

**“Everywhere,
yet invisible”**



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The quarantine paradox: the global rise in domestic violence amidst the Covid-19 pandemic

Pandemics, wars, and disasters are defining features of human civilization. The Covid-19 pandemic which was unprecedented in human history wreaked havoc on the nation-states around the globe. In the absence of vaccines and properly identified measures to contain the spread of the SARS-COV2, strict nationwide lockdowns and quarantine measures were enforced as an effective health strategy to prevent further casualties and the spread of the virus. However, under these circumstances created by the pandemic, another largely neglected issue was looming behind the scene, the issue of domestic violence (domestic violence) against women, which has been rightly termed as a pandemic within the pandemic. Therefore, the objective of this chapter is twofold, firstly it seeks to analyze the impact of the Covid-19 pandemic on the surge in cases of domestic violence against women and secondly, it attempts to establish a nexus between the rising cases of domestic violence and the Covid-19 pandemic.

Introduction

“...I appealed for an end to violence everywhere, now. But violence is not confined to the battlefield. For many women and girls, the threat looms largest where they should be safest. In their own homes. And so, I make a new appeal today for peace at home — and in homes — around the world.... I urge all governments to make the prevention and redress of violence against women a key part of their national response plans for Covid-19. Together, we can and must prevent violence everywhere, from war zones to people’s homes, as we work to beat Covid-19.” - António Guterres (Guterres, 2021)

The aforementioned speech by the ninth Secretary-General of the United Nations reminded us about the looming crisis that was waiting to unleash itself in the backdrop

of nationwide lockdowns and quarantine measures imposed to tackle the Covid-19 pandemic. Rightly termed by many authors and experts as a “Silent pandemic”, an “invisible pandemic”, “ticking time bomb” or a “perfect storm.” (Davies and Batha, 2021) Increasing domestic violence against women during the pandemic was no more illusory but indeed a reality, reverting the long-term gains and progress made by women all around the world to fight against oppression.

Violence against women is a common theme and highly prevalent around the world with every nation-state bearing its own burden. Statistics by the World Health Organization reveal that globally, 1 in 3 women worldwide have encountered physical, sexual, and mental violence in their lifetime with most of the cases being of intimate partner violence and domestic violence against women. (WHO, 2021) This type of violence is faced by people of all cultures, sexual orientations, races and genders, belonging to different religions, and socioeconomic classes. However, such violence is inflicted disproportionately with groups like elderly people, those suffering from HIV/AIDS, communities of colour and other marginalised groups being most vulnerable to domestic violence. (Evans, Lindauer and Farrell, 2021)

While data reveals that in the previous 12 months, 243 million women and girls aged 15–49 years worldwide have been subjected to sexual, physical, and mental violence by their perpetrators who are most likely to be intimate partners, there is an expected increase in these projections due to the Covid-19 pandemic (Kumar, 2020). Factors such as isolation combined with economic stress due to increased unemployment, psychological trauma and mental health attributed to the augmented role of women in the household during the pandemic, a

potential increase in negative coping mechanisms such as excessive alcohol consumption and substance abuse along with limited access for the victims facing domestic and family violence to call for help (Usher et al., 2020) are at the forefront for aggravating this silent pandemic.

Shreds of evidence are scattered all throughout history that violence against women tends to increase during disasters and pandemics. Studies have shown that there was a surge in gender-based violence (Anon, 2021) (European Commission, 2021). Intimate partner violence during disasters such as the Haitian earthquake in 2007, hurricane Katrina in 2005, the South Asian Tsunami of 2004 and recent outbreaks such as Ebola, Zika, Nipah virus spread to name a few (Mittal and Singh, 2020; Kaukinen, 2020).

(UNFPA, 2021) According to a document released by UNFPA disease outbreaks affect men and women differently with women facing more impact and burden as a result of breaking down of social infrastructure and increasing household tensions thus compounding the existing conflicts and vulnerabilities. During the extraordinary spread of Covid-19, a similar pattern was visible, in the absence of a vaccine and effective treatment combined with high rates of mortality in early 2020, social distancing, lockdowns, isolation, and quarantine measures were adopted by countries as a dedicated public health strategy to slow down the spread of the virus (Kumar, 2020). This led to substantial modifications in the lifestyle of individuals with work from home and social distancing becoming the norm, people faced serious socially disruptive and psychological consequences resulting in the quarantine paradox (Mittal and Singh, 2020). How these quarantine measures led to a surge in domestic violence against women can be attributed to characteristics of the safety

measures imposed which not only brought the victims near their abusers but also made it easier for the perpetrators to exercise control over the victims by limiting their access to phones, the internet, and community help.

Despite rising cases of domestic violence and cry for help that echoed throughout the globe, many authors and researchers have expressed a word of caution while linking the surge in domestic violence against women to the Covid-19 pandemic in the absence of preliminary large-scale data and sufficient research due to sensitivity of the issue, where most of the cases of domestic violence go underreported due to societal pressure and family concerns. (Evans, Lindauer and Farrell, 2021) However, it is suggested in this paper, that there is enough preliminary data and findings to support the surge in the cases during the Covid pandemic. According to a report released by the Center for Global Development, where 15 studies were undertaken linking violence against women and children to Covid-19, 12 of the papers or 80% find exclusive evidence of increased violence. (Bourgault et al., 2021)

Similarly, another interesting study (Xue et al., 2020) aimed to overcome the limitations of lacking data on the consequences of Covid-19 and family violence analyzed over 1 million tweets from April to July 2020 using machine learning approach revealed that in a large scale tweets data set people have been actively discussing family violence in the context of Covid-19 with physical aggression and coercive control forming two primary forms of domestic violence. Furthermore, data collected by various NGOs, Women groups and organizations from indirect government sources reveal alarming situations throughout the globe, with France reporting a 32-36% increase in domestic abuses following the implementation of lockdown measures, 25% increase in emergency calls

for domestic violence were observed in Argentina, while in the U.K there were reports of homicide and suicide associated with family violence. (Evans, Lindauer and Farrell, 2021)

The reasons why domestic violence continues to exist

It was noted earlier that while domestic violence is a ubiquitous problem affecting men, women, boys and girls, in most cases, women and girls are the primary targets of such abuse. As also noted earlier, domestic violence is often perpetrated by an intimate partner or someone who is close to the victim who is being abused. In most cases, such violence goes unreported or underreported because of the fear, intimidation and shame victims feel as a result of the perpetrators of such violence. Additionally, many women still live in cultures where there are religious, cultural and patriarchal modes of thinking as well as gender stereotyping of women which only perpetuates the cycle of violence against women, an issue which is discussed in greater detail in the literature below. (Stephens, 2017)

In many cases as well, such victims also do not report domestic violence due to a feeling of helplessness, as they are also intimidated by the adversarial judicial system, which in many cases, only amplifies and exacerbates the problem for victims. (Stephens, 2017) This is due to the fact, both states and state officials including police officers, in the past were reluctant to get involved in “domestic” affairs and often did not take reports made by women seriously. As such, victims were often left without proper redress against perpetrators of domestic violence, as domestic violence was regarded as a “private” matter between the husband and wife or intimate partners, and not a matter to be dealt with by the state or its officials.

Similarly, even International law focused primarily on the law of nations and did not focus on domestic matters which were considered outside its purview, thus making states reluctant to intervene in so-called “private matters” to be resolved within the family. However, with the rise in International Human Rights Law and growing consciousness of the society in contemporary times, states can no longer ignore the issue of domestic violence against women. Moreover, they can no longer class it as a “private” matter, but must take affirmative action in resolving this growing problem. This is especially necessary during the time of protracted pandemics such as Covid-19 which have resulted in the exponential increase in the cases of domestic violence being reported globally. Further, states have an international obligation to ensure that matters involving domestic violence are taken seriously due to the fact that such cases threaten to derail the significant achievements and advancements made in respect of women’s rights and particularly the achievements made against Gender Based violence against women.

Definition and scope of the problem globally

Domestic violence is a form of Gender based violence and has been defined by the United Nations under the United Nations Declaration on the elimination of violence against women as “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 private.” (United Nations Declaration on the elimination of violence against women, 1993; WHO, 2021) domestic violence is also referred to by the UN as intimate partner violence which refers to the conduct by an

intimate partner or ex-partner which results in physical, sexual or psychological harm including physical aggression, sexual coercion, psychological abuse or controlling behaviours. (WHO, 2021) domestic violence is by no means a new phenomenon, but within recent times in light of the global Covid-19 pandemic, this problem has been exacerbated and magnified exponentially.

It is estimated that throughout the world, intimate partner violence was prevalent and accounted for 20% of the cases in the Western Pacific, 22%, in high-income developed countries such as Europe, 25% in the Americas, 33% in Africa, 31% in the Eastern Mediterranean region and 33% in South East Asia. (WHO, 2021) The WHO, (2021) also noted that globally as many as 38% of all murders of women (also known as femicides) are committed by intimate partners.

Additionally, the WHO, (2021) also highlighted the fact that the lockdowns during the pandemic and its socio-economic impacts, increased the exposure of women to abusive partners and to the risk factors for abuse while diminishing their access to services, including access to women's shelters, helplines, emergency services and other safety features such as safety apps and therefore exacerbated the existing violence against women which are discussed in more detail in the research below. Reports have also shown that the perpetrators used Covid-19 information and fear as a coercive control mechanism itself, either by spreading misinformation about the quarantine measures and extended lockdown or exposing the victim and their children to fear and threat of contagion as an apparatus of abuse. It is important to note that violence against women and girls is not only a major human rights issue, but is also a major public and global health problem. It was noted by the WHO (2021) that violence against women and girls can negatively impact

a woman's physical, mental, sexual and reproductive health and may even increase their risks of unwanted pregnancies, abortions and acquiring HIV in some cases. (WHO, 2021)

Given that domestic violence not only impacts the human rights of women but also impacts the overall health, emotional and mental well-being and even the mortality rate of women and girls globally, much more must be done by states both internationally and domestically to address this growing public and global health concern.

International legal framework of protection against domestic violence

Internationally, there are several treaties which contain provisions to protect the rights of women and girls against Gender Based violence and domestic violence although none deal specifically or in great detail with the issue of Gender based violence or domestic violence. In fact, it was noted by Mc Quigg, (2016) that domestic violence was only recently recognized as falling within the ambit of international human rights law. Nevertheless, some of the International Instruments dealing with domestic violence include but are not limited to, the Universal Declaration on Human Rights, The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture (CAT), The Convention on the Elimination of All forms of Discrimination Against women (CEDAW), the CEDAW Recommendations 19 and 35 and the UN Declaration on the Elimination of Violence against women to name a few.

In particular, Article 1 of the Universal Declaration on Human Rights establishes that all human beings are born free and equal in dignity and rights. Article 3, also

establishes that “everyone has the right to life, liberty and security of the person” while Article 5 notes that no one shall be subjected to torture, or to cruel inhuman and degrading treatment or punishment. Additionally, Article 7 states that “all are equal before the law and are entitled without discrimination to equal protection of the law”, while Article 8 notes that everyone has “the right to an effective remedy by a competent national tribunal for acts violating their fundamental human rights.” Although the Universal Declaration on Human Rights is a non-legally binding instrument, it is still considered to be part of customary principles of international law and most of the provisions of the Declaration are found in legally binding international treaties such as the ICCPR and the ICESCR.

For instance, Article 3 of the ICCPR provides that states have an obligation to ensure the equal rights of men and women to the enjoyment of all civil and political rights set forth in the Convention. Article 6 also provides that every human being has the inherent right to life which shall be protected by law and no one shall be arbitrarily deprived of his life. Article 7 of the Convention also provides that no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment and Article 9 guarantees the right of everyone to liberty and security of the person. The ICCPR is a legally binding International Human Rights treaty and guarantees the equality of treatment to both men and women under the law. It also guarantees that both men and women would not be subject to torture or to cruel, inhuman or degrading treatment or punishment. Domestic violence can be characterized as a form of torture or inhuman treatment, and as such women and girls would be protected from such acts of physical, sexual, emotional or psychological harm under the ICCPR Convention as well as

under the UN Declaration on the Elimination of Violence against women.

The ICESCR Convention also establishes and guarantees a right to health under Article 12 which states that States recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This provision is important in protecting the rights of women and girls not only to, not be subjected to torture or cruel and inhuman treatment arising from physical, sexual, and psychological abuse but also it protects their inherent right to physical and mental health. This is because it recognizes that women who are abused may suffer both physical and mental abuse as a result of domestic violence and specifically as a result of physical and sexual violence.

The Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment also establishes a Committee Against Torture and this Committee is established to review claims on violence against women and particularly claims involving sexual violence against women and gender-based acts of torture within the purview of the Committee. (Minnesota Advocates for Human Rights, 2003) In a number of cases before the ECtHR as well, domestic violence was found to be an act of ill treatment or torture pursuant to Article 3 of the Convention. In this regard, the case of *Rumor v Italy* and *Valiuliene v Lithuania* are highly persuasive authorities. (Mc Quigg, 2016)

In addition to the Right to health under the ICESCR and the rights of women and girls to not be subject to torture or other cruel, inhuman or degrading treatment under the ICCPR and CAT Conventions, there are also the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) and General Recommendations 19 and 35 of the Convention. Although the CEDAW Convention does not mention



domestic violence or Gender Based violence specifically, General Recommendations 19 and 35 clarified the position of the CEDAW Committee on Gender based violence. They confirmed that under Article 1 of the CEDAW Convention, gender based violence does constitute discrimination against women. As such, domestic violence which is one form of Gender based violence would therefore constitute discrimination against women.

Although the aforementioned Conventions do not specifically deal with the issue of domestic violence or Gender based violence per se, they do elaborate on various protections for women against domestic violence and are therefore critical for the protection of the rights of women. It is foreseeable that there is a need in future for the creation of a Human Rights Treaty that deals specifically with the issue of domestic violence as a form of Gender based violence.

Such a treaty would be necessary to afford greater protection to women at the International Level, and to assist in clarifying and expanding on the rights contained in the other rights-based treaties concerning Gender based violence against women and girls. Moreover, given the exponential increase in cases of domestic violence globally, it may be critical for the creation of a Treaty that deals specifically with Gender based violence and to set out provisions on protection of the rights of women against domestic violence under this treaty. However, these Conventions would be meaningless unless states actually incorporate the provisions of these treaties into their domestic laws, in order to guarantee adequate protection of women at the domestic level.

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“Locked down with the abuser”: The Covid-19 pandemic consequences on domestic violence and on the access to justice for women in India

With a population of 1.36 billion Indians, composed of an average of 48% of women, India has been placed at the center of discussions concerning domestic violence following the Covid-19 pandemic. Domestic violence is indeed a widespread issue in India, with an average of 30% of Indian women being subject to these abuses according to the National Family Health Survey 2015-2016. Despite the prevalence in domestic violence in India, it appeared that this issue was not among the top priorities of the Prime Minister Narendra Modi, in his speech addressing the necessary battle against the coronavirus pandemic in April 2020. He detailed seven promises he wanted every Indian citizen to make to fight against the Covid-19 from home, including “taking care of elders, especially the ones who have existing ailments, following social distancing, using home-made masks, improving immunity and download Aarogya Setu mobile app for assistance, helping poor families by providing them food, being empathetic towards workers and employees, and do not end their employment [as well as respecting] coronavirus warriors like doctors, nurses, sanitation workers”. However, Prime Minister Modi did not mention at any moment women and especially the domestic violence issues they are facing. This deliberate omission of Indian women in his speech, which demonstrated a certain lack of understanding and attitude of nonchalance to the realities women face, already provided insight into the position that would later be adopted by the Indian authorities in the treatment of the pandemic situation and subsequent solutions provided against domestic abuses and women’s difficulties in accessing the judicial system. Providing that the institutionalized patriarchal form of the society remains predominant in the country, the case of India

needs to be addressed to point out the way in which this particular system has contributed to the observed domestic abuses against women in India during the lockdown. Similarly, the dowry system, and other historical cultural practices that are being perpetuated within the country and its social structures, as well as the strict repartition of gender roles within the Indian society embody additional facts that make the Indian context specific. Domestic violence practices are therefore rooted in the society, considering that “52% of women and 42% of men believe it is justified for a husband to hit his wife.” (Nikore, 2020)

The upcoming analysis will therefore aim at demonstrating the consequences of the Covid-19 pandemic for domestic violence and in particular for the access to justice for women in India. In the meantime, it will highlight the initiatives that have been implemented by national authorities and NGOs to counter this impact and also put forward other measures that could have been taken to make sure that the “shadow pandemic” would not have reached India to such an extent.

The legal context of domestic violence in India

Regarding the legal answer provided by India to domestic violence at different scales, India committed to the 1993 Declaration on the Elimination of Violence Against Women which declares that “states should pursue [...] a policy of eliminating violence against women [by] developing penal, civil, labour and administrative sanctions in domestic legislation” to these abuses. Indian authorities reaffirmed their commitment to this international Declaration in 2019. This however did not translate in real progress for women’s protection in the country, with an

observed increase of 12% of crimes committed against women in India between 2016 and 2018, as evidenced by data provided by the National Crime Records Bureau.

At the national level, the Indian Constitution that became effective in the country in 1950, states in Article 14, the principle equality of its citizens before the law, and provides in its Article 15 positive affirmations in favour of women and children rights, including the “possibility for the state to create special provisions for protecting the interests of women and children.” (Article 15(3) of the Indian Constitution) The 1983 Criminal Law Act was the first Indian legal act to acknowledge the reality of domestic abuses and provide a legal response, by making “cruelty to the wife by the husband or his relatives” reprehensible. Nevertheless, the 2005 Protection of Women Against Domestic Violence Act, adopted with the support of the UN Trust Fund to End Violence Against Women, has from its origin, aimed at reducing those outstanding numbers of domestic abuses. According to the Executive Director of Lawyers Collective Women’s Rights Initiative, it indeed “marked a radical change [by] recognizing domestic violence as a violation of the human rights of women.” (UN Women, 2012) It therefore enabled a significant reduction of dowry violence within India (Joseph and al., 2017) and a rise in reported cases of domestic violence in the country.

Even though these legal enactments have already enabled a relative evolution towards the punity of domestic abusers in India, there is still a long way to go for the country. A survey conducted by the National Family Health indeed comes to the conclusion that “domestic violence is [still] not being considered as a serious crime” in India and that this kind of actions are regarded as

justified in certain circumstances, such as an argument or a disobedience of the wife. (Nigam, 2020) Legal advisers therefore point out that, despite economic rights guaranteed by the 2005 Domestic Violence Act and the widening definition of domestic violence that was provided by the law, “the assurances made in the act have not been actualised when we examine the cases which are filed under this act.” (Agnes, 2019)

During the Covid-19 pandemic: the rise of domestic violence in India and the issues triggered for the access to justice for women

After the nationwide lockdown was announced by Prime Minister Modi on March, 22nd, 2020 and extended to May, 3rd, 2020, domestic violence has been exponentially rising throughout the country. Between March, 23th, 2020 and April, 16th, 2020, the National Commission for Women (NCW) has registered no less than 239 domestic violence complaints, a few of them being received through the WhatsApp number that was launched by the Commission. (Joy, 2020) A report published by the Indian NCW in mid-April 2020, even pointed out a rise of almost 100% in domestic violence in India during the lockdown period.

