



Domestic Violence Crisis to Women's Health Amid Covid-19 Pandemic: A Comparative Studies

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Abstract. Domestic violence occurs to people of all ages in nearly every country, especially during stay home due to the Covid-19 pandemic. Women who experience domestic violence may experience short and long-term physical, emotional, and sexual health issues and a higher risk of developing various mental diseases. This paper aims to examine the existing legal framework for women's protection of their social rights against domestic violence and apparent forms of abuse towards the victims during the Covid-19 pandemic and its effects on women's health. The analysis is based on a qualitative and descriptive cross-sectional analysis of the governing statutes, reported cases, and data gathered from the administrative authorities. For the comparative analysis, the research provides the reference of the analysis in Malaysia, Indonesia, Australia, and Saudi Arabia. The study submitted that domestic violence has serious health consequences for the victim and significantly impedes civilisation's growth. Apart from that, the current legal system is poor at handling delicate crime that needs special care. Therefore, to curb the issue of domestic violence, we need a society that values and respects women's rights and dignity. Apart from that, the policies that forbid domestic violence should be created in each country over the world and focus more on providing facilities and services such as shelters for victims.

Keywords: Domestic Violence · Women's Health · Covid-19 · Malaysia · Indonesia · Australia · Saudi Arabia

1 Introduction

Due to their sex, women are frequently discriminated against, and customs and religious beliefs may contribute to this hidden repression. With this mindset, most women frequently endure abuse from their spouses. Violence against women within a household is often called "domestic violence." Since this offence occurs between a husband and

wife inside of a home, it is typically considered to be a “private family concern,” and sometimes these issues are just thrown under the rug, meaning that such occurrences are frequently never caught or reported (Randawar & Jayabalan, 2018). Domestic violence is commonly referred to as a family-centred issue. It is typically regarded as persistent patterns of coercive and abusive behaviour that can result in physical harm, mental and emotional distress, sexual intimidation, and financial oppression for the victim (Ghani et al., 2016). The outbreak of the COVID-19 virus over the world has resulted in the announcement of the movement control order and caused victims of domestic violence to be stuck all day with their perpetrators. In some countries over the world, it is reported that domestic violence cases increased during this pandemic. Therefore, this paper aims to analyse the existing legal framework for women’s protection of their social rights against domestic violence during the Covid-19 in Malaysia, Indonesia, Australia, and Saudi Arabia and determine the apparent forms of abuse against the victims during the Covid-19 pandemic as well as its effects to women’s health.

2 Research Methodology

The study employs qualitative research methods in terms of content and doctrinal analysis. The content analysis entails reviewing relevant literature on all primary and secondary materials on the impact of domestic violence during Covid-19 on women’s health and to what extent the existing legal framework can protect their health, especially amid the Covid-19 pandemic. Meanwhile, doctrinal analysis involves examining materials such as statutory provisions, treaties, and other legal and non-legal literature. The comparative analysis also provides the reference to the existing legal framework that effectively prevents domestic violence cases during the Covid-19 pandemic in Malaysia, Indonesia, Australia, and Saudi Arabia.

3 Malaysia

The Domestic Violence Act 1994 (DVA) governs domestic violence proceedings in Malaysia. Mahdzir, N. et al. (2021) characterise the primary functions of the DVA as providing legal protection in cases of domestic violence and related problems. The Act offers protection for victims and appropriate support while recognising all forms of domestic abuse as serious violations.

Domestic violence is interrelated with women’s health as the DVA provides that “domestic violence” means the commission of one or more of the following acts:

- (a) wilfully or knowingly placing, or attempting to place, the victim in fear of physical injury.
- (b) causing physical injury to the victim by such Act which is known or ought to have been known would result in physical injury;
- (c) compelling the victim by force or threat to engage in any conduct or Act, sexual or otherwise, from which the victim has a right to abstain;
- (d) confining or detaining the victim against the victim’s will;
- (e) causing mischief or destruction or damage to property with intent to cause or knowing that it is likely to cause distress or annoyance to the victim;

- (f) causing psychological abuse which includes emotional injury to the victim;
- (g) causing the victim to suffer delusions by using any intoxicating substance or any other substance without the victim's consent or if the consent is given, the consent was unlawfully obtained; or.
- (h) in the case where the victim is a child, causing the victim to suffer delusions by using any intoxicating substance or any other substance.

