



A THE ISSUE OF DOMESTIC VIOLENCE AMIDST LOCKDOWN

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ABSTRACT

The imposition of a global lockdown due to the coronavirus pandemic might seem like the herald of a public health crisis or an economic crisis for many. But a deeper analysis of the lockdown brings out a serious issue, one that has been existing for a long time but has been aggravated to a considerable degree during the lockdown. The issue being that of domestic violence and its sudden rise during the lockdown. The present article deals with what constitutes domestic violence, the global scenario regarding domestic violence and why there has been a global surge in reports of the same. It tries to explain the link between the covid-19 lockdown and the sudden rise of domestic violence cases and further, it discusses about the various measures that have been taken by governments' worldwide for better protection of the victims of domestic violence, while simultaneously providing suggestions for more effective measures that could have been taken. Finally, the article aims to sensitize and develop awareness in people regarding the issue of domestic violence, both globally and in the strong patriarchal setup of the Indian society, so as to stop this problem in its roots before this hidden problem goes on to become a "shadow pandemic" after the coronavirus lockdown.

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INTRODUCTION

What is Domestic Violence

Since the outbreak of the deadly pandemic Covid-19, human social life as we know it, has come to an abrupt halt with a state of lockdown having been declared by countries worldwide in order to stop the spread of the deadly virus. At the surface, it seems as if a public health crisis and an impending economic crisis are the only problems that countries worldwide would have to face. However, if you pry deeper into the situation you may find a multitude of micro-problems existing in this state of lockdown. Thus, we come to the main crux of this article which is to highlight one such micro problem, that is, the increasing domestic abuse being faced by women worldwide, during the coronavirus lockdown.

According to the World Health Organization, domestic violence against women is a severe human rights violation and includes any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.¹ As stated these acts of violence may not necessarily be physical and can include sexual, mental or any other behavior which may be done with the purpose of gaining the upper hand on a spouse or partner. While the acts of domestic violence or abuse may be gender biased, but still, a major portion of such incidents is targeted towards women which the World Health Organization reporting that almost 1 in every 3 women worldwide have suffered from domestic abuse at least once in their lives. Instances of domestic violence among men mainly stem from reasons such as poor education, alcohol and substance abuse, male privilege, women's insubordinate status, etc.²

In India, domestic violence has been a sad reality in many cases, partially because of the strong patriarchal bubble that the Indian society has been surrounded in and partially due to the high level of desensitization and normalcy that has been created in Indian homes, regarding the issue of domestic violence. Therefore, the introduction of the Domestic Violence Act, 2005 in this patriarchal setup of the Indian society becomes a crucial step towards the protection of women against domestic abuse. The act provides for a very

¹ United Nations. *Declaration on the elimination of violence against women*. New York: UN, 1993, (May 22, 5:22 PM), <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

² *Ibid.*

expansive definition of domestic abuse to include any physical, mental, sexual, verbal or economic abuse being committed on a victim.³The definition of domestic violence under the Domestic Violence Act becomes important because it addresses such forms of domestic abuse which were not expressly addressed in previous statutes, such as sexual and economic abuse. Sexual abuse such as marital rape was not explicitly included under the Indian Penal Code but is now given a proper, legal recognition under this Act.

Similarly, the long-standing practice of dowry and dowry deaths is dealt with under the ambit of economic abuse, which states that any acts done with the intention to abuse the victim or any other person related to her with the view to obtain assets or resources shall be considered to be economic abuse under this act. The provision against dowry death is also included in the Indian Penal Code, 1860 under section 498-A⁴ as cruelty towards the spouse, but the domestic violence act provides an explicit definition to it. The inclusion of economic abuse in Indian laws regarding domestic violence become especially important considering the Indian societal construct and the long-term practice of demanding dowry from the woman and her family. This also becomes a key point of difference between the global and Indian definitions on domestic violence and during these periods of global lockdown, the problem of domestic violence, irrespective of the form, just keeps on increasing.

THE NEXUS BETWEEN DOMESTIC VIOLENCE AND THE LOCKDOWN

As governments across the world impose a hasty and mandatory lockdown over its civilians, in order to prevent the spread of the coronavirus through ‘social distancing’ norms, they also unwillingly force the victim as well as their abuser to be confined under the vicinity of four walls. This has led to a massive problem in both developed and developing countries as in the state of lockdown, the victim is now trapped with the abuser in the confines of her own home, with no immediate relief available and the possibility of any future relief being second to none. In a state of lockdown, the victim’s access to a phone or other communication methods to report on the violence may be restricted by the abuser himself.⁵

³ Domestic Violence Act, 2005, Act No. 43 of 2006, Section 3.

⁴ Indian Penal Code, 1860, Act No. 45 of 1860, Section 498-A.

⁵ Girija Shiv kumar, *While Battling COVID-19, We Can't Let the Pandemic of Domestic Violence Continue*, The Wire (May 24 2020, 12:28 PM), <https://thewire.in/women/covid-19-lockdown-domestic-violence>.

