

“Domestic Violence during Pandemic”**M.B. Divya**School of Excellence in Law,
Chennai****Shruthi Sekar**School of Excellence in Law,
Chennai***INTRODUCTION**

Most of us are aware of the two existing crisis that has brought the entire world to a standstill – one is the COVID-19 pandemic and the other is the sinking economy. But we are oblivious to another pandemic that’s lurking in the shadow, which is domestic violence. The COVID-19 pandemic has epitomized isolation and therefore, the increase in the number of domestic violence and sexual harassment cases is no enigma. Domestic violence, an everlasting pandemic is at present eclipsed by the corona virus pandemic COVID-19. Movement restrictions, though vital at this hour of need has placed the lives of several victims in peril. The causes of such violence can be attributed to diverse factors such as stress, financial and mental anxiety, depression, etc., and these have only been exacerbated by this pandemic. In addition, the economy is also facing a blow, which further aggravates the cases of domestic violence. This makes it evident that apart from the corona virus, this shadow pandemic is acting as another opportunistic virus that is proliferating in the circumstances created by the former.

STAGGERING DATA FROM ACROSS THE WORLD

While intimate terrorism – a term experts prefer using for domestic violence, has left its mark in the nook and corner of the world, some countries which have experienced a severe shoot up in its numbers during the lockdowns are China, United States, UK, Brazil, Tunisia, India, France, Australia and others. A well founded belief is that the risk of abuse is high when people are confined within the four walls of their homes. According to the data published by the United Nations, 243 million women and girls aged 15-49 have been subjected to sexual and/or physical violence perpetrated by an intimate partner in the previous 12 months globally¹. The study on abusive relationships by a Bristol University Sociologist Marianne Hester has found that Domestic Violence goes up during times when families come together and spend more time with each other especially during summer vacations and Christmas². In Spain, the emergency number for Domestic Violence received 18% more calls in the first two weeks as compared to the same period a month earlier. A nationwide spike of 30% in domestic violence was reported by the French police³. The Metropolitan Police of London

¹Covid-19 and ending violence against women and girls (last accessed on 13/06/2020 at 11:20 hrs) <https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>

² Amanda Taub, A new Covid-19 crisis: domestic abuse rises worldwide (last accessed on 13/06/2020 at 12:15 hrs) <https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html>

³ ibid

(Met) in a press release said that officers across London had made 4,093 arrests for domestic abuse offences with nearly 100 a day on average and domestic abuse calls have risen by around a third in the last six weeks⁴. In Argentina, emergency calls for domestic violence cases have increased by 25% since the lockdown started⁵.

ABUSIVE BEHAVIOUR AND MENTAL ILLNESS

Countries around the world are indeed faced by a traumatic situation as they toil towards flattening the curve of the corona virus pandemic. In the United States, based on the growing number of callers it has been observed by the National Domestic Violence Hotline that abusers are using COVID-19 as a means to further isolate their intimate partners from family and friends⁶. Physical abuse is the most common weapon used by abusers to torment their victims. In China, on 1st March, a 26-year-old woman named Lele who was holding her 11-month-old daughter was beaten by her husband with a high chair. Her left leg was covered with severe bruises and a huge hematoma blooming on her left calf⁷. Apart from physical abuse, there are other common tools of abuse which are isolation from family, friends and employment, constant surveillance, strict codes of behaviour and restriction on access to such basic necessities as food, clothing and sanitary.

During this face of adversity with global economy up in the air; mandatory quarantines, physical distancing, economic uncertainties, stress and anxiety are contemplated by most to be the mainspring of an abuser's indifferent behaviour. There are some experts who believe that mental illness and abusive behaviour are not directly related but have indirect connections. It is observed that mental illness affects all areas of a person's life including his relationship with friends and co-workers. On the other hand, the brunt of abusive behaviour which is a behavioural pattern is mostly resisted by the intimate partners. An abusive partner does not reveal his negative or derogative behaviour to his friends or family. Besides the conviction, abuse and mental illness can coincide whereby there are cases of individuals who have mental illness and are abusive towards their partners. Lundy Bancroft, author of 'Why Does He Do This (2002)' clarifies that an abusive partner's value system is unhealthy, not their psychology⁸.

