

The impact of COVID-19 on women and children in the UK who were victims of domestic abuse: a practitioner perspective

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Abstract

Purpose – *This study aims to explore the impact of COVID-19 on women and children in the UK who were victims of domestic abuse.*

Design/methodology/approach – *The authors draw from their experiences of working in the domestic abuse sector to reflect on the impact of lockdown restrictions on women and children, focussing on the impact of government restrictions that created an environment in which abusers could control the movement of victims.*

Findings – *The impact of the pandemic was significant as victims were locked into the abuse, unable to escape for fear of breaching lockdown rules. The lockdown affected victims of different forms of violence against women and girls in the UK including forced marriage and female genital mutilation, which highlighted the ramifications of intersectional inequalities for abuse victims.*

Originality/value – *This paper articulates the devastating impact of the pandemic on vulnerable women, and their fair and just access to the family courts. This paper concludes that women were failed by the government and that there was not nearly enough support from support agencies, which has left many at risk and suffering significant harm.*

Keywords *COVID-19, Female genital mutilation (FGM), Forced marriage, Domestic abuse, Domestic violence, Violence against women and girls (VAWG)*

Paper type *General review*

Domestic violence during lockdown

Domestic violence was not caused by lockdown and the other safety measures implemented during COVID-19. Domestic violence and gender-based violence are deep-rooted and complex issues. Seeking justification and condemning the pandemic as the main reason for the surge in cases of domestic abuse oversimplifies the issue. Nevertheless, there is evidence that the pandemic did increase the incidence rate and the severity of domestic violence in households where it was already being perpetrated. For example, the Crime Survey for England and Wales showed that 1.6 million women and 757,000 men had experienced domestic abuse, with a 7% growth in police recorded domestic abuse crimes between March 2019 and March 2020 (Havard, 2021). While movement restrictions during the COVID-19 pandemic were intended to safeguard UK citizens, within days of lockdown coming into force, it was reported that victims support services were facing an unprecedented increase in demand for help, indicating that cases of domestic abuse were on the rise (Speed *et al.*, 2020). By the final months of the pandemic, calls to domestic abuse helplines surged by up to 80% as victims who had been subjected to abuse during the lockdown period were seeking support on how to escape their abusers (Cohen, 2020). It is a known concern that women and girls are disproportionately victims of domestic abuse while men are more likely to be perpetrators

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(Hester, 2013). The spike in domestic violence and gender-based violence during COVID-19 lockdowns brought other gender abuse concerns to the surface, for example, impact of “honour” abuse, forced and child marriage and female genital mutilation (FGM). An open letter written by domestic abuse sector leaders was delivered to the Home Secretary at the government’s Hidden Harm Summit for Domestic Abuse (Khan *et al.*, 2021). This highlighted that during the first three weeks of COVID-19 lockdown, the number of domestic killings doubled and at least 14 women, 1 man and two children were murdered. This pattern was reflected universally, as reports of domestic abuse spiked so sharply that UN Women termed this second crisis a “shadow pandemic” (Mlambo-Ngcuka, 2020). Refuge reported a 700% increase of calls about domestic abuse in just one day and, Karma Nirvana the national “honour” abuse helpline saw an increase of up to 200% during a time they usually call a low reporting season (Speed *et al.*, 2020). Callers reported increased levels of abuse while isolated with perpetrators, and the ability to seek help or exiting the situation was limited due to pandemic restrictions (Speed *et al.*, 2020.)

Although there is limited official data on the impact that COVID-19 lockdowns have had on domestic abuse and violence against women, the Office for National Statistics (ONS, 2020) reports that in May 2020, there was a 12% increase in the number of domestic abuse cases referred to victim support. In addition, calls to the Metropolitan Police in London also increased during the same time but were mainly from third parties, rather than survivors and victims’ themselves. “Stay at home” and “don’t mix with another household” orders meant vulnerable people, especially vulnerable women and girls, at risk were less able to access friends or family for support and had less chance to contact support in private or without perpetrators knowing. Despite this, the government failed to properly reflect on the impact of COVID-19 restrictions on those trapped in domestic abuse households. The UK’s largest domestic abuse charity, Refugee (2020), reported an increase in the numbers of calls and Web-based contacts over various 24-hour periods of between 25% and 700% compared to pre-lockdown levels.

