

**Response to Call for Submissions: COVID-19 and the increase of domestic violence against women**

**Scottish Women’s Aid**

**April 2020**

Scottish Women's Aid (SWA) is the lead organisation in Scotland working to prevent and eradicate domestic abuse and plays a vital role in campaigning and lobbying for effective responses to domestic abuse. SWA is the umbrella organisation for 36 local Women’s Aid organisations across Scotland; they provide practical and emotional support to women, children and young people who experience domestic abuse. The services offered by our network members include crisis intervention, advocacy, counselling, outreach and follow-on support and temporary refuge accommodation. SWA also runs Scotland’s national Domestic Abuse and Forced Marriage Helpline, which supports women and men and young people.

The ongoing pandemic is posing unprecedented challenges; ensuring that women and children experiencing domestic abuse are adequately protected and supported as services engage in a radical redesign is extraordinarily difficult. As a result, the information provided in this submission is based on an evolving situation.

We welcome the opportunity to respond to the Special Rapporteur’s call for submissions.

**1. To what extent has there been an increase of violence against women, especially domestic violence in the context of the COVID-19 pandemic lockdowns? Please provide all available data on the increase of violence against women, including domestic violence and femicides, registered during the COVID-19 crisis.**

It is difficult to obtain accurate and reliable data on this issue due to differing definitions and understandings of domestic abuse and how information about domestic abuse is captured. Domestic abuse is not a one-off, violent incident caused by frustration or stress. It is a pattern of behaviour used by the perpetrator to instil fear and exercise control; this pattern may include physical assault. This abusive and controlling behaviour extends post-separation, and the majority of survivors who contact public sector and third sector services no longer live with the abuser. Separation does not deliver safety.

In the same way that alcohol, sporting events or stress do not **cause** domestic abuse, frustrations around quarantine or anxiety about the pandemic will not **cause** domestic abuse. Abuse remains a choice by the abuser and cannot be excused by external circumstances, no matter what those circumstances are. We are concerned that language around the current crisis suggests that the pandemic is the ‘cause’ of domestic abuse, diverting attention away from perpetrators who choose to exert power and control and perpetuating misunderstanding of domestic abuse as one-off incidents of physical violence.

Now more than ever domestic abuse must be understood as a cause and consequence of women’s inequality. In times of crisis such as this, existing inequalities are exacerbated; women and children are disproportionately impacted and bear the burden of the pandemic. What we have seen from Women’s Aid services and helplines calls is that the social distancing measures imposed to combat the pandemic are being used by perpetrators to continue or escalate their abuse (for example monitoring women and children more closely, keeping them isolated from sources of support, making threats to expose women and children to the virus, etc.). At the same time, women are finding their space for action shrinking; they are significantly over-represented in part-time and insecure work, making them more vulnerable to financial insecurity brought on by the crisis.[[1]](#footnote-1) Vital services are under more strain and pressure, negatively impacting on victims’ access to such services; some callers to Scotland’s Domestic Abuse and Forced Marriage Helpline have reported issues of services being closed, slow to respond or only opening on limited hours. These systemic issues are further playing into the hands of perpetrators.

**2. Are helplines run by Government and/or civil society available? Has there been an increase in the number of calls in the context of the COVID-19 pandemic?**

Scotland’s Domestic Abuse and Forced Marriage Helpline remains fully operational 24/7 during the pandemic. In addition to calling the helpline, email and web chat are also available. SMS-based support is being developed in light of victims finding it harder to reach out due to being confined at home with the perpetrator. Audio recordings that victims can listen to via headphones (as if listening to music) are being developed at the suggestion of callers.

The second half of March saw a reduction in numbers contacting the helpline, with up to a 31% drop in calls. This is likely to be due to lockdown measures being announced on 23rd March, meaning that women were busy making arrangements for themselves and their children to stay safe during lockdownHowever, from the 13th April onwards, there has been a significant rise in calls. Compared to this time last year, there was a 102% rise in calls in the week beginning 13th April and an 82% increase in the week beginning 20th April.

Many of the calls from women report an escalation in the perpetrator’s ongoing abuse, the perpetrator using quarantine measures as part of their coercive control, and concerns/uncertainty about whether victims can leave under lockdown measures.

We believe that as quarantine restrictions are lifted, there is likely to be a large increase in calls to the helpline seeking support.

**3. Can women victims of domestic violence be exempted from restrictive measures to stay at home in isolation if they face domestic violence?**

The Scottish Government has confirmed that household isolation instructions do not apply if a victim needs to leave their home due to domestic abuse.[[2]](#footnote-2) However, there are issues with messaging around this; more messaging needs to be tailored to women from Black and Minority Ethnic (BME) communities and women with learning disabilities. We are also concerned that communications about this exemption is getting lost among communications instructing people to maintain social distancing; the message needs to be reiterated more clearly and prominently alongside instructions on social distancing.

