

Impact of COVID- 19 on Domestic Violence

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Abstract

When the pandemic hit the world and eventually found its way into India, there arose a need to opt for a quick plan to address the outbreak. Crisis management essentially requires an instant plan of action and devotion of resources to the crisis at hand, which is of utmost importance, and quite often than not, everything else is no longer prioritized. So, when a nationwide lockdown was announced, a lot of aspects that may not have been seemed so life-threatening were cast aside. The anticipation of the lockdown's impact on crime was one such neglected aspect. Domestic violence, by far, has seen the highest rise in the number of complaints, an offence which has a high probability of instances going unreported, even without a viral outbreak threatening normalcy. With considering that the access to care is somewhat restricted with all healthcare focused on the pandemic. This article aims to focus on the rise in domestic violence instances during the lockdowns in place since March 2020. It begins to introduce the concept of domestic violence, the existing law in place, and the statistics of the crime. The article then evaluates the current increase in cases and elucidates on the impact of the current living conditions. The article aims to investigate the impact of the pandemic, impending lockdown, and its impact on abusive behavior towards members of the household. It then proceeds to explore the possible actions that can be taken to ease this increase in crime and provides for suggestions and recommendations if any.

Keywords— Domestic violence, gender inequality, intimate partner violence, digital gender gap, COVID-19.

INTRODUCTION

Domestic violence is no stranger to our society: 1 in 3 women have been subject to violence at some point in their lives. According to data collected by UN Women, 243 million women were subject to gender-based violence in the past 12 months. With the pandemic affecting almost every nation, many nations have initiated lockdown in an attempt to “flatten the curve” which brought normalcy and life as we know it to a halt and pushed the global economy into recession. This led to a number of consequences beyond the containment of the virus such unemployment, rent concerns, loss of income, restricted mobility, and cyber-crimes. Domestic violence is one such off-shoot consequence.

While domestic violence is often associated with intimate partner violence or sexual violence, it is any form of abuse by any member of the household. It is pertinent to note that although women are not the only victims; men, more often younger boys are also subject to violence within the four walls of a household, instances of domestic abuse against women are higher. According to NCRB's crime report in 2018, the most recorded instances and reports filed for crimes committed against women is that domestic violence. There are millions of cases that go unreported, especially with offences pertaining to domestic or sexual abuse, men, and women alike. With a lockdown imposed since the end of March, it is countless weeks within four walls, many have lost jobs or

are not working due to offices shutting down. All of this with the obvious fear for life causes extra mental stress and an increase in the violent abusive behavior of a perpetrator.

Domestic Violence and the Law

The offence of Domestic Violence was introduced as a separate offence in the 1983 amendment of the Indian Penal Code (IPC) to penalize the cruelty meted out to members of the family by the husband or the in-laws. The types of cruelty covered under the scope of this article was laid down by the Supreme Court as:

1. *“Conduct that drives the woman or family member to the brink of suicide,*
2. *Conduct that would likely cause hurt, grave injury or limb of the woman,*
3. *Harassing the woman or her relatives with the view of attaining her assets or property,*
4. *Harassing the woman of her family for the purpose of obtaining dowry or to deliver property.”*

This, however, does not include economic or sexual violence within its scope and a separate act for the specific purpose of providing protection to women against intimate partner violence, not just physical but also emotional violence, “The Protection of Women from Domestic Violence Act, 2005”. This act, however, enforces only civil liability and cannot be enforced criminally. While economic violence does attract civil liability within the act, marital rape remains out of the scope of the crime of domestic violence. Complaints can be made to the police station or any domestic violence helpline facilities. The NCW, “National Commission for Women” accepts complaints or reports of domestic violence incidents via pots, call, or mail. In addition to this, numerous NGOs act as an interface and help these abused women get the help they need with their resources. In most situations, women leave their matrimonial households to protect themselves from the violence and are offered help and care by these NGOs. That being said, these channels are however, not quite used often by a large percentage of the victims.

Domestic violence is the least reported offence mainly due to the stigma attached to it and to a certain level, the normalization of the act. The act is so painfully common that many women shrug off the isolated incidents of abuse or violence by their partner or in-laws thinking it always happens. As a result, most women end up not reporting the instances or takes any steps to protect themselves in the interest of the so-called “sanctity of matrimony.” Domestic violence for generations has and does even today co-exist with humanity, even though it grossly violates the basic human rights of those subject to it.