This Act has been amended a few times to enhance protections for victims of domestic violence. According to Randawar, D.K. et al. (2018), additional changes to the Domestic Violence Act include, but are not limited to, broadening the definition of domestic violence, enabling the Act to be read together with the Penal Code or any other written law on offences related to domestic violence, and enabling an Interim Protection Order to be requested through a court application. The amendment of the Act has included the Act of threatening the victim with the intent to cause the victim is afraid of his safety or safety of his property, fear of safety third parties, or suffer grief; as well as the intention to humiliate the honour of the victim through any means, electronic or otherwise considered as domestic violence crime.

In addition, Penal Code can also be used by the prosecution in Malaysia to prosecute offenders, especially when it involves using force by the abuser. Offences which closely related to domestic violence include criminal force by the spouse (s.352A), wrongful confinement (s.340), forced sexual Act (s.377CA), causing hurt (s.323), incest (s.376A) and any form of extortion to obtain money or anything by using force or threat (s.383). These offences can be charged together with the Domestic Violence Act against abusers in a court of law. Apart from that, the offender who causes hurt to his spouse or former spouse, a child, an incapacitated adult or other members of the family shall be punished with imprisonment for a term which may extend to twice of the maximum term for which he would have been liable on conviction for that offence.

Women, Family, and Community Development Minister Datuk Seri Rina Harun noted in Parliament during the Covid- 19 pandemic that 5,657 domestic abuse cases were reported in 2019 and 5,260 in 2020. Additionally, between March 1 and 17, 2020, the Women's Aid Organization (WAO) is said to have received an average of 10.5 calls and inquiries. However, it got reports of 12 cases every day from March 18 to March 31, 2020. Additionally, under the Movement Control Order, the Women's Centre for Change (WCC) in Penang extended its hours of crisis counselling for women, particularly those who had experienced domestic or sexual assault (MCO). According to reports, the WCC got 14 phone calls during the MCO's first week (March 18–24, 2020), but that number rose to 36 cases during the MCO's second week (Mohammed, A. A. et al., 2021). Counselling via phone call is one of the initiatives taken in Malaysia to provide psychological support to victims during the pandemic.

According to research, women who experience intimate partner abuse also experience a variety of short and long-term physical, emotional, and sexual health issues (World Health Organization, 2010). Compared to women who are not abused, abused women are more likely to get AIDS, STIs, depression, anxiety, post-traumatic stress disorder, suicide, and other illnesses (World Health Organization, 2013, 2017). In addition, verbal abuse delivered through exaggerated tone and threatening or vulgar remarks can potentially cause psychological trauma. Such conduct demonstrates a lack of respect,

an inability to control anger, and a tense state of mind. The result is mental anguish that causes grief, inferiority, and motivational loss (Idris et al., 2018).

4 Indonesia

The Indonesian Penal Code (Kitab Undang-Undang Hukum Pidana) and Law No. 23 of 2004 on the Elimination of Domestic Abuse play significant roles in eradicating domestic violence in all its forms. This law defines domestic violence as including sexual and physical abuse and negligence of the household.

According to a study by Jessica (2020), there are several reasons domestic violence instances are not reported, one of which is the victims themselves not knowing how to submit a formal report to authorities. Most victims also decide to conceal the abuse rather than report it because they believe that domestic violence reflects poorly on their families' honour and reputation.

Data from LBH APIK (an Indonesian legal aid NGO for women) suggested that between March 16 - June 20 2020, or within three months since the social restriction policy was enforced, as many as 110 cases of domestic violence were reported (Muna AN et al., 2020). Apart from that, reports from service providers for women victims of violence show that 1,299 cases of violence against women happened between March and May 2020.