In normal times, domestic violence is exacerbated due to men’s unemployment and lack of economic independence for women. These two specific parameters were amplified by the Covid-19 pandemic, which contributed in making domestic violence cases higher during that period. (Agarwal, 2021) Nevertheless, the decision made by Indian authorities to establish a strict lockdown in the country was passed abruptly, which did not leave women that were victims of domestic violence enough time to look for a safer place where they could have avoided

being locked down with their abuser.

These data must therefore be taken with caution. While studies have pointed out an underreporting of domestic violence and crimes against women for many years (Joseph, and al., 2017), the pandemic and conditions of the lockdown imposed in India seem to have accentuated this phenomenon. Women have indeed found it even more difficult to access social services and to denounce abuses to which they were victims. Lots of Indian women did not have easy access to the Internet - given that “almost 57% of the women are not having access to phones” (EPW Engage, 2020) - or to the post, that would have enabled them to reach out easily to the NCW. On that subject, Sharma shares his feeling, “I am afraid the actual numbers would be higher.” (Ratnam, 2020)

Moreover, as the pandemic and the lockdown slowed down every single aspect of socio-economic life, it had the same impact

acknowledged the rise of domestic violence in the country, by recognizing the need for them to act against this scourge in this unusual period. They have therefore “classified domestic violence shelter and support services as essential.” (UN Women, 2021)

Several helplines - some of them being 24-hour helplines - and WhatsApp numbers, which were run by the Indian authorities or led by NGOs - the NCW’s helpline for instance compiled 33% of domestic violence complaints (Nikore, 2020) - were also implemented to allow women to reach out for help from their home and seek assistance or counselling. Surveys undertaken to assess the impact of helplines on the mental health of women that were victims of domestic violence have demonstrated that they, “were less likely to report suicidal thoughts, [...] underscoring the importance of facilities offering women a haven.” (Jejeebhoy and Santhya, 2019)



on the judicial life of India, where “only the most dire cases [of domestic violence] seem[ed] to be addressed.” (Ratnam, 2020) Providing that these domestic abuse cases are considered as “civil disputes and are filed in lower courts [which] are only open for emergency hearings” (Ratnam, 2020), cases related to these violence often came last in the court corridors. Therefore, while Indian women were even more vulnerable and subject to domestic violence than before, they faced at the same time even more challenges in accessing justice, and being able to be listened to and accompanied in their denunciation of such abuses.

Variety of initiatives undertaken by Indian authorities and NGOs against domestic violence

Following the outbreak of the pandemic in the country, Indian authorities have During the lockdown, an emphasis has also been put on making sure that “existing government schemes such as One Stop Centres, and the Emergency Response Support System remained operational” throughout the pandemic. (Nikore, 2020) Among other initiatives, campaigns were developed both by the NCW and by state governments, including the “Suppress corona, not your voice” campaign in Uttar Pradesh and the #LockdownOnDomestic Violence campaign, aiming at raising awareness in the population on domestic abuses. Similarly, the ‘Stand up Against Violence’ web app was implemented by the Government of Maharashtra to provide women with contact details of state and non-state organizations that they could rely on to get help.

Furthermore, knowing that alcohol consumption contributes to domestic violence, officials of some Indian states decided to take measures aimed at banning or restricting men’s consumption during the

lockdown. However, this initiative did not have in any cases the expected impact on domestic violence, as it would have eventually resulted in aggravated abuses, which led India to reopen alcohol shops in early May 2020 after having closed them on March, 24th, 2020. (Srivastava and Harrisberg, 2020) This also demonstrates the prioritization of economic stakes by state agencies over women’s social and health issues during the pandemic.

At the state level, several executives of states, such as the Odisha Director General of Police in mid-April 2020, have taken legal instructions regarding the filing of complaints on domestic violence. They took the decision to enable victims “not to go down to the police station to file a complaint [as] the police [would] reach the spot on receipt of the telephone.” (Goel, 2020) NGOs have also taken legal - but non-binding - initiatives against domestic violence, petitioning courts to encourage them to “issue directions to the state to provide protection to women and children.” (Nigam, 2020)

Limited results of the implemented initiatives

Despite these many initiatives put in place during the lockdown by the Indian government and NGOs to stem the rise in domestic violence cases in India, experts agree on the fact that the efforts have not gone far enough, and that more could have been done to ensure the defense of women against their abusers.

The protection of women should have been considered a higher priority, especially regarding previous perpetrators of those violence who were freed from overcrowded jails during the pandemic and were therefore able to return home. (Ratnam, 2020) The “presence of perpetrators and the inability of the victim to move away from them” go a

long way towards explaining the reluctance of some women to report the domestic violence issues that they were facing throughout the lockdown. (Sharma, 2020) The Delhi Commission for Women witnessed for instance a drop in calls denouncing domestic violence, which went from 808 calls between March, 12th and 25th, 2020 to 337 in the period from April, 7th to April, 20th, 2020. (Joy, 2020)

Even though support services were considered essential by Indian authorities, NGOs were not labelled as such by the Ministry of Home Affairs after the 2020 outbreak of the pandemic, which complicated their interventions alongside women who needed support on every part of the Indian territory. (Krishnakumar, Verma, 2021) Similarly, the travel restrictions that were imposed prevented families from providing support to victims, which could neither rely on their neighbours due to physical distancing norms. At the same time, the police did not manage to provide the help that was lacking from NGOs, providing that “investigating domestic disputes [was] often not considered a priority”, compared to the enforcement of the lockdown. (Ratnam, 2020)

Nevertheless, the Indian ‘pyramid of reporting’ places at its basis informal sources, such as family, friends and neighbours, that are being preferred by victims of domestic violence to institutional routes to talk about their abuses and find support in their decision to report them to the Indian judicial system. (Jacob and Chattopadhyay, 2019) The difficulty for those women to keep contact with their relatives and social networks during the addressed properly and in a limited time by courts. The activity of helplines was therefore largely undermined by the incapacity of Indian authorities to take over complaints properly and undertake necessary

legal actions against those abusers and to ensure rescue of victims beyond telephonic counselling. The AALI (Association for Advocacy and Legal Initiative) argues that the initiatives that have been undertaken by Indian authorities turned out to be highly insufficient in dealing with domestic violence, claiming for “a lack of sense of urgency.” (Mittal and Singh, 2020)

Conclusion: The way forward for India following the pandemic and its disastrous impact on women’s rights in the country

With an amount of 430 000 deaths since January 2020 and an average of 250 domestic violence complaints per month during the lockdown, the Indian population, and especially its women, has taken on the heavy burden of the Covid-19 pandemic. This pandemic has shed light on the necessity for India to invest in women impacted by the virus, as well as put forward “the need to provide resources like healthcare, education and training for women.” (UN Women, 2021)

An emphasis should first be put on education provided by the Indian state to young girls, who have been among the first to suffer from the pandemic, as almost 1.5 million schools were closed across the country during the lockdown. (UNICEF, 2021) Education should enable those women to be more aware of legal issues that lie behind domestic violence they might encounter in their marital life. While “only 4% of all women who experienced domestic violence [in India] approached legal aid cell or NGOs” even before the Covid-19, education should empower those women to enable them to speak out, especially on social media, against the violent acts they are facing. (Krishnakumar, Verma, 2021) Moreover, school closures contribute in making girls more vulnerable to child marriage, which make them “more likely to

experience domestic violence” to future domestic violence while education contributes in decreasing violence. (UN ESCAP, 2020) Given that domestic violence is deeply rooted within Indian society and the only response provided to these abuses is often silence of women that do not dare speak out, especially in rural and poor areas of the country, awareness should be promoted by a fair access to education throughout the country. The recent development of social media has indeed already enabled a higher awareness among women, who are being more proactive and aware, but data demonstrate that there is still a long way to go and that education should continue being promoted in the future.

With the current movements of empowerment of the civil society and the growing role of NGOs in India, additional funds should be awarded by the government in order to support these organizations who were on the front line during the pandemic and seek on a daily basis to promote women’s rights and protect those women from domestic violence. The specific context of the pandemic has indeed demonstrated the leading role of these groups and their innovative initiatives, including helplines and awareness campaigns, alongside women in need of help and support.

Concerning the economic sphere of Indian society, the pandemic has put forward the negative effect of women’s low economic resources. The dependency of wives on their husbands has contributed in making these victims even more reliant on their abusers. Financial independence of Indian women embodies an ideal to which the Indian society should aspire in decades to come, through an incorporation of women in the workforce of the country. While studies have demonstrated that “Indian women and girls put in 3.26 billion hours of unpaid care work every day”, an investment should therefore be achieved

in the formal and informal care economies, which would “generate around 69 million jobs by 2030 in India” , and promote the emancipation of women from their husbands and potential abusers. (UN Women, 2021)

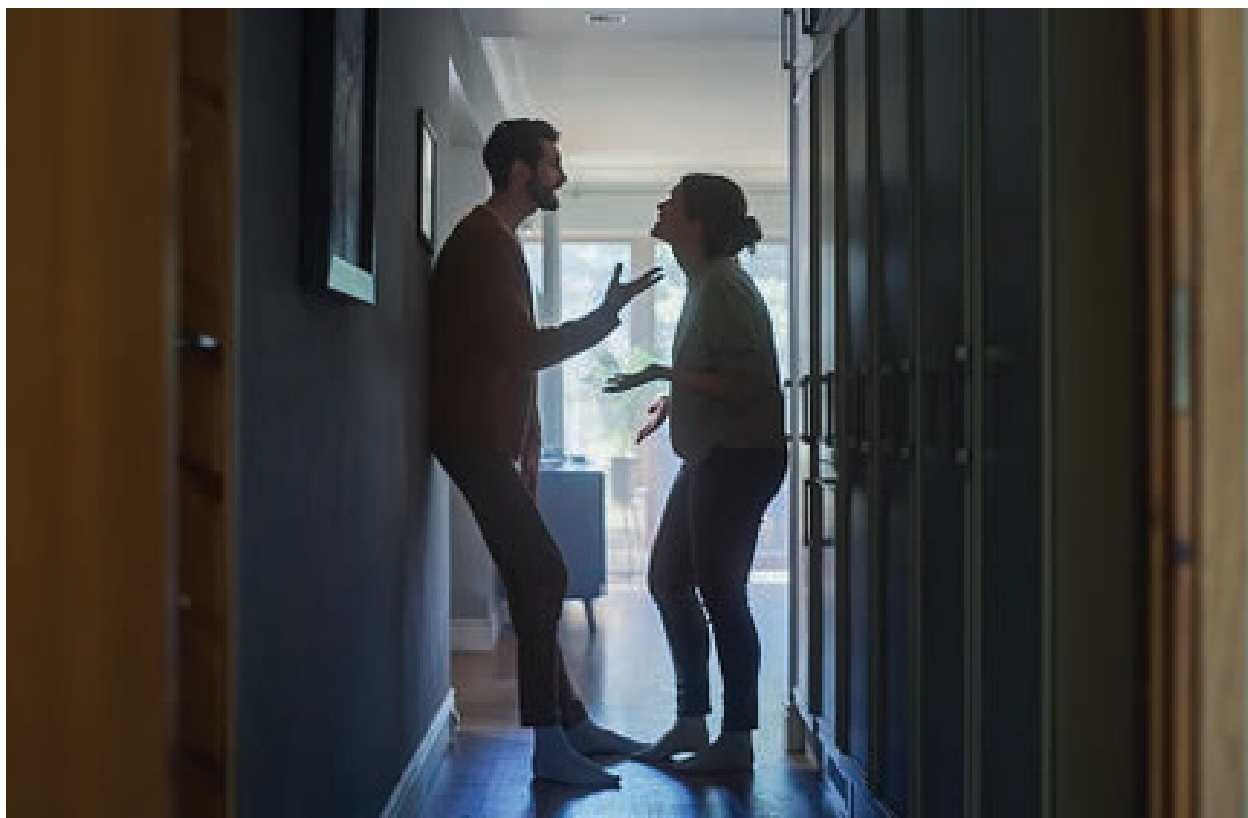
Finally, this pandemic and the difficult access to justice faced by Indian women has pointed out the necessity for the whole Indian judicial system to be questioned and to evolve to “challenge the subversive patriarchy [reproduced in] judicial narratives.” (Dutt, 2018) However, as legal reforms are known for their “lack of understanding” of domestic violence and the needs of these victims, cultural practices and social patriarchal structures that are being perpetuated through justice mechanisms often prevent the system from being more effective in tackling domestic violence and their long-lasting effects on women’s health and rights in India. (Dutt, 2018)

In order to tackle domestic violence, especially in times of pandemic, the Indian legal system should be more reactive, not “acting as passive observer of violence” but changing its mindset towards women. It should indeed contribute to making these violence disappear through restoring women’s faith in justice, without constantly referring to the woman’s role as a wife but as an individual that should have equal rights and support provided by the justice than men. (Suneetha and Nagaraj, 2005) Alternative legal answers which are put forward in some rural communities are local women’s courts, that would provide women with better protection and social support within their community.

Whether in the domain of education, economy or justice, the Covid-19 pandemic and its impact on domestic violence have put forward the difficulties faced by the Indian government in providing the necessary legal response to these abuses and in supporting women who have the courage to speak out. It

is now time for the Indian authorities to take the measure of the efforts needed in order to make sure that women, in normal times as

well as in the event of a new upsurge in the pandemic, would find in the judicial system an ally and not an enemy in their fight against domestic violence.



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“Everywhere, yet invisible” A study into the rising domestic violence cases against women in China during the Covid-19 pandemic

China was one of the worst affected nations hit by the pandemic, taking it over like a storm. According to Xiaowei Ma, Director of the National Health Commission (NHC) of China, “Covid-19 pandemic has been the public health emergency with the fastest transmission speed, range of infection, and the most problematic prevention and control since the establishment of the People’s Republic of China in 1949.” (Zhang, 2020) Like everywhere else in the world, strict quarantine measures were introduced in China, and women were undoubtedly fighting at multiple fronts tackling the dual burden of juggling between work and home responsibilities. However, their contributions and essential roles were never highlighted and made visible during the pandemic. (Yiping, 2021)

China has the distinction of having the world’s largest population. The seventh population census of China conducted in 2020 reveals that the overall population rose to 1.412 billion in 2020, from 1.4 billion a year earlier. However, the number of new births fell consecutively across China for the fourth year. (Carter et al., 2021) In addition, the female population in China is at 48.71 per cent compared to 51.29 per cent male population, thus adding 37.17 million more males than females in China, making it the second country after India, where the male population outnumbers the female population. (Statistics, 2020)

It was the fourth World Conference of Women by the UN in Beijing in 1995 that played a pivotal role in consolidating and reviving the various organisations and NGOs of the Chinese women’s movement to engage in the global feminist movement. (Yiping, 2021) Moreover, after decades of lobbying and efforts came a law on domestic violence in China in 2016.

The problem of domestic violence is not new to China. The situation of domestic violence

in China was already worrisome even before the Covid-19 pandemic struck. Researches have shown that the general population’s valence rate of family violence ranged from 10.2% to 65.0% during their lifetime. (Zhang, 2020) Thus, despite a lack of national or provincial reports, preliminary research and regional reports present stark data that is sufficient to link the surge in domestic violence against women in China due to pandemics.

For instance, the number of family violence reports in Jianli and Qianjiang, both rural counties located in Hubei province near Wuhan, presents a grim scenario. In Jianli, calls received by the local police authorities against domestic violence doubled in January 2020 compared to January 2019. In contrast, in February 2020, these reported family violence instances were tripled compared to the previous year, with males accounting for 97.44% of the perpetrators and females forming the majority of victims at 94.67%. Similarly, in Qianjiang, the number of reported cases doubled in January and February compared to 2019, according to the local police station. (Zhang, 2020) These reports indicated that women became more vulnerable during the early months of lockdown and were at the receiving end.

This pattern of increased domestic violence was observed not only in the Hubei province but also across China. For example, Guangdong, a coastal province in south China with the largest population and economy, received reports of increasing domestic violence cases against women after imposing strict lockdown measures. For example, in Zhuhai, a coastal prefecture located in south Guangdong, a local women’s rights advocacy centre reported an increase of 20% more family violence complaints than the same months of January and February in previous years. (Zhang, 2020) Another research on the relation of the

Covid-19 pandemic and its impact on domestic violence in China presents exciting insights. Using the police call centre data, the authors analysed that the overall calls to the police department on various crimes decreased during the lockdown period. However, the average number of calls related to domestic violence surprisingly increased by four times (278% in adjusted models). Furthermore, shortly after the easing of lockdown measures, calls received by the police concerning various miscellaneous issues reached an average level. In contrast, the calls concerning domestic violence remained elevated and took longer to return to pre-lockdown levels. (Bourgault et al., 2021)

In addition, domestic violence victims in China often suffer from mental health issues apart from physical hurt, like stress, anxiety, depression, substance abuse, and suicide. Highlighting the graveness of this issue is a study of 2987 domestic violence victims in China. The researchers found that the prevalence of depression ranges from 65.8 to 75.8% across these groups who have faced some or other sort of domestic violence against them. (Carter et al., 2021)

Questions now arise, what led to this surge in domestic violence cases across China during the Covid-19 pandemic. According to the authors. (Yiping, 2021) Family violence has significantly affected divorce. However, the 2011 Chinese marriage law recognises family violence as a legal ground for divorce (Article 32). Reports released by the Supreme People's Court of China in 2018 states that the divorce rate has steadily increased for 15 consecutive years since 2003 with an annual increase of 2.0%, with family violence reportings in 14.86% cases of which 91.3% were cases of violence against women. Furthermore, it is interesting to know that these instances of divorce rise during the Spring Festival of China, suggesting that long periods of proximity and reunion aggravate existing conflicts among

family members. (Zhang, 2020) Thus it is suggestive that this pattern seems to transfer in case of a long-term lockdown, which had the exact characteristics of bringing the family member in closer proximity with each other.



