



GENDER AND SAFETY: UNDER LOCKDOWN

LEARNING CIRCLE

Convened by Martha Farrell Foundation

25 APRIL, 2020

In the past year, 243 million women and girls (aged 15-49) across the world had been subjected to sexual or physical violence by an intimate partner.¹ Emerging data shows that since the outbreak of COVID-19, violence against women and girls (VAWG), including domestic violence, rape and sexual harassment, cyber-bullying, trolling survivors of physical and emotional abuse amongst others has intensified,² leading to a 'shadow' or 'silent' pandemic across the world.

With almost half the world under lockdown, changing gender relations, roles and expectations within the homes reinforce deeply rooted unequal relationships of power between men and women. The lack of mobility, confinement of space, and little or no access to the internet or phone access to helplines have exacerbated the issue for women and children to dangerous levels.

It has become abundantly clear that the Novel Coronavirus (nCoV2019) pandemic is a multidimensional crisis that can no longer only be viewed solely through a lens of a health and economic crisis.

Martha Farrell Foundation hosted a learning circle on **Gender and Safety: Under Lockdown** on 25th April 2020. **Kirthi Jayakumar**, Indian women's rights activist, lawyer, social entrepreneur and writer from Chennai; **Ritambhara Mehta**, Co-Founder and team member at Nazariya: A Queer Feminist Resource Group; **Dr. Bharti Sharma**, Honorary Secretary of Shakti Shalini, an NGO that supports survivors of gender and sexual violence; IPS Officer **Tejaswini Gautam**, the first woman Superintendent of Police, of District Churu, Rajasthan; Adv. **Anu Bagai**, women's rights activist, lawyer practising in the Delhi High Court as well as other courts in Delhi made extremely valuable contributions to the conversation. **Dr. Rajesh Tandon**, Founder-Director, PRIA, offered a summation of the key takeaways in his closing note. Participants and panellists provided very valuable insights to the conversation. The session focussed on the following issues from a survivor-centric approach –

- **How to prevent an upsurge in violence against women - where to report and what are the legal options available during lockdown?**
- **Should you intervene if you know someone who is being harassed, and how?**
- **Concrete steps and guidelines that can be practiced to ensure that women and girls do not face violence and harassment during lockdown and in its aftermath**

¹ <https://www.unwomen.org/en/digital-library/multimedia/2020/4/infographic-covid19-violence-against-women-and-girls>

² <https://www.unwomen.org/en/digital-library/multimedia/2020/4/infographic-covid19-violence-against-women-and-girls>

KEY MESSAGES

- **Building social solidarity and mutual trust between stakeholders:** Since its outbreak, the coronavirus pandemic and the gender-blind responses to it have disproportionately affected women and girls, creating a situation that further enables gender based violence. The extent and impact of the violence is manifold due to the lack of synchronization among service providers and ineffectual dissemination of crucial information. Due to the unforeseen lockdown, survivors who are already vulnerable to family or intimate partner violence are now compelled to live in confinement with their abusers. Without a multi-stakeholder approach and a nuanced understanding of Gender-Based Violence (GBV), battling this shadow epidemic would be quite challenging.

There needs to be collaborative and sustainable partnerships between service providers, the government, the community, law enforcement authorities and civil society. In this regard, it is vital to emphasise the role of CSOs and NGOs in alleviating gender based violence, by giving them operational freedom in working to allay high-risk situations.

- **Bridging the gap between the individual and critical information:** On the preventive side, there remains a critical gap between the individual and knowledge that makes it difficult for everyone to access essential services (helplines, information on healthcare and relief). All stakeholders, including the community in its most local sense, has a major role to play in terms of decolonising knowledge and ensuring it reaches all those who need it.

Important information like important contact details, information for crisis-management and the Information and Broadcasting Ministry's Guidelines³ for survivors, urging them to have a safety plan if violence escalates during the lockdown must be disseminated through aggressive campaigns in all languages through different mediums including Braille and Sign Language.