A multi-agency charity research report, “Shining a Light on Domestic Abuse” (Dawsey-Hewitt *et al.*, 2021) reported that during COVID-19, many perpetrators had used the pandemic and associated measures as tools of coercive and controlling behaviour. Abusers were reportedly using lockdown restrictions as an excuse to move back into victim-survivor’s home. Perpetrators who already used their wives or partners’ immigration dependency as a form of coercive control were further emboldened by the lockdown restrictions. Similarly, some victim-survivors who were shielding were forced to become reliant on the perpetrator for access to food or medication.

Forced marriage

Forced marriages in Britain are commonly associated with families from South Asian and Middle Eastern backgrounds. They are illegal in the UK even if carried out overseas and are categorised as “honour” abuse. “Honour” based abuse does not have any specific safeguarding measures as they are only covered superficially in the Domestic Abuse Act 2021. Girls at risk of child and forced marriages in the UK tend to slip through the net, meaning authorities fail to identify girls in need of support and thus fail provide much needed protection (Summers, 2020). It emerged through Freedom of Information requests that 56% of the departments responsible for children’s social care do not keep records of those at risk of child and forced marriage (Hitchings-Hales, 2020).

School closures as a result of COVID-19 exposed young girls to forced marriages and risk enduring heightened levels of abuse (Freedom United, 2020). UN Women (2021) has reported that intimate partner violence is a greater risk for girls who enter marriage in childhood compared to girls of the same age who marry later on in life. Despite State-recognised marriages not being permitted to go ahead in the first wave of lockdowns, this did not prevent families from trying to force young girls to agree to marry once restrictions

were lifted. Natasha Rattu, chief executive of Karma Nirvana which campaigns against forced marriage said, "We're hearing that these marriages are being planned." Karma Nirvana had seen a 150% increase in teenagers calling about forced marriage since lockdown began on March 23 to curb the spread of the coronavirus (Batha, 2020). As COVID-19 had an enormous impact on the economy, leading to widespread unemployment and income loss across the UK, financial hardship for families was associated with girls being forced into marriage; some families believed they have no other choice and cannot cope with the financial burden (UN Women, 2021).

Female genital mutilation affected communities in the UK

During the pandemic, the National Health Service (NHS, 2020) released a FGM prevalence figure of 2,880 which was nearly a third lower compared to the rate of 4,085 the year before. FGM charities in the UK were quick to express their concerns that these low figures should not be taken as reason to celebrate or cut funding because as soon as travel bans were lifted, the figures would quickly rise (Adams, 2021).

There is an established link between times of social adversity, widespread conflict, or disaster and increased incidence of gender-based abuse, including harmful practices such as FGM (Proudman, 2022; UNICEF, 2021). Home Office and Department for Education (2020) research estimates that more than 100,000 women living in the UK have survived FGM. Due to disruptions in public and social systems that act as safeguards against harm in regular day to day life, such as the emergency services, it has been reported that as a direct result of global impact of COVID-19 and its restrictions, the next decade could see an increase of two million FGM cases. This was not the figure prior to the pandemic (UNICEF, 2021).

A community in the UK that has been identified as a major area for FGM in the UK is Salford (Mulongo *et al.*, 2021). It has been estimated that 6,200 females aged 15 and older have been affected by FGM while 380 girls under the age of 15 are at risk of FGM in this area (McAndrew and Ayodeji, 2019). During the pandemic, it was reported that people from Black and Asian ethnic minority groups had higher rates of COVID-19 related deaths compared with the White British population (ONS, 2022). 10% of Salford's population is Asian or of Black/African/Caribbean heritage, alongside the higher risk of death and the rise in of racial prejudice and social unrest that came with the pandemic (France, 2021), already vulnerable females were now at an even greater risk of FGM and other forms of gender abuse which implicated their well-being. Many reports around the controlling factors the government were forced to impose, such as lockdown restrictions, lead to re-traumatization have emerged from victims-survivors of FGM (Mulongo *et al.*, 2021). The lack of control survivors had on their own lives during the pandemic alongside the lack of information available was triggering.

