

30 June, 2020
Hyderabad

To
Ms.Dubravka Šimonovic,
Special Rapporteur on violence against women,
Office of the United Nations High Commissioner for Human Rights

Sub: Information w.r.t gender based violence during COVID-19 pandemic - reg.

Respected ma'am,

Please find below the information w.r.t gender based violence, especially domestic violence that we have been observing, following-up and advocating for action as a citizen collective based out of Hyderabad, Telangana State, India. We have tried to put our points across based on the questions received. We are grateful for the opportunity.

WomComMatters is a citizens collective constituted by several stakeholders of the society making up for inclusivity and broad impact of our actions. Our volunteer base is made up of - students, social workers, advocates, counsellors, homemakers, and people of binary and non-binary gender identities. As a collective campaigning for gender justice we have been trying to help many women victims of domestic violence.

Over the last couple of months, we have received several complaints through social media and have been connecting them to agencies of help, viz. police, counsellors, NGOs, etc. Our constant involvement in this area and on ground case work made us realise that the major problem that perpetuates VAW is the lack of political and bureaucratic will to prioritise the issue and also the lack of State Women's Commission in Telangana. Incidents of violence against women have been on the rise but no Body exists to provide remedial legislative measure and policy inputs, apart from grievance redressal.

1.) To what extent has there been an increase in violence against women, especially domestic violence in the context of the COVID-19 pandemic lockdowns? Please provide all available data on the increase of violence against women, including domestic violence and femicides, registered during the COVID-19 crisis.

"...72% of complaints at Sakhi One Stop Centres (OSCs) pertains to harassment. Of a total of 8,410 complaints registered at Sakhi One Stop Centres across the 33 districts in 2019-20, 5,703 were related to domestic violence and 384 to dowry harassment, accounting for 72% of the total number of complaints to OSCs. In April, 89% of the total number of cases registered were of domestic violence. For instance, from January 1 to April 23, the percentage of domestic violence cases out of the total cases registered with OSCs were 40% in January, 68% in February, 61% in March and jumped to 89% in April..."

"...Telangana Bharosa centers have witnessed a total of over 7,000 cases, with around 1,000 POCSO cases, and got convictions in 49 cases. Of these, 5,000 were domestic violence cases and 240 rape cases. A total of 447 charge sheets have also been filed through the Bharosa centres by the police..."

"...A few women from nearby colonies shared the same opinion. They claimed, "Our husbands are extremely happy about the opening of liquor shops. They have started saying that the lockdown will be easy now, as they (men) can just eat meat, have alcohol, and go to sleep. However, our lives will get worse."..."

"...The NCW witnessed 257 cases of crime against women just in a duration of 10 days (23 March to 1 April) of the lockdown which is approximately 122% more than when compared to a normal week (2 March to 8 March)..."

References:

- i.) <https://www.thehindu.com/news/cities/Hyderabad/lockdown-sees-increase-in-domestic-violence-cases-in-telangana/article31566810.ece?fbclid=IwAR21kxWoTdrtp7AQ30Uc1prXisqXMJbUuyyVUi688yySoCSQQwC82aQaLhw>
- ii.) <https://government.economictimes.indiatimes.com/news/digital-india/telangana-police-to-provide-counselling-through-e-bharosa-network-to-couples-engaged-in-domestic-violence/76319399>
- iii.) <https://www.newindianexpress.com/states/telangana/2020/may/07/telangana-liquor-sale-in-covid-19-crisis-likely-to-increase-cases-of-domestic-violence-2140086.html>
- iv.) <https://www.deccanchronicle.com/nation/current-affairs/100420/ncw-launches-whatsapp-helpline-to-counter-domestic-violence-cases-duri.html>
- v.) <https://indianexpress.com/article/cities/delhi/domestic-violence-on-rise-amid-covid-19-lockdown-helplines-shelter-homes-running-delhi-centre-dlsa-tell-hc-6380453/>
- vi.) <https://www.news18.com/news/india/woman-gang-raped-in-rajasthan-school-premises-where-she-stayed-during-lockdown-2592435.html>
- vii.) <https://timesofindia.indiatimes.com/city/vadodara/defeated-in-online-ludo-man-breaks-wifes-spine/articleshow/75394992.cms?from=mdr>
- viii.) <https://www.newindianexpress.com/cities/hyderabad/2020/apr/14/two-women-a-minor-found-dead-at-dumpyard-2129871.html>
- ix.) <https://www.deccanherald.com/national/north-and-central/migrant-woman-in-bihar-coronavirus-isolation-ward-sexually-abused-dies-822914.html>

