender sensitive and are not adequately trained to give this legislation its full effect.

The team observed how a community needs assessment is a useful tool in studying awareness of domestic legislation and the role legal aid clinics and NGOs might play in addressing a community need. There is a noticeable gap between the law as it appears on paper and how it is understood by and affects the lives of people. A well-intentioned, sensitive and well-drafted law will be ineffective as a tool of social justice unless people from every sector of society are educated and empowered to utilize it. An equally important factor is that the legal personnel must be well-educated and trained to implement the law. Lastly, any law will fail to cater to the needs of the people if they are not aware of the laws and of how to set the legal process in motion.

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<sup>27</sup> Only about one-third of India's population has internet access in 2016. According to <http://www.internetlivestats.com/internet-users/india/> Nepal usage is even lower. It was estimated to be 13 percent in 2012. See <http://www.internetworldstats.com/asia/np.htm>.

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A community needs assessment helps us to better understand the law in a given area, to determine the gaps in the law, the awareness and effectiveness of these laws and whether they achieve their purpose as instruments of socio-legal change. A community needs assessment is a necessity for any legal aid clinic to determine what the requirements of the community are, which areas of legal aid should be focused on, and what the methods they adopt should be. Each community is different. A universal model for clinic programs will result in a waste of resources and fail to cater to the unique needs of the people in a given community. Thus a legal aid clinic must be streamlined through community needs assessments to suit the people it seeks to help. It becomes extremely important for an international audience of activists, social workers and lawyers to reflect upon shared experiences.<sup>28</sup>

The team presented its research project at the Global Alliance for Justice Education (GAJE) conference in Turkey in 2015. This involved an audience engaged in social and legal advocacy. This is another potential benefit of a community needs assessment research project. Students who go to present their research at professional conferences benefit in many ways. They must learn the topic well in order to present it. Presentation skills are developed in a real situation. Professionalism is practiced. Students must

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<sup>28</sup> It might be 'violent' in certain communities to deny a woman money or prevent her from earning her own, i.e. it would qualify as economic abuse. This might be considered quite 'normal' in other communities. Even if considered 'wrong', it sometimes does not evoke the same response that physical violence would.

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work together as a team for a common goal. They also get to meet many other professionals, possibly connecting with someone they can either work with in the future or pursue additional educational goals. Such discussions in a global context also broaden law students' view of social justice issues in the students' community and on a global basis. This is of greater importance, especially, when social workers and lawyers have to deal with clients from various cultures.

**The Future**

Before conducting the survey, the student team was under the impression that people from the lower economic strata would be largely unaware that there is legal recourse available to them. To the contrary, we found that similar numbers of people in all socio-economic categories were acquainted with the fact that laws exist to protect them, even if they were not educated in how to use them to their benefit. Looking back and comparing the results of the survey to what the team's hypothesis was before the survey gives a better understanding of how respondents view domestic violence. In the beginning the team expected the survey results to indicate that a majority of the domestic violence would take place amongst families who were uneducated or earned less. However, the team found that domestic violence for women is a common problem that transcends social classes. The team also thought that a majority of the men who would find domestic violence acceptable in cases where the woman is disobedient,

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would belong to the bracket of people who earned less or had minimal educational qualifications. The team realized that this justification for abusing a woman was similarly prevalent even in the homes of educated professionals. The team had the chance to do fieldwork and research where we interacted first-hand with the people that we were surveying; this helped us to understand the problem involving access to legal mechanisms and analyze how legislation and legal aid clinics could change their approach in order to reach out to a larger base of people. Interviewing subjects also mirrored what we must learn to do with clients in practicing law, including observing confidentiality.

The survey had both quantitative and qualitative data; the latter is extremely useful in terms of indicating what problems people have faced while trying to take legal action or approach an NGO, what kind of legal aid they require and the extent of social stigma attached to domestic violence. The Kolkata research team members plan to collaborate with their Legal Aid Clinic in order to streamline some of their practices, keeping in mind what they learned during the survey. In terms of skills, the project has taught the volunteer students teamwork, leadership and communication with people from different parts of the world by effective use of technology. By virtue of a paper on the study being accepted at an international conference, the project helped sharpen team members' presentation skills and gave them confidence with regard to public speaking



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– a strength which is extremely important to possess in the legal profession. Lastly, the reactions of people during the survey taught students how essential it is to be sensitive and tactful while questioning them about an issue like domestic violence, which is considered a social taboo in various parts of the country and rarely discussed openly.