GENDER INEQUALITY AND PATRIARCHY

Domestic violence being one of the various forms of gender inequality is more prevalent in patriarchy society where men command more power than women in all walks of life. Since

⁴Ani, Over 4000 domestic abuse arrests in London since start of Covid-19 restrictions: Police ((last accessed on 14/06/2020 at 21:20 hrs) <https://www.newindianexpress.com/world/2020/apr/25/over-4000-domestic-abuse-arrests-in-london-since-start-of-covid-19-restrictions-police-2135087.html>

⁵ Supra note 1

⁶ Melissa Godin, As cities around the world go on lockdown, victims of domestic violence look for a way out (last accessed on 13/06/2020 at 15:45 hrs) <https://time.com/5803887/coronavirus-domestic-violence-victims/>

⁷ Amanda Taub, A new COVID-19 crisis: Domestic abuse rises worldwide (last accessed on 13/06/2020 at 16 hrs) https://www.phillytrib.com/news/health/coronavirus/a-new-covid-19-crisis-domestic-abuse-rises-worldwide/article_53fecb68-bd06-5e14-8272-265faf6a95ef.html

⁸ Alexander, Abuse and mental illness: is there a connection? (last accessed on 13/06/2020 at 16:25 hrs) <https://www.thehotline.org/2015/05/06/abuse-and-mental-illness-is-there-a-connection/>

ancient times, India has always been bound by culture, tradition and patriarchy system. Several doors of growth and opportunities to be independent were shut for women in the name of religion and socio cultural practices⁹. This has made women vulnerable and dependent on men. Sons are preferred over daughters as they are viewed as a means of social security. The same socio-cultural practices do not discourage but at the same time do not encourage men as well to consider women equal to them. The position of women in the society has indeed improved over the last few decades, but the rate of such improvement has been slow. Women in rural areas and some parts of urban areas are still living a life torn between performing household chores in the break of the day and brooking third degree abuse by their intimate partners in the night. A major drawback of the society is that women out of fear of facing further abuse by family and the community do not open up about their agony. In India's 2015-2016 National Family Health Survey (NFHS), one-third of women are believed to have experienced domestic violence, but only less than 1 percent of them sought help from the police¹⁰. Only half the victim population takes up the bold decision to seek help while the other half bury themselves beneath the social stigma and do not confront about the same.

HOW THE COVID-19 PANDEMIC HAS WORSENERD THE SITUATION

Recently, during the lockdown, when a woman residing in the slum areas of Chennai after being lashed by her husband ran into the streets seeking help from the neighbours, found herself being told to go back home and tackle the issue herself. The Police barricades erected at the entrance of the streets had made the process of seeking help all the more difficult¹¹. This is the situation of several women not only in India but in the rest of the world. While the corona virus mandates lockdown, women across the globe are striving a way out. The resources available to the victims are fragile.

The lockdown has also taken away the chance of escape from the victims as the schools; workplace and other means of getting away from home remain shut. Access to friends, family networks and other resources for seeking help, is blurred out of their lives. It leaves the victims with no choice, but to stay confined to the four walls of their homes, being prone to the threats and violence inflicted upon them by the abusers, predominantly them being their intimate partner. Furthermore, with the wine shops remaining open in few states, increased consumption of alcohol as well as the abstinence of the same in other states making the abusers more violent, tend to worsen the situation.

This pandemic has also led to the release of prisoners as the jails have been found to be a source of spreading the disease. Arrests have also been kept at a halt. Although it is necessary to implement such public health measures, it also becomes important to safeguard the

⁹ Basanta Nirola, Patriarchy and the status of women in the society (last accessed on 14/06/2020 at 22:20 hrs) <https://www.youthkiawaaz.com/2017/12/role-of-patriarchy-and-status-of-women-in-indian-society/>

¹⁰Rukmini S, Locked down with abusers: India sees surge in domestic violence (last accessed on 14/06/2020 at 22:25hrs)<https://www.aljazeera.com/news/2020/04/locked-abusers-india-domestic-violence-surge-200415092014621.html>

¹¹ ibid

innocent victims from being affected by the release of these accused. There are high possibilities that they may inflict harm upon the women and children at their homes. The intervention by concerned authorities is essential in order to ensure the safety and security of these victims by resorting to alternate means such as notifying the victims of the pending releases, etc.