2.) Are helplines run by Government and/or civil society available? Has there been an increase in the number of calls in the context of the COVID-19 pandemic?

Government and/ or civil society have setup various helpline numbers to provide assistance and counselling to domestic violence victims. Several domestic abuse helplines say that the number of calls have spiked during the ongoing pandemic. The following twitter thread, maintained by

#WomComMatters (short for #WomensCommissionMatters) has the compiled details of the same.

<https://twitter.com/WomComMatters/status/1248284126701957120>

3.) Can women victims of domestic violence be exempted from restrictive measures to stay at home in isolation if they face domestic violence?

There is not sufficient data on this. And, our institutions of law and order have very subjective treatment towards the citizens.

4.) Are shelters open and available? Are there any alternatives to shelters available if they are closed or without sufficient capacity?

References:

- i.) <https://indianexpress.com/article/india/lack-of-funds-infrastructure-and-training-in-one-stop-crisis-centres-women-panel-report-6210728/>
- ii.) <https://www.newindianexpress.com/states/teelangana/2019/may/10/sakhi-centres-flooded-with-domestic-abuse-cases-1975024.html>

5.) Are protection orders available and accessible in the context of the COVID-19 pandemic?

Although protection orders exist, its implementation is unsatisfactory and there is no monitoring system in place.

The PWDVA outlines various forms of relief for women experiencing domestic violence, including protection orders, residence orders, custody orders, monetary relief and compensation orders, and interim and ex-parte orders (Lawyers Collective 2009, 8). The PWDVA also mandates that states create a system for the implementation of the law (ibid., 33). The legislation calls for states to create support systems, including the creation of positions known as protection officers and the provision of service providers such as "notified" (i.e., registered) shelters and medical facilities (ibid., 7; Karanjawala and Chugh 6 Aug. 2009, 297).

'The courts have been shut from March 17 until July unless there is an emergency. If a person wants to report they can go to Police Station and file FIR. HC of Telangana has given orders that police can't keep any person in remind unless they get him tested so first they have to get the person or abuser or tested in the Gandhi hospital and the test results will come after 2 days after which he can be taken into reminder. Also the police are given authority to give station Bail under which the abuser is left on bail until courts work' Says K. Ramchandra Reddy, advocate.

References:

- i.) <https://www.thenewsminute.com/article/hyderabad-shocker-man-out-bail-after-killing-wife-allegedly-murders-2-sisters-127629>

- ii.) <https://www.youthkiawaaz.com/2020/06/60-of-nirbhaya-funds-with-national-highways-untilised/>
- iii.) https://tshc.gov.in/documents/splofficer_2_2020_06_27_20_56_01.pdf
- iv.) http://tshc.gov.in/documents/admin_7_2020_02_11_17_17_34.pdf

6.) What are the impacts on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence?

Following the sharp rise in Covid-19 cases in the state, the high court Registrar General issued a circular to all the judicial officers of the courts in the state, stating that no regular judicial activity would be taken up till July 20 or until further orders.

Advocates and parties-in-person would be permitted to file only dire matters such as public interest litigations (PILs), bails, stay petitions, matters relating to threat of demolition and threat of electricity disconnection etc. which should be filed online.

“All such matters, after scrutiny, will be listed before the judges as per the roster for hearing through video conferencing,” the registrar general said.

