



VIOLENCE AGAINST WOMEN AND THEIR MENTAL HEALTH WITH AN EMPHASIS DURING COVID-19

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Abstract

The pandemic Covid-19 has brought along with it lot of hardships on people. One such hardship has been the suffering of women during Covid-19. This hardship is faced by women by way of violence meted to them during the pandemic Covid-19. The mental health of women have been effected due to violence committed on them during Covid19. Violence committed against women affects her mental health and thus violates her human right. The World Health Organization (WHO) mentions that the pandemic Covid-19 by way of lockdown measure has made women more vulnerable and susceptible to violence. Violence against women is a gruesome act which devastates her. Violence against women is prevalent in our societies and is a hard reality with which we live. It is indeed shameful that even today where civilization and humanity claims itself to be developed, violence against women is very much prevalent in our society.

Keywords: Violence on women; mental health; pandemic; human rights; Covid-19

I. INTRODUCTION

WHO in its report dated March 9th, 2021 points out that globally one in three women experiences violence. Thus, it can be said that violence against women is an epidemic at the global level. It is prevalent across the globe, across the communities, across the societies, across the culture even though most of the societies are against such violence. Such violence against women results in killing, torturing or maiming her (be it economically, sexually, psychologically, physically). Violence against women shatters her individuality and is a gross violation of her human rights. Such violence effects severely her mental health apart from her physical health. Women are victims of such violence (which mostly occurs in the form of sexual or physical violence) which are meted to them by their family member, partner, acquaintance and stranger. According to United Nations International Children's Emergency Fund (UNICEF), "Moreover, when the violation takes place within the home, as is very often

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the case, the abuse is effectively condoned by the tacit silence and the passivity displayed by the state and the law-enforcing machinery.”¹

Violence against women has been defined by the United Nations Declaration on the Elimination of Violence against Women (1993) as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” Analysis of this definition leads to the point that violence committed against women results into her subordination to men in the society and thus referring to gender based violence. This definition also includes psychological and physical harm suffered by women victims of violence.

II. VIOLENCE ON WOMEN AND THEIR MENTAL HEALTH DURING COVID-19

The pandemic Covid-19 has brought lots of hardships. Women have been subjected to domestic violence during this pandemic. Imposition of measures like lockdown made women become victim and suffer violence at the hand of their abusive partners. Worsening of economic situation in the pandemic forced the women to put up with their abusive partners and thus making them vulnerable to domestic abuse and violence. This situation has indeed made women’s mental health suffer and are forced to live a life full of fear and apprehension of violence being meted to her.

According to Dr. TedrosAdhanomGhebreyesus, Director-General of WHO, “Violence against women is endemic in every country and culture, causing harm to millions of women and their families, and has been exacerbated by the COVID-19 pandemic.”

According to PhumzileMlambo-Ngcuka,, UN Women Executive Director, “It’s deeply disturbing that this pervasive violence by men against women not only persists unchanged, but is at its worst for young women aged 15-24 who may also be young mothers. And that was the situation before the pandemic stay-at home orders. We know that the multiple impacts of COVID-19 have triggered a “shadow pandemic” of increased reported violence of all kinds against women and girls.” Reports form many countries affected by the pandemic Covid-19 (China, Italy, United Kingdom, Brazil, Germany, The United States of America

¹Sushma Kapoor, “Domestic Violence against Women and Girls”, 6 *Innocenti Digest* 2 (2000).

showed a rise in the cases of domestic violence. Same is the case with India. After the imposition of national lockdown in India, National Commission for Women (NCW) received within seven days fifty-eight complaints regarding violence faced by women. The lockdown did not only made women victims of domestic violence but also hindered their right to health facilities.

According to a news report published by Times of India dated April 11th, 2020, the pandemic Covid-19 has made women suffer and has shown that the mental health of women needs to be a priority.