Crisis and Domestic Violence

Any crisis, especially a public health crisis such as pandemic outbreak has always had ramifications in fields beyond healthcare sector. Day-to-day activities and practices are disrupted, and significant lifestyle changes are imposed in order to contain the spread. If in existence for a considerably long duration, a pandemic impacts the economy, mental health, and social lifestyle of humankind in the affected countries. The COVID-19 pandemic has warranted a lockdown of nations and sealing of territorial boundaries due to its ability to spread rapidly through community transmission and the unavailability of a dedicated vaccine to protect the unaffected makes the situation even direr. The lockdown that has been initiated to control the transmission of the virus has had an adverse impact on the economy with many enterprises pushed to the brink of bankruptcy due to loss of income, which resulted in loss of jobs in various sectors excluding the health sector, the crash of the rental sector with tenants unable to pay rent due to their loss of income subsequently causing loss of income to the owners and thus, a majority of the population is facing some kind of financial hardship. Migrant laborers have faced the brunt of this unforeseen lockdown. Loss of unemployment, not enough savings to survive without flowing income, and no proper means to go back to their native place. This unexpected turn of events drastically increases household stress levels in terms of financial hardships and restricted resources. Studies show that such conditions

ultimately contribute towards domestic turbulence which aggravates domestic violence and intimate partner violence. Research and past experiences show evidence of the catastrophic effects of economic hardship on Domestic violence. The lockdown also amplifies the exploitation of women.

Let us understand one thing here: the pandemic is no way a trigger for Intimate partner violence or Domestic violence, it only exacerbates existing issues, inequalities, power hierarchies, and problems. The hardship facilitates and creates an environment suitable for abuse but is not a direct cause for the same. Further, the lockdown of facilities also restricts the ability of the abused to seek refuge elsewhere or attempt to isolate the abuser. With only essential services functioning, the majority of the NGOs are focused on fundraising for the disadvantaged population and have directed their resources to provide aid to the healthcare sector. This impairs the ability of the victims to either physically remove themselves from the violent atmosphere or even seek help otherwise. Adding to this misery is the fact that most women are at the realm of care and are the front liners amid a crisis as the majority of this sector has female employees. The responsibilities of these women have drastically increased as the responsibility of the health sector is increased. This additional responsibility, however, is not complemented with additional rights or help. Their individuality and decision-making ability are further impaired by the patriarchal society putting them in an even more vulnerable position and more prone to abuse. The households from lower economic strata face even more hardship, to whom the lockdown has delivered a severe blow to those who barely make ends meet. Women in these households are even more vulnerable to abuse considering the household stress levels skyrocket.

In a nutshell, women now face the threat of contracting the virus, increased responsibility coupled with further reduced social importance, financial hardship which then makes them vulnerable to abuse and no exit strategy or remedy for this increase in abuse. This entire chain of intertwined events ultimately further

suppresses the already repressed female population. This is clearly reflected in the current scenario worldwide with many nations reporting an increase in Domestic Violence complaints. While China saw a tripling of complaints registered, Singapore and Argentina saw 33% and 25% calls on their national hotline respectively. According to the NCW, India has seen over a 100% increase in Domestic Violence complaints by Mid-April this year. However alarming this data seems, this is not the first time there has been a surge of domestic violence all around. Something similar happened in 2014.

The Ebola outbreak in West Africa had forced a similar lockdown with schools and educational institutions shut and quarantines enforced. Women and children were faced with more sexual violations, violence, and coercion. This was not prioritized then as their focus was on the viral outbreak and many such instances went unreported and unrecognized. Many domestic abuse survivors in Liberia were denied public health facilities in fear of contracting the virus and consequentially the maternal mortality rate shot up due to the unavailability of care for these sexually abused women. A key takeaway of the 2014 outbreak in the West Africa region was that a crisis or emergency warrants for more attention towards women and children as they become even more vulnerable susceptible to abuse.

A careful scrutiny shows the rise in gender-based violence and public health crisis or financial hardship faced across the globe, due to their vulnerable position. If we have learnt anything from previous crises, emergencies, and pandemics, it's that gender-based and domestic violence shows an exponential increase, making women even more vulnerable than they already are. Somehow, we seem to not be learning from our past experiences. Both the Ebola outbreak and the COVID-19 outbreak have striking resemblances like the public health sector resources directed completely towards the outbreak and social distancing norms put in place. It is noteworthy that despite having a similar struggle just a couple years ago, even though the magnitude of the impact

of COVID-19 is relatively higher than that of the 2014-16 outbreak, many countries have remained flagrantly unprepared to tackle this disaster.

Need to Focus on Domestic Violence Amid Public Health Emergencies

One might wonder, with the ongoing major health crisis which has brought the whole world to a stand-still, affected trade, led to an economic recession, millions of people stranded and borders being sealed, as to what is the pressing need to address domestic violence, an evil prevalent since times immemorial. The reason is that a pandemic with an immense impact like that of COVID-19 creates a sort of a perfect storm for a domestic violence outbreak. Experts have gone as far as calling this an “invisible pandemic” amidst the current pandemic. According to the UN Population Division, 49.5 percent of the population comprises of women. A domestic violence outbreak puts almost half the global population at risk of exploitation and danger; half the population faces the risk of a double pandemic. Reports already show that 243 million women have already registered domestic violence complaints in the past twelve months. Sidelining women's safety, in this hour when they need it the most will only erode the trust in formal systems all over.

