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DOMESTIC VIOLENCE: THE PHENOMENON OF SHADOW PANDEMIC ABSTRACT:

Violence against women and children is one of the most widespread and devastating human rights violations. Since the outbreak of pandemic, a global crisis, country went into lockdown where data and reportS show that violence against women and girls particularly domestic violence has intensified. Cases of COVID-19 continueS to strain health services, essential supplies, including domestic violence shelters and helplines. Women one of the vulnerable sections of the society are subjected to sexual and gender-based violence’s and pandemic is no exception to it. The term shadow pandemic narrated and developed by the international agencies, NGO, and activists describes the growing violence against women and girls in the midst of pandemic. Confinement is fostering the tension and strain created by security, health, and money worries1 . As more countries are under lockdown, there are also steep rise in domestic violence cases. India a land of patriarchal society where men is always perceived to be socially superior and exert power over women and using physical force is considered as a cultural norm. The UN Secretary general has also appealed to the member countries to prevent and redress the violence against women and to increase in online services and civil society organizations, and declare shelters2 . The legislations which are in place to address the issue are Domestic violence act and many sections in IPC which not only safeguard women from physical abuse but also emotional, sexual, verbal and economic abuse. But this pandemic has posed major challenges to implement these laws effectively. Despite government has adopted innovative measures and schemes to counter this issue like launching mobile app for complaint, One stop centre, Ujjawala homes, Emergency response support system, but the ground reality is different and still violence continue to prevail. Therefore, this paper tries to analyse the violence faced by the women society in this pandemic and the measures taken by the government and the National Commission for women and also tries to elucidate the possible solution to address the problem of gender-based violence in near future. 1 Violence against women and girls: the shadow pandemic | UN Women – Headquarters 2 Antonnio Guterress UN News -2020 INTRODUCTION: “The abuse of women and girls is the most pervasive and unaddressed human rights violations on earth” -Jimmy Carter Domestic violence, an age-old social evil which is committed against women and subjecting her to personal harm, abuse, injury, in a familial environment. Women are the most vulnerable sections of the society and are easily proned to violence and cruelties. Since historic times domestic violence is considered as a matter of private conflict and it is not considered as a public wrong and violation of human rights. According to National Family Health Survey 31.1% married Indian women between 15 and 49 years of age experiences Domestic violence3 . Violence against women and girls are a serious human rights violation and it is reported that one in three women worldwide faces sexual or physical violence by intimate partner4 . The world is stumbled and jolted by the COVID-19 pandemic. The countries across the globe witnessed the spreading of infectious disease and surge in COVID – 19 cases and more than three million have died worldwide. The world has completely gone into lock down to minimize the spread of virus which created an environment which is conducive to exacerbate existing violence against women. The concept of gender-based violence, gender stereotypes, sexual and health rights violation against women are more pervasive and deep rooted into the Indian society. This paper tries to analyze the violence faced by women especially the problem of domestic violence and the phenomenon of shadow pandemic and the factors contributed to the increase in magnitude of domestic violence against women in the midst of pandemic. It also attempts to explore the measures adopted by the government to help the victims of domestic violence and workable solution to weed out the problem of gender-based violence from the society. 3 International Institute for Population Sciences (IIPS) and ICF . National Family Health Survey (NFHS-4), 2015-16: India. Mumbai: IIPS; 2017. 4 WHO. Devastatingly pervasive: 1 in 3 women globally experience violence. Press release, 9 Mar 2021. https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experienceviolence PANDEMIC AND SURGE IN DOMESTIC VIOLENCE CASES Widespread of SARS virus from the Wuhan market in China, the World health Organization declared it as a pandemic and a global health crisis. In order to control the rampant spread COVID-19 virus the countries across globe imposed complete lockdown which has predominantly affected the socio-economic and political status of developed, developing and underdeveloped countries. It also furthers lead to a glaring issue of increase in domestic violence cases in all the above-mentioned countries which in turn violated and nullified the human rights and fundamental freedoms of women. The issue of domestic violence and abuse is not only towards women but also men are affected but the incidence and severity are much more for women. There are large number of factors contributing to the domestic violence from personal to structural factors. Isolation in home due to lockdown has magnified the issue and the development actors across the world like international agencies, NGO, research institutes, civil society, activist described the growing rates of violence against women and girls in this COVID-19 pandemic as shadow pandemic. In order to give real reflection of the new phenomenon