**4. Are shelters open and available? Are there any alternatives to shelters available if they are closed or without sufficient capacity?**

It is important to note that domestic abuse services, including refuges, face ongoing challenges in relation to sustainable funding and meeting demand even without the impact of COVID-19. The pandemic is exacerbating this issue.

The current availability of refuges varies across the country. Some are self-contained accommodation units and therefore remain open due to the low risk of spreading the virus. Some Women’s Aid groups have installed key safes near refuge doors to ensure that women can ‘check themselves in’, followed by phone support directly after move-in.

There are issues with communal refuges that have shared bathrooms and kitchens. The majority of communal refuges have moved to single occupancy, meaning a loss of overall spaces for women and children. This is also causing issues in relation to Women’s Aid groups’ contractual obligations around refuge occupancy.

Scotland has created a statutory obligation for local governments to provide housing and prevent homelessness. Women’s Aid groups pay rent to the local authority or housing association to lease each refuge. Refuges are exempt from Universal Credit and women claim Housing Benefit to cover the rent. If there is a vacancy in the refuge this is classed as a ‘void’ and there is no benefit to cover the rent for that period. Reducing occupancy of refuges will significantly decrease the amount of housing benefit that groups will have to cover the rent – due mainly to local authorities who own most of the shared refuge provision. At the time of writing there was no confirmation from national or local government that Women’s Aid groups are not expected to meet these contractual targets during the pandemic.

There are also issues relating to housing availability, meaning that women who wish to move on from refuge are unable to do so as there is nowhere for them to go and those needing emergency accommodation cannot move in. We know that lack of available appropriate housing forces some women to return to an abusive partner.

In relation to alternative accommodation, hotels have been offered in place of refuge space but in our view this is an inappropriate solution and gives rise to significant safety concerns for women and children. What women and children don’t need is more temporary housing that is unsafe and insecure. We are in discussions with the Scottish Government and relevant agencies about the need for women and children experiencing domestic abuse to be provided with permanent housing, leaving refuges free for those needing crisis support. We are also in discussions about women and children being able to remain in their home and the perpetrator being removed to alternative accommodation.

**5. Are protection orders available and accessible in the context of the COVID-19 pandemic?**

Civil protection orders, such as interim interdicts, are designated by the courts as ‘urgent and necessary business’ during the pandemic and continue to be available. Women or their lawyers can apply to courts for these, in addition to any necessary and urgent orders related to child contact and residence.[[3]](#footnote-3)

However, an important gap remains in perpetrators being removed from the home through emergency barring orders, which would remove the perpetrator for a fixed period; they are not yet in law in Scotland. The Scottish Government has committed to introducing legislation providing for emergency barring orders in this session of Parliament.

The Crown Office Procurator Fiscal Service, Scotland’s prosecution service, has also published revised Lord Advocate’s Guidelines on Liberation by the Police. These direct Police Scotland on dealing with individuals in Police custody having been arrested during the period of disruption caused by COVID-19. The Guidelines state that there will clearly be occasions when the police should keep a suspect or an accused in custody where there is a substantial risk to a victim, witness or the public which cannot be mitigated by undertaking conditions.

Specifically, the Guidelines acknowledge the particular risks associated with domestic abuse cases which, for the police, will mean that in some cases it will be both reasonable and necessary to hold a person in custody instead of releasing them, pending submission of a report to the Procurator Fiscal.

**6. What are the impacts on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence?**

In light of social restriction measures, courts have made changes to the way they currently operate and are only taking ‘urgent hearings’.

For **criminal court cases,** no new jury trials are taking place until further notice. However, where the jury trial was already taking place, this will continue where possible. Domestic abuse and rape/sexual assault cases have been confirmed as a priority for courts but changes in court procedures mean that court waiting times (between police response and trial) are already mounting. This will have a dangerously harmful impact on service uptake and witness attrition.

For **civil court cases** (including family court cases, child contact hearings and applications for protective orders), most hearings have been postponed and for how long will depend on the individual court. However, some hearings will take place if they are urgent. The courts have confirmed that child protection orders, urgent application for interim interdicts and non-harassment orders are classed as ‘urgent and necessary’ civil business that will continue to be dealt with as part of courts’ response to the pandemic.[[4]](#footnote-4)

**7. What are the impacts of the current restrictive measures and lockdowns on women's access to health services? Please specify whether services are closed or suspended, particularly those focusing on reproductive health.**

We are concerned that the diversion of resources in response to COVID-19 may diminish those available for important actions connected to women’s health. Staffing and resourcing of maternity and reproductive health units is a key concern for women generallyand particularly during the uncertainty of the pandemic, and without adequate resources to support women their health may be put at risk.[[5]](#footnote-5)

Guidance in place as of 17th April from the Royal College of Obstetricians and Gynaecologists states that ‘Women should be advised to attend routine antenatal care unless they meet current self-isolation guidance for individuals and households of individuals with symptoms of new continuous cough or fever’.[[6]](#footnote-6)