Domestic violence against women surged during the COVID-19 epidemic, according to the National Commission on Violence Against Women. Findings from an online poll showed that women in groups with earnings below IDR 5,000,000 (about 340 USD) per month, employees in the informal sector who are aged 31 to 40, married, have children older than three, and live in 10 provinces were most vulnerable to the Covid-19 virus. Spending growth in families was accompanied by increased physical and sexual violence. According to survey results, psychological abuse and economic violence were the two types of domestic violence that occurred most frequently in the six months before the pandemic. This demonstrates how economic pressure affects the likelihood of domestic violence (Yusep, 2021).

5 Australia

In Australia, when it comes to domestic violence law, each state has its criminal and civil legislation, while family law is under the responsibility of federal jurisdiction (Harrison, 2002). Due to this matter, several distinctions exist as to the definition of domestic violence between these jurisdictions. The same applies to Australian child welfare and protection, which is only governed at the state level and thus outside the jurisdiction of the federal Family Court. In other words, families that are splitting and dealing with the issue of domestic violence might also be involved in other court cases for reasons like divorce, the welfare of children, or even potential criminal charges (Powell, 2020).

According to reports, Australian women faced an escalating rise in domestic abuse during the pandemic's first three (3) months (Boxall et al., 2020). To recognise different types of abuse, the Queensland University of Technology (QUT) Center for Justice has

collected data from 362 participants in support programmes across the nation, including 1,507 qualitative replies (Carrington et al., 2021).

The study highlighted the top four (4) abuse methods against domestic violence victims. Nearly half (43%) attribute this to increased control and coercion. At the same time, one-third claimed that offenders used Covid-19 to justify the victim's increased isolation, which limited the victim's capacity to seek assistance. The latter increases the victim's vulnerability to violence, especially for physically challenged and rural victims. The former may lead to a tendency for the offenders to use extreme physical abuse, such as strangulation. A mother may also experience emotional stress due to the offenders' frequent use of pressure and intimidation through custody, family court agreements, and Covid-19 restrictions to avoid returning children to their moms.

Next, there has been a 14% increase in financial abuse when offenders used victims' bank accounts to exert pressure and control over them. Threats of homelessness or other forms of financial intimidation are frequently used against victims. Lastly, abuse is made possible by technology. According to Douglas et al. (2019), abusers have used a variety of technologies in their abusive patterns, including but not limited to destroying devices, restricting victims' access to devices or digital media, using technology to monitor or stalk victims, and observing victims' and survivors' use of technology, such as social media and email. According to the same research, these types of maltreatment negatively influence the mental health of victims, with over half reporting higher levels of anxiety.

According to data from the Australian Longitudinal Study on Women's Health, women who had suffered childhood sexual abuse were more likely than those who did not have poor general health, suffer from depression, or experience physical pain (Coles et al., 2018). Compared to women who had not gone through these experiences as children, women who had experienced childhood sexual, emotional, or physical abuse had greater long-term primary, allied, and specialised health care costs (Loxton et al., 2018).

Australia has the following resources available for Covid-19, among others: police, Hotline 1800 RESPECT, Victorian Department of Health and Human Services COVID-19 family violence support, DVRCV (Domestic Violence Resource Centre Victoria) COVID-19 support, Safe Steps Family Violence Response Centre COVID-19; Centre for Excellence in Child and Family Welfare Coronavirus Hotline (Ph. 1800 675 398); InTouch Multicultural Family Violence Service COVID-19; Respect Victoria staying safe during COVID-19; Victorian Government family violence support; Western Integrated Family Violence Committee (WIFVC) COVID-19 information and resources; Victorian Council of Social Service (VCOSS) COVID-19 resources; and Victoria Legal Aid COVID-19 help.

