

**COMMUNITY-BASED MEDIATION IN ADDRESSING
DOMESTIC VIOLENCE: ITS ROLE AND RELEVANCE IN
BHUTAN**



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LAGHZAOU, Ph.D.**ABSTRACT**

There are different schools of thought, in considering the role and appropriateness of mediation in cases of domestic violence. Mediation critics argue that ‘women’s lack of power relative to men makes mediation a poor option’. Mediation supporters however maintain that mediation can be beneficial by providing a sense of empowerment to victims, when mediators are trained to balance the power between conflicting parties and provide an opportunity for parties to jointly explore mutually agreeable solutions. This study aimed to ascertain the strengths or weaknesses of community-based mediation for addressing domestic violence issues in Bhutan. To do so the research answered the following questions: (a) what is the current experience with the use of community-based mediation mechanism for domestic violence?; and (b) how do women, men, mediators and justice service personnel perceive the value, appropriateness and effectiveness of community-based mediation mechanisms in addressing domestic violence? The findings of the research demonstrated that domestic violence was widely prevalent in the country and it enjoyed a high level of tolerance. Importantly, it revealed that irrespective of the debate on appropriateness of mediation in domestic violence cases, community-based mediation was the most predominant means of resolving domestic cases in Bhutan, preferred by victims and encouraged by the wider society and the formal institutions including the Judiciary. Recognizing this, efforts to improve the mediation process is important to ensure that mediation of domestic violence is safe and effective. This could include training of mediators to deal appropriately with domestic violence cases, promoting and training more women as mediators to increase the pool of women mediators, improving legal advice and support services including counselling. Beyond that, appropriate policy responses such as enhancing awareness of women on their legal rights, campaigns to improve gender equality, removing barriers to accessing formal justice system and to make sure that victims have access to timely, reliable legal and financial support and shelter, to break away from the abusing relationship are equally important.

**KEY WORDS: DOMESTIC VIOLENCE / MEDIATION / ACCESS TO JUSTICE,
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