- **Reinforcing and publicizing the role of Protection Officers:** Protection Officers are nominated by the state government under the Protection of Women from Domestic Violence Act for conducting enquiries into cases of violence. The relevance of the role of the Protection Officer is felt even more strongly during this period to assist survivors in

³ <https://twitter.com/COVIDNewsByMIB/status/1256069064302178304?s=20>

writing complaints, preparing documentation, and filing their applications. Information regarding Protection Officers must be made public and shared widely.

- **Redefining the role of employers, Internal (ICs) and Local Committees (LCs):** Sexual harassment at Workplace has been added as a section in the Indian Penal Code (IPC) and the survivor can also file a Police Complaint for the same, which makes filing an F.I.R. mandatory. However, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 shifted the burden on the employer. Under this Act, it becomes the duty of the employer to assist the survivor with filing the Complaint with the Police if she/they bring it to the employer's notice.

Organisations in the formal sector must also be aware of the burgeoning online harassment of employees at the digital workplace, and cull out proper framework to address and redress such issues (as mandated by the Prevention of Sexual Harassment at the Workplace (POSH) Act). It is highly critical to demand due diligence from LCs and ICs in receiving and probing complaints during the lockdown.

Furthermore, in the organized as well as unorganized sectors, there is a need for employers to play a more proactive role and support their employees with information regarding service providers and helplines for addressing issues of domestic and intimate partner violence.

- **Advocating for proactive Bystander Intervention:** As an informal and often the first point of contact for survivors, Bystander Intervention is extremely crucial. In the absence of women's access to smart phones and internet in vulnerable communities, there is an urgent need to review their safety through intersectional lens, and proactive community action can fill the gaps in help-seeking for those unable to reach helplines. Under the present circumstances, it is critical that everybody in the community takes the responsibility for receiving any information about violence in their own surroundings, supporting survivors and facilitating help-seeking.
- The Domestic Violence Act is not being used to its optimal level due to a vast disconnect between the aggrieved person and the remedy. Availing these remedies has become more complex and convoluted due to the ongoing lockdown situation. Under the current circumstances, only physical violence and violence in marital homes are being reported. **Domestic Violence in natal homes** is especially true for individuals who are gender non-conforming and receive little or no support from their parents. Strengthening and sensitizing rapid responders to understand the nature of such threats will result in better

communication and coordination with law enforcement authorities - a challenge at present due to the lack of dialogue around natal family violence.

- **Strengthening and expanding psycho-social support:** Proactive help-seeking has become significantly restricted in light of the lockdown. The fact that families are becoming increasingly invisible to external support sources (that were previously in a position to pick up on warning signs, like co-workers, teachers and maternal child health nurses), suggests that this vacuum needs to be filled by dedicated helplines and information services. The government must support enhanced understanding of family violence, (its various manifestations on different communities, the red flags, risks of escalation, preventive and curative mechanism) among everyone in the community. Suicide helplines must also be adequately equipped to deal with the various manifestations of stress (on mental health and physical wellbeing).

In the absence of facilities and capacities to undertake rescue operations during the lockdown, emphasis must be made to increase psycho-social, emotional support and mental health awareness at the community level, in view of an impending and lasting emotional and psychological crisis post-lockdown.



Tejaswani Gautam (IPS)
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Nandita Bhatt
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MODERATOR

THE POTENTIAL OF COVID-19 TO INCREASE THE RISK OF GENDER-BASED VIOLENCE:

CHALLENGES AND MISSING LINKS

- **Kirthi Jayakumar** suggests that even if the violence itself has been averted a second time, the proximity becomes a trigger event as the history of violence still remains. The risks of GBV are greater in settings where high-population density, poor water and sanitation, and the inability to self-isolate heighten exposure to the novel Coronavirus. Fear, tension and stress resulting from additional stressors like the loss of employment and family income, lack of sufficient food, increased alcohol use, closure of schools intensify the risk.
- Not all NGOs and CSOs are empowered with tools and facilities by the government to adequately respond to calls for rescue. **Dr. Bharti Sharma** recommends that organizations specializing in but are unable to carry out rescue operations, must shift their approach to enhance an emphasis on mental health issues. There is an urgent need of services providing psycho-social counselling and empathetic listening for survivors of violence, with the reassurance that legal aid and rescue support will be provided after the lockdown. This will help the individual control their agony to survive the lockdown.
- Implementing this approach requires considerable forethought and preparation, especially due to women's lack of access to a personal phone or internet connectivity in rural regions. Jayakumar and Dr. Sharma both opined that socio-economic positioning and intersectionality play a major role in circumstances where people are rendered more vulnerable because of their caste, class, religion and gender identification. There needs to be a more concerted effort so as to leave no one behind. One must begin by recognizing the privilege attached to constructing helplines. Helplines will help communities who have access to phones, internet and smart phone apps such as WhatsApp. But there are entire households that only have one cell phone among themselves, and they are almost always owned and used by men. Therefore, many women still remain hidden, isolated, difficult to reach and at heightened risk of violence. This makes community support systems and Bystander Intervention the need of the hour.

- Women and the LGBTQ+ community are facing unique challenges in the wake of the COVID-19 pandemic. Outlining their barriers in accessing healthcare and psycho-social support during the lockdown, **Ritambhara Mehta** elaborated that the Police and helpline coordinators often lack a nuanced understanding of queer identities, which makes it difficult to convince them of family violence against LGBTQ+ individuals. While service providers are familiar with marital violence, the concept and recognition of natal families as a source of violence is underestimated in India, if understood at all. It is exhausting for survivors to explain, resulting in their reluctance to access mainstream services. The community, therefore, prefers to seek “internal solutions” for “internal issues.” Instead of combining all FV under one umbrella term and prescribing a one-stop solution, the marginalised identities of LGBTQ+ people and their unique identities must be recognized.
- For non-conforming individuals, there are expectations attached to how they express their gender identities at home. The lack of access to safe spaces such as schools and colleges, and the lack of privacy to (a) engage with counsellors, and (b) indulge in representational entertainment (watch LGBTQ+ content) is adding to their mental stress. Compelled to stay in queer-phobic households, where their identities (gender performance and gender markers) are under surveillance or invisibilized or responded with abuse or violence, exacerbates their dysphoria. Additionally, for those undergoing gender reconstruction/reassignment, the lack of access to medicines and therapy (due to closure of Sexual and Reproductive Health services) is detrimental to health and could lead to long-lasting hormonal issues.
- Advocate **Anu Bagai** laid down the key aspects of the Domestic Violence Act (DV Act) which came into force in 2005. The legislation accords the right to file a complaint to any woman (a) in a domestic relationship and (b) who is staying in a shared household. Second, the most important aspect of the Act is that it is not restricted to physical violence and encompasses sexual, verbal and economic violence. During the lockdown, only physical violence is getting reported, but these other forms of violence are common and equally detrimental. But under the current circumstances, the DV Act is not being used to its optimal level which could be due to a massive disconnect between aggrieved person and the remedy. There is no way of reaching out to the survivor or for the survivor to access them, even though adequate frameworks are available. The DV Act also provides women with the following additional remedies if a complaint is filed before a Magistrate:
 - Protection Order: The perpetrator cannot come near the survivor.

