

## The Government's response to COVID-19: human rights implications

July 2020

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### 1. Executive summary

1.1 Justice Studio's response sets out our opinions and evidence focusing on a collaborative research project with Solace Women's Aid and the University of Greenwich on domestic violence during the COVID-19 lockdown. Our focus on the topic of violence against women and girls (VAWG) is relevant due to the disproportionate impact that lockdown measures implemented by the British government have had on the number of cases of domestic abuse among women. Our findings demonstrate the need for policymakers to consult domestic abuse charities and incorporate them in the design of COVID-19 response and recovery plans to ensure that measures taken are human rights compliant.

1.2 Justice Studio was founded in 2011 as a consultancy dedicated to advancing social justice and giving a voice to those less heard. We have worked in over 30 countries internationally, and extensively in the UK. A large proportion of our work focuses on human rights and on the impact of national and international policies on the wellbeing of vulnerable communities. Our clients include the EHRC, London Councils, DFID, international and national charities and local governments.

1.3 For more than 40 years, Solace Women's Aid has existed to end the harm done through Violence Against Women and Girls. Their aim is to work to prevent violence and abuse and support survivors through a range of services.

1.4 The University of Greenwich's Department of Law and Criminology regularly partners with charities and industry experts to produce high-quality research.

### 2. Background: Domestic violence and abuse against women and girls

2.1 **Domestic violence and domestic abuse are terms employed to define a pattern of 'abusive mental, emotional and/or physical behaviour between two intimate partners in which one partner maintains power and control over their counterpart.'**<sup>1</sup> As defined by the UK's Home Office, domestic abuse can also include coercive control and 'gaslighting', economic abuse, online abuse, threats and intimidation, emotional abuse and sexual abuse.<sup>2</sup>

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1 Showalter, K. (2016). Women's employment and domestic violence: A review of the literature. *Aggression and violent behavior*, 31, 37-47.

2 UK Home Office. (2020). Domestic abuse: get help during the coronavirus (COVID-19) outbreak. Retrieved from: <https://www.gov.uk/guidance/domestic-abuse-how-to-get-help>

**2.2 Domestic violence is still a silent epidemic in the United Kingdom, with the majority of the victims being women.** According to UK Government figures, in the period between 2018 and 2019, around 1.6 million women aged 16 to 74 years had experienced domestic abuse.<sup>3</sup> While these figures help highlight the prevalence of domestic abuse in the UK, the exact number of victims is hard to quantify. Data from the Crime Survey of England and Wales show that only 18% of women who have experienced partner abuse over a 12-month period reported it.<sup>4</sup> Data from Solace indicates that the average time it takes the women they support to reach out for help and leave the domestic space is 6.5 years.

**2.3 The UK's Domestic Abuse Bill is still lacking in a number of areas.** For example, it omits protections for victims who commit crimes in the context of an abusive relationship. Furthermore, it reflects the government's 'hostile environment' approach to immigration in that it does not extend certain protections to migrant women and offers no provision for a safe reporting mechanism. As a result, migrant women who report abuse to the police could be subject to questioning about their immigration status and could face detention. The Bill's failure to lift 'no recourse to public funds' (NRPF) restrictions means women who are subject to immigration controls cannot access publicly funded support such as housing benefit, certain refuges, and Universal Credit.<sup>5</sup>

### 3. The impact of the COVID-19 crisis

**3.1 Early findings of our research project with Solace Women's Aid into the impact of COVID-19 measures on domestic violence has highlighted that lockdown led to increasing levels of women suffering abuse in the home.** This is in line with official data stating that calls to Refuge's national domestic abuse helpline have increased by 66 per cent since lockdown measures were imposed on March 23.<sup>6</sup>

**3.2 Services for survivors of domestic violence have struggled to remain fully operational during the COVID-19 crisis.** A survey conducted by Women's Aid indicates that 84 per cent of 45 service providers consulted were forced to reduce or suspend one or more of their services due to the crisis between the beginning of lockdown and early April.<sup>7</sup> Additionally, over a third of refuge providers had to reduce or cancel the services they usually provide including shelters, which already fell short of Council of Europe standards.<sup>8</sup> Support offered to women vary based on region and local authority. This means some women may not receive the support they need simply by virtue of location, either because of differences in standards, resources, or the ability of already stretched service providers to provide coverage over a certain geographic area, especially in rural communities.