III. CONCEPTUALIZING MENTAL HEALTH

WHO defines mental health in its report of 1981. It says “Mental health is the capacity of the individual, the group and the environment to interact with one another in ways that promote subjective well-being, the optimal development and use of mental abilities (cognitive, affective and relational), the achievement of individual and collective goal consistent with justice and the attainment and preservation of conditions of fundamental equality.”² In this definition, it can be seen that there is emphasis on mental health of women. The definition focusses on the following:

- i. “stresses the complex web of interrelationships that determine mental health and that the factors that determine health operate on multiple levels.
- ii. goes beyond the biological and the individual
- iii. acknowledges the crucial role of the social context.
- iv. highlights the importance of justice and equality in determining mental well being.”³
(WHO, 2000,p.11-12).

According to WHO, mental health is “...a state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community.”⁴ Thus, it can be seen that for the wellbeing and development of women, good mental health is a prerequisite. Good

²Women’s Mental Health An Evidence Based Review, *available at*: https://www.who.int/mental_health/publications/women_mh_evidence_review/en/ (last visited on March 28, 2021).

³*Ibid.*

⁴Mental health: strengthening our response, *available at* <https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response#:~:text=Mental%20health%20is%20a%20state,to%20his%20or%20her%20community> (last visited on March 25,2021).

mental health not only benefits the women but also the community. WHO says that a good mental health provides individual women with a sense of emotional well being.⁵

IV. RELATION BETWEEN GENDER AND MENTAL HEALTH

The discussion made above with regard to mental health does not anywhere mention about gender. However, gender has a role to play in the field of mental health. Gender plays an important factor in determining the health differences between women and men. Impact of gender is there on “production of mental health at every level- the individual, the group and the environment- and is critically implicated in the differential delivery of justice and equality.”⁶ Gender violence plays a role in the matter of mental health. Women facing discrimination and gender inequality are often subjected to poor mental health conditions. Violence faced by women are mainly because of the gender inequality.

V. CONCEPTUALIZING VIOLENCE AGAINST WOMEN

There is no denial to the fact that women are subjected to violence. Such violence is meted to them by their family members, strangers, acquaintances, and partners. Many a times violence against women begins at her own family and she becomes a victim of such violence. According to UNICEF, family is that “place that imperils lives, and breeds some of the most drastic forms of violence perpetrated against women and girls.”⁷ Within the four corners of a domestic household, it is usually the male who commits violence against women. Such males are the ones who are usually in the position of husbands, fathers, boyfriends, father-in-law, uncles, sons, brothers or other relatives. Women during different phases of their life are subjected to violence. For example, during pre-birth phase there may be violence in the form of sex-selective abortion. In the infancy phase, violence can be in the form of female infanticide. During girlhood, violence may be in the form of female infanticide, female genital mutilation, child pornography, child prostitution. During adolescence and adulthood, there may be dating violence, sexual harassment at workplace, incest, trafficking, abuse for dowry, marital rape. During the elderly phase, women may be forced to commit suicide or killed for economic benefits.

Violence against women mostly takes the following forms:

⁵*Supra* note 2.

⁶*Ibid.*

⁷*Supra* note 1 at 3.

- i. Domestic Violence- This type of violence consists of many forms of violence that happens with the four corners of a house. Such violence consist of intimate partner violence (IPV). The aftereffects of domestic violence are manifold. It harms the mental health of women immensely.
- ii. Sexual abuse committed against children and adolescents- According to UNICEF, usually a childs' right is done away with for protecting the family name and reputation as well as that of the perpetrator. Children and adolescents becomes victim of sexual violence committed against them by the people who are in a position of trust.
- iii. Rape and sexual violence in intimate relationship- Women become victims of rape or sexual violence by their intimate partners. There are many countries who do not consider where rape in the form of marital rape and sexual abuse committed by intimate partners as a crime. But there are countries like USA, Germany, Russia, Finland, Austria, France, Australia have taken measures against marital rape.
- iv. Forced Prostitution- This type of violence is reported quite often across the globe. According to UNICEF, "Forced prostitution or other kinds of commercial exploitation by male partners or parents is another form of violence against women and children reported worldwide."⁸

VI. CONSEQUENCE OF VIOLENCE AGAINST WOMEN

Women who are victim of violence face health issues- be it physically or psychologically. It does not matter when and how the women becomes a victim of violence. What matters the most is the consequence of such violence which has a deep impact on her life. Such consequence may range from mental health disorders, depression, eating and sleeping disorder suicidal tendency, self-harm attitude, panic attack, blood pressure problem, lower self-esteem. According to UNICEF, as a result of violence women are left in situations where she feels powerless and mentally destabilized.⁹Sometimes it may so happen that a women who is a victim of domestic violence finds no way to end the violent relation other than committing suicide.