6 Saudi Arabia

Domestic violence in Saudi Arabia is commonly known as Intimate Partner Violence. Although the culture, views, and values of the community prevented this domestic crime from being openly discussed, the Saudi government gradually recognised it. It took several significant steps to reduce violence against women and children.

The National Family Safety Program, which was established by High Order No. 11471/MB dated November 18 2005, is a national initiative aimed at preventing family

violence through the study and monitoring of abuse cases, the reporting of such cases to the appropriate authorities, and the promotion of awareness of the negative effects of violence. Domestic violence became a crime in 2013, and victims who reported it to the authorities were given sanctuary. Additionally, unaccompanied male family members may show up at the police stations alone (Human Rights Watch, 2019). The new regulation is a huge step toward empowering women on safety and mental health issues after being prohibited from appearing in public alone for so long. According to a survey, domestic abuse affected one in three women in Saudi Arabia in 2019 (Yasser M. Kazzaz et al., 2019).

According to the Deputy for Reports & Treaty General Department for Reports & Treaty, Human Rights Commission, Ref 49/HRC/DRT/TR January 18 2022, a complaints centre was established on March 20, 2016, to strengthen the mechanisms for receiving complaints related to violence. It is open 24/7. The complaints centre is taking the required actions, helping victims, and referring those against whom there is sufficient proof of committing an abuse crime to the Public Prosecution to carry out the legal processes in compliance with the Protection from Abuse Law's provisions.

Another serious action the Saudi government took was issuing High Order No. 25803, dated February 15, 2018. The Order was about assisting women and children in need of human rights protection. In addition, the Order instructed the Saudi Bar Association and the Ministry of Human Resources and Social Development to regularly compile a list of the names and addresses of lawyers willing to offer their services in exchange for legal assistance and cooperation.

According to a survey conducted in 2018, 48.47% of domestic violence incidents involved psychological abuse, followed by physical assault (34.77%) and sexual abuse (16.75%), in 33.24% of women's lifetimes (R. Wali et al., 2018). A recent study conducted by Doaa M. Abdel-Salam et al. supported this conclusion. With respective percentages of 92.6%, 67.2%, and 44.3%, physical violence, sexual violence, and emotional violence are the three most prevalent types. Apart from that, the most common outcomes of domestic abuse were psychological problems (75.4%) and injuries (42.6%) (Doaa M. Abdel-Salam et al., 2022).

Compared to non-abused women, women who experience domestic abuse are more prone to struggle with desperation, anxiety, and phobias. Psychological problems were found to be the most frequent outcome of domestic abuse. Women who had ever engaged in abuse had significantly higher psychological trauma, suicidal thoughts, and suicide attempts than women who had not (Doaa M. Abdel-Salam et al., 2022).

Studies conducted in Saudi Arabia before the COVID-19 outbreak revealed a significant domestic violence and abuse rate. Studies revealed that rates were rising in most nations and localities after implementing the pandemic containment measures, necessitating more controls and reporting requirements. However, the prevalence rate of domestic violence in Saudi Arabia did indicate a significant decrease of 8.8% during the quarantine period compared to rates published prior to the COVID-19 pandemic. Since there is little evidence to support practically all of the findings in the literature on the topic during the pandemic, the study's findings still need to be explained (Alharbi et al., 2021).

7 Result and Discussion

In Malaysia, following the announcement of the movement control order (MCO) in March 2020, the Ministry of Women, Family, and Community Development (MWFCD) declared that the Talian Kasih hotline's activities would be terminated along with other non-essential services. In response to criticism from other government officials, the Minister of Women, Family, and Community Development (MWFCD) later declared that the hotline services would remain available. Because shelters had not been designated as vital service providers, it was unclear whether government-run shelters and numerous non-government organisation (NGO) shelters had remained operating throughout the MCO's early phase. The Recovery Movement Control Order (RMCO), announced by former Prime Minister Tan Sri Muhyiddin Yassin on June 8, 2020, reportedly forced several non-government shelters to either remain open or operate at a reduced capacity.

