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**RELATION BETWEEN DOMESTIC VIOLENCE AND COVID 19 PANDEMIC IN KENYA**

Domestic violence is the act of violence against a person, mostly one that living in one’s household especially from an immediate family member that inflicts harm or suffering either emotionally or physically. Cases of domestic violence have been on the rise significantly owing to the fact that Governments across the world have adopted strict measures to curb the spread of Covid-19.

Since the first case was reported in China and its eventual spread to other countries like Kenya, the Government imposed a dusk to dawn curfew, starting from 7pm to 5 am in a bid to curb the spread of the disease. This lockdown proved to help control the spread but it eventually led to the emergence of a human rights issue, domestic violence.

Victims of domestic violence data records reveal that women are most likely to be affected by domestic violence. Aided by the fact that they have to spend more time with their perpetrator due to the lockdown, they are experiencing more violence.

Since we began our corona journey here in Kenya, we have recorded a spike in sexual offences across the country. In fact, over the past few weeks, more than a third of all criminal matters reported to the authorities have been sexual in nature. In March alone, 106 cases were reported through the Gender ministry’s toll free sexual and gender-based violence helpline (1195)[[1]](#footnote-1)

Chief Justice David Maraga revealed that the offenses constitute 35% of criminal matters reported during the past two weeks. “There has been a significant spike in sexual offenses in many parts of the country in the last two weeks. In some cases, the perpetrators unfortunately are close relatives, guardians or persons living with the victims,” he said[[2]](#footnote-2).

The National Council on administration of Justice in a statement said that they had seen a significant increase in the rise of domestic and sexual violence cases in just two weeks of the pandemic in Kenya.[[3]](#footnote-3)

**International laws violated during domestic violence**

The **Committee on the Elimination of All Forms of Discrimination Against Women** in article 2 states that

”*Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women[[4]](#footnote-4)”*

The Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted **General Recommendation Number 19**. This recommendation addresses the Women’s Convention’s silence on violence and states that gender-based violence is a “form of discrimination which seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.” This recommendation was the first time a human rights treaty or convention was officially interpreted to prohibit violence against women. The recommendation made clear that domestic violence was included[[5]](#footnote-5).

The **Copenhagen Declaration on Social Development** from the 1995 World Summit for Social Development in Copenhagen also calls on governments to take effective measures to combat and eliminate all forms of violence against women[[6]](#footnote-6).

**Article 3 of the UDHR[[7]](#footnote-7)** states that, ‘Everyone has the right to life, liberty and security of person. **Article 5 of the UDHR[[8]](#footnote-8)** states that, ‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment’. This clearly prohibits any form of domestic violence and ensures victims are safe from any physical and bodily harm. It also requires states to protect their citizens.

**Article 7 of the ICCPR[[9]](#footnote-9)** states that, ‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. This clearly prohibits any kind of harm or inhuman treatment to befall any person due to domestic violence.

**Causes of domestic violence**

Loss of jobs

This causes the levels of stress in the man to rise. This in turn is the main driving factor to a man becoming a perpetrator of the crimes of domestic violence. The man tends to let it out all on the woman during the episodes of fights and thus inflicting physical and mental body harm.

Alcoholism

Men who drink tend to be aggressive and quick to anger than those who do not. Despite the Governments directives to close bars, men have switched to drinking in the house and they tend to go in a rampage once they are drunk even at the slightest provocation. This leads to domestic violence as wives are the ones who are mostly affected.

Frustration

The loss of jobs or pay cuts due to the effects of the corona virus pandemic has made men to become very frustrated and thus increasing stress levels. This frustration coupled with the fact that children are at home makes the man to become violent due to the high levels of frustration.

Accruing debts and late payments

Late payments of bills or accruing debts make people become stressed and they tend to let it out on the partner even in the slightest if provocation. This also affects the children when they ask for some money for their use.

Fear of the disease. The disease has made many people become frightened owing to the large number of casualties it has worldwide. This fact has made people very cautious to the point that some men beat and throw their wives out of the house if they show any symptom of a cold. This has led to an increase in the cases.