Child victims of domestic abuse

In the latest released report of "Tackling Child Sexual Abuse Strategy 2021" (HM Government, 2021), it is noted that the true impact of COVID-19 and the harm and abuse inflicted on children is not known. The strategy report does recognise that the lockdown and social distancing measures implemented to stop the spread of the virus may have increased the risk of certain forms of child abuse. The NSPCC saw a third of an increase in Childline counselling sessions about child sexual abuse within the family between March and May 2020, from an average of eight sessions per week before the restrictions were imposed to an average of 23 per week (Romanou and Belton, 2020). Archives of Disease in Childhood (2020) reported that in just one month, the number of new child abuse injury cases rose by 1,493% compared with the same time of year with the previous years. In the initial two months of the lockdown, March 2020 and April 2020, 10 children were reported

with suspected abusive head trauma presented for treatment. In just one month, the number of new cases rose by 1,493% compared with the same period in the previous three years.

Strain on family courts: delays, increase in cases, remote and hybrid hearing difficulties

The impact of COVID-19 and lockdown is still affecting the family courts over a year after lockdown was lifted. The system is under extreme ongoing pressure of balancing delays and ensuring justice and fairness. Figures released at the start of October 2021 by the Ministry of Justice showed that between April and June 2021 there were 66,357 new cases in the family courts, this was an increase of 14% for the same period in 2020. In addition, there was an 11% increase in private Children Act matters, 7% increase in divorce matters and 72% increase in financial remedy applications (Ministry of Justice, 2021). The average time for a Children Act cases soared from a 13-week waiting time to 41 weeks (Maguire Family Law, 2021).

The Law Society Gazette reported that the backlog for family courts cases might not return to “pre-COVID levels” until 2023. Moving all cases from face-to-face to remote and online resulted in delays and backlogs piling up almost immediately. The initial build up was so unprecedented that Her Majesty’s Courts and Tribunals Service was told to immediately recruit additional staff and consider creating more Nightingale courts due to the intensity of the situation (Archives of Disease in Childhood, 2020).

Between staff members being on sick leave with COVID-19 and IT issues, it has since been reported that there was an inappropriate use of remote and hybrid hearings, exacerbating the delay issue. The *Remote hearings in the family court post pandemic* Report states that it found remote and hybrid hearings adversely affected vulnerable individuals and prevented judges from successfully focussing on issues (Ryan *et al.*, 2021). Examples of cases which were reported as being dealt with inappropriately and unsatisfactory were, cases concerning “honour-based violence”, forced marriage where language barriers are often more complex and require interpreters; cases where parties had learning difficulties or other vulnerabilities which required them to have face-to-face contact with their lawyers in order to fully understand the process of what was going on; cases concerning large sibling groups, where multiple care plans were proposed caused jolted complications that lead to delays (Ryan *et al.*, 2021).

Family court hearings

Regarding the support available for vulnerable women from the family courts during the pandemic, it was found that there was much less support when it came to remote fact-finding hearings and online hearings (Harker and Ryan, 2022). For women who had experienced domestic abuse, the reviews were mixed. For some, being able to avoid going to court and being faced by their perpetrator was a relief, but for others seeing and hearing their perpetrator in their home via phone or video was distressing. It was reported that women who had been able to use special measures when in court (giving evidence from behind a screen) were not always able to ensure that they would not be shown giving evidence while in a video hearing (Hilborne, 2021).

Due to the nature of family law and the issues it covers, empathy and humanity are essential (Harker *et al.*, 2020). However, it has been reported that online hearings were extremely difficult for victims of domestic abuse going through the family courts during COVID-19 as the level of support before, during and after the hearings they would usually get from their legal representative or support was now completely diminished (Harker and Ryan, 2022).

Overall, it was clear that parties in family cases during COVID-19, were far less positive about remote hearings than legal professionals. When it came to family cases involving children, the vast majority of parents, 83%, stated that they had concerns about the way that their case had been dealt with, although IT issues played a large role in this apathy, many parties expressed concerns which were around before the onset of the pandemic and online remote hearings. These included, concerns that judges and legal professionals do not have a good understanding of domestic abuse and, in particular, of coercive or controlling behaviour; judges are misogynistic; courts do not properly understand parental alienation; courts are biased against fathers; dissatisfaction with Cafcass; and frustration at the expense of legal representation and the lack of availability of legal aid (Harker and Ryan, 2022).