A recent article in the New York Times on China noted that some victims could not move outside due to strict imposition of lockdown. As a result, their conflicts just grew. Everything from their personal space decreased. Even the amount of space for family activities narrowed down, becoming more crowded than ever. The buffer zone for conflicts vanished while other couples cited financial instability overburdening familial responsibilities, isolation and physical proximity that worsened their situation. (Zhang, 2020) (Kaukinen, 2020)

Likewise, many Chinese media outlets have reported a surge in domestic violence-related cases in China during the pandemic identifying three possible reasons. Firstly, creating more opportunities for family violence in the backdrop of large-scale lockdown followed by mental anxiety and overburdened with work. Secondly, the large-scale economic crisis fueled by laying off from work, reduced pay unemployment which led to tensions among family members and lastly absence of social support for victims with curtailed access to friends and family members, mental health services and even access to online support by their perpetrators. (Zhang, 2020)

Analysis of domestic violence law of China - gaps in implementation

In 2016, China's national Anti-domestic violence Law came into effect, providing a legal framework for securing justice for domestic violence victims and prevention. It also laid down the obligations of the state to step in and address the challenges faced by the victims of domestic violence in China, as mentioned in (Anti-domestic violence Law of the People's Republic of China, 2016). Article 3 states, "The state prohibits any form of domestic violence... Anti-domestic violence is the common responsibility of the state, society and each family."

While (Anti-domestic violence Law of the People's Republic of China, 2016) Article 2 of the law defines domestic violence as the "inflicting of physical, psychological or other harm by a family member on another by beating, trussing, injury, restraint and forcible limits on personal freedom, recurring verbal abuse, threats and other means." This definition of domestic violence is quite comprehensive. It not only covers marital relations and family members but also cohabitating partners and intimate partners. Moreover, it considers both physical and mental abuse. Similarly, Article 5 of Anti domestic violence law provides special protection to "the minors, the elderly, the disabled, pregnant and lactating women, and seriously ill patients suffering domestic violence shall be given special protection (Anti-domestic violence Law of the People's Republic of China, 2016)."

It further states that the following principle of putting prevention first combined with education and punishment is required to counter domestic violence. In addition, it is making efforts to protect parties' privacy and give effect to victims' true wishes. Thus, the protection orders offered under Anti domestic violence law include the following types of protection. Firstly, it prohibits the

perpetrator from committing domestic violence, which the law has declared illegal and punishable. Moreover, it also forbids the perpetrator from contacting, stalking, or forcing the victim out of a shared home. Lastly, it aims at banning abusers from the victim's home, work, or other frequently visited places. (Coupland, 2021)

Furthermore, the Anti domestic violence law has provided other innovative measures to tackle domestic violence. The re-education and popularising knowledge of anti-domestic violence at various levels involving multiple stakeholders such as trade unions, communist youth leagues, families, village and village and township committee levels, women federations, employers, further stating that the internet, radio, television, print media are used as dissemination methods to enhance the citizens' anti-domestic violence awareness. Moreover, apart from punishments, there are also provisions for restraining orders, warning letters, and conditional mandatory reporting to help provide better protection for victims and people affected by domestic violence (Anti-domestic violence Law of the People's Republic of China, 2016).

However, despite all comprehensiveness on record, Anti domestic violence law has failed to address the needs of its stakeholders. There are many lacunas in its implementation, which were further exposed and aggravated during the Covid-19 pandemic. For instance, the definition of domestic violence fails to bring in its ambit include sexual violence, marital rape, and economic control and coercion, which are equally prevalent forms of domestic violence. Furthermore, the law is limited to those classified as official families. Therefore, it excludes violence against unmarried, divorced victims, former spouses, and other marginalised groups, including women living with HIV/AIDS and LGBTI.

Also, whether the law applies to same-sex partners is ambiguous or not. (Yang et al., 2020)

It is undeniable that considerable progress has been made after coming into force of Anti domestic violence law in China. The latest data from the Ministry of Public Security shows that the police stopped or prevented more than six million domestic violence incidents in the past four years. (Yang et al., 2020) However, the question remains, is it enough? To create a safe environment for women victims of domestic violence. There are still many challenges present in the efficacious implementation of domestic violence law in China. For instance, although local rules exist at the provincial level for enacting the domestic violence law, there is a lack of comprehensive rules or guidance for implementation at the national level. Therefore, it creates a need to clarify detailed procedures, specific responsibilities and division of labour among different government departments for a more coordinated and collaborative response. (Yang, 2021)

There is also the issue of lack of awareness and application of domestic violence law. Despite provisions in the Anti domestic violence law act to educate the masses, researchers have pointed out that many victims are unaware of the details of various protection measures and therefore fail to avail appropriate remedies available to them. In China, domestic violence cases are often treated as civil infractions, punishable by fines as little as up to 1000 yuan (about 150 USD) or 15-day detentions. Moreover, the victims are left without any protection from the police unless their cases reach the court since the police cannot detain the perpetrators for violating a protection order. Observations show that police officers often tend to ignore the requests filed by the

victims and send a warning letter to perpetrators or not even to file their complaint unless serious injuries are involved, and at many instances' victims are required to show evidence of emotional and verbal abuse. (Coupland, 2021)

Similarly, due to low awareness of the Anti domestic violence law, which also affords protection to cohabitating partners, stakeholders such as police, women's federations and village or community committees are reluctant. They do not respond to domestic violence cases in non-marital relationships. Thus, failing to understand the gravity of the issue that domestic violence against women extends beyond family tussles. Even the utilisation rate of existing domestic violence shelters is meagre, with many shelters not meeting the requirements required for proper rehabilitation of domestic violence survivors and failing to provide high-quality services for victims, such as psychological counselling and legal assistance. (Yang et al., 2020)

Effect of unemployment on domestic violence against women in China during the Covid-19 pandemic

China is the world's second-largest economy after the United States and an economic powerhouse. However, just like other countries, China too faced a sudden outbreak of the Covid-19 pandemic and suffered a decline in its economic growth due to large scale lockdowns and quarantine measures imposed as a public safety concern. Moreover, in the wake of declining global trade, which sharply damaged its export markets, some 12,396 import/export trade enterprises across the country were closed from February 1 to April 1, 2020, while others had to close down their business due to cash crunch. (United Nations, 2020) Thus, China's economic growth continued to spiral

downwards. Statistics dictate that through the first quarter of 2020, the impact on the Chinese economy was severe, and its growth rate slowed considerably, with its GDP decreasing by 6.8% as per the National Bureau of Statistics of China. (Zhang, 2020) This unprecedented economic slowdown caused by the Covid-19 pandemic in combination with the closing down of the manufacturing and service sector resulted in a surge in the unemployment rate in China. The National Bureau of Statistics reports that the urban unemployment rates reached an all-time high at 5.3% in January 2020, with February clocking 6.2%, surpassing the unemployment rate of 4.2% recorded during the worldwide financial crisis. Some estimates state that more than 5 million people lost their jobs due to China's pandemic and economic slowdown (Zhang, 2020).

One may ask the relevance of this data on unemployment and its correlation to domestic violence against women. Previous research on unemployment and family violence has revealed that increased unemployment has a positive link to increased family violence. (Anderberg et al., 2015) with the burden of unemployment falling differently on Men and women. Other researchers have also linked that women usually face more significant challenges due to unemployment, making them financially dependent on their perpetrator for support and making it difficult to leave the premises. Furthermore, in the aftermath of such disasters and epidemics, securing jobs during and after becomes challenging due to the existing socio-economic changes and turmoil. (Kaukinen, 2020) (Bhalotra et al., 2021) In a research undertaken by the Center for Global Development. (Bourglat et al., 2021) a report on experiences of violence and the factors associated with reveals that apart from other factors involved, being

unemployed either for the victim or the perpetrator or having lost household income due to the pandemic, of particular points to a heightened economic vulnerability as tied to a greater risk of violence against women.

As a result of the pandemic, tens of millions of Chinese families adjusted their everyday lives juggling familial responsibilities and social interactions. However, with the rolling out of vaccines, a decrease in the number of infected persons and the gradual opening of cities and industries, governmental policies have gradually shifted from fighting against the Covid-19 pandemic to economic recovery. Unfortunately, this behaviour shows the neglected state of affairs and that the victims of family violence lie low in the priority list of the Chinese government; thus, the victims of these atrocities remain a relatively neglected group despite the clear need for further assistance and help on the part of the government. (Zhang, 2020)

Domestic violence and the patriarchal mindset: the peculiar case of traditional familial values under socialist ideology and Confucian philosophy in china

As the old Chinese proverb goes, “don't wash your dirty linen (family issues) in public.” Instances of violence against a woman by her husband remain camouflaged from the public sphere. The need for assistance is primarily overlooked because family violence is a private, often shameful affair that outsiders should not disclose. Despite the changing roles and modernisation of women in China, it is a common belief that women who protest against their husbands lack obedience and modesty. (Mak, 2021)

Family violence, primarily seen as an abuse of power, fits well within the traditional patriarchal attitudes of Chinese people's thinking and behaviour. It has been carried out since previous generations and suits them

even today. For instance, a study among 3998 participants, primarily married women above 18 years of age in 25 counties in Jilin, Anhui, and Chongqing has found that 51.4% of the women, i.e., more than half of them believed that physical fighting between a husband and wife is a private family issue which is best kept among family members only. (Zhang, 2020)

Recently, It was at the 25th anniversary of Beijing+25 in 2020 (United Nations Fourth World Conference Beijing, 1995). Chinese President Xi Jinping's reaffirmed in his speech that China is committed to building a world free from discrimination against women and a society of inclusive development for them. Furthermore, while stating that ensuring equality for women was a basic state policy in China, he called for actions to address the unique needs of women. These actions included the need to take immediate action to minimise the impact of Covid-19 on women, along with striving for genuine gender equality and enhancing global cooperation in domestic violence affecting women development. (Yiping, 2021) Nevertheless, family violence remains an unimportant or minor issue, deeply embedded in the patriarchal mindset in Chinese society.

On the one hand, traditional Chinese values based on Confucianism advocates for social harmony and states that violence towards women is not concordant with Chinese cultural values. Nevertheless, it perpetuates a gendered hierarchy that attaches great importance to familial reputation promoting patriarchal ideology, which justifies wife battering, (Li et al., 2020) Thus, if a wife were to leave her husband, it would be seen as an attempt to disrupt the social harmony of the family and provoke contempt of the community. On the other hand, any violence committed by a man against his wife would be portrayed as his family's private matter,

best kept outside the purview of the public instead of a more considerable social concern.

This traditional mindset and influence of traditional Chinese philosophy are visible in Articles 1 and 3 of Anti domestic violence law. Wherein Article 1 explicitly states that under the objective of this act, "This Law is developed for purposes of preventing and curbing domestic violence, protecting the lawful rights and interests of family members, maintaining equal, harmonious and civilized family relations, and promoting family harmony and social stability." (Anti-domestic violence Law of the People's Republic of China, 2016). Nevertheless, unfortunately, the statute's language introduces contradictory notions wherein the first half of Article 1 talks about preventing domestic violence. In contrast, the second half states its objective as preserving and protecting family harmony.

Similarly, the first part of Article 3 states Family members shall help each other, love each other, live in harmony, and fulfil family obligations." (Anti-domestic violence Law of the People's Republic of China, 2016). Therefore, as observed in many patriarchal societies, the remit of the home is considered the domain of the man of the family promoting domestic violence and domestic matters as private affairs, thus undermining the need for proactive action and intervention in cases of domestic violence against women. This dynamic and societal stigma makes it difficult for victims of domestic violence to speak out against their perpetrators and seek help. (Mak, 2021)

These observations are a prime example of a revival and backlash of conservative patriarchal cultural norms, gender bias and stereotypes recently, despite the rapid strides made in the advancement of the role and contribution of women in modern-day China. For example, according to one survey, an

increasing number of the younger generation, both men and women, believe that being a housewife or a stay-at-home mother is a better option for women in China, rather than pursuing their career or working outside the home. (Yiping, 2021)

This mindset is very much opposed to the principles and legacy of socialist ideology, which affirms the necessity for equality between men and women. Furthermore, the socialist ideology emphasises the need for women's participation in the labour force to obtain economic independence, further ensuring the much sought-after equality between the two genders. (Zhang, 2020)

Conclusion

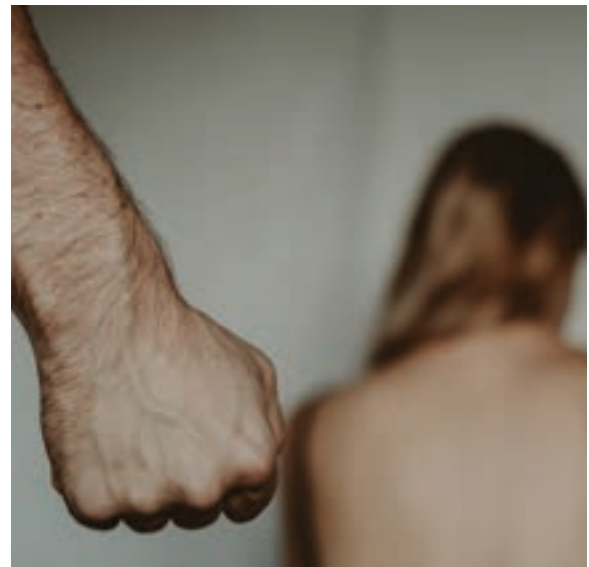
“Don't be a bystander. More so than ever before, domestic abuse is everybody's business.” Unfortunately, the Covid-19 pandemic has again served to remind the inherent crisis that persists within our society. People around the globe endured pandemics in the form of inequality, patriarchy, violence and discrimination. Even more disheartening is that despite the knowledge that cases of violence against the vulnerable increase during pandemics and disasters, the legislators, governments, and civil society worldwide have failed to acknowledge this fact. Instead, they again prove that society takes violence against women for granted, highlighting our long preserved and venerated patriarchal tendencies.

Furthermore, as the study has suggested, there is a positive link between the rising domestic violence cases against women and the Covid-19 pandemic, with examples scattered throughout the globe. Preliminary data are sufficient to establish an underlying relationship between the two. However, it is best to keep in mind that not everyone is willing to come up and report the case since reporting cases is best considered a private

issue. Also, the fact that the de facto control of the perpetrator over his victim increases with passing time makes it even more difficult for the victims to report their case and plead for help. This best justifies the reports stating an initial surge of domestic violence against women in the starting months of the lockdown and the lack of sufficient data by various authors. The Covid-19 pandemic is still a recent continuing phenomenon.

In China, the Anti domestic violence law 2016 results from a hard-fought battle by various women organisations, NGOs, and people's movements after years of lobbying and demonstrations for their rights. Anti domestic violence law is well-structured legislation that aims at creating an effective regime to prevent the abuse of domestic violence against women. Nevertheless, in the absence of proper awareness among the authorities and proactive enforcement mechanisms, the legislation is still far away from achieving its desired results.

An overhauling of the definitions in the act by expanding their ambit and discarding the provisions that promote patriarchy neglecting women's existence and recognition, will be an effective way to ensure equality among the sexes.



For example, the definition of domestic violence should include sexual violence, economic control, and domestic violence against a former spouse. Furthermore, providing the long due and demanded capital support to women's organisations in China who are at the forefront of the fight against the domestic violence pandemic. Along with leveraging its technical prowess for inspections, granting protection orders, written warning letters and mandatory reporting to tackle the challenges of domestic violence is the way forward. For instance, a judicial court in Beijing has been using cloud-based platforms and online court

hearings to deal with cases of gender-based violence during the pandemic. In addition, in the city of Yiwu, a database allowing residents to investigate whether their potential new partner has a history of convicted violence was introduced. These are indeed welcoming steps to tackle domestic violence under the circumstances created by the pandemic, which demands unconventional and innovative measures to address this menace.

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The increase in domestic violence in Iraq as a result of Covid-19

The definition of domestic violence is defined as “as a pattern of behaviour in any relationship that is used to gain or maintain power and control over an intimate partner.” (Datta, 2001) While the Iraqi constitution forbids violence within wider society, domestic violence is seen as a “husband’s right”, and occupies a grey area within Iraqi law. Advocacy groups and international organisations have fought to change this, and as a result of international pressure, an Anti Domestic Violence Bill was brought forward in Iraqi parliament. However, it has been under consideration since 2020 as a result of the pandemic. The pandemic has exacerbated tensions within homes, and led to a stark rise in intimate partner violence. In April, a United Nations study found a remarkable increase in violence within the home, especially against women and children, which was widely attributed to increased stress as a result of lockdown. (UN Women, 2020) As a response to this, “Iraq’s High Judiciary Council subsequently issued a circular calling on judges to use all legal provisions for deterrence.” (United Nations Human Rights Office of the High Commissioner, 2021) However, very few offenders were prosecuted, and a significant majority of cases were not reported.

While many Western countries have taken measures in recent years to reduce domestic violence cases, in some countries, as many as ninety percent of women have been affected by violence within the home. (Elghossain, Bott, Akik and Obermeyer, 2019) Domestic violence has plagued Iraqi society for many years, but a 2006 report by the Iraq Family Health Survey shone a light on the severity of cases. It found that over twenty one percent of Iraqi women had suffered physical attacks by a partner, and over thirty three percent had experienced emotional abuse. (Channon, 2007) Cultural norms and the role of women in society contribute to Iraq’s staggering

abuse statistics, while conservative courts and governmental institutions result in few women stepping forward, and a societal acceptance of abuse.

One of the deterrents towards reporting domestic abuse in the home is the concept of “shame”. Family shame and humiliation are deeply ingrained elements of Iraqi culture that prevent women from speaking out about family matters, which are usually dealt with privately. The Middle East has a particularly tiresome history of violence against women. In countries such as Algeria, Bahrain, Lebanon, Pakistan and Syria - between twenty three and ninety percent of women have suffered violent attacks by partners. (Morayef, 2021) The United Nations estimates over seven hundred and thirty six million women worldwide are subjected to violence within intimate relationships, resulting in a generation of women marked by fear and trauma. (WHO, 2021) In addition to fear of humiliating the family, Iraqi women often live in traditional multi generational homes, where the nuclear family unit is a subset of a larger, extended family. These situations force women into difficult positions, as they are under extreme pressure from within the home. Furthermore, over eighty percent of Iraqi women work outside the Iraqi economy, and are responsible for the domestic duties at home. (Louise, 2021) Perpetrators of domestic violence often seek control over their victims, and the power dynamics between man and wife in Iraq provide the ideal landscape for physical and emotional violence and manipulation.

One of the most important factors when considering the rise of domestic violence cases during the pandemic, is the prevalence of cases pre pandemic. In June 2020, a study was conducted in the Kurdistan region of Iraq, pertaining to domestic violence after the Covid-19 lockdown of June 2020. The study

resulted in startling statistics, citing a 6.6% increase in violent acts towards a partner, and a 3.7% increase in emotional abuse. (Mahmood et al., 2021) This can be attributed to an increase in exposure to triggering factors, such as unemployment due to lockdown restrictions, and more time spent in the family home. Over the years, several theories on what causes domestic violence have been considered. The most popular have proven to be:

Aberrant behaviour

According to Collins Dictionary, aberrant behaviour is defined as “unusual and socially unacceptable behaviour”. This behaviour is usually the result of drug or alcohol addictions. In 2019, the PLOS Medical journal, conducted a study on six thousand men, with results finding that those who drank or abused drugs regularly were six times more likely to physically and emotionally abuse partners than those who did not. (Yu et al., 2019) The study found that almost two percent of men within the study had been arrested for domestic violence related offences, which was almost seven times higher than the mean. The same study found that men who suffered with ADHD, and psychiatric diagnoses, were between 1.7 and 7.7 percent more likely to inflict grievous bodily harm on women. (Yu et al., 2019)

Learned behaviour

Learned behaviour is behaviour which is observed in a person's environment, and becomes internalised. In the case of domestic violence, many offenders witnessed or were victims to violence and familial disputes. The behaviour was prevalent in their home lives, which they replicated as adults. In 2000, Wake Forest University Baptist Medical Center conducted a study with seven hundred and twenty two twelve year olds. (DuRant et

al., 2000) These students lived in state housing, and only one and a half percent had not been exposed to violence in either their home or community. The results found that, at only twelve years old, twenty four percent of them had already committed two or more violent crimes. Twelve percent reported between three and six violent acts. (DuRant et al., 2000) As psychiatrists have come to know, violent behaviour often follows through to adulthood. Many become repeat offenders, and rarely seek psychiatric treatment, especially in lower income areas.