- Residence Order: Allows a woman to get a room in the house where no one can come.
 - Monetary Order: Ensures the survivor has access to resources.
- Availing these remedies has become more complex due to the ongoing lockdown situation. However, it is important to reiterate that Courts can give ex parte orders and insist that they give more interim orders for the survivor’s temporary relief in a GBV case. Additionally, the Supreme Court in a recent hearing⁴ ruled that the denial of timely inquiry by a competent forum would result in violation of fundamental rights. Similar measures must be adopted against officials refusing to register DV complaints or delaying justice during the lockdown, or organizations impeding internal investigation of sexual harassment complaints, thereby prolonging psychological stress of the survivor, and placing the burden of proof on them.
 - **IPS Officer Tejaswani Gautum**, shared that the Churu Police has been actively supporting the community with food and relief support. A food crisis at home (lack of food and inability to provide for the family) becomes a major stressor, leading to increased violence. To avert such crises among vulnerable populations, the Supreme Court is in the process of considering a plea to provide rations even for those without ration cards⁵, in a bid to universalize the Public Distribution System (PDS). The bench has also directed the Centre to consider the viability of implementing “One Nation One Ration Card Scheme” to ensure the availability of subsidized food grains to beneficiaries among the migrant and informal workers, a large majority of whom are women and sole-earners in their household.
 - **In his concluding remarks, Dr. Rajesh Tandon** elaborated on the crisis in emotional support mechanisms and how they have weakened over the decades to the detriment of GBV survivors. He stated that mental health issues are much more severe than they probably ever have been; the politics of healthcare has exposed unnecessary divisions between different segments of society based on caste, religion and gender. There is a heightened distrust between the civil society and the Police. We must change this mindset to create mutual trust and respect between our frontline warriors such as our doctors, police and the civil society. Patriarchy is entrenched in all sectors of society;

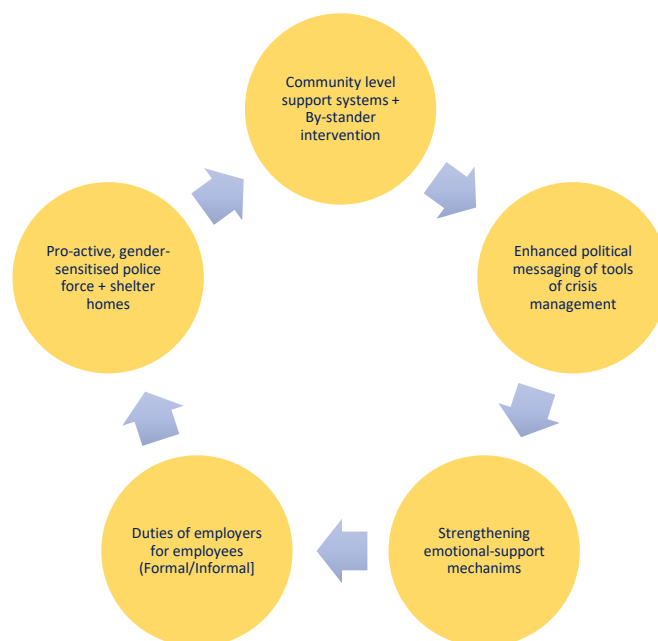
⁴ <https://www.livewlaw.in/top-stories/sexual-harassment-denial-of-timely-inquiry-by-competent-forum-results-in-denial-of-justice-sc-directs-uo-i-to-compensate-former-raw-employee-read-judgment-155800>

⁵ <https://www.livewlaw.in/top-stories/sc-directs-centre-to-consider-to-provide-ration-even-for-those-who-do-not-have-rations-card-read-order-156003>

however, we must fight this social evil and create a common pool of resources by enhancing social solidarity between different stakeholders involved to ensure we can all come out of this pandemic stronger than we ever did.

IPS Officer Tejaswani Gautam: Do not hesitate to inform the police if you suspect someone in your neighborhood is a victim. No action will be taken against the informant. She urges everyone to be proactive and support the police is providing timely help to victims of violence. She suggests that if the concerned *chowki* in the area is not filing the complaint, the Police Control Room can be contacted through the designated phone or WhatsApp for the area. This number is under the supervision of the SP of that concerned District and all complaints made on these numbers will be taken seriously.

HOW TO IDENTIFY, PROTECT AND PREVENT SURVIVORS OF GENDER BASED VIOLENCE?