and to prioritize the issue of sexual and gender-based violence in the midst of pandemic the term shadow pandemic was given aptly by the international community5 . National Commission for Women (NCW), reported that domestic violence complaints have increased by 2.5%. In 2019, the commission received 607 cases between March to May, while in 2020, they registered 1,477 cases. The main reason for increase in domestic violence cases are stress, anxiety, distress, economic constraints, depression and increased household responsibilities falling on the shoulders of women. The policy of stay at home to be safe and away from affecting by virus, has made the situation worse for women and children. Home remains the most dangerous place which puts the perpetrators, abusers, victims under the same roof and cannot weed out their grudge as they are confined to one room. Lack of Traditional support and remoteness to reach out legal redressal mechanism has made women community irrespective of the financial status or their locality of residence to suffer in the domestic environmnet. UN Women director has also described the situation 5 UN Women Executive Director Phumzile Mlambo-Nguka has called rise in violence against women and girls a ‘shadow’ pandemic (UN women.org, 6/4/2020). as “a perfect storm for controlling, violent behaviour behind closed doors6 . It is also found that zone wise increase in domestic violence cases, red zone as more cases than the green zone7 . INTERNATIONAL OBLIGATION AND LEGAL STAND POINT No doubt that violence against women and children has increased in this pandemic. UN Secretary general has also remarked that all member countries must take preventive and redressal mechanism to curb violence against women as one of the key national response policies in this COVID-19 to increase investment in online services and civil society organizations, and declare shelters as essential services. With rise in women movements and sensitising the issue of violence international conventions and declarations are also made to bring universal obligation on the States to protect and prevent violence against women. Domestic violence against women is also brought under the ambit of customary international law that even a non-member state, and states not a party to the conventions are also obliged to abide by the conventions and declarations8 . India is a party to various International conventions and declaration starting from UDHR, ICCPR, ICESR, CEDAW. The most prominent two conventions are CEDAW (Convention on elimination of all forms of discrimination against women, UN Declaration on the Elimination of violence against women effectively protects women from violence in any form. The fundamental law of the country that is Constitution of India also guarantees fundamental freedom and also lays down protective discrimination clause for women9 . It also divests responsibility on the state through Directive Principles of State Policies to give protection to women and prevent violence against women. The Indian legal standpoint on the issue is that it has both civil and criminal remedy to address the issue. Beijing declaration 1995 was incorporated into Indian legislation as Domestic Violence Act 2005, a corner stone legislation in addressing domestic violence issue. Apart from this Indian Penal Code and Criminal Procedure Code penalise the offenders and abusers in Domestic violence cases. Section 3 of the DV Act 2005 gives an inclusive definition for the term domestic violence which includes physical, sexual, verbal, emotional, economic abuse. The act also mandates for a Protection Officer to be appointed and also facilitation of shelter homes for the victims of abuse. It also states the powers and functions of various stake holders involved in these cases. It also speaks about various orders like protection orders, compensation orders, residence order, 6 Phumzile Mlambo-Ngcuka, Executive Director of UN Women,2020 7 w27562.pdf (nber.org) 8 United Nations, Economic and Social Council, Report of The Special Rapporteur on Violence Against Women at 27 B.1, U.N. No. E/CN.4/1998/54 para 8 (1998). 9 Art 15(3) of the Indian Constitution 1950 custody orders, monetary reliefs. In April 2013, the Indian Parliament amended the law, expanding its ambit to incorporate new categories of offenses and making punishment more stringent. But the victim could not access to these protection measures due pandemic and complete lockdown. MEASURES TAKEN TO END VIOLENCE As soon as the world community realized the seriousness of the violence committed against women and girl children especially domestic violence cases many rehabilitative measures have been taken to address the problem. United Nation forerunner in women empowerment has, launched Shadow pandemic public awareness campaign. It is sixty-second film narrated by Kate Winslet for humanitarian cause. It highlights the surge in domestic violence cases and to render support to the people who are experiencing such violence. French government announced that they would pay for hotel rooms for victims of domestic violence and open popup counselling centres. In Spain the victims are told to head to drugstores to seek help and say codeword “mask 19” if they cannot talk openly. A prosecutor in Trento, Italy, has ruled that in situations of domestic violence the abuser must leave the family home and not the victim. In the case of Italy, an app named ‘YouPol’ was initiated by the government that allowed victims of domestic violence to seek help without talking on the phone. In countries like Spain, Portugal and the US, gender-based violence services were declared essential ones10 . India has presently established 24/7 helpline numbers to be contacted by victims in times of distress, video conferencing mechanisms to deal