Psychiatric behaviour

UNIRAND, a Norwegian research centre, conducted a study of one hundred and seventy seven men who sought voluntary treatment for violent behaviour, over seventy percent of patients had one or more psychiatric disorders. (Euro Med Rights, 2020) In relation to Iraq, their poor health system and the reduction in services as a result of Covid-19, has exacerbated mental health issues. Due to the pandemic, the already paltry mental health services of Iraq have been restricted further. Lack of adequate mental health services may have contributed to increased violence in homes. (Askeland and Heir, 2014)

In addition to certain behaviours, honour crime is a widely accepted form of abuse in Iraq. It can be defined as crime committed against women by their male family members because the woman had violated the honour of the family. (UN, 1993) The United Nations estimates over five thousand women are killed each year as a result of this practice, most of which are recorded in the Middle East and Asia. However, Arab governments do little to solve this problem and even less in regards to prosecuting offenders. Jordan recorded over eleven thousand cases of violent attacks against

women in 2020. (Askeland and Heir, 2014) While the Iraqi Constitution prohibits “all forms of violence and abuse in the family.” (Bhalotra, Pinotti et al., 2021) This protection does not extend to relations between husband and wife. Article 41(1) of the constitution criminalises physical assault but “gives a husband the legal right to punish his wife, and the penal code provides for mitigated sentences for violent acts if they are for honorable motives.” (Euro Med Rights, 2020) In conclusion, the protections offered by the constitution support and encourage domestic violence, and views it as a man’s basic right.

Furthermore, due to discriminatory family and work laws, the abuse of women is protected, and supported, by the Iraqi Constitution. In order to improve access to justice for victims of domestic abuse, change must come from within the government and society itself. Supporting women’s education will ensure women are independent outside the household, and know their legal rights. Furthermore, an increase in women judges and lawyers will serve to reduce male bias in Iraqi court systems.

Role of religion

The role of religion in Iraq is of paramount importance. Islam plays a guiding role in Iraqi society, culture and law. In Article 2 of the 2005 Iraqi Constitution, it states “no law may be enacted that contradicts the established provisions of Islam.” (Iraqs Permanent Constitution, 2006) This is controversial as it fails to specify who has the authority to interpret Islam. While many clerics are supportive of women’s education and rights to health, many clerics are extremely conservative, and believe women are the property of men. This has caused detrimental effects to women’s rights, and results in the restriction of travel, their right to health services, and creates unsafe home

and work environments. For domestic violence to become a societal issue, clerics and religious leaders must begin to see women as equals, and as valued members of the church and state.

In September 2020, the Centre for Economic Policy Research conducted a study of over two million criminal cases encountered in Brazil. (Sonia et al., 2020) The study concluded that increased unemployment led to a rise in violent attacks on partners. While domestic violence can be attributed to childhood trauma, aggression in men and societal expectations, the relationship between domestic violence and gender equality must be examined. In modern societies, the expectation for men to provide for their families is high. This societal pressure is a contributing factor as to why unemployment increases attacks on partners. Speaking about domestic violence cases in Iraq, United Nations Commissioner Antonio Guterres said “Many women under lockdown for Covid-19 face violence where they should be safest: in their own homes. Today I appeal for peace in homes around the world. I urge all governments to put women’s safety first as they respond to the pandemic”. However, this did little to ease cases in Iraq. Employment in particular, or lack thereof, can contribute to power dynamics within households. High unemployment as a result of the pandemic has proven to be a trigger point for domestic violence cases. According to VOXEU, the key reasons for increased domestic violence as a result of lockdown has to do with changing gender roles, a power imbalance and increased time in the family home. (Kabeer, Razavi et al., 2021)

One of the most pressing concerns of advocacy groups is the impact of domestic violence on women’s health. A study conducted in Kirkuk found that eighty four percent of respondents had suffered emotional abuse, seven eight percent had

suffered financial abuse and sixty five percent had suffered physical violence. (Oxfam Research Reports, 2020) After these attacks, women suffered mentally, physically and emotionally. The mental anguish is so severe, that several charities have set up psychosocial support, as well as sexual health clinics and legal support for rape cases. However, the pandemic has reduced the capabilities of these supports. In Kirkuk, a growing number of women have attempted to take their own lives, due to increased attacks from partners during Covid-19. The GBV Sub-cluster assessment indicated that throughout the Covid-19 pandemic, there were over “123 GBV-related suicide attempts or incidents were reported involving women and girls.” (Oxfam Research Reports, 2020) Furthermore, while Iraq has attempted to make steps towards reducing violent attacks against women, the facilities are inadequate, even before Covid-19 times. The report states that “with only 34 outpatient facilities and three mental hospitals, 45 Iraq faces a severe shortage of trained mental healthcare professionals (with 0.4 psychiatrists, 0.1 psychologists and 0.2 social workers per 100,000 of the population).” (Oxfam Research Reports, 2020) While Covid-19 has directly contributed to the increase in attacks against women, it has also indirectly contributed to domestic violence as it has hindered the capabilities of support services.

Women and education

However, the lack of state services has expanded past health, and began to affect education. As of 2019, UNESCO reported that twenty six percent of urban Iraqi women were illiterate, with figures up to fifty percent applying to rural women. (Mlambo Ngcuka, 2021) Cultural norms and expectations contribute to this statistic, with more than eighty percent of women working outside the Iraqi workforce. The vast majority of Iraqi

women work unpaid in the household, raising children and performing domestic duties. While the government is increasing efforts to combat illiteracy and increase their productivity in the workforce, breaking down cultural barriers is a difficult task. UNESCO founded the Literacy Initiative for Empowerment, in the hopes of increasing literacy rates in Iraq. UNESCO aims to achieve the following outcomes:

“National capacities strengthened to plan and implement inclusive, rights based education sector plans, policies and programmes that are gender-sensitive and assure equitable access to education, including in the areas of literacy/non-formal education, teachers, curricula and higher education.” (UNESCO 2019) “The quality of secondary education is enhanced to expand equal access and ensure retention of girls and boys.” (UNESCO 2019) “Enhanced capacity of the education system to respond to HIV and AIDS in a gender sensitive manner.” (UNESCO 2019) These goals will go a long way in improving the education and literacy rates of women, which will allow young girls to forge their own careers outside the home, and reduce fiscal reliance on men, and change the power dynamics of Iraq.

While Iraqi women have suffered at the hands of husbands and brothers, migrants from the region have faced unimaginable atrocities as they have attempted to flee. Throughout 2020, approximately one hundred thousand migrants arrived in Europe through countries such as Italy, Greece and Bulgaria. These refugees attempted to escape countries which are unsafe, or unstable. According to a UNICEF report, “most countries reported decreases in arrivals during the first half of 2020 due to the Covid-19 pandemic and lockdowns, while numbers increased again in the second half of the year. (UNHCR, 2019) However, almost all women migrants entering Europe have

been affected by domestic violence, and are put at further risk due to refugee living conditions. Many migrant camps have limited access to clean water, health services and more. Furthermore, the close living

quarters make women and children more vulnerable to sexual abuse. In relation to Iraq, the increase of domestic violence on women may have decreased attempts to flee. The United Nations High Commissioner for



Refugees noted that as of 2019, over two million Iraqi migrants were displaced. (UNHCR, 2019) However, Iraq's tough Covid-19 measures, which severely restricted movements, could have contributed to their reduction in migrants. Following the 2003 invasion of Iraq, approximately fifty percent of Iraqi doctors fled the country. (Vine et al., 2021) This has disproportionately affected health services available in Iraq. While before this, Iraq's health service was among the best in the region, it severely lags behind neighbouring countries. This "brain drain" has extended to other important sectors such as engineering, architecture and academics, meaning the high quality, educated workers which increase Iraq's income and supported social infrastructures, have disappeared. Women represent 41.9 percent of these migrants, however many of these women are uneducated. (Mlambo Ngcuka, 2021)

Conclusion

While Iraq has attempted to improve access to judiciary systems for women, domestic violence is still not treated as importantly as it should. Iraq is a country which fails to provide gender equality, and shows intentional gender bias against women, where justice and legal protection is severely lacking. This discrimination has been brought sharply into focus since the pandemic began. While the justice system is fully formed, and reliable for men, these privileges do not extend to women. While society accepts domestic violence as a husband's right, the government must make active attempts to change the dangerous pattern of thinking. Providing basic psychological and judicial support is meaningless, as Covid-19 has proved even the smallest challenges can affect a woman's ability to call for help.

Non Governmental Organisations have

increased their outreach efforts since Covid-19. ABAAD, a women's rights NGO which spans the Middle East region, ran the awareness campaign hashtag Lockdownnotlockup, which aimed to spread their helpline contact details. It also spread awareness of their psychological support services, and access to food and clothing kits. (Khalife, 2021) Women's advocacy groups have begun to fill the gaps in governmental support, and become frontline organisations for Covid-19 support. These organisations are becoming de facto baseline supporters, and supporting women in the ways their governments are not. The rapid onset of COVID-19, and the spiralling rate of domestic violence cases against women, resulted in an advisory board of sixty women, from Iraqi provinces such as Salahaddin, Anbar and Diyala, gathered in Erbil to discuss local gender initiatives. (Alhassani, 2021) Furthermore, when Covid-19 restrictions resulted in online classes, Iraqi women were particularly hindered by lack of internet access and increased time in the home. As women are expected to undertake the majority of household chores, Iraqi women were disproportionately affected by online learning. Their education suffered exponentially more than males. Women activist groups from Anbar are "addressing the under-representation of female students in vocational education and training", while similar groups in Ninewa have attempted to equalise "training and capacity building opportunities for female administrative staff in the education sector." (Alhassani, 2021) In the international context, intimate partner violence can be attributed to triggering factors, such as changing power dynamics, mental health disorders and environmental factors, such as childhood abuse or post traumatic stress disorder. However, in Iraq, societal and cultural beliefs contribute heavily to abuse of women.

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A study of domestic violence against women during the pandemic in Turkey

This country has been studied due to the fact that violence against women continues to be on the agenda, as a problem that got aggravated during the Covid-19 pandemic in Turkey. The fight against domestic violence towards women started with the influence of women's movements campaigning for their rights historically due to them. However, recently movements by social organizations and protests by the public are gradually increasing to stop violence against women which has resulted in a surge of crime against women thus revealing the plight that Turkish women face even today.

The issue of violence against women during the pandemic in Turkey

In Turkey, violence against women has always been a problem. However, it became a very observable increasing problem, especially in the pandemic. According to the report of Turkish National Police Academy (2020), pandemic and post-pandemic period, it was indicated that there was an increase in domestic violence cases during the pandemic in Turkey. With the increase in unemployment, couples who have problems at home have more problems because they have to spend more time together. In addition, some men inflict psychological violence by making women do housework, causing an unequal distribution of duties at home. (Caliskan et al., 2018) When violent spouses inflict physical or psychological violence on women, women with problems at home have more difficulty in seeking or reaching help due to quarantine.

As a result of rising tensions among the spouses, many relationships ended during the quarantine period, but couples who wanted to take a divorce had to wait since the courts were closed under the safety measures imposed by the state, thus further aggravating the probability of domestic violence against women. Similarly, women's

organizations from Turkey reported that admissions to shelters and related institutions became more complex and challenging and that they faced similar problems due to the quarantine measures. (Anon, 2020) Furthermore, in the Combating Violence Against Women Monitoring Report (2020) prepared by the Mor Çatı Women's Shelter Foundation, one of Turkey's oldest and most recognized feminist institutions, it is stated that government institutions were not sufficiently developed to engage in the fight against domestic violence. Also, due to the fact that state institutions do not take this social problem seriously, already ineffective in combating violence against women the redressal mechanisms failed and collapsed in the wake of Covid-19.

It is worth noting that among the social causes of violence against women, the effect of traditional sexist attitude prevailing in the Turkish society cannot be denied. Considering men's interpretations of violence against women, domination and controlling women mindset is observed. (Caliskan et al., 2018) As a result of the traditional Turkish family structure, which has a male-dominated culture and social dynamics, its effects still continue to linger. With the effect of gender based violence, there are unresolved or brutal murders that have come to the fore in recent years in Turkey. In 2018, Şule Çet, in 2019, Emine Bulut, Ceren Özdemir, Ceren Damar, in 2020 Pınar Gültekin murders were the deaths that came to the agenda and were strongly reacted to by society. (Dalkilic et al., 2021) Apart from these murders that society knows, it is seen that many women are exposed to emotional, psychological or physical violence. Women who were away from help during the pandemic or who had to stay in the same house despite being subjected to violence brought to light the reality of how widespread violence is. According to the

reports (UNFPA, 2020) (United Nations Report, 2020), it is a crucial need that victims of gender-based violence are protected and able to receive the necessary mental health and support service during the pandemic. That's why, within the scope of coronavirus measures, women's organizations needed to demand an emergency package from the government regarding implementing laws containing measures against violence, the regulation of shelters, and emergency aid mechanisms.

Contrary to the misconception that violence against women is only physical, many women are exposed to psychological violence during the pandemic. For example, they may be exposed to bad words from their husbands who were stressed/angry because they were paid less or fired in the pandemic. Research shows that women had an increased number of emotional violence in a pandemic. "More than half of the women reported that they did not work (57.2%), while their partners continued working (64.8%) during the coronavirus pandemic. It is revealed that the women who did not work and whose partners did not work due to the pandemic had higher scores of emotional violence. Those whose partners continued working had lower scores of verbal violence, and the ones who started working at home had significantly lower scores of real violence." (Adibelli et al., 2021) It has been seen that the stress factor increases with the spouses' inability to earn money so that the arguments within the family and the tendency to violence increased. That is why citizens' troubles during the pandemic period caused unrest at home, increasing the rate of women who were victims of violence. DW News (2020) reported that the number of women applying to the "We Will Stop Femicide" Platform increased by 55 percent in April; 60 percent of the women who applied complained about physical and

psychological violence. Some women exposed to domestic violence could hesitate to go and apply to hospitals due to fear of contagion with Covid-19. (Usher et al., 2020) Under normal circumstances, women who took shelter from their family or friends or who could seek help might have had difficulty in getting the support they needed and had to hide that they were subjected to violence. On the other hand, many women went on unpaid leave during the pandemic because they were forced to leave their jobs. So, during the pandemic, women's economic losses or difficulties may have made it difficult to avoid violence or abandon an abusive spouse/partner. (Abha Bhattarai et al., 2020) It shows that people who are prone to violence are triggered by many stress factors, which is effective in the increase of domestic violence.

Even though violence is one of the most significant human rights issues, inadequate policy by the government is triggering crime rates in society. In 2021, declaration of Turkey's withdrawal from the Istanbul Convention, which protects women and LGBT+, led to the disappearance of the law. According to feminist organizations' reports, victims of violence cannot receive the necessary help or support from the public, non-governmental organizations and associations formed in this field and present the data in their hands and react. The fight against violence against women started with the influence of women's movements and feminist organizations. Gülsüm Kav, a General Representative of the We Will Stop Femicide Platform, says, "Applications to our platform and women's organizations increased. At the same time, we know from the applications we received when we could not reach these lines that the number of applications to the general application lines 155, 156, and 183 increased, and these lines were insufficient." (Unker, 2021) At the

beginning of the quarantine in 2020, feminist organizations gave interviews to media organizations and tried to make their voices heard on social media, stating that all rights related to the Istanbul Convention and Law No. 6284, which constitute the fundamental rights of women are valid.

Withdrawal from the Istanbul Convention

Besides unreported cases, published reports are visible consequences of the impact of Covid-19 on domestic violence or gender-based violence, the government's withdrawal from the Istanbul Convention makes an exciting topic to research. The Istanbul Convention plays a significant role in being the first and most comprehensive international agreement of the Council of Europe Convention on preventing and combating violence against women or domestic violence, and also LGBT rights. This Council of Europe Convention was signed in Istanbul in 2011 and entered into force in 2014. Steps have been taken to regulate the provisions of the Istanbul Convention and Law No. 4320 in a way that only prevents violence in marriage; Law No. 6284 on the Protection of the Family and the Prevention of Violence Against Women entered into force on 8 March 2012 in order to eliminate the problems in the implementation of this law. Law No. 6284 aims to protect women, children, and victims of unilateral stalking, who are married, engaged, divorced, in a relationship, or who have ended their relationship and who are exposed to or at risk of violence. (Alkan et al., 2020) In March 2021, the Turkish Council of Judges and Prosecutors decided that necessary legislative measures according to Law No. 6284 to Protect Family and Prevent Violence Against Women should be evaluated in a way that would not threaten the perpetrator's health. However, it has been seen that Council makes decisions that were

not appropriate according to the legal context. Accordingly, measures taken under Article 52 of the Istanbul Convention, Emergency Barring Orders, the safety of victims or persons at risk should be prioritized. According to the presidential decision, the reason for the withdrawal from Istanbul Convention is "The diplomatic and political pressure that is desired to be built over the LGBT ideology will be prevented" principle prevailed.

Instead of being resolved by strengthening the law, women were disappointed with the development of the state's decision to withdraw from the Istanbul Convention despite the reactions and the ongoing problems. That is why, it has caused the violence against women and unsolved murders to continue in Turkey. According to the data for 2021 on the We Will Stop Violence Against Women website, approximately 20 suspected female deaths are still recorded each month. After the withdrawal, various UN-affiliated organizations and the UN Women's Organization called on Turkey to reconsider its decision to leave the Istanbul Convention and to re-accept it. While Turkey played a crucial pioneering role in being the first country to sign the agreement, its withdrawal from the agreement caused reactions in domestic and international diplomacy. As VOA (2021) reported reactions from the EU and the UN to Turkey about the Istanbul Convention, Borrell said that this agreement is more important than ever today, as violence against women and girls has risen to new levels worldwide as a result of the Covid-19 pandemic and the many conflicts in which women are the primary victims. (Cakir et al., 2021) In response to the reactions from the public and international organizations, the Turkish government tried to develop its own mechanisms. Government has taken measures such as tagging



individuals known to resort to violence and creating a smartphone app for women to alert police, which has been downloaded hundreds of thousands of times. (Reuters, 2021) However, considering the news of violence against women and brutal murders that have come to the fore in Turkey in recent years, it can be seen that the policies of the state to deal with violence against women are insufficient to solve the problem radically. For instance, the Federation of Women Associations of Turkey reported that psychological violence increased up to 93%, physical violence by 80% in March 2020 compared to the previous year. (Ankara Metropolitan Municipality Women and Children Newsletter, 2020) So, reports show that violence is increasing, and it should be prevented immediately by laws.