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Appendix 1: blank survey

Class Climate	Domestic Violence Survey, Kathmandu, Nepal	
Mark as shown: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Please use a ball-point pen or a thin felt tip. This form will be processed automatically. Correction: <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Please follow the examples shown on the left hand side to help optimize the reading results.		
<b>Demographic Information</b>		
Age:	<input type="text"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 0 <input type="checkbox"/>	
Gender:	<input type="checkbox"/> Male	<input type="checkbox"/> Female
Marital Status:	<input type="checkbox"/> Married	<input type="checkbox"/> Single
Monthly Income of Household:	<input type="checkbox"/> RS. 1000-5000	<input type="checkbox"/> RS. 5001-10000
	<input type="checkbox"/> RS. 20001 and above	<input type="checkbox"/> RS. 10001-20000
Educational Qualification:	<input type="checkbox"/> 0-5th Standard	<input type="checkbox"/> 10th-12th Standard
	<input type="checkbox"/> Graduate and Above	
<b>Domestic Violence Questions</b>		
1. Domestic violence may include (please place an X in the box next to each that applies): <input type="checkbox"/> physical violence (for example hitting a person) <input type="checkbox"/> verbal abuse against a person (for example threatening someone) <input type="checkbox"/> emotional abuse (for example shaming a person for not having a son) <input type="checkbox"/> economic abuse (for example depriving someone of her rightful earnings) <input type="checkbox"/> other (please specify) If Other, please list: <input style="width: 100%; height: 30px;" type="text"/>		
2. When is domestic violence justified (please place an X in the box next to each that applies ) <input type="checkbox"/> under no circumstances <input type="checkbox"/> in some cases when a woman is not obedient <input type="checkbox"/> in some cases when a man is not obedient <input type="checkbox"/> in most cases where a woman is not obedient <input type="checkbox"/> in most cases where a man is not obedient 3. Please comment on any question above: <input style="width: 100%; height: 30px;" type="text"/>		
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Class Climate	Domestic Violence Survey, Kathmandu, Nepal	
<b>Domestic Violence Questions [Continue]</b>		
4. Legal protections for women who have experienced domestic violence include (please place an X in the box next to each that applies) <input type="checkbox"/> criminal penalties against the offender <input type="checkbox"/> civil penalties against the offender (for example, offender must leave victim alone) <input type="checkbox"/> there are no legal protections for women in violent relationships		
5. If domestic violence includes physical violence by a household member of any kind (please place an X in the box next to each that applies) <input type="checkbox"/> I know someone who has been a victim of domestic violence <input type="checkbox"/> I have been a victim of domestic violence <input type="checkbox"/> I know someone who was a victim of dowry violence <input type="checkbox"/> I do not know anyone who has been a victim of any of these situations		
6. I think the system including court proceedings and NGO assistance in Nepal is (choose only one): <input type="checkbox"/> Very accessible to the average person who is a victim of domestic violence <input type="checkbox"/> Accessible to the average person who is a victim of domestic violence <input type="checkbox"/> Inaccessible to the average person who is a victim of domestic violence <input type="checkbox"/> Very inaccessible to the average person who is a victim of domestic violence <input type="checkbox"/> Don't know		
7. Please explain your answer to question 6 above (problems that occurred, outcome of any case you have been involved with, disposal of the case, etc.): <input style="width: 100%; height: 100px;" type="text"/>		
8. I am aware of one or more law school clinics in my community that may assist with legal problems <input type="checkbox"/> I have received information or help from one or more clinics <input type="checkbox"/> I know someone who has received information or help from one or more clinics <input type="checkbox"/> I know of a clinic but not of anyone who has received information or help from it <input type="checkbox"/> I don't know of any clinic in the community <input type="checkbox"/> There is no clinic in the community		
9. There is a need for legal assistance for people who cannot afford an advocate <input type="checkbox"/> strongly agree <input type="checkbox"/> agree <input type="checkbox"/> disagree <input type="checkbox"/> strongly disagree		
10. Please comment on above (for example, what kind of legal problems should a law school assist with): <input style="width: 100%; height: 100px;" type="text"/>		
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Title: Access to Justice for Domestic Violence Victims: A Needs-Based Assessment.

Date: 28th September, 2014

Domestic Violence is a global problem, which is now more broadly defined to include all the acts of physical, sexual, psychological and economic violence. Lack of awareness and problems in access to justice are a catalyst in the growth of domestic violence.

Prof. David W. Tushaus, Chairman, Department of Criminal Justice, Legal Studies and Social Work, Missouri Western State University, U.S.A and Sumit Kapoor, Advocate, High Court of Uttarakhand, India, wish to study domestic violence awareness among selected Indian and foreign communities to determine the effectiveness of support mechanisms available to domestic violence victims. Our goal is to determine whether law school legal aid clinics can play a role in providing education about domestic violence and increasing access to justice for victims of domestic violence. For this purpose we wish to create an Academic International research team to volunteer for the study.

Volunteer research teams will assist Prof. Tushaus and Mr. Kapoor in carrying out the study in each team's neighbouring community. Volunteers will coordinate through online means and create teams to study legislation and material available related to domestic violence in their country. Volunteer teams will be assembled to conduct surveys. Surveys will be developed to assess public knowledge of legal protections against domestic violence and the support network available to domestic violence victims. Surveys will be developed in conjunction with legal professionals who are knowledgeable about domestic violence and the importance of confidentiality in administering the surveys and tabulating the data. Volunteers will also interview individuals and NGO staff about domestic violence.

Volunteers will coordinate to discuss access to justice for domestic violence victims. The focus will be to study the following topics related to access to justice in domestic violence cases:

1. Legal Knowledge
2. Legal Awareness and Advice
3. Advice and Representation
4. Access to a Justice Institution
5. Fairness of Procedures
6. Enforceable solutions

Volunteers will also analyze the working of legal aid clinics in their law school with regard to domestic violence cases. Volunteers will be asked to write articles and reports to be published and presented as part of a study in various National and International conferences.

All interested Law Students who wish to volunteer for the research study may send their resume along with a statement of purpose (Maximum 500 words) explaining why they want to volunteer for the study by 6th October, 11:59 pm. Shortlisted applicants will be informed via e-mail by 10th October, 2014. Shortlisted candidates may be asked to appear for telephonic or skype interview on an agreed time and date.

Applicants can send their resume and statement of purpose to davidtushaus@gmail.com with cc to sumit.kapoor007@yahoo.co.in

Regards

Prof. David W. Tushaus  
Department of Criminal Justice  
Missouri Western State University, U.S.A

Mr. Sumit Kapoor  
Advocate, High Court of Uttarakhand  
India