The NGOs and other women help centres too; have been trying their best to reach out to the women who live in abusive homes. But it is a known fact that even the childcare centres, shelters, rape crisis centres are facing issues such as lack of space due to social distancing and some of them being converted into isolation wards for treating virus-affected patients. In a situation where the cases have doubled, it is quite disheartening that even these facilities cannot be fully utilised for rescuing the victims. Nevertheless, the NGOs and social help groups have always played a pivotal role in reaching out to those seeking help.

STEPS TAKEN BY THE GOVERNMENTS TO FIGHT THE SHADOW PANDEMIC

Furthermore, the governments have taken various steps to curb this sort of violence worldwide. Several helpline numbers and free online counselling websites have been made available to help the victims of domestic violence and other forms of harassment. After the lockdown was imposed, other innovative measures have also been taken by the state governments such as launching mobile applications, text message-based reporting, hotlines, etc. Social media has been used as an effective medium in order to spread awareness. A few states have been extensively funding and allocating resources to implement measures to safeguard women and children from their abusers. The significant budget allocation to shelters and specialist police units; online applications for protection orders; prioritising complaints of child abuse in the court systems; emergency warning systems in grocery stores; funding hotel rooms for victims who need to escape violent homes; and pop-up counselling centres¹².

Countries such as Spain and Portugal declared protection and assistance for victims of gender-based violence as essential services that operate during the lockdown¹³. While Italy has launched an app by which the victims can seek help without making phone calls, Greenland on the other hand has limited the sale of alcohol to make the home environment safer for children.¹⁴ Pharmacists in some countries have also been using an innovative technique of using secret code words as a means of sending alerts. France and Belgium have been converting hotels in their countries to shelter for victims seeking refuge. Nearly 20,000

¹² Bonita Myersfeld, Domestic violence is the other pandemic we must fight (last accessed on 14/06/2020 at 23:12hrs) <https://www.aljazeera.com/indepth/opinion/domestic-violence-pandemic-fight-200420080556822.html>

¹³ Harshitha Kasarla, India's lockdown is blind to the woes of its women (last accessed on 14/06/2020 at 23:15 hrs) <https://thewire.in/women/indias-lockdown-is-blind-to-the-woes-of-its-women>

¹⁴ Yupa Watchanakit, Domestic violence up sharply during the pandemic, WHO official says (last accessed on 14/06/2020 at 23:20hrs) <https://catholic-sf.org/news/domestic-violence-up-sharply-during-pandemic-who-official-says>

hotel bookings for women seeking refuge from domestic abuse have been financed by France¹⁵.

CONCLUSION

Now shackled to the house and its four walls, Domestic violence has created a wreck in the lives of several human beings. It wouldn't be wrong to call it a deadly virus that is not only consistently increasing and splintering the scrap of calmness and tranquillity left from the trauma already infused by the pandemic but has morphed its molecules into a tenacious variant. The Government did not provide adequate measures for this social evil at the time of announcing the lockdown. It was only when a few 100 phone calls on the emergency number transmogrified into a huge public outcry that government started taking adequate measures towards solving the problem. Social media which is a huge boon during these times can be used to reach out to and motivate several victims to break out of their shells and seek help. The Government should take drastic steps on an even larger scale by increasing its investments and ensuring speedy redressal mechanisms so that the whole process of addressing victims not only prevails during the lockdown but extends even after that. Domestic violence has always been haunting the world by taunting the lives of millions of women and children but it is also to be borne in mind that victims are not waiting to be picked up at leisure at the end of the lockdown but are going through severe torment and agony on a day to day basis and are desperately looking for a way out.

¹⁵ Supra note 14