It is also reported that the Emergency Protection Orders (EPO) and Interim Protection Orders (IPO) were still available. However, in some cases, survivors were advised to return after the movement control order (MCO) period had ended and were turned away from police stations. They would typically obtain a referral letter for an IPO after filing a police report. Due to the diminished court activities, it was unclear how survivors would get court-issued IPOs, and survivors were given conflicting information regarding their eligibility to file for an IPO. Others were urged to wait until they received a date for an in-person court appearance, while some were informed they could but had to make arrangements with the court. Thus, during this time, the Women's Aid Organization (WAO) requested the government to inform survivors about obtaining EPO issued by the Department of Social Welfare (WAO, 2020).

The issue in Malaysia is that insufficient data on the incidence of domestic violence in Malaysia and cases reported to the authorities are unreliable and represent the tip of the iceberg (Palermo, Bleck, Peterman, 2014). Therefore, developing appropriate and effective data collection strategies is crucial to monitoring and assessing interventions and violence prevention efforts. For the response to domestic abuse to be comprehensive or adequately monitored and evaluated, the Women's Aid Organization (2020) advocated including domestic violence in the current and forthcoming cycles of the National Health and Morbidity Survey (NHMS). This is because gathering information on the prevalence of domestic violence through the NHMS will not only help to clarify the scale of the problem but also allow for an analysis to identify trends and, as a result, improve policies and programmes of the country to prevent domestic violence.

Meanwhile, in Indonesia, according to the Domestic Violence Elimination Law, domestic violence includes any acts committed against women and other marginalised groups that result in or are likely to result in physical, sexual, economic, or mental suffering, except for threats, coercion, or the indiscriminate deprivation of liberty within the ambit of the household (Lily, 2005) which is differed from Malaysia. This is because the Act of threatening the victim with the intent to cause the victim is afraid of his safety or safety of his property, fear of safety third parties or suffer grief; as well as the intention to humiliate the honour of the victim through any means, electronic or otherwise also considered as domestic violence crime in Malaysia.

There is 8,234 violence against in 2020, as reported in the National Commission on Violence Against Women's (Komnas Perempuan) annual report. However, the actual

numbers for certain circumstances might not be exact due to several restrictions. One of the reasons is the dearth of reliable data in Indonesia and the numerous unreported violence against women throughout the country (Noer, 2021). This situation is also similar to what happens in Malaysia as well.

The pandemic can potentially cause delays in handling cases of violence for the victims, loss of access to health services due to territorial quarantine, and reduced number of facilities for grievances. During the Covid-19 pandemic, services continue to be provided through phones or online, but without in-person counselling to the victims, due to fear. This leads to more time spent delivering services over the phone or online. Territorial quarantine during social restrictions has caused transportation problems for women victims of violence when they wish to access services or for workers from the service providers who could not travel to the service facilities. The number of support persons was declining because they feared getting infected with COVID-19. This happened to most service providers for women victims of violence based on civil society (NGOs, private, faith-based institutions). Apart from that, the number of cases handled by the court was limited to only 10 cases per day during the Covid-19 pandemic. Waiting for the trial to start also affects the victim's mental state. Victims need support; thus, trusted family members will be involved in building a support system. It is also reported that the budget for handling violence against women has dropped drastically since the COVID-19 pandemic started. Service providers for women victims of violence were confronted with problems because no additional budget was given to purchase PPEs, facemasks, human thermometers, hand sanitiser, and soap and hand washing facilities. The Ministry of Women's Empowerment issued a Protocol for Handling Cases of Violence against Women. In contrast, the Ministry of Health issued a Guideline for Health Services in Handling Cases of Violence against Women. The latter provides guidance on how a health worker should handle women and children victims of violence. However, it does not mention access and availability of free-of-charge PCR tests. Some institutions have difficulty accessing safe houses because the facility is not operational and has no proper PPEs (Komsas Perempuan, 2020).