Conclusion

In conclusion, researchs show that the various violence against women which increased during the Covid-19 pandemic

process, draws attention to a different side of the pandemic's effect. Increasing public reactions, actions, and organizations that condemn/prevent violence against women have increased in recent years. The issue of violence against women, which is on the agenda in Turkey, has caused women who stayed at home with their spouses during the mandatory quarantine period to be exposed to violence in a defenseless way. The reason for this vulnerability is that although women ask for help from the state, these aids are insufficient or unrequited during the pandemic period. In order to solve the problem of violence against women, the attitude of the government is paramount. According to reports, it is clearly understood that state policies should be developed to protect women's rights, and deterrent measures should be taken in order to prevent the social problem as soon as possible.

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Domestic violence, Covid-19, and patriarchal cultural heritage in Italy: how can this structural phenomenon be addressed?

In Italy, full rights to women have been guaranteed and fully recognised since 1 January 1948, when the Constitution of the Italian Republic entered into force. The women's condition in Italy has made increasing significant progress over time. During the 19th and 20th centuries, women have obtained increasing rights previously recognised only by men. However, many inequalities in the political, social, and economic spheres have yet to be fully overcome. Since the Middle Age, the Italian patriarchal social structure has historically assigned women a subordinate role in the family and society. Unfortunately, the relation between women's subordination derived from cultural values and domestic violence is still strongly linked.

In Italy, as in other European counterparts, domestic violence has been declared a major social issue (Bucci, 2012), and during the periods of lockdowns, the house has been recognised as an unsafe space for women. Nevertheless, in this regard, the Italian government has failed – or made late actions – to prevent domestic violence and protect the victims. Indeed, in the following paragraphs, this paper investigates the normative evolution of the Italian context and analyses the data and causes of the increase of domestic violence during the Covid-19 pandemic.

Domestic violence is recognised as a global problem. However, despite recognising the problem, scholarly research, statistics, and updated data have been traditionally limited in Italy. The low average of violence or abuse denounced or reported is mainly the result of a cultural issue. Since the value of a united and cohesive family is one of the most predominant cultural values, women struggle to report rape by their husbands, violence during pregnancy, and other forms of violent behaviour within the family realm. Henceforth, this is one of the main problems

that cause a lack of reliable statistical data. Despite the lack of data for many European countries, the most numerous cases of femicides are recorded in Italy, Germany, and the United Kingdom. (Statista, 2018; Goodey, 2017; EPRS, 2020) Indeed, a case study on Italy is necessary because of its unpleasant position in the top three regarding femicides and domestic violence against women. Moreover, analysing the situation in Italy is particularly interesting because of the increase in domestic violence and femicides reported during the two lockdowns to contain Covid-19. In addition, Italian domestic values are problematic strongly linked to the cultural values of a patriarchal society, which have been replaced in the Italian legislation only in 1975.

The values, traditions, and even laws that considered domestic violence against women and minors a “natural fact”, normal, even justifiable, and socially accepted, have been dominant for a long time. (Cocchiara, 2013) These values still have consequences today and negatively characterise Italy. In Italy, religious precepts, due also to the presence of the Vatican City, have long been bent to justify the role of women submitting to the “head of the family”, first the father and then the husband. In Italy, the situation regarding domestic violence is critical, the government is not adopting concrete and effective measures to tackle this issue, and the patriarchal cultural values and religious precepts must be eradicated.

Historical overview: the role that patriarchal culture played in domestic violence

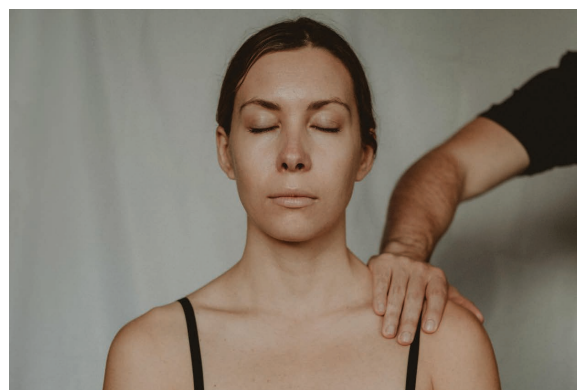
The origin of domestic violence in Italy has deep roots linked to its culture, society, and history. Between the 16th and 19th centuries, women experienced specific forms of subordination to men, which also emerged in Italian literature. The role of inferiority

imposed on women resulted in asymmetries and inequalities in all fields of social life. The Italian context changed for the better during the past decades; however, domestic violence is still perceived as taboo. Italy, in the past, was characterised by a “patriarchal” society, based on the principles of male supremacy, represented in the domestic sphere by the power of the father of a family, consolidated and legitimised by the systems of culture, law, and religion. (Feci, Schettini, 2017; Golebiewski, 2020)

Therefore, women were excluded from the political and legal sphere and were limited in their ability to act in the patrimonial and civil sphere. Moreover, they had limited access to education. The pater familias was at the top of the pyramidal patriarchal structure, which was the principle that ordered the society and communities in Italy in the past. (Bellassai, et al., 2013) The power of the father was the subject of consolidated reflections about the society that was validated and regulated by the law and the government. In this context, the fathers of families were given responsibility for the nucleus of co-residents (wife, sons, and daughters) and the power to define the direction of conduct of all members and a related disciplinary prerogative, which also included the use of force and coercion. (Feci, Schettini, 2017)

As Feci and Schettini analysed in their book, the 20th century, especially its second half, represented a crucial junction. Until that moment, the discussion about violence against women was the prerogative of jurists and magistrates that defined and formulated codes to apply in court. In fact, public discourse on male violence against women appeared more articulated in that period, and the definition of domestic violence was expanded, including psychological traits. Furthermore, public opinion, the press, politicians, and many women’s associations were mobilised around this topic in that

period, discussing its sociological, political and economic impact. Feminist groups contributed to fundamental acquisitions for framing this phenomenon and helped to define the link between violence and inequality, underlining the transversality – in terms of class, region, and culture – of violence against women. (Feci, Schettini, 2017)



In Italy, the first anti-violence centre (AVC) for women was born in Rome in 1976 as a facility and a tool to offer support to women victims of violence. Nowadays, the number of associations supporting women who suffered domestic violence has increased – Telefono Rosa (born in 1988) and DiRe (formally created in 2008). Nevertheless, despite the growing sensitivity to the gravity of these issues and the social mobilisation around the problem, the number of femicides (female homicides) and victims of domestic violence is still extremely high. In conclusion, the “culture of violence” has survived, especially in Italy, where society is built on clichés about male identity, according to the model of the strong and authoritarian man, destined “by nature” to possess and command. (Ficocelli, 2015) Despite the improvements, socially, judicially, economically, and politically, such an archaic, patriarchal mentality is still deeply rooted – especially in Southern Italy – and must be uprooted. (Cocchiara, 2013)

Legal framework and normative evolution

For a long time, the Italian legal system has been permeated with values reinforcing the “patriarchal imaginary” that has profoundly marked medieval, modern, and contemporary history and law. The Italian Constitution, in article 29, proclaims “the moral and juridical equality of the spouses”. However, the legislation about domestic violence had to wait until the mid-20th century to introduce new laws, rules, and regulations that judicially protected women. In 1956, the Court of Cassation decided that the husband was not entitled to the educational and corrective power of the *pater familias*, which also included physical coercion, towards his wife and children. (art.571 of the Criminal Code) Later, between 1968 and 1969, the Constitutional Court, with sentence no.126) declared unconstitutional, indeed illegitimate, the art. 559 of the Criminal Code, which punished only the adultery of the wife. (Criminal Code, 1930) The Council declared it illegitimate because by punishing only the wife’s adulterous behaviour, the husband was assured a privilege that violated every principle of equality. (Valentinotti, 2020) In 1975, the Italian legal system replaced the hierarchically structured family with a new model of equal family. (Civil Code, 1942) Until this year, when the reform of the family was approved, the husband was seen as the owner of the family.

In 1981, the law declared the institution of “shotgun marriage”. (Article 544 of the Criminal Code) This legal action provided for the extinction of criminal liability in the crime of rape if the rapist of a minor condescending to marry her, saving the honour of the family. The subsequent intervention is dated 1996, which revolutionised the entire legal idea of “gender violence”. After about 20 years of the legislative process, the system and laws

changed considerably because law no.66 started to consider violence against women as a “Crimes against the person” and its personal freedom. Previously, this law considered violence as a “Crime against public morality and good customs”.

These delays and difficulties are an evident expression of the resistance and the difficulty of eradicating the roots of asymmetries between the sexes and, consequently, of gender-based violence in Italy. Today that “patriarchal imaginary” is no longer present in jurisprudence but has left deep marks and evidently continues to survive in the behaviour of many men. (Golebiewski, 2017)

Since the year 2000, more recent legislation has been adopted to address domestic violence effectively. Law No. 154 of 4 April 2001, introduced new instruments to protect victims from violence in family relationships. This law mainly introduces protection orders against family abuse and eventual removal from the family home. Later, in June 2013, Law No. 77 ratified and implemented the Istanbul Convention of the Council of Europe on preventing and combating violence against women, including domestic violence, signed on 11 May 2011. In the same year, Law No. 119 has enhanced procedural instruments to combat such offences as maltreatment in the family and persecutory acts, including stalking (EUCPN). This law also introduced new measures, including the urgent removal of the offender from the family home. Moreover, the law provided the establishment of a National Anti-Violence Plan for the planning and coordination of multidisciplinary actions.

In 2019, the Italian government emanated Law 69 (19 July 2019), composed of 21 articles, also called “Red Code” (GU n. 173 25.07.2019). This law is an enormous improvement in the protection of the victims

cof domestic violence. However, despite the steps forward in the adoption of some measures aimed to tackle gender domestic violence, on 1 October 2020, the Council of Europe’s Committee of Ministers declared to be dissatisfied with the measures adopted by Italy. (CM/Notes/1383/H46-12)

To sum up, in the beginning, the violence was sanctioned not as an offence to the person but as an attack on a family and community good, women’s reproductive apacity. Subsequently, more recent legislative intervention on violence against women has broadened the perimeter of what is defined as violence, also including behaviours until recently considered legitimate (marital mistreatment or rape) and enriching shades of the sense of “violence”. (ELF, 2018, p.57) In addition, a radical change consisted in definitively affirming that the law protects the body and integrity of women and not public goods such as family honour or morality. In this sense, the 20th century was undoubtedly a watershed.

In conclusion, since the middle of the 20th century, the Italian government has long addressed the issue of domestic violence against women. Several actions have been taken on the preventive and judicial levels. At the preventive level, the collaboration with regional bodies, private organisations, and police forces offering the required psychological, logistical, and legal support is of crucial importance. Nevertheless, such a complex problem must be addressed with articulated regulations both on national, regional, and provincial levels according to an integrated approach capable of implementing strategies and interventions of different nature, not limited to the exacerbation of the penalties against the perpetrator of the violence.

Domestic violence against women before Covid-19

Since the beginning of the 21st century, the Italian government has slowly begun to examine and collect needed national statistics on violence against women through the National Statistics Institute of Italy (ISTAT), the official Italian government statistical agency. (Bucci, 2012) However, more research and empirical evidence are needed. In Italy, despite the data bank of the ISTAT that collaborate with anti-violence centres, there is not a national observatory, and the data mainly arrive from a report to the police or the free-toll number 1522, made available by the Department for Equal Opportunities of the Presidency of the Council of Ministers.

Type of violence	Current partner	Non Partner or ex- partner	Total
Physical or sexual violence	14,3	24,7	31,9
Physical violence	12	9,8	18,8
Sexual violence	6,1	20,4	23,7
Rape or attempted rape	2,4	2,9	4,8

Table 1. – Source: Data survey ISTAT 2006

Before considering the situation during Covid-19, it is essential to analyse the situation before 2020, especially with two relevant ISTAT surveys in 2006 and 2015. In the 2006 ISTAT survey, conducted on a sample of 25,000 women between the ages of 16 and 70, emerged that more than 6 million women (31,9%) in the considered age group had suffered physical or sexual abuse in their lifetime. (ISTAT, 2006) Almost 2 million (14.3%) women had suffered domestic violence from their partner or a former partner, while 5 million (24.7%) women have suffered violence outside the home. (ISTAT, 2006)

In reality, it is not possible to know the exact number of women who have undergone these terrible experiences because these data relate only to the small number of women who reported the fact to the authorities. It is estimated that over 90% of the victims do not report the fact. Precisely, the women who suffered violence by the partner were 93%; and those who suffered violence from a “non-partner” and did not report the abuse were 96%. (ISTAT, 2006)

In 2014, according to ISTAT, domestic violence affected 1 in 3 (31.5 %, more than 6 million women). Among these results, 21% of these women suffered sexual assault within domestic walls, and 20.2% was victim of physical violence. Almost 3 million women (13.6%) suffered physical or sexual violence from the current partner (5.2%) or the ex-partner (18.9%). (ISTAT, 2015) Most of the women who suffered violence from a partner left him for this reason (68.6%). In addition, current or former partners, together with friends and relatives, commit the most severe violence: indeed, 62.7% of rapes are committed by a current or previous partner. This violence occurs mainly in the victim’s home (58.7%), and almost a quarter of cases result in serious injuries requiring medical attention. Among women who have suffered sexual violence, 5.4% of the cases resulted in rapes or attempted rapes (5.4%). (ISTAT, 2015) As for the relationship between violence and pregnancy, 11.5% of pregnant women suffered partner abuse during the gestation period. At the same time, 690,000 women were victims of domestic violence who had children during the reported episodes. (ISTAT, 2015)

In Italy, the most serious forms of violence – physical violence – are carried out by partners, exes, relatives, or friends. Indeed, the rapes were committed in 62.7% of cases by partners, 3.6% by relatives, and 9.4% by friends. Strangers are mainly perpetrators of

Type of violence	Current Partner or ex	Non partner	Total
Physical or sexual violence	13,6	24,7	31,5
Physical violence	11,6	12,4	20,2
Sexual violence	5,8	17,5	21
Rape or attempted rape	2,4	3,4	5,4

Tab.2 Source: ISTAT, 2015

sexual harassment (76.8% of all violence committed by strangers). (ISTAT, 2015)

Physical and sexual violence is frequently associated with psychological violence (90.5% of cases). In 2006, 7 million 134 thousand women had suffered psychological violence, 43.2% by the partner. Among women who have suffered violence from partners, more than half of the cases suffer from loss of confidence and self-esteem (52.75%). Of these, over 1 million 500 thousand have suffered from their former partner. (ISTAT, 2015)

A comparison between the two ISTAT surveys demonstrates a decrease in psychological, physical, and sexual violence. Even though the signs of improvement were minimal, this decrease results from more and better information and a better awareness of women that become even more prepared to detect, prevent, and combat these situations. Moreover, in respect to 2006, the victims are much more satisfied with the police forces’ work (from 9.9% in 2006 to 28.5% in 2015). (ISTAT, 2015)

In general, as it emerges from the ISTAT surveys, there can be several causes of domestic violence: (UNICEF, 2000, pp.7-8)

- Low level of education,
- Being a former victim of violence at an early age,
- Having witnessed scenes of domestic violence within the family realm,
- Alcohol abuse,
- Accepting violence as a cultural phenomenon,
- Gender disparity.

In conclusion, in Italy, from 2013 to 2020,

75% of victims indicate the domestic walls as the place where the violent act occurs. Indeed, especially during periods of liberty restrictions, as during Covid-19, which will be discussed in the next section, these situations are likely to worsen. However, it must be recalled that the number of victims is indicative because, as seen by the percentages, most women do not declare or report such cases of domestic violence. This omission is because the partner tends to normalise violence as a cultural phenomenon and manipulate the victim or because the victim is too ashamed.

Violence in the shadows: domestic violence against women during the Covid-19 pandemic

The Covid-19 pandemic and the restrictive measures adopted in Italy (e.g., quarantine and isolation) to prevent and contain the spread of the virus have had a significant impact on the rise of domestic violence and the provision of essential health, judicial, and police services for those women who have suffered or are at risk of violence. The confinement and lockdowns imposed to tackle the Covid-19 in Italy have aggravated pre-existing situations of violence within the family and have worsened the existing gender gap. Moreover, the health emergency has drastically reduced the possibility for women to make requests for help. Unfortunately, the data provided by the annual report released by ISTAT has confirmed this situation: domestic violence has drastically increased. The rise in domestic violence cases but the difficulties in reporting them during the pandemic have alerted several organisations, researchers, and representatives of civil society. They expressed their concern using formal and informal networks and affirmed the need to establish effective interventions to prevent and combat the phenomenon.

In Italy, for 9.1 % of the population, equal to about 3 million people, the family climate is fragile and complex to the point of generating fear of saying or doing something, especially in women. Indeed, since the beginning of 2020, the government highlighted that the imposed restrictions should not be underestimated even in situations with a serene and positive family climate. (ISTAT, 2020) The ISTAT special report for the emergency of Covid-19, called “The requests for help during the pandemic”, analysed the numbers of domestic violence cases reported to the telephone service, anti-violence centres, and shelters during the calendar year. Inevitably, therefore, the lockdown segregated potential victims of violence or stalking at home, so much so that it emerged that in 48.5% of cases to call 1522 were married victims. (ISTAT, 2020) However, the percentage of single women who turned to the toll-free number (32.3%) is not indifferent. In total, the physical or psychological violence cases were 51.3% (an increase compared to 44.9% in 2019).