IMMEDIATE MEASURES

- Psycho-social counselling tools must be urgently expanded to help survivors cope with the situation, especially in the form of short-term rapid GBV response.
- Localities must endeavour to spread crucial information (on preventive and curative measures) in their own communities; employers must also be informed about them so that they can circulate them in their organization, and all those who might need them.

During the lockdown, Martha Farrell Foundation's endeavors have aimed at curating regional toolkits (comprising information, guidelines for employers, helplines in case of domestic violence and for relief). Additionally, the Foundation engages in regular solutions-based dialogue on issues concerning gender and safety during the pandemic.⁶

- Family violence must not be combined under one umbrella term. Marginalized identities of LGBTQ+ people and their unique identities must be recognized, especially their exposure to risk at queer-phobic natal homes.
- Public Distribution System (PDS) must be universalized to allay food crisis at home, which, in turn, could increase the risk of tensions and domestic violence.
- All police control rooms have WhatsApp numbers which are controlled by senior officials. Such helpline numbers can be used by survivors who have smartphones and wish to reach out. Channels of communications between services must be activated at all time to facilitate phone-based referral of service providers.
- The Police must be proactive in looking for signs of any form of sexual and gender based violence occurring in their districts. Safe houses must be set up for survivors.
- Delhi High Court has asked the central and Delhi governments to file responses to a plea seeking treatment of domestic violence cases on an urgent basis.⁷ Concurrently, the Supreme Court is exploring ways to set up more virtual courts to ensure that the lockdown does not affect timely delivery of justice. Thereafter, survivors must be encouraged to avail these opportunities and file their pleas before the Court.
- If survivors have filed an F.I.R. with the Police, investigation must not stop owing to the pandemic.
- Denial of timely enquiry by a competent forum in cases of sexual harassment at workplace is a violation of the aggrieved woman's fundamental right. This must now be viewed as a warning for Internal Committees and Local Committees hearing sexual harassment cases to complete the proceedings within the prescribed time. Moreover, Internal and Local Committees must be pro-active in assisting survivors during and after the pandemic with filing the sexual harassment case before them.
- There must be a framework for strong punitive action against Police Officers who refuse to accept complaints from survivors, harass them, or put pressure on them to go back to their circle of violence.
- Emotional support mechanisms amongst family, friends and communities must be reinforced during the lockdown. There is a need to ensure the mental wellbeing of service providers and bystanders. While trying to protect others, it is also critical to be

⁶ http://www.marthafarrellfoundation.org/uploaded_files/article_category/1587369617_GENDER_IMPACTS_OF_COVID-19,%20April%202020.pdf

⁷ <https://lawsisto.com/legalnewsread/NDlxNw==/Delhi-HC-adds-new-categories-to-URGENT-HEARING>

mindful of the survivor's personal space so that one does not impose themselves on the survivor.

- In cases of cyber-bullying or trolling of survivors, the survivor must take screenshots of the offensive comments. They must then write to the respective social media platform; that platform is obligated to remove and delete the accounts of perpetrators. Alternatively, they can also inform the Cyber Cell in their respective states. With work culture undergoing a paradigm shift with work-from-home, workers are more susceptible to online sexual harassment now than ever before. This raises pressing questions on the redressal framework in such cases, and how the formal as well informal sectors can implement the PoSH Act. Martha Farrell Foundation has been conducting a series of webinars, teach-ins and learning circles to address employers and employees on these very issues, and to facilitate a new understanding of sexual harassment at the workplace during lockdown.

Ms. Jayakumar laid down the five D's of bystander intervention under lockdown – Distract (the abuser's attention so the survivor has time to escape), Disrupt (and diffuse the situation before it escalates), Delay (the act of violence to buy time to call for help or take the survivor away from the scene of violence), Delegate (by seeking intervention from the police, security guard, a service provider or a community worker), Directly Intervene (by inserting yourself in the situation to take on the perpetrator).