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The link between domestic abuse and the lockdown lies in the obvious economic strain that is being experienced by people worldwide. With the lockdown in effect, in most of the countries worldwide, global economy is suspended, and businesses are losing money by the minute. With no source of income and the savings being depleted little by little, the populace is feeling the economic crunch. And this economic strain is what is contributing to the increase in domestic violence cases worldwide.

A study conducted during the times of the great depression⁶ concluded that there is indeed an increase in acts of domestic abuse, controlling behaviour and other such aggressive actions being done towards a spouse or a romantic partner during the times of economic stress or hardship. With the loss in income, depletion of savings and lack of employment opportunities⁷, a lot of frustration is build up inside a person. This frustration coupled with the inability to move out of the confines of the house vents itself in the form of domestic violence and abuse being hurled at the partner. Furthermore, recession related study⁸ shows that victims of domestic abuse tend to mitigate such abuse by seeking help from friends and family in ways such as emotional or temporary housing support but with the lockdown focusing on maintaining social distancing, in order to reduce the spread of the virus, even such measures are unavailable.

India is the most dangerous country for women in the world⁹ and even in the Indian scenario, the problem of domestic violence is further more troublesome. The same also holds true for neighbouring countries such as Afghanistan and Pakistan due to similarity of social and cultural interests. The stigma around domestic violence being considered as a couple's 'personal matter' makes it challenging enough to report on an abusive partner. In large families, reporting against the abuser can result in backlash from the family. Harassment due to dowry concerns, denial of sexual advances¹⁰ or the fear inducing, patriarchal mind-set of the Indian society are also some of the reasons which contribute to instances of domestic

⁶ Daniel Schneider, Kristen Harknett, Sara Mc Lanahan, *Intimate Partner Violence in the Great Recession*, National Centre for Biotechnology Information, U.S. National Library of Medicine, NCBI (May 24, 2020, 3:16 PM), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4860387/>.

⁷ Claire M. Renzetti, Vivian M. Larkin, *Economic Stress and Domestic Violence*, National Resource Center on Domestic Violence (May 29, 2020, 11:45 AM), <https://vawnet.org/material/economic-stress-and-domestic-violence>.

⁸ *Ibid.*

⁹ Thompson Reuters Foundation, 2018 (May 29, 2020, 1:12 PM), <https://poll2018.trust.org/>.

¹⁰ *National Family Health Survey*, International Institute of Population Sciences, (2019), <https://hetv.org/india/nfhs/nfhs3/NFHS-3-Domestic-Violence.pdf>.

violence against females in India. It is also significantly important and noteworthy to mention that even though men are also the victims of domestic and sexual abuse; their cases go highly unreported due to toxic masculinity and embarrassment related to reporting such cases.¹¹

Furthermore, due to the strong patriarchal constructs in Indian society almost half of the population, both men and women, believe that the partner is justified in beating their spouse.

¹²All these factors along with the inability to remove oneself from such an abusive partner or household can result in serious damage to mental health and wellbeing of the victim.

However, India is not alone in this predicament as even other developed countries such as the United States, China, France, Australia and United Kingdom, etc. are also facing similar complaints from its citizens regarding a sharp increase in domestic violence cases even since the lockdown has been imposed.¹³

THE EFFECTS OF THE LOCKDOWN

The increase in the time period of the imposition of the lockdown has led to a rapid increase in the number of cases of domestic violence being reported internationally. Governments across the world have reported a sharp rise in domestic violence cases and some have even deployed adequate measures to counter the situation as well. The World Health Organization described the surge in domestic violence cases as horrifying¹⁴. Moreover, The United Nations Population Fund (UNFPA) has flagged that for every three months that the lockdown continues, an additional 15 million cases are to be expected.¹⁵

Members of European Union also reported a rise of domestic violence cases by almost 33% within the first week of imposition of the lockdown.¹⁶The French Government has reported a

¹¹ *Sexual violence: prevalence, dynamics and consequences*, WHO, https://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap2.pdf.

¹² *Supra* note 9.

¹³ Melissa Godin, *As Cities Around the World Go on Lockdown, Victims of Domestic Violence Look for a Way Out*, Time USA, (30th May 2020, 8:07 PM), <https://time.com/5803887/coronavirus-domestic-violence-victims/>.

¹⁴ News Wires, *UN chief decries 'horrifying' rise in domestic violence amid virus lockdown*, France 24, (31st May 2020, 10:44 AM), <https://www.france24.com/en/20200406-un-chief-decries-horrifying-rise-in-domestic-violence-amid-virus-lockdown>.

¹⁵ UNFPA, *Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence*, Female Genital Mutilation and Child Marriage, (2020), https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_impact_brief_for_UNFPA_24_April_2020_1.pdf.