The most relevant problem is that women have encountered numerous difficulties in requesting help and therefore obtaining the essential services for support, both physically and through assistance lines (telephone and online) since being forced to stay at home with their perpetrator, they did not have the necessary privacy to proceed in contacting the authorities. In fact, in Italy, calls to helplines – particularly 1522 – dropped dramatically during the first period of isolation. The telephone line dedicated to domestic violence received 55% fewer calls in the first two weeks of March because many women could not ask for help during the lockdown. (Rossi, 2020) Therefore, the data disclosed, related to the year 2020, represent only the part of victims who found the courage to call the anti-violence number 1522. (ISTAT, 2021) The conceivable reason



is always due to explicit and implicit pressure from the family context, which the lockdown did not help. ISTAT considers this motivation for 27.4% of non-complaints (in 2019, 19.5%), while 13.7% of women victims of violence, harassment, or stalking would not report for fear of a violent reaction from the executioner. (Lissandron, 2020)

According to the ISTAT statistics, in Italy, after the initial drop of calls to 1522 (from 1104 to 496 cases) in the first two weeks of March 2020, the numbers rapidly increased again (73% more compared to March-October 2019). In addition, requests for help via chat tripled, going from 829 to 3,347 messages. In general, in 2020, the calls to 1522 increased by 79.5% - 15,128 compared to 8,427 in 2019. (Pierini, 2020) A boom in calls began at the end of March, with peaks in April (+ 176.9% compared to the same month of 2019) and in May (+182.2%

compared to May 2019) as a result of the national media campaign. In 2020, between 23 and 29 November 2020, on the occasion of the International Day for the Elimination of Violence against Women, calls more than doubled (+ 114.1% compared to 2019). (ISTAT, 2021) The increase in requests for help to the toll-free number was thanks to the intensification of the excellent information campaign promoted by the Italian government on the subject aimed at bringing out greater awareness on the part of women in wanting to get out of pressing and compelling violence or use the tools useful to ask for support.

At the same time, while the number of cases increased, the reports to the police decreased during the lockdown. In fact, from March to May 2020, compared to the same period in 2019, Italy experienced a drop from 16.6% to 12.9% in the share of victims who reported the fact to the police. ISTAT declared that the drop in complaints to the police is linked to the negative consequences that can be generated in the family context (21.6%), to the general fear (13.4%), to the fear of the reaction of the violent (10.9%), to the uncertainty about the aftermath (6.0%), the lack of confidence in the police or because the latter have advised against making a complaint (3.3%). (ISTAT 2021; Pierini, 2020) Among the victims, 2.8% withdrew the complaint, and more than one in three (40.4%) returned to the perpetrator. These are indicative numbers of how much isolation in Italy has contributed to accentuating domestic conflict situations, even pre-existing ones, and of the difficulty for victims to find spaces and opportunities to ask for help due to the presence of the violent partner within the home. (UNIMIB)

In terms of numbers, it emerged that the violence reported to 1522 were mainly perpetrated by partners (57.1%) or ex-partners (15.3%). Due to the lockdowns,

inevitably, the violence committed by other actors diminished (ISTAT, 2021) but increased the number of violence committed by other family members (parents, sons, etc.) that reached 18.5% (compared to 12.6% in 2019).

In the first five months of 2020, reports ISTAT, 20,525 women turned to an AVC due to episodes that originated from circumstances caused by the pandemic (forced cohabitation, job loss by the perpetrator or the woman). On average, 73 women were welcomed in each facility at the national level. However, geographically, there were very marked territorial differences. (ISTAT, 2020) In particular, in the North-East of Italy, the figure rose to 108 and about 95 in Central Italy, while the centres in the South and on the islands welcomed an average of 43 and 47 women, respectively. (ISTAT, 2020)

The requests for help in the AVCs are not homogenous in 2020. In March 2020, the AVCs had to reduce the assistance services offered due to the first lockdown. However, in the following months, in concomitance with the renewed capacity of the centres to manage the arrivals during the pandemic, the number increased again. In fact, 78.3% of the Centres declared that they had found new reception strategies, while only six structures had to stop providing them. In almost all cases (95.4%), the AVCs supported women through telephone interviews; in 66.5%, they used email; in 67.3%, the interviews took place in the presence in compliance with the distancing measures. (FQ, 2021) In conclusion, despite the low number of AVCs in Italy and the restrictions imposed to reduce the spread of Covid-19, AVCs and shelter houses managed to find new strategies to host victims of domestic violence. Nevertheless, in some regions, especially in Southern Italy, the shelter houses could not activate innovative solutions to welcome

victims (ISTAT, 2021) due to the lack of funds to provide tampons or medical care or spaces to guarantee social distancing. However, it is worthy to remind that in March 2020, with the circular 15350/117(2), the Italian government indicated that the Department of Equal Opportunities would temporarily bear the costs of the individuation of housing solutions to host women victims of violence with their child.

A focus on femicides before and during 2020

According to the surveys of the anti-violence toll-free 1522, from December 2012 to August 2016, almost 170,000 calls were received. (Polis, 2020) However, sometimes, the operators of 1522 fail to save or at least help women from the most tragic results of the violence: the killings at the hands of family members, especially partners or former partners. According to the Eures report on femicide in Italy, between 2000 and 2015, there were 819 victims, equal to an average of 164 per year or a frequency of 1 femicide every two days. In 2015, there were 128 femicides. (Eures, 2015) Among those, 71.84% of cases are defined as “family femicide” because the perpetrator is a figure close to the victim: partner or former partner (68%), parent, child. (Eures, 2015)

According to EURES, between the beginning of January and the end of October 2020, 91 women were killed in Italy, almost one every three days. At the end of 2020, the number increased to 112. In the first six months of 2020 in Italy, the number of murders decreased, but that of femicides increased.

A report released by the Joint Criminal Analysis Service of the Ministry of the Interior highlights how gender-based violence has increased during the lockdown period due to the pandemic. In the first half of 2020, 59 women were killed. If in 2019

they made up 35% of total homicides, this year the incidence stands at 45%. By further narrowing the analysis, it is clear and without the possibility of being mistaken that 77% of the murders took place in the family and emotional environment and involved women. Among these, 56 femicides were perpetrated by the partner within the context of the couple. A statistic that leaves no room for interpretation must also make us think about how the recent lockdown period was a delicate moment from the point of view of gender-based violence.

In 2020, 56.8% of femicides were committed in Northern Italy, 9.5% more than in 2019, with a particular concentration in Lombardy and Piedmont. In fact, the two regions alone absorb 36% of femicides nationwide. In Central Italy and Southern Italy, 14 and 21 femicides were committed respectively in the first ten months of 2020. (Massariolo, 2020) Unfortunately, 2021 registered numbers similar to those of 2020. These figures are not surprising. It is considered that Italy faced measures of isolation, partial lockdown, and curfews also in 2021. The numbers of femicides were still high – in the first five months, 38 women were murdered, two victims per week. (Pleuteri, 2021) Unfortunately, the numbers are updated daily, and femicides continue to be recorded in various newspapers. However, the problem is that femicides are not such a hot topic in the Italian political debate; hence, they often pass unobserved.

In all this, the Committee of Ministers of the Council of Europe points out the lack of communication by Italy of the essential data to prepare truly effective measures in the fight against violence and femicides against women. Recent regulations to combat the phenomenon of femicide do not seem to be able to stem it. On 6 April 2020, the Parliamentary Commission of Inquiry into Femicide and all forms of gender-based

violence approved a document containing measures to respond to the problems of women victims of violence. Moreover, the Parliament committed to preparing additional measures and economic resources and more streamlined procedures to ensure protection, support, and reception measures for the women and minors involved, ensuring the effective operation of anti-violence structures.

Suggestion and recommendations for future steps

As previously mentioned, the measures of social distancing and forced coexistence implemented by governments to protect the health of all citizens from the Covid-19 health emergency have increased the risk of domestic violence against women, as they were forced to stay confined at home. Living with their perpetrator of violence has also diminished the opportunities for calling the authorities and reporting the violence.

The Government, the former President of Council, Giuseppe Conte, and the Minister of Equal Opportunities and Family, Elena Bonetti, have recalled the importance of tackling this “invisible pandemic”, have invited the victims to contact the toll-free number 1522, and stressed the willingness of the authorities. Nevertheless, this was not enough. Unfortunately, in general, the measures taken by the Italian government to tackle domestic violence during Covid-19 have remained merely oral recommendations, without taking actual measures to address this issue. Therefore, this section outlines some suggestions and recommendations for better coping with this issue.

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This section recalls as common guidelines the need for sensibilisation in schools to increase women’s awareness, increase public awareness through information campaigns, and enhance the health operators’ capabilities through constant training. (Penasso, 2021) However, this section aims to critically outline specific recommendations for the Italian government.

Firstly, anti-violence centres in Italy are insufficient - 0.05 per 10,000 inhabitants. According to the 2018 ISTAT survey, the anti-violence centres were 302 – Southern Italy, in particular, suffers from scarcity. Moreover, not all of them adhere and do not comply with the 2001 Istanbul Convention. (GREVIO, 2019) According to these criteria, the AVCs must guarantee women a complete path, ranging from telephone reception to autonomy, including job placement, considering each woman’s specific needs.

Therefore, this lack of structures where women might find a temporary location to temporarily find a solution to the violence they experienced at home creates operative and structural problems. The Ministry of Equal Opportunities, in March 2021, has been asked to find new housing solutions to move away from the victims from the partners and avoid dangerous situations at home. Nevertheless, especially in Southern Italy, structural shortcomings have worsened the intervention to help the victims. Generally, the centres are independently organised and are part of a non-institutional network. Therefore, more cooperation at the national and regional levels is required to confront this lack of anti-violence centres. More visibility and institutional support are required, and trained workers – not just voluntary operators – shall manage the CAVs. (Carlorecchio, 2021) In this regard, the DiRe Association, jointly with UNHCR, has presented the new National

Anti-Violence Plan (2021-2024), which offers some strategic proposals to make the Italian anti-violence system more effective. Ms Elena Bonetti, Minister of Equal Opportunities, has already praised this proposal.

Seeing the lack of structures, another option that could be strengthened is telemedicine, or telehealth. Telemedicine has been effectively used in several Italian regions to maintain contact with patients by reducing the risk of exposure to Covid-19. (Penasso, 2020) The use of telemedicine is highly recommended for screening the victims of domestic violence and providing the necessary support and resources. (ISS, 2020) Telemedicine might be effectively implemented, especially in those regions where the density of CAVs is lower, especially in Southern Italy, whether the victim has access to the Internet. (ISS, 2020) Moreover, this method of support takes into account and ensures the privacy and safety of women. In this regard, it also needs to ensure precautionary safety measures, such as deleting the history of calls, chats, messages, or emails. Therefore, the use of “traditional” routes, such as CAVs, shelters, assistance centres, police departments, and emergency numbers should be effectively combined with the use of virtual channels, such as telemedicine, websites, and messaging applications.

In this regard, in 2020, the functionalities of the app “YouPol”, created in 2017, have been implemented. This free app is an additional tool that can simplify reporting crimes of domestic violence. With YouPol, the victim can transmit messages, even a photograph, to the operators of the State Police in real-time. The reports are automatically geo-localised and anonymously, respecting the privacy of the victim. This is a resource that signifies an important step forward for the informatisation of the relationship between victim and police. Henceforth, it should be

constantly updated, and its functions should be improved and expanded in order to be a valid support to who is being abused.

Lastly, ISTAT and the Department for Equal Opportunities work to ensure an integrated information framework on violence against women. However, sometimes, especially when looking for information online, this information seems rather fragmented. Italy still lacks a national observatory dedicated exclusively to domestic violence. Indeed, this system should be implemented to provide a comprehensive monitoring framework. Hence, it is recommended that the Italian government, national statistical institutes, 1522, YouPol, and AVCs, specialised services, public consultants, local health authorities, public hospitals, diocesan Caritas, services for counter stalking, public emergency numbers (112, 113, 118), first aid with specific pink courses for women victims of violence, and women’s associations or specialised services against violence towards foreigners work together to provide integrated statistics, impact assessments, and crisis actions. The integrated collaborative work between organisations for data collection, selection of indicators, impact assessment, and planning of actions against violence is also highlighted. With clinical and psychosocial research on domestic violence, the multidisciplinary and intersectoral approach is key to effectively address this challenging issue.

In conclusion, local and national governments undertake to give concrete answers to protect women in terms of prevention and protection, while punishment is entrusted to other authorities (police forces). In Italy, the Council of Ministers and the Department of Equal Opportunities have made remarkable signs of progress in both preventing and addressing domestic violence against women. Public and national campaigns, leaflets and handouts, training in

schools and police officers have been implemented. On the other hand, NGOs and civil society still face some difficulties due to the lack of structures to provide help to women due to lack of structure and funds, especially in Southern Italy. The best way to address this problem is by expanding the network of telemedicine or YouPol to get to people in danger, even in remote places. Nevertheless, the Council, and the other Ministries, have to jointly work to ensure access to the Internet and the correct functionality of this service. Lastly, it must be stressed the need to implement public policies to prevent, protect, investigate, and punish violence and create opportunities for vulnerable women.

Conclusions

As it emerged from the data, the situation in Italy has confirmed a global negative tendency. Domestic violence and femicides have remained high and even increased in 2020. Analysing the historical background, it emerged that domestic violence is strongly linked to the patriarchal structure of Italian society and culture intrinsic with the figure of the pater familias. Henceforth, even though this structure is no longer present in the Italian jurisdiction, it is still present in many men's mentality and is difficult to uproot.

The Italian government has made some progress; however, more improvements have to be made. Alongside regulatory interventions, both punitive and preventive social intervention tools must be adopted from education in schools to post-abuse solutions. Among these tools are recalled listening and reporting desks, anti-violence safeguards in the various territorial areas, shelters for abused women, activation of telephone lines dedicated, assistance through specialised personnel, but above all institutionalisation of the existing anti-violence centres that must adhere to the

2011 Istanbul Convention. (Cocchiara, 2013)

In this regard, Italian institutions still struggle to put the Convention into practice, despite it being a law of the Italian state. Italy must prove to the Council of Europe that it respects and applies the Istanbul Convention. To ensure adequate and effective risk assessment and management, in Italy, a complete system of data collection is required with statistical data on the number of complaints received, the average response times of the authorities, and the number of protection orders implemented. Moreover, another essential intervention is that Italy needs to increase the capabilities of police forces, health, and educational operators on this topic and provide consistent training aimed at professionalising the officials on domestic violence. In this way, they can acquire greater sensitivity and ability to read and recognise the signal of domestic violence and preventively adopt the needed measures. Recognising the problem is essential to minimise the damage. Moreover, it is essential to carry out projects in all schools of all types and levels to spread the culture of gender, combat stereotypes, and educate young people on the concept of equality and equal opportunities. This can be achieved not through isolated meetings or conferences but within specific training courses designed to raise awareness, from an early age, of the culture of mutual respect and the enhancement of differences and the fight against any form of discrimination. (Cocchiara, 2013)

In Italy, telemedicine and remote assistance might be a beneficial solution to provide support to the victims who cannot reach an AVC. However, this has to be integrated as a complementary and not a substitute solution. Remote assistance guarantees quick handling of the patient's first-hand approach, but it lacks the human relationship. Moreover, as already mentioned, to effectively work, the

patient must have access to the Internet. Both 1522, YouPol and telemedicine services respect the victim's privacy. If effectively implemented, they can provide a catalogue of the victims of domestic violence and facilitate the retrieval of data that might create a national database.

Regarding AVCs and shelter houses, Italy needs to adopt a measure that creates coordination among all the sectors of the society and national, regional, and local authorities. Moreover, to ensure long term solutions, the Italian government should provide stable and continuing funding to protect, support, and empower women and

their children. Regarding independent organisations, Italy still needs to improve and consolidate the national and local institutional framework for cooperation and consultation among women's associations. It is evident that such a system cannot be achieved with the few resources made available by the recent law "to combat gender-based violence". Abused women in Italy shall count on a political and administrative class convinced that the commitment to prevent and reduce gender-based violence's human and social cost is not an expense but an investment

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“The shadow pandemic, a human rights conundrum?”: the Covid-19 pandemic and its impact on unemployment for women in Latin America and the Caribbean and the concomitant increase in domestic violence as a form of gender-based violence

While the Covid-19 pandemic threatened to decimate the entire world’s population, it appeared that yet another covert and subtle pandemic as a result of this crisis was looming in the shadows. This “shadow pandemic” however threatened to derail and to obliterate the significant advancements made in respect of women’s rights within the international community over the years. Notably, it threatened to reverse the achievements made in the advancement of the rights of women to protection against Gender Based Violence (GBV) in all its varied forms under international and domestic law, including advancements made against Domestic Violence. It also threatened to erode the equality of treatment of women on the same basis of men in respect of employment. In this regard, it should be noted that the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and General Recommendations 19 and 35 adopted by the Committee on the Elimination of Discrimination Against Women prescribes against discrimination against women and delineated that gender-based violence, in accordance with Article 1 of the CEDAW Convention constitutes discrimination against women. Further, Article 11 of the CEDAW Convention provides for the inherent right of women to work and to be treated on an equal basis with men in respect of economic opportunities for employment. The sustainable development goals (SDGs) targets reinforce the principles espoused in the CEDAW Convention and the General Recommendations 19 and 35. In particular, SDG target 5.2 relating to Gender Equality delineates that states bear an international obligation to eliminate all forms of violence against women. While Target 5.a obliges states to undertake reforms to accord to women equal rights to economic resources. The United Nations however delineates that

although several advancements have been made in the field of women’s rights and to full gender equality, such as more women being included in leadership roles, these achievements have been severely inhibited by the increased violence perpetrated against women and girls during the protracted periods of lockdown during the pandemic. (UN, 2020)

Understandably, states did what they believed was best in protecting the public health and global security interests of their state and their citizens by shutting their borders and issuing stay at home orders. This was mostly due to the alarming statistics proliferated throughout the media about the number of persons who were infected and died as a result of the Covid pandemic globally. For example, according to the recent findings by the UN it was noted that by April 2021, there were over 136, 115, 434 confirmed Covid cases and 2,936,916 deaths globally. (Padmore, 2021) While the entire global population was severely impacted by this global health challenge, the region of Latin America and the Caribbean were not immune to its devastating impact. It was also noted that within the 35 territories of the Caribbean region there were over 630, 239 confirmed cases and 8571 deaths as of April 6, 2021 in the Caribbean. (Padmore, 2021) Caribbean leaders who were therefore faced with such a dilemma and a lack of basic infrastructure, medical equipment or resources to deal with the crisis, also followed the more developed states in imposing strict travel restrictions, closing their borders, imposing lockdowns and restricting the free movement of people. They also, like many other states, imposed stay at home orders.

The restrictions on international travel and the lockdown orders resulted in the alarming loss of jobs in the LAC region based on the reports of the ILO who noted that during the

crisis over 34 million workers lost their jobs. (ILO, 2020) During the crisis as well there was a severe retardation of the growth within the tourism sector for Latin American and Caribbean countries and their already vulnerable economies. It is important to note that the Caribbean and Latin American region are tourism driven and these economies are extremely dependent on tourism to generate revenue for the economic stability of their territories.