One can also inculcate proactive bystander practices in the following ways:

- Educate yourself to understand what it means to be a survivor, what a survivor goes through and the kind of disabling factors survivors may face in registering complaints
- Build a community, start by identifying like-minded people who will support such initiatives at the frontline in violence response
- Be informed of everything that's happening in your city and your own locality. Map hyper-local information that can be verified such as the working condition of helplines or if service centers are accessible
- Cultivate skills to provide psychological first aid, and be prepared to offer dignity kits (hygiene products) and risk-reduction supplies (locks for latrines, flash lights, shelter) to those who might need it

Good Practices

- PUNE - A Woman Vigilance Committee has been set up in the rural areas of the District by the Women and Child Development Department (WCD) in Pune. This committee is called the Mahila Dakshata Samiti and the committee will consist of a woman candidate

from the Gram Panchayat, Anganwadi sevika, Mahila bachat gat samiti member, senior gram panchayat woman member among others.⁸ The Pune Zilla Parishad has taken the decision of putting perpetrators of violence in institutional quarantine has been taken so that the women do not face a loss of residence.

- EUROPE: In France and Spain, pharmacies are using code words to communicate with survivors who are alone or accompanied by their partners.
- The French Government announced an extra one million euro (\$1.1 million) for anti-domestic abuse organisations to help them respond to increased demand for services. The Government would also be paying for hotel rooms for victims of domestic violence and open pop-up counselling centres after figures showed the number of abuse cases had soared during the first week of a lockdown to curb the spread of coronavirus.⁹
- CHURU, Rajasthan:
 - o Video-conferencing facilities of the Panchayats were being used for training and disseminating information for women through their Panchayats in their local language.
 - o If police receive a case of domestic violence, they map it and conduct regular checks in those areas.
 - o The police along with ASHA Sahyoginis are taking advantage of door-to-door COVID-19 surveys to speak privately to the women of the house to check on their situations.
 - o The police are providing dry ration to homes as it is understood that the burden and the pressure of providing food in the homes lies with the women
- NEW DELHI: Shakti Shalini in Delhi has switched to a 24x7 helpline number with two counsellors even choosing to stay together in one place during lockdown so that they are able to take night shifts and to ensure that no call goes unanswered. It was noted that the helpline received few calls in the initial days of the lockdown. However, after organisations began curating and sharing lists of Pan-India helplines over social media, the call rates increased drastically; Shakti Shalini now receives 4-5 distress calls every day, and over 25 calls every week. Dr. Bharti Sharma also recalls a case in the NCR

⁸ <https://www.sakaltimes.com/pune/domestic-violence-pune%E2%80%99s-women%E2%80%99s-panel-comes-help-victims-48769>

⁹ <https://www.france24.com/en/20200330-france-to-put-domestic-violence-victims-in-hotels-as-numbers-soar-under-coronavirus-lockdown>

region, where her team connected a DV survivor to the police, who personally spoke to the perpetrator and gave him a stern ultimatum – thus containing if not entirely solving the crisis for the time being. Shakti Shalini runs shelter homes in the region, some of which house same-sex couples.

- CHENNAI: Volunteers are also participating in a community outreach programme where they are interacting with three women a day to provide psycho-social counselling. The Gender Security Project led by Ms. Jayakumar has in the past, contacted Civic Commissioners who are responsible for distributing rations in localities. Through them, they sent out a message to women in the community that if they were facing domestic violence, they should give an innocuous sign (for instance tying a white cloth outside their house). The cloth would indicate that they were in trouble and needed help. Members of the project saw such signs outside some houses, spoke to the police authorities and took necessary measures to ensure their safety.
- The Gender Security Project has been working with gated communities in Chennai to create WhatsApp groups for bystanders to reach out to survivors and to make themselves available. Communities have to make it known to everyone that they are a safe space to share, that they are safe space to ask for information.
- They have also developed “Saahas”, a web and Telegram-based software application, where survivors in 196 countries across the world can access fully verified resources as well as information for what they do when they are challenged by such circumstances.