with complaints that are surfacing and has closely tied up with child protection units and boards to address the issue. Judiciary has also played a commendable role in addressing the issue. Delhi high court took cognizance of case, where petition is filed by All-India Council of Human Rights, Liberties and Social Justice (AICHLS) to address the issue of Domestic violence cases. The court issued notice to Ministry of women and child development and National Commission for women to look into the issue and to curb shadow pandemic and also to increase the appointment of Protection officers. Many NGO platforms were ALSO formed to address the issues faced by women. One such platform is Streetlink allows women to exchange, share, collaborate with other women to find actionable solutions for their problems. A community radio program has also launched in Uttar Pradesh to raise awareness about violence against women particularly domestic violence. Campaign Bell Bajao (Ring the bell), initiative to join hands of men community to end domestic violence. 10 Surviving A ‘Shadow’ Pandemic: Domestic Abuse In The Time Of Covid-19 – CPS Home (iitb.ac.in) UP Police has launched initiative called “Supress Corona Not your Voice” to encourage reporting of crime. National Commission for women has also launched a Wats app helpline number to receive complaints and also launched Crisis Intervention Centre where counsellors accompany aggrieved person and to have recourse to legal protection and remedies. As far as Tamil Nadu is considered Pudukkottai district received highest complaints. A total of 13,447 complaints were received during the lockdown in the state. Tamil Nadu government has appointed counsellors, legal aid support system to help victims of Domestic violence. Karnataka government has adopted scheme called Santhwana which offers free legal aid, counselling, medical aid, to victims of domestic abuse. Jammu and Kashmir high court has also taken suo -motto cognizance of the increase in domestic violence cases in the pandemic and gave some guidelines that is to be followed by the government. The guidelines are to create fund, increase call-in services to facilitate reporting, increase telephone or online legal counselling, informal safe space reporting should be allowed and shelter homes in designated spaces like hotels, educational institutions should be created. CONCLUSION In the last 74 years of Independence, India is striving hard to uphold the basic ideals of democracy and fundamental freedoms of the individual. The State has successfully gained the political sovereignty but social and economic sovereignty for the common man is far reaching dream. That to women are facing lot of intersectional discrimination, abuses, subjected to many forms of violence. In 2011 population census, domestic work is added to the non-economic activity along with prostitution, begging. This is the place and honour we give for domestic chores. India a land of Patriarchal society was deep rooted with pervasive social norms, health system barriers, gender inequality, conditioned upbringing, muzzling voices, gender stereotypes are prevailing. These practices are rooted into the social norms and beliefs that deny women their bodily autonomy. Often women caught into domestic violence cycle without knowing they are abused and tolerate due to family pressure, social stigma, future of children, threat, economic reason, death threat or hoping for change. In most of the familial situation’s women are take it for granted and best interest of cjild is considered in most of the cases. A culture of silence, victim shaming put the women victim in fear and they are afraid to file complaints. Irrespective of the factors like whether the abuser is literate or illiterate, and the victim whether financially sound or not domestic violence occurs. Therefore, the problem lies with the society and it is the need of the hour to have social engineering policies and societal reforms. SUGGESTIONS The following suggestions may be adopted to curb the intimate terrorism and weed out the social evil from the society. 1. Access to education and employment opportunities in order to have financiall autonomy and bodily autonomy 2. Awareness about sexual and reproductive rights of women 3. Encouraging youth, women, girls in policy making to have s positive ripple effect 4. Information and services should be made available to make healthy choices 5. Increasing appointment of Protection officer 6. Increse in shelter homes and strengthen infrastructure policy 7. Addressing Domestic violence in this pandemic should be considered as essential service and adequate funding must be allocated to address the issue 8. Clear window for assisting women and online platforms as suggested by UN Women director 9. Unemployment pension 10. Free legal aid and sound counselling system BIBLIOGRAPHY 1. Prajna Kariappa, THE PLAGUE OF THE SHADOW PANDEMIC: ANALYSIS OF INDIA’S SOCIO-LEGAL OBLIGATIONS K. Bennett Journal of Legal Studies [Vol.2, Iss.1] 2. UN WOMEN,The Shadow Pandemic: Violence against women during COVID-19 3. Maryjacob Okwuosa, The “shadow pandemic”: what’s in a narrative? 4. Gendered Experiences of COVID-19: Women, Labour, and Informal Sector, Economic Political weekly 5. The ‘Shadow’ Pandemic Of Domestic Violence In India,The Column of Curae 6. Rishika Tomar And Pratap C Mohanty,Tackling the shadow Pandemic of rising domestic violence, THE INDIAN EXPRESS 7. Girija Godbole , Surviving a ‘shadow’ pandemic: domestic abuse in the time of Corona 8. Sesha Kethineni, Violence against women in India: Legislative and policy reforms, Feb 23, 2017 9. COVID-19, Domestic Abuse and Violence: Where Do Indian Women Stand? Economic and Political Weekly (epw.in) 10. 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