The cases which are listed up to July 20 in the subordinate courts and tribunals would be adjourned automatically en bloc to a working day after one month, which shall be uploaded in the district court website.

With regard to subordinate courts, all the judicial officers in the state are instructed to take up the hearing of the cases ripe for disposal, in addition to urgent civil, criminal matters and family court matters through video conferencing.

References:

- i.) <https://www.hindustantimes.com/india-news/telangana-posts-more-than-a-1000-covid-cases-in-a-day-worried-hc-suspends-work-in-courts-till-july-20/story-8BNZ737Jyey1hkTF7QFVgJ.html>
- ii.) <https://www.prsindia.org/theprsblog/overview-fast-track-courts>
- iii.) https://districts.ecourts.gov.in/sites/default/files/COVID-19%20Extension%20of%20suspension%20of%20work%20in%20the%20Subordinate%20Courts%20till%207-05-2020_0.pdf
- iv.) https://tshc.gov.in/documents/splofficer_2_2020_06_27_20_56_01.pdf
- v.) <https://www.newindianexpress.com/states/telangana/2020/jun/14/work-in-subordinate-courts-suspended-till-june-30-telangana-high-court-2156346.html>
- vi.) <https://www.thehindu.com/news/cities/Hyderabad/lockdown-sees-increase-in-domestic-violence-cases-in-telangana/article31566810.ece>

7.) What are the impacts of the current restrictive measures and lockdowns on women's access to health services? Please specify whether services are closed or suspended, particularly those focusing on reproductive health.

The UN Population Fund has warned that the pandemic has “severely disrupted access to life-saving sexual and reproductive health services”; Human Rights Watch has flagged the impact that the ongoing crisis could have on abortion access and maternal care. To mitigate this threat, WHO has urged governments to treat abortion as an essential healthcare service.

In countries with no legal impediments to abortion, the threat manifests in the form of shortage of contraceptives and medicines, strained medical facilities and dwindling personal incomes. In countries like the US, where abortion is a contested issue, several states have attempted on the anti-choice side of the abortion debate to restrict abortion access in the shadow of the pandemic by declaring it a non-essential medical procedure.

In India, the nationwide lockdown to flatten the COVID-19 curve has been followed by reports of increasing domestic violence, mirroring the global trend, and which UN Women has called a “shadow pandemic”. This places women at an increased risk of unwanted pregnancies with fewer means to assert their bodily autonomy. There is a pre-existing issue with contraception access, especially in rural areas, which could become aggravated as public health workers responsible for distributing contraceptives are engaged with COVID-19 issues. Further, disruptions in pharmaceutical supply chains are likely to impact the availability of contraceptive methods and medical abortion drugs.

A public health crisis of this scale renders invisible the rights of those already at the margins. Reports have begun to emerge of women struggling to access abortion services during the lockdown even though the health ministry has classified abortion as an essential service. Even otherwise, India has a poor record in sexual and reproductive health services.

Abortion and maternal care are time-sensitive interventions. Recognizing this, a PIL was filed in the Delhi High Court for directions to the Centre to ensure access to medical services for pregnant women. As a relief measure, the high court directed the Delhi government to ensure a helpline service is made available for pregnant women and is publicized through newspapers and the social media.

Even after the lockdown, normalcy may not seem to have returned, with physical distancing norms, movement restrictions, increased burden on public health systems, and supply chain issues expected to continue. Hence, ensuring sexual and reproductive health must be an integral part of the government’s immediate response strategy. Relegating it as a problem for another day could have cascading effect not only on reproductive health but also on female well-being and empowerment. It could cause immeasurable damage to the progress that India has made in meeting the sustainable development goal of gender equality. Reproductive rights are inalienable and have legitimate demands on public resources even during, and especially during a crisis.

References:

<https://thewire.in/health/covid-19-pandemic-women-reproductive-rights-abortion-access>

8.) Please provide examples of obstacles encountered to prevent and combat domestic violence during the COVID-19 lockdowns.