Women who are victims of violence also becomes victim of psychological abuse. Such psychological abuse includes behavior that is intended to intimidate and persecute, and takes the forms of threats of abandonment or abuse, confinement to the home, surveillance, threats

⁸*Supra* note 1 at 6.

⁹*Supra* note 1 at 4.

to take away custody of the children, destruction of objects, isolation, verbal aggression and constant humiliation¹⁰

VII. CONCERN AT THE INTERNATIONAL LAW REGARDING VIOLENCE AGAINST WOMEN

Violence against women gathered attention even at the international level. In World Conference on Human Rights, 1993, it was acknowledged that women and girls have “inalienable, integral and indivisible part of universal human right” rights. The General Assembly of United Nations adopted in 1993 the Declaration on the Elimination of Violence against Women (Declaration). This Declaration became the first instrument at the international level which dealt with violence against women. In 1994, the United Nations Special Rapporteur on Violence against Women was set up by the Commission on Human Rights for documenting how violence is committed against women and thus making accountable the governments for such prevalent violence. In the year 1995, at the 4th Beijing World Conference on Women, violence against women of any form was considered as one of the twelve strategic objectives and actions were framed that needed to be acted upon by United Nations, Governments, Non-Governmental Organizations (NGOs). The monitoring Committee of Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW) adopted in 1992 General Recommendation 19. This General Recommendation 19 dealt with gender based violence and identified it as a type of discrimination that hinders a women to enjoy her freedoms and rights.

These measures highlight the efforts and concern at the international level regarding violence faced by women which actually impairs their human right.

VIII. CONCLUSION

Violence against women is prevalent across the globe. The reason for such violence cannot be singled out. There are many factors that actually contribute to such violence and women being targets and victims of violence. Cultural and societal factors also plays a role in women facing violence at the hands of men. According to the United Nations Declaration on the Elimination of Violence against Women, General Assembly Resolution, December 1993, “Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by

¹⁰*Id.* at 2.

men and to the prevention of the full advancement of women”. The ‘unequal power relations’ is a result of various factors. Such factors may be the societal condition, cultural condition, economic condition, concept of male superiority and domination over female etc. Religious belief and tradition have many a times approved of violence against women. Women who are not economically sound or economically independent usually becomes victim of violence. Such women do not have a way to avoid being victim at the hands of men whom they trust and are dependent upon. According to UNICEF, factors like “Excessive consumption of alcohol and other drugs has also been noted as a factor in provoking aggressive and violent male behavior towards women and children.”¹¹. The consequence of such violence on women affects her mental health. It is not only the women that suffers. It is the society as a whole which also becomes victim of such violence and hinders its overall growth. During the pandemic COVID-19, women have suffered from violence. According to Dr. Tedros Adhanom Ghebreyesus, Director-General of WHO, “Violence against women is endemic in every country and culture, causing harm to millions of women and their families, and has been exacerbated by the COVID-19 pandemic.” He further stated that “unlike COVID-19, violence against women cannot be stopped with a vaccine. We can only fight it with deep-rooted and sustained efforts – by governments, communities and individuals – to change harmful attitudes, improve access to opportunities and services for women and girls, and foster healthy and mutually respectful relationships.” We need to gender sensitize and develop awareness regarding violence against women and how it impacts her mental health. Care and support services need to be provided to women victims of violence and thus help them to restore their mental health and contribute as an effective human resource.

¹¹*Supra* note 1 at 8.