**Frameworks and bodies that are addressing domestic violence in Kenya**

Government effort

1. Public awareness announcements- The Government passes awareness announcements regarding domestic violence through the media and its online platforms of the various organizations tasked with the work of preventing cases of domestic violence.
2. Police- the Government has helped to reduce the cases of domestic violence by allocating more funds and working in conjunction with the police to ensure perpetrators are caught and that they are charged with the crimes they have committed.
3. Nyumba-kumi initiative- this is an initiative started by the Kenyan Government to maintain security through collaboration between neighbors. This has helped stem on cases of domestic violence as the neighbors report on cases of domestic violence to the police and provide safe residence for victims.
4. Providing subsidies in goods and financial assistance to reduce strain on families- this has helped reduce stress levels on the man and thus helped reduce the frequency of fights and disagreements that lead to domestic violence.

Ministry of Public Service Youth and Gender Affairs

The ministry has a hotline that is used to report on cases of domestic violence. This has helped stem down on cases of domestic violence as victims can call for help and report on the perpetrators and ensure they get justice. The toll free line is 1195.

The Judiciary

The judiciary has classified domestic violence cases as a priority owing to the fact that due to the close proximity and time spent by victims with the offenders, they are at greater risk of harm and suffering. The courts have also adopted video conferencing to listen to cases.

**UN WOMEN** in collaboration with **UNFPA** and **UNICEF** are working closely with Kenya National child and government hotlines to increase psychological support through telephone and chatting services

**FIDA KENYA[[10]](#footnote-10)**

Provides legal aid provisions to women who end up as victims of domestic violence and also has set up a hotline to enable victims of domestic violence to seek help in episodes of domestic violence. They also provide for counseling services and provide legal opinion and assistance on cases involving divorce, matrimonial property and child custody cases. Their toll free hotline for assistance is 0800720501.

**Conclusion**

There has been a significant increase in domestic violence in Kenya and other countries since the commencement of lockdown. This is depicted by the data provided by the various governments and NGO's. Despite the increase in cases, the Governments and NGO's are doing whatever they can by adopting principles and ideas to monitor and control an increase in the number of cases thus helping save lives and prevent harm to family members. Further principles should be adopted to stem the spread of domestic violence and ensure safety of the survivors.

**Recommendations**

Emotional counseling services

The Government and NGO's should provide emotional and psychological counseling services to victims of domestic violence and also to children who witness such atrocities committed by a loved one.

Legal aid provision

Victims should be provided with legal aid practitioners to provide legal counseling and assistance on issues touching on divorce, custody trials and separation of property.

Medical care to victims

Subsidized or free medical care should be provided by the Government to the victims to ensure they get better and prevent loss of lives from injuries arising from domestic violence. Also children who might fall victims to such cases should also be treated effectively.

Allocate more funds.

The government should allocate more funds to its respective ministries and organizations that cater for victims of domestic violence to ensure easier access and care for the affected. Also they should allocate more funds to the judiciary to allow faster judgments to be issued to perpetrators of domestic violence crimes

Call for child protection workers to be named as essential service providers.

The government should label child protection workers as essential service providers to ensure that they can work well past curfew hours in order to reach children and girls who might end up victims of episodes of domestic violence.

1. As seen in <https://www.standardmedia.co.ke/article/2001367916/domestic-violence-on-the-rise-amid-pandemic> [↑](#footnote-ref-1)
2. As seen in <https://citizentv.co.ke/news/sexual-offenses-on-the-rise-in-kenya-as-more-people-work-from-home-over-covid-19-328846/> [↑](#footnote-ref-2)
3. A seen in <https://www.hrw.org/news/2020/04/08/tackling-kenyas-domestic-violence-amid-covid-19-crisis> [↑](#footnote-ref-3)
4. Article 2 of the CEDAW [↑](#footnote-ref-4)
5. As seen in <http://hrlibrary.umn.edu/svaw/domestic/laws/international.htm> on 27 June 2020 at 2:23 PM [↑](#footnote-ref-5)
6. see in 4 above [↑](#footnote-ref-6)
7. Article 3 of UDHR [↑](#footnote-ref-7)
8. Article 5 of the UDHR [↑](#footnote-ref-8)
9. Article 7 of the ICCPR [↑](#footnote-ref-9)
10. As seen in <https://www.fidakenya.org/> on 27 June 27, 2020 at 2:14 PM [↑](#footnote-ref-10)