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3 UK Home Office. (2020). Policy paper Domestic Abuse Bill 2020: Overarching Factsheet. Retrieved from: <https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-abuse-bill-2020-overarching-factsheet>

4 Women's Aid. (2020). How common is domestic abuse? Retrieved from: <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/how-common-is-domestic-abuse/#1447950692139-d3c520e3-6dcd>

5 Norris, S. (2020). The domestic abuse bill that sacrifices migrant women. Politics. Retrieved from: <https://www.politics.co.uk/comment-analysis/2020/07/14/the-domestic-abuse-bill-that-sacrifices-migrant-women>

6 Refuge. (2020). Refuge reports further increase in demand for its National Domestic Abuse Helpline services during lockdown. Retrieved from: <https://www.refuge.org.uk/refuge-reports-further-increase-in-demand-for-its-national-domestic-abuse-helpline-services-during-lockdown/>

7 Women's Aid (2020). *The impact of Covid-19 on domestic abuse support services: findings from an initial Women's Aid survey.* Retrieved from: <https://1q7dqy2unor827bjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2020/05/The-impact-of-Covid-19-on-domestic-abuse-support-services-1.pdf>

8 Council of Europe. (2007). Combating violence against women: minimum standards for support services.

**3.3 The COVID-19 crisis has worsened the lack of access to domestic violence services for Black, Asian, and minority ethnic (BAME) women.** As of May 2019, Women’s Aid found that there were only 418 dedicated shelter spaces across England for BAME women. As Rosie Lewis, a staff member from the black feminist service provider Angelou Centre explained in an interview, ‘twenty-five percent of the women we support don’t even have a phone, let alone a smart phone; [but digital services] assume a baseline of access.’<sup>9</sup> The death rate for COVID-19 among BAME women is up to twice as high as for white men.<sup>10</sup>

**3.4 Migrant women face particular barriers accessing critical services.** Since accessing shelters often depends on government housing benefit payments for financial support, most shelters cannot accept migrant survivors due to the NRPF policy. Wales and Scotland have instructed local authorities to make sure that migrant BAME women have access to shelters during the COVID-19 crisis. England and Northern Ireland have not issued precise guidelines, though some local authorities in London have waived NRPF restrictions, enabling some women to access emergency housing. Such individual actions are only temporary, raising questions about what women currently benefiting from these services will do if and when restrictions come back into force. Our research findings illustrate that this is a key area of concern for Solace’s staff and survivors realise they would not be able to be in the refuge if it was not for this relaxation.

**3.5 Our research has found that the UK government’s decision to close schools has caused difficulties to both survivors and their children, for whom such educational environments can often act as ‘safe spaces’.** Additional problems are that mothers who are not English native speakers have not been able to understand children’s coursework, some of them did not have the academic skills required to help, and they have had limited access to technology resources at the refuge. Our research also found that the current pandemic has constituted an additional layer of trauma for children who had experienced domestic violence, with some now going back to school lacking professional support to deal with this trauma.

**3.6 Following the first easing of lockdown measures in May 2020, demand for domestic violence services have spiked.** According to Solace, their helpline had a 200 per cent rise in calls when lockdown measures were eased in May.<sup>11</sup> This raises questions as to the government’s preparedness to deal with the long-term effects that domestic violence cases will place on UK public services. For example, while police training around how to deal with domestic abuse has improved, more training and expertise is required to ensure that law enforcement is equipped to deal with an increase in calls and care for victims in the first instance. Additionally, the court system will be struggling to manage case backlogs. This could have access to justice implications for survivors of domestic abuse, who may have to wait longer than usual for prosecutions. Our research has found that many survivors had bad experiences with police and did not call them when they needed help because they did not trust the police.

## 4. Recommendations

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<sup>9</sup> Human Rights Watch. (2020). UK Failing Domestic Abuse Victims in Pandemic. Retrieved from: <https://www.hrw.org/news/2020/06/08/uk-failing-domestic-abuse-victims-pandemic>

<sup>10</sup> Siddique, H. (2020). British BAME Covid-19 death rate 'more than twice that of whites'. The Guardian.

<sup>11</sup> Ott, H. (2020). As coronavirus lockdown eases, U.K. domestic abuse charity sees huge surge in calls for help. CBS News.

4.1 **The UK Government should increase the amount and length of funding to organisations supporting survivors of domestic violence and ensure existing pledges reach relevant services.** Despite announcing on 2 May an additional £76m in funding as a consequence of the pandemic, only £1.2m had gone to the frontline. Such funding is vital not only to help survivors, but also to ensure long-term support through sustainable services, while also offering prospects for those who may still be trapped in abusive relationships.

4.2 **The Government should invest in services targeting the children of survivors.** Our research with Solace Women's Aid has found that the current pandemic has constituted an additional layer of trauma for children who had experienced domestic violence, with some returning to school lacking professional support to deal with this trauma. Investing in child-parent bonding activities could also be a beneficial strategy to increase children's and women's wellbeing.

4.3 **The government should devise and publish a strategy to deal with the long-term effects that the spike in domestic abuse cases due to the pandemic has and will continue to place on public services.** This includes adequate training and resources for police, domestic violence service staff, as well as ensuring access to justice for survivors.

4.4 **The Government should put an end to the NRPf conditions to guarantee that migrant women can have access to refuges and support.** The temporary suspension of these conditions during the start of the lockdown meant migrant women in vulnerable situations were able to access vital support.