DV not declared as emergency: In contradiction to recommendations of UN Secretary General, in India, no advisory has been issued at the national level till date by the state to declare domestic violence as an emergency or to announce domestic violence services or health services as essential during the lockdown.

- No ban on sale of alcohol: in order to collect revenue, the government ignored the direct link between increase in violence against women and consumption of alcohol. Within a day of reopening wine shops, a woman is reportedly killed by her husband in UP because she refused to sell her jewellery to buy alcohol

- Deteriorating mental health: In the long run, the scars of the lockdown will be seen in deteriorating mental health, Schofield said. Low-income countries like India already have “very high levels of undiagnosed depression,” she noted. “A shock of this type will undoubtedly increase depression and anxiety. Imagine living in a one- or two-room home that is a few hundred square feet with four or five other people in 100-degree heat and faced by the worry of not being able to feed your children.”

- Limited resources and overcrowding: “There has been an alarming spike in domestic violence. These trends are likely to be exacerbated in a context with fewer resources and more crowding.”

- Low inclination to report abuse: It is a concern that those who are suffering may be less inclined to report a crime or reach out for help as they have no choice but to live with the same members of the family during the lockdown, counsellors have observed.

"...Somehow, the woman managed to call a helpline to narrate her ordeal but was unwilling to call police, fearing they may also beat her up. Far away in Hyderabad, another woman and her teenage son from an earlier marriage, were facing the brunt of her second husband's frustration over not getting alcohol during the lockdown. She reached out to the police, who provided her with an official helpline number. But the intensity of the abuse increased when the husband came to know about her complaint..."

"...'STREE' to support, empower women undergoing domestic violence launched in Hyderabad..." - Another rhetoric as an initiative. Too many such initiatives to appease larger public rather than solving actual issues. Too many such initiatives also confuse the audience on who to approach, plus the means taken are extremely problematic full of patriarchal norms.

References:

- i.) <http://southasiajournal.net/covid-19-indias-response-to-domestic-violence-needs-rethinking/>
- ii.) <https://knowledge.wharton.upenn.edu/article/covid-19-lockdown-affecting-indias-households/>
- iii.) <https://www.newindianexpress.com/cities/bengaluru/2020/apr/27/elderly-hesitate-to-open-up-2135749.html>
- iv.) <https://www.deccanherald.com/specials/insight/coronavirus-crisis-no-lockdown-for-domestic-violence-829941.html>
- v.) <https://www.aninews.in/news/national/general-news/stree-to-support-empower-women-undergoing-domestic-violence-launched-in-hyderabad20200607043423/>

9.) Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by Governments.

"...Telangana: Police to provide counselling through e-Bharosa network to couples engaged in domestic violence..."

The Jammu and Kashmir High Court took Suo moto cognizance and on 18 April 2020, offered slew directions that include creation of special funds and designating informal spaces for women such as grocery stores and pharmacies where women could report abuse without alerting the perpetrator.

The Karnataka High Court, too has asked the state government about the helplines and action taken on domestic violence complaints. The state in its reply stated that helplines, counselors, shelter homes and protection officers are working round the clock to help victims of violence.

In Tamil Nadu, protection officers appointed under the Domestic Violence Act 2005 are allowed to move during the lockdown and some women in dangerous situations are being rescued and have been moved to shelter homes.

In UP, the state government has initiated a special helpline for victims of domestic abuse under the title 'Suppress Corona not your voice'[xxv]. The police have assured that once a woman lodge a complaint, a woman officer will attend to it.

The chairperson of NCW claimed that ASHA and Anganwadi and other frontline health workers are counselling against domestic violence and women can report these workers in case they are facing abuse.