With Ebola, many waited until after the end of the outbreak to tackle this situation but by then it was too late, with skyrocketing numbers of maternal mortality, rape victims, and scarred children and women all over. Further, with the vaccine for COVID-19 still in the trial stage with no apparent frontrunners, it is likely that the return of normalcy might take a while and we may have to live with social distancing and lockdown norms for a longer period of time. Humanity is likely to co-exist with the coronavirus for the foreseeable future; this is not going anywhere anytime soon. So, we might as well learn to live with it. This includes prioritizing other impending disasters before they blow up and cause any more damage to humankind. The impact of coronavirus has already been gravely taxing, and the world cannot afford another disaster simultaneously

and might not survive a double pandemic. It is already estimated to take 500 years to recoup from the impact of this pandemic.

Need for Alternative Mechanisms

The domestic violence victims usually either approach the Police station directly or approach an NGO to seek help. Even during regular times, a majority of the cases go unreported mainly due to stigma and societal pressure or “matrimonial sanctity”. The NCW usually receives complaints through post who then takes steps to remove the victim from the abusive environment and help in their rehabilitation. However, with the lockdown imposed, physically recording complaints or through postal services no longer remains a viable option. Further, with the healthcare sector being grossly understaffed and all NGOs shifting their focus toward the health crisis, approaching NGOs also are not in a position to handle the influx of complaints like they used to prior to the virus outbreak. The other alternative is receiving complaints online. The data provided by the NCW suggests a 100% increase in the number of complaints received online. However, an evident pattern of lower complaints is seen in areas that lack the internet reach. According to the recent statistics issued by the *International Telecommunication Union*, as the days progress, the “Digital-Gender gap” is growing faster as the days progress and as of 2019, the internet usage gap is as high as 17 percent. Further, it is noted that this gap has only been increasing over the years suggesting that lesser and lesser women continue to have access to the internet or may not be able to use their mobile phone or internet facility at home without being closely monitored by their perpetrators, making an online complaint even less feasible. This lack of proper reach calls for a need for alternative reporting mechanisms that have a far great outreach. The NCW has announced a WhatsApp number in addition to the existing email service to make the reporting of cases more accessible to the public on 10th April 2020. However, considering the digital gender gap, WhatsApp may not be the ideal alternative. Hence there is a necessity to have a

national hotline to receive calls for help which must be available 24/7.

Another absolutely essential requirement is the categorization of women safety service as an essential service, that are available even during pandemics and lockdowns. There must exist a one-stop crisis center that must always cater to domestic violence complaints alongside the services needed to tackle the virus outbreak. In addition to this, essential services like pharmacies or grocery stores must also be equipped to be able to register domestic violence complaints during the lockdown. This kind of accessibility will ensure a sense of safety to women and will also help them receive the care they need. Countries like France and Spain have already resorted to alternate mechanisms by introducing codewords which help pharmacies identify those in need of help and are being trained to direct such identified persons to necessary avenues that are equipped to provide such care. A similar approach may be followed in India with a unique codeword and the facility must be available at both pharmacies and grocery stores.

Another alternative is the creation of awareness amongst the population through media. Creating awareness of the existence of care centers for domestic violence victims and encouraging women to access these avenues if and when needed will instill a sense of safety and may even provide the push needed. Assuring women of their safety has proven to go a long way as it ensures faith in the formal system and it makes them feel less alienated. Conducting virtual hearings for adjudication of matters also must be encouraged. This is because mere complaining without actual steps being taken is not helpful. In fact, it can prove counterproductive. The Supreme court of India began virtual hearing of cases through video conferencing on March 23 in view of the pandemic but has restricted this facility to only extremely urgent cases. Two virtual courts have been launched by the Indian Judiciary to hear matters on Traffic challans on May 13th of this year. A similar facility must be arranged for hearing matters on gender-based violence. These alternative reporting mechanisms can

cause a significant increase in the number of registered complaints which is the need of the hour.

CONCLUSION

Domestic violence is not a new problem, it just needs new and unconventional techniques to tackle it. With the lockdown initiated, incidents of domestic violence have drastically increased over the past couple of months and recourse to the same has been hindered and obstructed. The financial hardship caused and the loss of employment across sectors has drastically increased household stress levels, exacerbating the already existing evil of domestic violence. Women today are more vulnerable than ever with a higher risk of abuse and lesser avenues to seek help. With no vaccination in the frontrunner, it is very much possible that the restriction in movement and social distancing norms are likely to remain in place for a foreseeable future. Hence there arises a need for an alternate approach towards the reporting mechanism in this new normal. Taking lessons from previous health crises and their consequences, there is a pressing need to address questions regarding the safety of women who are at a risk of facing the invisible pandemic, domestic violence.

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