Therefore, without government support, service providers for women victims of violence would certainly face problems and be shut down in the worst scenario. State support is crucial in the form of subsidies to allow continuous access to services during the public health emergency to fulfil the constitutional rights of women with domestic violence in the Covid-19 pandemic. Apart from that, service providers for women victims of violence would also need support in the form of PPEs, hotline services, and training from partner ministries on common knowledge of health protocols. This is necessary for anticipation of the following public health emergency. Government initiatives are needed to prove the visibility of the state in protecting women following the national constitution stipulating that the state's goal is to protect the entire Indonesian nation. Government responses to COVID-19 must fulfil specific needs in addressing the risks of domestic violence or other types of violence. Such responses must be transformative, acknowledging that women have limited time and physical and mental endurance (Azcona G et al., 2020).

Participants in various surveys in Saudi Arabia's largest cities also claimed that social issues were the primary driver of the violence. The level of education and drug and

alcohol addiction of the abuser is also the most prevalent factors that lead to domestic violence cases (Yasser M Kazzaz, 2019). Therefore, cooperation from many sectors, including policymakers, experts, and stakeholders, is necessary to resolve the public health issue. The importance of women's consent before marriage and the necessity of family planning should be highlighted in a sociocultural intervention to empower women. This is in accordance with the Islamic rule that a daughter should not be married without her consent.

Saudi Arabia consistently enacts sound legislation to reduce domestic abuse, but certain restrictions ensure the violence persists. Due to the nation's long-standing reliance on laws originating from the Islamic religion and their traditional cultural practices, there are limitations, particularly regarding ratifying new laws and regulations (Aref Alsehaimi et al., 2021). In addition, some academics suggest expanding the policies and techniques used to aid and support female domestic abuse victims. Family medicine and premarital checkup clinics should develop awareness programmes emphasising the effects of domestic abuse on interpersonal relationships. It is necessary to undertake additional research in neighbouring nations with comparable communities and systems in order to evaluate the validity of findings in light of global trends in domestic violence (Alharbi et al., 2021).

Last but not least, in Australia, the government is advised to take further action to prevent domestic abuse during the COVID-19 pandemic, though a report indicated that such abuse increased during lockdowns. The Australian Bureau of Statistics revealed in June 2020 that 13% more domestic violence-related sexual assaults would be reported to the police (Mercer, 2021). Domestic violence accounted for more than half (54%, or 70,000) of all assaults that were reported, a 7.8% increase from 65,000 in 2019. It is reported that 37% or 82 documented killings, or nearly 2 in 5, involved family or domestic violence (ABS, 2021). According to a recent study, those who had experienced family and domestic violence were ten times more likely to die by assault, three times more likely to die by accidental poisoning or liver illness, and two times more likely to die by suicide when compared to those who had not (AIHW 2021).

Although a sizable percentage of women did turn to the police, government or non-government organisations, and unofficial sources for assistance, many were prevented from doing so due to safety concerns. This is in line with the concerns expressed by numerous individuals in the support services sector who claimed that it was challenging to interact with women at this time of social distance (Freeman, 2020). Su, Z et al. (2021) recommended multidisciplinary interventions as a practical resolution to curb domestic violence, ranging from the designed place of temporary refuge approaches, exit plans, rules and regulations and more technology-based psychological health solutions.

8 Conclusion

Any type of domestic abuse has detrimental effects on the victim's health. Therefore, we require a culture that values women's rights and dignity to end violence against them. The rights of women need to be widely understood by society, especially when treating women equitably. Another issue is that the current legal system is poor at handling a delicate crime that needs special care. As a result, the government should also develop

policies to reduce domestic violence in society. It should place a greater emphasis on offering facilities and services, such as housing for victims. In order to combat violence against women, the government should acknowledge the role of NGOs and support them financially as they establish facilities and provide victim services. Everyone, including women, deserves to be in a safe and healthy relationship; therefore, this crime must be ended immediately. It can be made possible through the various resources available today.

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