It was posited that the Tourism sector accounted for 11% of the GDP for Caribbean countries and 4% in Latin America for the year 2019. (Mulder, 2020) It was also indicated that tourism also offers key opportunities for women providing them with flexible working hours and part-time jobs. (Mulder, 2020 p.11) Most of these women work within the Accommodation and food service sector in the field of tourism and it was further delineated that women accounted for almost 60% of employment in the accommodation and food services sector in Latin America and 62% in the Caribbean. (Mulder, 2020 p. 12) In some countries it was noted that this percentage was greater. For example, in Bolivia the percentage was 79% for the same sector, in Honduras it was (76%) in Peru (76%), in El Salvador (75%), Guyana (75%), Nicaragua (73%) and Guatemala (71%). (Mulder, 2020 p. 12) It was also highlighted however, that despite the fact that most women are employed in tourism in LAC, they are more likely to be employed in low skilled levels and low paid employment. (Mulder, 2020)

Given the fact that many women in the LAC region are heavily dependent on the tourism industry, many of them were faced with the stark reality of unemployment due to the protracted closure of international borders, restriction of international travel and closure of various businesses. Moreover, although the statistics globally reveal that everyone

has suffered in one way or another, as a result of the Covid pandemic, women in the LAC region have been one of the most vulnerable groups affected by the crisis as they faced greater social, economic and physical insecurity than men. (Mulder, 2020)

From the data aggregated across the Caribbean region in particular from the twelve countries of Antigua and Barbuda, Anguilla, Bahamas, Barbados, British Virgin Islands, Dominica, Guyana, Trinidad and Tobago, St. Vincent and the Grenadines and Jamaica, the key findings indicated that women were primarily involved in the tourism sector which was unstable during the pandemic and therefore made them more predisposed to being vulnerable to “economic shocks than men who were involved in more diversified fields of employment.” (Padmore, 2021) Additionally, although both men and women suffered losses due to the pandemic, women tended to suffer greater losses in terms of their jobs than men.

The rise of gender based violence and specifically domestic violence against women in the lac region due to Covid-19

It was noted earlier that during the pandemic, the governments within the LAC region issued stay at home orders which precipitated and magnified the incidence in gender-based violence against women globally as well as within the LAC region. Within the LAC region in particular, there was an exponential increase in the numbers of women who were victims of both domestic violence and sexual violence which resulted in what was termed a “shadow pandemic”. As noted earlier in the definition on Domestic Violence, such violence is a form of GBV which is often perpetrated by an intimate partner against the victim and can include both physical, sexual, emotional, financial and verbal abuse. (UN, 2021) While statistics on GBV against

women for the Caribbean region were already high, women within the LAC region were placed in a precarious situation in which they felt trapped due to lack of support networks, financial autonomy and stability and the fear of reporting abuse. As noted by Jaramillo (2020), “the lockdown and quarantines, as well as efforts to contain the virus has led to greater isolation, financial dependence and vulnerability of women and girls.” The region is said to have ranked as second globally in sexual violence perpetrated by men who are not the victim’s partner. (Jaramillo, 2020) Further, it was noted that of the 25 countries with the highest incidence of femicides 14 of them were from the LAC region. (Jaramillo, 2020)

Moreover, from the reports of the UN, Argentina, Mexico, Colombia and other countries in the region had an increase in cases of domestic violence in the year 2020 between 30-50%. (Jaramillo, 2020) In the Statista Report on Domestic Violence in the Latin American Region, it was noted that there was an increase in reports of Domestic Violence from Colombia within the first 18 days of the Covid pandemic from women who accessed the domestic violence helpline and Colombia experienced a growth rate in 130% of domestic violence cases, moreover, Chile also recorded an increase in domestic violence as over 70% of women called the helpline during the first weekend of the quarantine while there was a 67% growth rate in domestic violence cases in Argentina, as more persons called the family violence helpline in April 2020. (Romero, 2021) This was definitely seen as a major regression and setback in terms of the progress made in respect of women’s rights and against GBV and especially in the area of Domestic Violence which is one of the many forms of GBV. (Jaramillo, 2020) It was noted by the Secretary General of the UN Antonio Guterres that “violence is not confined to the

battlefield. For many women and girls, the threat looms largest where they should be safest. In their own homes...we know lockdowns and quarantines are essential to suppressing Covid-19. But they can trap women with abusive partners” (Lopez-Calva, 2020)

The statistics from the Caribbean on violence against women are profuse and reveal that at least 46% of women across five of the territories in the region was a victim of at least one form of violence. (Sayed et. al, 2020) It was noted that statistics on the epidemic of violence in the Caribbean ranged from 39% in Grenada and Jamaica, 44% in Trinidad and Tobago and 48% in Suriname. (Sayed et. al, 2020) From the reports for the country of Trinidad and Tobago in particular, it was noted by the Commissioner of Police, Gary Griffith, that there was a rise in the number of domestic violence cases from 232 in 2019 to 558 in 2020, which shows that domestic violence cases doubled in 2020. (Mendes-Franco, 2020) This figure continued to augment and for the period of January to March 2021, it was noted that this figure increased significantly to 826 reported cases. (Cox, 2021)

From the data taken from the Crime and Problem Analysis branch of the TTPS that was extracted from the August 2020 report of the Trinidad and Tobago Central Registry on domestic violence, it was recorded that 7,594 cases of domestic violence were reported between 2014-2019 and more than 75% were reports made by women. (Cox, 2021) In 2019, during the start of the pandemic, it was also noted that 81% of the reports were from women between the ages 18-29 years and 48.5% were from women between the ages of 30 and 49. (Cox, 2021) This underscores that during the situation of crises and pandemics such as Covid-19, women and girls are primary targets of abuse, as the high incidence of unemployment, loss of jobs and

low morale make women and girls even more vulnerable to being abused by their partners who may take out their own frustration against them.

Throughout the media in Trinidad and Tobago, there has also been a proliferation of cases of young women and girls being victims of abductions, rape and brutal killings some of which were by intimate partners and persons that they know. The cases of Ashanti Riley in 2020 and Andrea Bharratt in early 2021 who were brutally abducted, raped and killed are among the several cases of women throughout the country who were victims of sexual violence and femicide within this country. (Brabant, 2021; Bahaw, 2021; Kissoon, 2021) Additionally, the case of Adeina Alleyne, who was brutally butchered to death with a machete in front of her seven year old young son who cried out for help while his father hacked his mother to death, is a reflection of the sad reality of cases of domestic violence countless women had to face during the Covid pandemic. (Brabant, 2021) Women's rights and lives seem meaningless as they are brutally targeted because of the fact that they are women. Many have succumbed to hopelessness and don't not know who or where to turn to during the pandemic which leaves them exposed to predators. Additionally, many feel that they are in a situation of powerlessness as many have lost jobs, financial security and autonomy and were left in the hands of predators who saw them as easy targets for abuse.

As noted before in my previous paper on *Confronting Gender Based Violence: the impact of gender stereotyping on Women and girls in the Caribbean and particularly in Trinidad and Tobago*, much of the violence, including domestic violence, that is perpetrated against women and girls are a result of gender stereotyping and deeply entrenched patriarchal ideology which

causes men to perform acts of violence and aggression against women. (Stephens, 2017) Within Trinidad and Tobago, Jamaica and countries in Latin America the concept of the "macho" or "machismo" man is propagated and condoned even by women and this has unfortunately led to women being both physically and sexually abused by men. (Stephens, 2017) The current spate of violence against women is also as a result of the frustration which men feel during the pandemic in which they also have lost jobs and because of their perceptions of their role as breadwinners for their family. (Stephens, 2017) If they are unable to provide for their families, they may internalize this as the inability to perform their duty as men and therefore perpetrate acts of violence and aggression against women. (Stephens, 2017) The concept of masculinity is therefore critical to understanding what states can do to remedy this situation which already existed prior to the pandemic but has been exacerbated during the Covid pandemic.

Although the government has embarked on initiatives which are positive to train officers of the TTPS of the GBV Unit and to sensitize officers on the issue of domestic violence and GBV, this is unfortunately not enough. This is because persons within the Unit need to have specialized training at least at the Bachelor's and Master's level to understand how to comprehensively deal with matters affecting domestic violence and GBV. Moreover, although there is a plethora of legislation in place to deal with GBV and domestic violence such as the Domestic Violence Act and Amendment Act and the Sexual Violence Act, the legislation needs to be updated to provide greater protection to women and girls taking into account the issues of masculinity as well as to help victims to feel confident in accessing the justice system.

At the moment, women and girls still feel

intimidated in reporting since they still feel that they would not have proper access to justice. This is due to the fact that although there are provisions made for protection orders to restrain perpetrators of domestic violence, this may cause a more adverse response from perpetrators of abuse as they believe that their power to control and to maintain dominance in the home has been taken away from them, and they tend to become more violent and aggressive to victims once they are prevented from entering the home or being within close proximity to victims who they blame for the inability to access their homes. (Stephens, 2017)

Many women also do not feel safe to approach the justice system including the police in order to seek redress against domestic violence and many still fear for



their lives as the issue of safety for themselves and their children is a major concern for such women. Additionally, many women are still financially dependent upon their partners. As a result of these factors, many stay in such relationships because of the feeling of hopelessness and powerlessness. Although there are safe houses, these are vastly insufficient to protect women and girls. Additionally, there are not enough mechanisms to protect women when testifying against partners who have committed acts of aggression against them. What this therefore shows, is that the law is not enough in dealing with the issue of domestic violence and that it cannot deal with the issue of domestic violence and GBV on its own. More needs to be done in terms of changing attitudes towards domestic violence and GBV from both a legal and policy standpoint and towards re-education on gender-stereotyping in order for women and girls to obtain adequate protection under the law.

Is there a way forward for protection of women and girls rights in respect of this pandemic or any future pandemics?

The Global Covid-19 pandemic highlighted the overall lack of preparedness of the world to deal with a major global health challenge of such an overwhelming proportion. It also underscores that there may be other cross cutting issues that arise as a result of global health challenges, including the way that it impacts the most vulnerable in society including women and children. States must therefore take a more proactive and concerted response to addressing such challenges and not a reactive response. In cases where there are cross cutting issues such as gender-based violence and specifically where domestic violence has been perpetrated against women, and where women are at high risks of losing financial

independence and security through jobs, there is therefore a need for states to assess how they can respond in a proactive manner to meet these potential challenges for the future.

One of the major mechanisms that states can employ in protecting the most vulnerable including women and girls from a secondary epidemic of violence during a pandemic is to empower women to be financially independent. The state should establish mechanisms for protecting women and girls through assisting women and girls to also have alternative trades and skills training in areas where there is less instability. It was noted within the literature that women particularly within the LAC region were involved in mainly Tourism and low skilled sectors and professions. However, although many women within the Caribbean pursue professions in the field of Tourism, governments should encourage women to diversify their skills in sectors outside of Tourism and into other skills and even embark upon teaching women vocational America, still perceive themselves and their roles as the breadwinner of the family. Therefore, empowering men to acquire gainful employment even within situations of crises or pandemics is integral for countering the surge in gender-based violence and specifically domestic violence against women due to the frustration of being unable to find jobs. It would also assist in decreasing the incidence of domestic violence against women which tends to augment exponentially through the protracted lockdowns and stay at home orders as occurred throughout the world during Covid-19.

Men should also be empowered to become their own bosses and entrepreneurs. Encouraging men to also find platforms in areas outside of the non-traditional sectors such as Tourism is particularly important for



males in the Caribbean, where domestic violence rates are the highest. Men should also be encouraged like women, to become their own entrepreneurs and the governments of the LAC region can launch initiatives to give men, in particular, start-up funds to launch their own businesses. Initiatives can be encouraged to assist men to open their own small to medium enterprises like women. As men feel empowered as their own managers, they may be less likely to perpetrate violence against women.

At present, there is the European Development Fund (EDF) fund in the Caribbean to assist entrepreneurs in starting up businesses especially in the creative industries sector, and states during this time of the pandemic should advertise and encourage both men and women to apply to receive funding to start their own businesses in non-traditional sectors.

Even though the pandemic has resulted in the loss of gainful employment for both men and women, and while states may have retrenched workers, states still have an

obligation to identify and devise meaningful ways to assist citizens to explore other opportunities or areas for obtaining gainful employment. In this regard, special attention should be placed on empowering women to become financially independent by equipping them with the requisite skill set and business acumen they need.

With respect to the issue of sexual violence against women in the LAC region including intimate partner violence or domestic violence, as noted in my earlier research, the issue goes back to gender stereotyping, men's perception of masculinity and to patriarchal ways of thinking as men. Most men in the LAC region are thought to see themselves as macho, which is a concept that men should be treated as kings and that women must give in to the advances of men, regardless of how unreasonable these advances may be. (Stephens, 2017; Gibbons, 2015) It is a concept that is linked to male virility, domination and to the ideology of manhood. (Stephens, 2017 p.190; Gibbons, 2015) This issue of "machismo" or the "macho" man in the LAC has not been addressed and in fact has been augmented during the Covid pandemic.

As more men and women are at home due to unemployment, many men have more opportunities to commit acts of sexual violence and aggression against women and girls and may see it as an outlet to vent their own frustration. Another issue is the growth in pornographic material which is proliferated throughout the media. Men in particular are susceptible to the use of porn which also reinforces this "machismo" or "macho" concept of masculinity and what is meant to be a man and showing male virility. Unfortunately, Trinidad and Tobago was ranked as the first in porn in 2017 by Google, however, many laughed at Trinidad's rankings and thought it was a joke. (Stephens, 2017, p.192) In times where there

is a pandemic however, and many men have lost jobs and are at home by themselves or with family, they now have fertile ground to continue watching pornography on the "dark web" and to perpetrate acts of sexual violence and aggression against women and girls.

As noted in my earlier research, the Trinidadian culture of Carnival also reinforces these stereotypes through the glorification of sex in Carnival Soca Music and in the local dance. Many Carnival songs explicitly refer to women only as sexual objects for the gratification of men and they also incite sexual violence against women. (Stephens, 2017, p.192) Women are also degraded and demeaned not only in cultural art forms such as Soca music, but through Carnival costumes which exposes their entire physical anatomy and through dancing which some men take to mean that women are "asking for it". (Stephens, 2017, p.191)

Governments in the LAC region and particularly Trinidad and Tobago therefore need to explore how they can address gender stereotyping and assist men in respecting and valuing women. One major way they can do so, is to also have male empowerment platforms or social groups for men in which men, like women, are empowered to discuss issues affecting them with other men like themselves and to come up with solutions. (Stephens, 2017, p.191) These social platforms can assist men to deal with issues of frustration and feelings of insecurity as men have a platform to discuss challenges affecting them. As noted in my earlier research, while much focus has been paid to creating women's groups or activist groups for empowering women, conversely not much has been done for men. (Stephens, 2017, p.191)

The result is that there is not enough balance between men's focused groups and women's focused groups and unfortunately although



women rights against gender-based violence and particularly domestic violence are being recognized internationally, men's issues are not also highlighted in the same way. The result is that men are therefore perpetrating gross acts of violence, including sexual violence and aggression against women, as they are not receiving counselling or discussing the challenges, they face due to the gender stereotypes. Such stereotypes which men are taught and have internalized are that men should not cry, or speak about the challenges they face and to be a man they need to be strong or tough. (Stephens, 2017, p.190) Encouraging men to also speak about their insecurities and fears as well as the challenges they face with other men can both be therapeutic and empowering and therefore cause men to internalize the demeaning ways that they both regard and have been treating women. This can in turn end the cycle of violence. Governments must therefore

during this period of the Covid pandemic, embark upon and invest in the creation of male support groups including church support groups and policies for such support groups similar to the concept of the Alcoholics anonymous group so that men can gain psychological and social support they need to deal with their challenges, instead of perpetrating acts of violence against women. This is particularly so for Trinidad and Tobago, where violence against women is now on the scale of an epidemic. Additionally, as noted in my earlier research, the policies for introducing studies on GBV and Domestic Violence at the level of primary school should be taken very seriously in order to teach boys and girls healthy concepts about their roles and gender in society and to re-educate students on how men and women should treat one another. (Stephens, 2017, p.192) If this is not done, then the issue of gender-based violence

would continue to fester and become an untreatable wound to society and to the international community.

In the interim, while governments grapple with developing strategies for enabling men and women through alternative work opportunities and building focused groups to support men and women, as well as re-education on gender at the primary school level, there is also the need for putting in place protection for women who are victims of violence. Covid-19 caused an epiphany for most countries around the world and even within the LAC region of the need for victim protection during the pandemic.

In most developing states in the region including Trinidad and Tobago and Jamaica, there are not enough safe houses for women and girls and for the protection of this vulnerable group. This issue has been further exacerbated by the Covid pandemic as countless women and girls have lost their lives as a result of domestic violence. The latest tragedy with Adeina Alleyne is a stark testimony of the need for establishing more concrete mechanisms for protection for victims. Yet, safe houses are just one of the many mechanisms which states must invest in for the protection of female victims of GBV not only during the Covid pandemic but even well after the pandemic has worn out. Other initiatives states could include

creating a safety app for notifying emergency personnel about cases on domestic violence and self-defence training for women and girls, as well as a women's speak platform to give victims a voice and to speak out against abuse. If this is not done as a priority by governments in the LAC region, global health challenges such as Covid would not be the only challenge which states have to grapple with in future but they may be faced with GBV or domestic violence pandemics as well, the costs which are inestimable.

Conclusion

States must take a more proactive human rights approach to dealing with the challenges which arose as a result of the Covid pandemic and as a result of GBV and specifically domestic violence. Assessing mechanisms for empowering women and men in alternative job opportunities and diversification of skills, empowering men through men's focused support groups, training of the TTPS Gender Unit at the Bachelor's and Master's level, embarking upon re-education of gender roles at primary school and creating mechanisms for protection for women and girls through safe houses, is only a start in the right direction. Other initiatives include creation of a safety app for women in situations of emergency and training women and girls to properly defend themselves.

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Grave dangers of domestic violence in Canada amid the pandemic

This chapter presents a brief analysis concerning domestic violence against women against the backdrop of the Covid-19 pandemic in Canada.

In Canada, the male and female population is roughly the same unlike some other countries wherein a highly skewed male to female sex ratio is observed. As per statistics, the male population in 2020 was 18.9 million persons while the female population was 19.1 million persons. (Statistics Canada, 2020)

In Canada, the rights of women are secured by the Canadian Humans Rights Act and the Canadian Charter of Rights and Freedoms. In the international arena, Canada was among the first countries to ratify the Convention on Elimination of all forms of Discrimination against Women (CEDAW) when it was opened for signature by the United Nations General Assembly in March 1980. Canada strives to nurture an environment wherein the rights of women are upheld and has undertaken numerous and extensive measures not only in the domestic field but also in the international field. Canada's Feminist International Assistance policy is one among the many mechanisms through which Canada attempts to position itself at the forefront of the global effort to promote the rights of women. Moreover, Canada supports the Sustainable Development Goals (SDGs) including goal 5 which outlines tasks to achieve gender equality and empower all women and girls.

Domestic violence and the pandemic

While Canada's intentions to push for gender equality and advancement of women's rights are truly laudable, much work remains to be done on the domestic front. There is a dedicated crisis line for gender based violence which is 9-1-1 within Canada. Further, provinces have their own crisis lines with the option of multilingual services. There are shelters with staff who provide

essential support and services to victims of domestic violence.