¹⁶ Press Release, *COVID-19: Stopping the rise in domestic violence during lockdown*, European Parliament News, (31st May 2020, 2:22 PM), <https://www.europarl.europa.eu/news/en/press-room/20200406IPR76610/covid-19-stopping-the-rise-in-domestic-violence-during-lockdown>.

one-third rise in domestic violence cases and the United Kingdom's National abuse helpline has reported almost 25% increase in requests for help.¹⁷ In the United States, domestic abuse caused due to gun violence jumped up to double digits in 20 metropolitan cities since the lockdown was imposed.¹⁸ Countries like China, Australia, Germany and Lebanon have also reported a huge spike in domestic abuse following the lockdown.¹⁹

The situation in India is also severe with a 21% increase in domestic violence cases since the lockdown has been imposed. A rise in cyber-crimes has also been reported. The situation is particularly dire in the state of Punjab which has seen a 50% rise in the reports of domestic violence against women.²⁰ A majority of the complaints were reported through online methods of communication like WhatsApp and email, thereby hinting towards the fact the abuser might be preventing the victim from using a mobile phone or any other source of verbal communication. However, like every cloud, the lockdown also has silver lining in it, as there has also been a considerable reduction in cases of eve teasing, rape²¹ and other crimes of sexual nature due to fewer people stepping out of their homes and stronger police presence in states.



MEASURES TAKEN BY GOVERNMENTS WORLDWIDE

In order to tackle the problems of domestic abuse during the lockdown, governments and organizations across the world have deployed various measures with a view to protect the victims of domestic abuse. In Argentina pharmacies have been declared as safe spaces for victims of domestic abuse to report their grievances. The French Government also has opened popup services to report instances for domestic abuse and has also provided paid for hotel rooms for victims to escape their abusers.²² Even Spain, where the lockdown procedures are

¹⁷ Explained Desk, *COVID-19 lockdown: How countries are dealing with the surge in domestic violence*, The Indian Express, (31st May 2020, 4:31 PM), <https://indianexpress.com/article/explained/how-countries-are-dealing-with-the-surge-in-domestic-violence-under-covid-19-lockdown-6350186/>.

¹⁸ Casey Tolan, *Some cities see jumps in domestic violence during the pandemic*, CNN, (31st May 2020, 5:03 PM), <https://edition.cnn.com/2020/04/04/us/domestic-violence-coronavirus-calls-cases-increase-invs/index.html>.

¹⁹ WOMEN, *UN backs global action to end violence against women and girls amid COVID-19 crisis*, United Nations, (31st May 2020, 8:29 PM), <https://news.un.org/en/story/2020/04/1061132>.

²⁰ Seema Sharma, *COVID-19 lockdown: Surge in domestic violence cases in Punjab*, DowntoEarth, (1st June 2020, 2:41 PM), <https://www.downtoearth.org.in/news/health/covid-19-lockdown-surge-in-domestic-violence-cases-in-punjab-70698>.

²¹ *Ibid.*

²² *Supra* note 18.

extremely strict, the government has allowed women to move out of their homes to protect themselves against domestic abuse. Italy has introduced a mobile application through which women can report domestic abuse.²³ Countries like Canada, Australia and Scotland have declared to provide funding for the protection of victims of domestic abuse. Similarly, India is also not too far behind on such initiatives.

The National Commission for Women has launched a WhatsApp number and has increased the number of its help lines.²⁴ Moreover, the Delhi High Court has ordered the central government as well as the government of NCT of Delhi to ensure that adequate measures are deployed for protection of women from domestic violence.²⁵ However discreet measures such as pop-in reporting areas or pre-paid hotels to escape domestic abuse still need to be established.

CONCLUSION AND SUGGESTIONS

The fact cannot be denied that the imposition of a state wide lockdown by the government was necessary to combat the coronavirus pandemic and thereby flatten the curve. However, it gave way for another “pandemic” to raise and wreak havoc. As discussed earlier, the lockdown has led to a rapid increase in domestic violence globally and reduced the ability of the victim to report it or get relief from it. With the abuser and the victim forced to cohabitate in the same home, the victim is rendered helpless and unable to report instances of domestic abuse. A sense of economic crunch, unemployment and patriarchal notions are some of the reason which has led to this rapid surge. Governments worldwide have taken cognizance of the matter, and some have also deployed adequate measures to address the same.

In suggestions, governments across the world need to crack down harder on domestic violence responses and need to dedicate more funding towards domestic violence shelters, increasing the number help lines, generating social awareness and ensuring establishment of safe environments where the victims of abuse can report against it. The Indian government

²³ *Supra* note 16.

²⁴ S. Rukmini, *Locked down with abusers: India sees surge in domestic violence*, Al-Jazeera, (1st June 2020, 4:05 PM), <https://www.aljazeera.com/news/2020/04/locked-abusers-india-domestic-violence-surge-200415092014621.html>.

²⁵ All India Council Of Human Rights, liberties And Social Justice vs. UOI, W.P.(C) 2973/2020& CM APPL. 10318/2020.

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too needs to ensure the welfare of victims of domestic abuse and show them that they are not alone in this fight.

As the ambiguity of the covid-19 lockdown continues, we need to own up to the existence of this “shadow pandemic” which is slowly creeping into our homes. We need to install faith and raise awareness about the situation and put the word out that the victims of domestic abuse are not alone in their fight and that the government is with them. And most importantly we need to understand the fact that if the situation continues, the words ‘stay home’ and ‘stay safe’ might not be as synonymous as they seem in this public health crisis right now.