References:

- i.) <http://southasiajournal.net/covid-19-indias-response-to-domestic-violence-needs-rethinking/>

- ii.) <https://government.economictimes.indiatimes.com/news/digital-india/telangana-police-to-provide-counselling-through-e-bharosa-network-to-couples-engaged-in-domestic-violence/76319399>
- iii.) <https://www.deccanchronicle.com/nation/current-affairs/100420/ncw-launches-whatsapp-helpline-to-counter-domestic-violence-cases-duri.html>
- iv.) <https://www.businessinsider.in/india/news/20-new-covid-19-cases-in-assam-total-rises-to-230/articleshow/75897876.cms>
- v.) <https://timesofindia.indiatimes.com/city/bhubaneswar/aid-on-doorstep-for-women-facing-domestic-violence/articleshow/75128833.cms>

10.) Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by NGOs and NHRIs or equality bodies.

Citizens' collectives like Women's Commission Matters: supports women who are subjected to abuse. Through networking and collaborating extensively with existing governmental and non-governmental services, the collective enables them to seek police and legal aid. Cases are taken up with sensitivity and thoughtfulness, which are essential but majorly lack in formal support systems, which is in turn a significant reason why women dealing with trauma do not reach out for support.

- Individual-level initiatives: This April, 24-year-old Ayaan pledged to provide support to the LGBTQ+ community; he shared his own number as a helpline, calling it the 'Safe Quarantine Network', for queer people with "unsupportive families, friends or partners" and those "living in a traumatic quarantine space".

- Nightingale trust: Runs a helpline for the elderly has seen just 7 out of the 325 calls reported for elder abuse.

References:

- i.) <https://www.firstpost.com/india/faced-with-daunting-challenges-in-lockdown-trans-men-in-india-rely-on-online-offline-support-from-community-8497711.html>
- ii.) <https://www.newindianexpress.com/cities/bengaluru/2020/apr/27/elderly-hesitate-to-open-up-2135749.html>
- iii.) https://www.change.org/p/pmoindia-narendramodi-tell-indian-men-to-do-an-equal-share-of-household-chores-in-your-next-speech?recruiter=556640198&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition

11.) Please send any additional information on the impacts of the COVID-19 crisis on domestic violence against women not covered by the questions above.

Different NGOs working in the area of women's rights, have also seen a more than two-fold increase in domestic violence complaints on their helplines or through email.

But the most alarming fact remains that while there has been a lot of stress on trying to reach out to the victims of domestic violence, a state like Telangana has had to resort to inefficient means of dealing with the domestic violence complaints only through Sakhi One Stop Centres, as the state lacks a fully functional women's commission. The apathy of the ones in power even in appointing a chairman has led to a further worsening of the state of women, who now are in a state with no proper representatives nor any dedicated institution working for the betterment of them.

Reaching women in distress is an essential service, whatsoever be the time. This is being compromised due to the lack of a fully functional women's commission.

About WomComMatters:

Our group hails from the country infamously known as 'Rape Capital'. Our state of Telangana is home to approx. 150 million young girls and women and unfortunately has been ranking extremely low in women's safety and empowerment indicators.

State Commission for Women, the ONLY body responsible to review and safeguard the constitutional and legal Rights of women along with remedial legislative measures, has been dysfunctional in Telangana for last 19 months and fairly toothless across country. Our group was founded with core purpose of raising citizen awareness to hold Government accountable towards upholding women's rights.

The main purpose of our group is to rally like-minded citizens to take collective action in building societal awareness and holding Government systems accountable in order to make the state of Telangana a safer place for women by safeguarding their constitutional and legal rights. In a society where marriage is a recommended remediation for rape, it is highly imperative to have exclusive institutional bodies like Women's Commissions that are solely committed to feminist causes. Commissions for women have a unique position, being from civil society but appointed by the executive and run with official fund allocations. This way they become vital links between the government and the civil society. However, for such commissions to sustain, they not only require enabling from the government but also require being held accountable by the citizens. And this is where our group comes into action. Guiding idea: Every individual irrespective of their gender deserves a life of dignity, free from violence and with equal access to social, educational, health and economic well-being.

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