Since 1998, an annual report has been released by the Canadian Centre for Justice and Community Safety Statistics at Statistics Canada as a component of the Federal Family Violence Initiative. The report provides key insights concerning family violence within Canada which is helpful in formulating and implementing practices concerning domestic violence. As per the 2019 report's statistics, the large majority (79%) of victims of intimate partner violence were women, and this held true regardless of the type of intimate partner relationship. (Conroy, 2021)

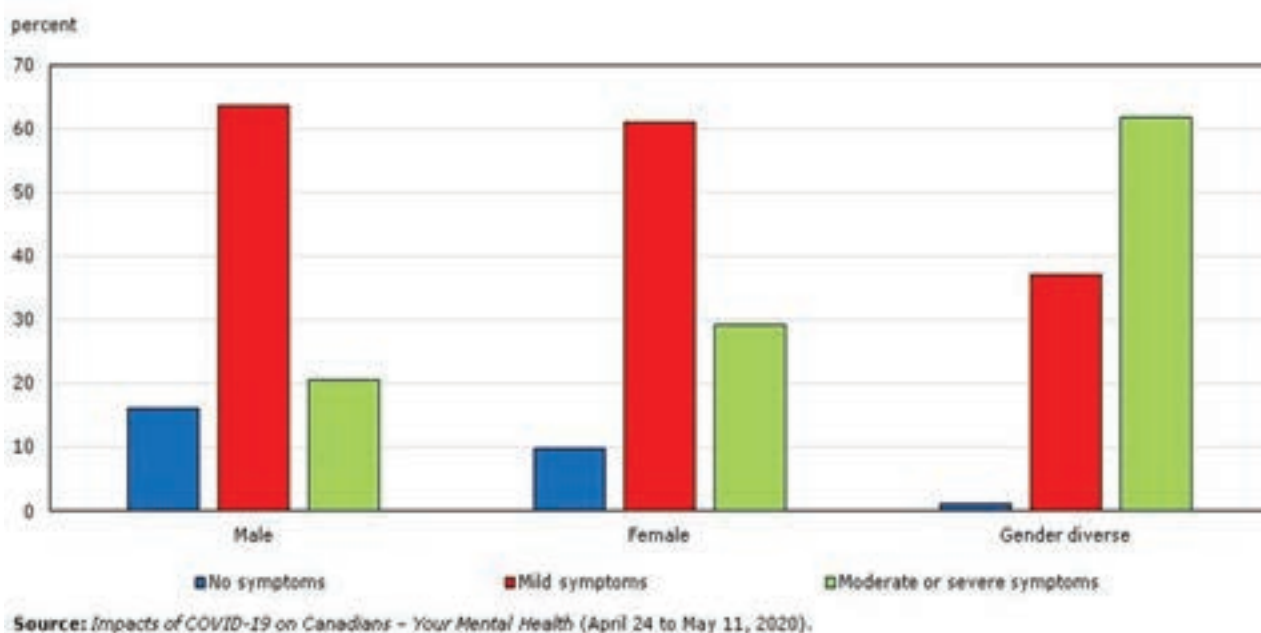
The ongoing Covid-19 pandemic since the beginning of 2020 has been taking its toll on humanity. The effects of this outbreak of the novel coronavirus vary among different peoples and groups. The Canadian Human Rights Commission in a statement has declared that the disproportionate impacts could have long-term and far reaching consequences. Canada is witnessing a surge in domestic violence due to the unprecedented pandemic. Domestic violence is also known as Intimate Partner Violence (IPV). It encompasses an entire spectrum of abuse at the hands of the perpetrator. IPV has been designated a major health problem by the WHO. Needless to say that domestic violence results in disastrous consequences which leave tangible and intangible effects on the society. In particular, domestic violence undoubtedly leaves a deep mark on the human psyche. The victims have to experience the unfortunate aftermath of domestic violence such as physical injury, damage to their self-esteem, depression, anxiety, financial instability and so on.

Femicide refers to the killing of a woman or a girl because of her gender. Experts had forewarned about the parallel pandemic taking place in the background which

concerns femicide and domestic violence. The preliminary findings from the time period from January 2021 to June 2021 presented by the Canadian Femicide Observatory for Justice and Accountability (CFOJA) report validates this. (Dawson et al., n.d.) The CFOJA was set up with the primary task to answer the call of the United Nations to create femicide observatories. Accordingly, the CFOJA's aim is to collect and analyse data concerning femicide in Canada. The reports by CFOJA are crucial in the process of monitoring femicide in the country which can help in prevention of femicide along with creating more awareness of the same. CFOJA has declared femicide a public health issue which warrants far greater attention from the public. As per a CFOJA report, there has been a rise in femicide cases

from 2019 to 2020. As per the 2021 mid-year report, out of the 92 fatal femicide incidents, 37 percent of them were categorised as intimate partner femicide. (Twitter, 2021) Advocates of women empowerment have feared for a long time about the existence of a shadow pandemic which has been wreaking havoc parallel to the novel coronavirus pandemic.

It has been observed that Canada is witnessing a spike in reports of domestic violence. A community safety and crime survey was conducted by Statistics Canada (catalogue no. 11-631-X) which took place over a six month period. One of the key findings of this survey which was released in October 2020 was that women along with young people, indigenous and ethno-cultural groups feel more unsafe. Additionally, the



Infographic 01: GAD levels among respondents to a crowdsourcing survey by gender identity in Canada, June 2020

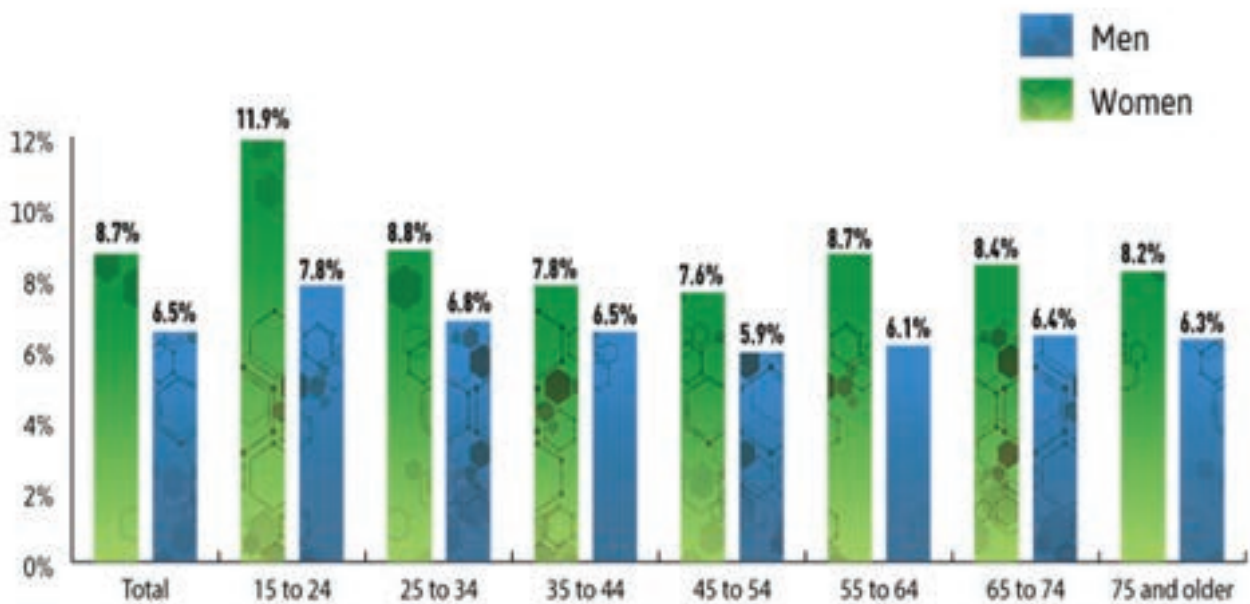
Source: Impacts of COVID-19 on Canadians- Your Mental Health (April 24 to May 11, 2020), Statistics Canada

landscape of vulnerability has undergone a change as can be observed in the increase in domestic violence. (Government of Canada, 2020)

As per a crowdsourcing survey conducted by Statistics Canada in the beginning of the pandemic in 2020, the pandemic has caused a disproportionate effect on the general anxiety disorder (GAD) levels among the respondents on the basis of their gender. GAD levels are linked with the mental well-being of the person. The infographic numbered 01 illustrates that females experience more moderate or severe symptoms of GAD as compared to their male counterparts. (Government of Canada, 2020)

20.5 percent of male respondents experienced moderate or severe symptoms while 29.3 percent female respondents experienced the same.

As per a crowdsourcing survey of Canadians conducted in April 2020, it was observed that women in all age groups were more likely than men to report about the possibility of violence in the home. This is visible in the infographic numbered 02 which is in the form of a vertical bar chart about the “proportion of crowdsourcing participants who reported being very or extremely anxious about the possibility of violence in the house, by age group and by gender.” (Government Of Canada, 2020)



Source: Crowdsourcing: Impacts of COVID-19 on Canadians, April 2020

Infographic 02: Impacts of COVID-19 on concerns about violence in the home by age and sex in Canada, April 2020

Source : Crowdsourcing: Impacts of COVID-19 on Canadians, April 2020, Statistics Canada

The ongoing pandemic has also witnessed a rise in activity of support services. For example, in British Columbia, a support service called Battered Women's Support Service saw a nearly two fold jump in the services rendered. A report by Women's Shelters Canada highlights that the lockdowns inadvertently favour the abuser by giving more power to abuse the women or their children. Lockdowns although a Covid-19 measure have negative repercussions since it paves the way for isolation which makes it difficult for the victim to seek help. Measures undertaken to curb the spread of the virus such as social-distancing, sheltering in-place, restricted travel and closures of key community foundations are likely to dramatically increase the risk for family violence. (Campbell, 2020) However, when the lockdown ends and restrictions are lifted, the region thereafter sees an uptick in domestic violence cases probably because the victims try to leave the abusers leading to greater altercations. For example, the Ontario Association of Interval and Transition Houses (OAITH) observed a rise of femicide cases when the lockdown ended. (Global News, n.d.). Many cases of IPV are not reported to the police, however, women comprise the majority of reported cases. (Conroy, 2021) In Canada, the data showcases that women victims of homicide cases are more likely to be killed by an intimate partner. (Roy & Marcellus, 2019) As per the Canadian Women's Foundation, sexual assault is the only violent crime in Canada that is not declining. Further, as per findings of the said organisation, 67 percent of Canadians know a woman who has either experienced physical abuse or sexual abuse and more than 6,000 women and children sleep in shelters due to the unsafe conditions at their homes. (Canadian Women's Foundation, n.d.)

Government policies

The government structure in Canada is constitutional monarchy as well as federal parliamentary democracy. As per the Constitution of Canada, the Parliament has the authority and power to lay down laws concerning criminal law as well as decide the rules of criminal procedure. There does not exist any specific offence concerning family violence in the Criminal Code though several acts of family violence are considered crimes in Canada. Due consideration is accorded to the circumstances which arise due to family violence. For example, as of July 2021, Criminal Code 265(1) deals with the act of committing an assault on a person; 265(2) deals with application of all forms of assault; 265(3) deals with consent and 265(4) deals with the accused's belief regarding consent. The law also accounts for offences related to administration of justice such as disobeying an order of court under Criminal Code 127. Furthermore, the law recognises that psychological or emotional abuse within the family is an offence such as making threats as per 264.1.

Due to the government structure which is federal in nature, the provincial and territorial governments are empowered to make laws of their own which are applicable in their respective jurisdiction. Accordingly, the six provinces of Alberta, Manitoba, Nova Scotia, Prince Edward Island, Newfoundland and Labrador and Saskatchewan and the three territories of Northwest Territories, Nunavut and Yukon have laid down their own legislation concerning family violence. For example, Nova Scotia has its very own domestic violence Intervention Act.

In addition to the law of the land, there exists spousal abuse policies as part of family violence initiative. If a police officer witnesses an abusive event, the police officer is authorised to charge the perpetrator even if it goes against the wishes of the victim.

As per a March 2020 news release, the Canadian Prime Minister Justin Trudeau announced measures to support vulnerable Canadians to help cope with the health, social and economic impacts of the Covid-19 pandemic. (Prime Minister of Canada, 2020) Accordingly, a series of assistance programmes were initiated by the government.

In May 2020, the Government of Canada pledged an amount of \$50 million as emergency funding towards organizations dealing with providing assistance in cases of domestic violence. Later, in October 2020, an additional amount of \$50 million. The money was allocated towards various supports and services concerning domestic violence such as emergency shelters and sexual assault centres.

The Disclosure to Protect Against Domestic violence Act known as Clare's Law essentially helps people to make informed choices regarding potential harmful relationships. This act is named after a young woman who was killed by a former boyfriend in 2009. The young woman was not aware of her former boyfriend's criminal past; and this is the very purpose of Clare's Law which has been implemented in various forms in the United Kingdom, Australia and Canada. This law allows for people at risk to find out whether their partner has a history of domestic violence, stalking or harassment, breaches of no contact orders and any other relevant crimes. The person at risk can receive the information by sending an application to the police. However, someone else can also apply on behalf of the person at risk with or without consent if the person is the legal guardian of the person at risk. Furthermore, police can also warn potential victims if they have sufficient reason to believe that the person at risk is a potential victim.

The Act undertakes measures concerning disclosure rules regarding the person on which information is sought. This person is referred to as a person of disclosure and the associated disclosure information is bound by rules and regulations. The person of disclosure is not informed about the process. Furthermore, the information disclosure cannot be written down, recorded, shared and cannot be used for legal proceedings. Such measures ensure that the information is used for its intended person.

Saskatchewan was the first province in Canada to enact this legislation which entered into force in June 2020. (Government of Saskatchewan, n.d.) Later, Clare's Law was enacted in the province of Alberta. (www.alberta.ca, n.d.) Additionally, as per a governmental news release, the Royal Canadian Mounted Police (RCMP) has also been given the authority to participate in Clare's Law. (Canada, 2021)

Further, the Divorce Act of Canada underwent major amendments which came into force from March 2021 onwards. One of the several amendments of the Divorce Act is the recognition of the various nuances of domestic violence. As per this Act, family violence is any conduct that is violent, threatening or is a pattern of coercive and controlling behaviour or that causes a family member to fear for their safety. This is intertwined with the Best Interests of the Child (BIC) which recognises and includes the consideration of domestic violence in order to keep women and children safe. The previous versions of the Act did not include any mention of family violence. These amendments were long awaited updates and are a right step since they recognise domestic violence as a factor in determining the best interests of the child which is connected with that of the mother.

Prior to the amendment, only four provinces of Canada namely British Columbia, Alberta, Manitoba and Nova Scotia had included domestic violence as a factor in the BIC standard. However, this has now changed since the BIC standard will now be under federal legislation and not provincial legislation. The uniform application of the provisions of the Act means that irrespective of residence, the same BIC standard will be applicable throughout Canada. The new amendments may alter the law practices. Earlier, disclosing coercive control in family court cases attracted professional misconduct scenarios or a lawsuit.

The amendments to the Divorce Act in Canada certainly are a step in the right direction for the society as a whole. Parenting plans post separation or divorce in a house which witnesses domestic violence is traumatic for the woman and the children. The Divorce Act can additionally help to throw a spotlight on the safety of survivors of domestic violence.

Further, in February 2021, the Government of Canada had introduced a new firearms legislation in order to keep Canadians safe which will undoubtedly benefit the victims of intimate partner violence (IPV) as well. The Honourable Bill Blair, Minister of Public safety and Emergency Preparedness highlighted this measure will support women at risk and deter domestic violence. The new legislation includes a mechanism to combat gender based violence by creating red flag and yellow flag laws which can enable people to make the right decisions before it's too late. The law provides the near and dear ones of the victim of IPV to apply to court for the immediate removal of the abuser's firearms. Furthermore, the law arms the Chief Firearms Officer with the authority to suspend as well as review an individual's license privileges. The Honourable Minister additionally stated that the government is

committed to strengthening gun control measures which would in turn "give IPV victims the power to quickly remove firearms from their abuser". (Canada, 2021) As per Canadian statistics of 2019, among the 10700 victims of police reported intimate partner violence, there were 660 victims of unfortunate events wherein firearm was present and furthermore in such events, women accounted for nearly 8 out of 10 victims. (Canada, 2021)

The way forward

The ongoing pandemic is in many respects, a turning point in human civilisation. It has led to several ramifications across the world. It has shed spotlight on several issues within human society which need further studying with a magnifying lens. The current times provide an opportunity for mankind to either rise above the challenge or give in to the harsh circumstances. Domestic violence is not a new phenomenon and the pandemic has only exacerbated it. We should learn the lessons of the first and second wave and apply them to mitigate the disaster in coming times.

In Canada, the women population is diverse and the domestic violence targeted towards women is present at a higher incidence for indigenous women, LGBTQ2 women, women with disabilities and young women. (Cotter, 2021) Therefore, greater attention must be given to the various social, economic and cultural aspects of the diversity of the women populations while implementing policies for curbing domestic violence.

While the pandemic certainly has been witnessing economic downfalls causing unemployment and layoffs, perhaps going above and beyond financial packages is the answer for long term financial stability. One study based on data provided by Canadian Perspective Survey Series provides suggestive evidence that providing financial

assistance is not enough in overcoming the financial worries on domestic violence. The same study concludes that targeted programs supporting victims of domestic violence may be more effective. (Béland, et al., 2020)

There is a misconception that domestic violence comes to a halt when the victim leaves the abuser and therefore, more awareness is needed to understand the complexities surrounding domestic violence. When examining the victim-perpetrator relationships in greater detail, fifty percent of all intimate partner homicides were committed by a former partner who the victim had left or was in the process of leaving. This is an important finding as it highlights the continued risk of lethal violence for victims following separation from their abusers and the need for access to continued support for victims of gender-based violence following separation. (Hancock, 2021)

There should be equal access across all provinces of the country for help. Few provinces in Canada have dedicated domestic violence crisis helplines working day and night. Further, continuation of operations of shelters homes during lockdown is must. Today's technology can play a vital role in supporting victims of domestic violence. For example, digital

technology showed the way to overcome barriers placed by the lockdowns; Twitter Canada along with the Women's Shelters Canada took measures to inform the women regarding directions to the nearest shelter.

Conclusion

To call violence against women simply a women problem is to undermine it. The society at large must firstly accept the gravity of the problem of domestic violence targeted against women and then proceed to tackle it. Acceptance is the first step in overcoming the problem. The people must confront the stereotypes and biases surrounding violence against the fairer sex in order to create an environment wherein the victim can speak out and not suffer in silence. The environment should not stifle the voice of the victim but instead acknowledge and support the victim. This cannot be achieved without the support of the State. On the International Day for the elimination of violence against women the Prime Minister Justin Trudeau released a statement that the government was committed to putting a need to the gender based violence and laid down various initiatives to combat gender based violence. The role of society remains equally important in handling this problem. Much needs to be done at all levels to achieve justice and equality for women.

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