There were also concerns that vulnerable individuals and victims of abuse were trapped in their homes with their abuser and thus having to attend remote hearings with their abuser in the next room. This left some victims in a situation of extreme risk. In a study by (Harker and Ryan, 2022), other instances were noted including individuals having to participate in remote hearings alone sometimes away from their homes, distressed at the prospect they might hear or see the perpetrator, without any legal or emotional support (Harker and Ryan, 2022). As hearings were conducted online, it is apparent that the vulnerability of an individual was difficult to assess before a hearing took place (Harker and Ryan, 2022). In addition, it was very difficult for individuals to ensure privacy and confidentiality when they were calling from home. In the first few months of the pandemic, when social distancing measure in all public areas were closed including schools and libraries, parents and vulnerable individuals were at home, sometimes in extremely close proximity to other family members and children, who were the subject of the proceedings.

Factors that influenced the court process

The courts often fail to explicitly address and account for the obstacles that individuals encounter. One such barrier is not acknowledging intersectionality, which refers to multiple layers of inequality such as gender, race, class, nationality, immigration status and cultural barriers. Now due to COVID-19, these concerns were exacerbated, such as professional and decent interpreters for families and individuals whose first language is not English. Prior to COVID-19 studies have highlighted that "language difficulties" causes vulnerability for litigants, regardless of if they are legally represented. Additionally, due to poor outsourcing, there is a limited availability of good quality and independent interpreters (Aliverti and Seoighe, 2017).

The need for an interpreter was a factor listed by The Law Society as a reason against holding hearings online and remotely (Harker *et al.*, 2020). The difficulty with using interpreters in remote proceedings was also accepted by the President of the Law Society. A solution proposed by the President was for interpretation to be provided over a separate open phone line with the interpreter and client using earpieces or typed interpretation over linked computers or email (Harker *et al.*, 2020). However, this heavily relies on individuals having access to a computer with a camera, microphone and good internet access or their solicitor being able to provide it all for them. However, because of the social distancing measures, which were implemented in March 2020, all individuals were required to work from home, meaning solicitors and courts who have been willing, in the past to, either provide access to this technology themselves had to accept that hearings were going to take far longer where an interpreter is required, or wait until hybrid hearings were resumed. Fulfilling the role of interpretation for individuals remotely was considerably challenging, especially for individuals who had cognitive or hearing impairments which made it incredibly difficult for them to participate in phone hearings.

Conclusion

During the pandemic, the Domestic Abuse Bill (now Act 2021) was slowly making its way through the Houses of Parliament. While the Act sets out a broad definition of domestic abuse and it makes plain the comprehensive measures that should be available to provide protection for victims and survivors, it fails to reflect women and children's often diverse experiences of domestic abuse. For example, it does not reflect that a woman with insecure immigration status without recourse to public funds is highly likely to be trapped in abusive marriages because they cannot financially and socially afford to escape. The Domestic Abuse Act 2021 failed to remedy the vast inequality that migrant women suffer. Women must be treated equally regardless of their immigration status once they are in the UK. The government's failure to provide one of the most vulnerable groups of women with public funds arguably means they are discriminated against. Such discrimination was then repeated throughout the family justice system during COVID-19 due to challenges in accessing the family courts following delays, backlogs, challenges in using interpreters and lack of judicial training in respect of marginalised women's experiences of domestic abuse especially women of colour and migrant women. The family justice system must recognise the inequalities that women and children suffer from various, diverse backgrounds.

The statistics show that domestic abuse and family violence increased during the pandemic, but it is also clear that COVID-19 is not responsible for abuser's actions. Whilst there is limited data and evidence, the first author's opinion as a Barrister specialising in violence against women and girls is that perpetrators were using the pandemic as an opportunity to further their control of vulnerable victims. The restrictions allowed them to exercise control over their movements, finances and other aspects of their lives meaning they were trapped in abusive households unable to escape. Whilst there were increased calls to the police, there is no evidence to suggest that the police provided the support that *all* victims and survivors desperately required. Clearly there was a strain on resources specifically for victims of domestic abuse, for example, rising numbers of women and children requiring refuge places during the pandemic. Unfortunately, the government was slow to act. When outlining COVID-19 restrictions, the government should have identified victims of domestic abuse as a group that required specific support and thus it should have provided additional funding to support services in a time of crisis. Further data is required to fully explore the impact of the pandemic on forced marriage and FGM. It was suggested by outreach services that the practices continued underground. It is unclear whether the police and other agencies were unable to respond to those in most need because of thin resources on the ground as well as other variables. Whilst COVID-19 was framed as a pandemic, there was another pandemic happening behind closed doors – domestic abuse.

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