

Domestic Violence and the Pandemic: The Simple Facts

A panel discussion featuring speakers from the Forum Against Gender-Based Violence (FAGBV) to share their learnings and experiences of responses to victim-survivors of Domestic Violence during the pandemic.

The Centre for Equality and Justice (CEJ) hosted a virtual panel discussion on the topic of Domestic Violence during the pandemic on the 17th of November 2022. The event was also live-streamed on CEJ's Facebook page. The panel comprised Lakmini Jayathilake, Gender Coordinator, Oxfam in Sri Lanka; Samitha Sugathamala, Program Director, Foundation for Innovative Social Development; and Jerusha Crosette-Thambiah, Attorney-at-Law, and was moderated by Thiagi Piyadasa, Attorney-at-Law.

This discussion was a part of CEJ's project '*Don't Leave Them Behind*': *A Clarion Call to Address Domestic Violence during COVID-19*'. Shyamala Gomez, Executive Director of CEJ welcomed the panellists and participants by introducing the objective of the virtual discussion: To discuss the realities of the responses to cases of domestic violence during the pandemic, to review the lessons learnt, and reflect on the experiences and challenges faced by service providers, and how civil society can use these learnings in their work with the government to ensure substantive responses to domestic violence are implemented in a future disaster or emergency.

The first panellist, Samitha Sugathamala, has extensive experience in working with victim-survivors and stakeholders who are creating spaces to respond to domestic violence in their communities. Responding to a question about the reasons for the increase in gender-based violence and particularly domestic violence during the pandemic, Samitha noted how COVID-19 has been a different experience for women compared to previous crises Sri Lanka has faced such as conflict, or the tsunami, because women were forced to remain in their homes with added responsibilities and burdens that went beyond their usual household responsibilities. She emphasised that women were confined to their homes with their children, and most importantly with their perpetrators. Addressing the interventions that were proven effective during this period, Samitha highlighted the importance of creating sustainable support systems within communities. Despite it being a challenging task, she noted a significant intervention made through the National Action Plan on Sexual and Gender-based Violence of 2016-2020: The creation of Vigilance Committees at district and community levels. She drew on examples of women alert groups created within 24 communities around the districts of Anuradhapura, Monaragala, Hambantota and some plantation communities, some of which already had functioning community support systems. She further elaborated on the importance of linking such community groups with each other, and also the importance of the engagement of men and boys in these support systems. Samitha concluded by raising a question: 'Despite the number and gravity of lessons taught to us by the pandemic, have we really learnt anything?'

Panellist Lakmini Jayathilake deliberated on service provision during the pandemic and highlighted the problems of prioritisation of frontline services amidst the health crisis in the country. She pointed out how support services provided by institutions like Mithuru Piyasa were overshadowed by the health services, since they were established within the hospital systems. She explained how the suspension of court proceedings affected victim-survivors of

domestic violence and how cases of domestic violence were not prioritised even within the short-term courts functioned after the suspension was lifted. She revealed that certain courts relaxed maintenance fees received by women for alimony, child care, etc., citing the rising cost of living. Lakmini also highlighted the problem in relation to shelters and safe homes for victim-survivors. She pointed out the unique challenges faced by shelters and safe homes due to the pandemic, such as the number of women that could be taken in being reduced significantly, given the health concerns. She finally addressed the reproductive health services accessed by women, how they were affected during the pandemic and how women too were reluctant to spend on these services because they were not regarded as priorities amidst the rising cost of living and financial burdens. She concluded by emphasising that the gaps and shortcomings that already existed in service providers further widened and deepened with the pandemic. She also pointed out gender budgeting at an institutional level and raising awareness of the existing services as aspects that need to be addressed to further strengthen frontline service provision for gender-based violence, including domestic violence in the country.

In her opening remarks, Jerusha Crosette-Thambiah pointed out the need for an inter-sectoral cohesive system in service provision for gender-based and domestic violence. She touched upon the shortcomings of the different sectors; (1) Justice sector - The Judicial Services Commission, in their circular had not recognised domestic violence as a priority during the pandemic or crisis. Therefore these cases were not taken up in courts to issue protection orders, thus effectively putting the lives of victim-survivors in danger. As a legal professional, she stated that even though the Prevention of Domestic Violence Act prevailed, in reality, victim-survivors could not get necessary help. (2) Enforcement sector - the already ineffective and under-trained police officers cited the pandemic and crisis as a reason to neglect cases of domestic violence received by them. Complainants were often sent back to their abusers after the supposed reconciliation of the families. (3) Healthcare sector - Mithuru Piyasa, as pointed out, was understaffed and not considered a priority. They didn't have a hotline and, as mentioned by Lakmini, were not placed in discrete locations, hence the shame and stigma attached to seeking support services discouraged victim-survivors from actively seeking them out. Jerusha mentioned that this sector was relatively satisfactory, compared to the others. (4) Ministry of Women & Child Affairs and Social Security - although a cabinet-level ministry existed during the pandemic and a hotline was in operation, its functioning and handling of it had needed much improvement with proper monitoring and procedure. Jerusha brought up a real-life example of a client she handled and noted a personal observation that since cases of domestic violence were brought out with utmost difficulty during the pandemic, in the aftermath, now both judges and victim-survivors are willing to deal with such cases.

She further addressed the changes that need to be made in terms of laws, policy and practice to ensure victim-survivors of domestic violence are able to effectively seek help. Following are a few of them.

- 1) The need for a powerful cabinet-level ministry dedicated to women; gender budgeting in institutional levels; the need for the National Committee on Women to be given a mandate (to enforce) similar to the National Child Protection Authority; raising awareness within institutions, communities and grassroots and through media.
- 2) The Prevention of Domestic Violence Act is a substantive Act, however, there are difficulties in implementing it. The recommended reforms to the Act need to be passed

through parliament. For example, to increase the scope, to repeal provisions for mandatory counselling to prevent further victimisation, to improve monitoring and collection of information in order to improve prevention mechanisms.

- 3) Address the lack of training in the enforcement sector and the problem of providing psychosocial services which they are not trained for (for example, attempting to counsel and reconcile families); the need for women and children desks in police stations to be manned at all times with female officers' in order to safeguard the privacy of victim-survivors; periodic reviews to be received by the National Committee on Women of the cases received and handled by police.

Jerusha concluded on a positive note, stating that owing to the pandemic, the system is now awake and all service-providing sectors are now more aware of their agendas.

Thiagi Piyadasa concluded the session by reminding everyone that there are numerous civil society organisations and women's rights organisations who work on domestic violence on the ground and as well as institutions such as the Legal Aid Commission, Police Women and Children desks and women and children development units in each Divisional Secretariat with at least six government officials including a Women Development Officer, a Child Rights Promotion Officer, an officer representing the National Child Protection Authority, and Counselling Officers, in the state sector that can be approached on cases of Domestic Violence. Thiagi ended the discussion by noting that there is a need to further sensitise these service providers although they do a herculean job in terms of assisting victim-survivors of domestic violence, in many parts of the country.

Watch the discussion here: <https://fb.watch/iFO6gllF1j/>