In relation to access to abortion, as of 31st March 2020 the Scottish Government granted approval for both stages of early medical abortion treatment to be undertaken in a patient’s home in certain circumstances, with the necessary medication being delivered to their home.[[7]](#footnote-7)

**8. Please provide examples of obstacles encountered to prevent and combat domestic violence during the COVID-19 lockdowns.**

The uncertainty around the pandemic and constantly shifting landscape is posing obstacles to services in supporting women and children experiencing domestic abuse during the lockdown. These include:

* As previously mentioned, there are concerns about perpetrators using COVID-19 as a vehicle to increase or attempt to increase control. While some women using Women’s Aid services have seen a decreased presence of the perpetrator in their lives, many have seen an increase, with perpetrators stalking the family home, calling/texting incessantly. The increased risk of abuse occurring in front of children at a higher frequency has been highlighted, as well as the fact that many women can no longer see their children if they are in care.
* Women are unable to access support in the first place due to being confined 24/7 with the perpetrator – as a result we **predict that post-lockdown is going to be the busiest period for support services**
* Some guidance from agencies issued in response to COVID-19 has not been domestic abuse-competent, meaning that women and children experiencing domestic abuse may fall through the cracks
* Challenges with remote/virtual working – all 36 Women’s Aid groups have moved to remote working, providing virtual rather than face-to-face support for women and children experiencing domestic abuse. This includes emotional and psychological support, help filling out benefit claims forms and safety planning. This is a new way of working for groups and has taken time to set up. For women and children who are still living with the perpetrator but accessing support, there are increased difficulties in being able to safely manage this due to the presence of the perpetrator in the family home.
* Reduced staff capacity in support services – Women’s Aid groups are seeing reduced staff capacity due to issues of illness and difficulties juggling caring responsibilities and work. Women’s Aid workers, who provide vital support for women and children affected by domestic abuse, have been confirmed by the Scottish Government as ‘key workers’. Local authorities are responsible for making provision for children of key workers in their areas where this is absolutely necessary to ensure that parents/carers with no other option for childcare can continue to work in their role of delivering essential services.[[8]](#footnote-8) While the inclusion of Women’s Aid workers as key workers shows an important recognition of the essential nature of Women’s Aid services, in practice Women’s Aid workers are reporting issues with accessing this option through their local authorities. For example, a local authority denied a worker’s children access to the school citing “insufficient places in school”. This is posing real problems in being able to provide safe, private and quality one-to-one remote support to women and children while simultaneously carrying out caring responsibilities.

* Challenges with joined up working – while there are some positive examples of multi-agency working to prevent and tackle domestic abuse, issues with remote working has led to some areas of Scotland having a less joined-up, coordinated response.
* Services are having to constantly firefight, making forward planning extremely challenging
* There is an overwhelming amount of information from many different sources, often saying the same thing. Services report ‘information overload’ and not knowing what guidance to follow. This is particularly the case for ascertaining which technology provides the safest, most secure way of communicating with victims.

**9. Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by Governments.**

The Scottish Government has taken a range of commendable and timely actions to prevent and combat violence against women (VAW) in the wake of the pandemic. There has been a welcome proactive approach by government officials to collaborate with specialist VAW organisations to mitigate the impact of the pandemic and ascertain what is needed for support services to continue running:

* On the 31st March the Scottish Government allocated over £1.5 million funding to Rape Crisis Scotland and SWA to ensure women and children affected by VAW continue to have access to support services. £1.35 million was allocated to SWA to cover costs including remote working IT costs and relief worker provision for the National Domestic Abuse and Forced Marriage Helpline. It also includes support for the 36 affiliated Women’s Aid groups across Scotland in relation to payroll cover, direct support for women and children (e.g. food and food delivery, activities, taxis, technology, child care to cover sickness, connectivity, counselling services), group costs including infrastructure and cost for remote working, counselling services; and income support to cover lost funding from housing benefits. The Government acted quickly to secure this funding and **provided a welcome level of flexibility in how the funding is to be spent, enabling services to use the money to best tailor support according to their specific circumstances.**
* National VAW prevention funding has been extended to December and deadlines for VAW funding applications have been extended. This provides some welcome reassurance for services, particularly given the predicted rise in need following lockdown measures being lifted.
* The Scottish Government has relaunched its national domestic abuse campaign,[[9]](#footnote-9) reiterating that tackling domestic abuse remains a priority, that police and other services are still available, and encouraging victims to report crimes against them and reach out for support. While the aim was commendable, the messaging could have been stronger and SWA was not informed of the relaunch ahead of time so there was no opportunity for VAW specialists to collaborate on appropriate messaging.
* Guidance[[10]](#footnote-10) has been developed by CoSLA (the national association for local government) and NGOs to support local authorities to fulfil their safeguarding duties towards people in Scotland with No Recourse to Public Funds (NRPF) in COVID-19 response planning. This includes:
  + Migrant workers, students and people with spousal visas who have lawful leave to remain subject to NRPF conditions;
  + Migrants from outside of the European Economic Area (EEA) who have overstayed their visas
  + Refused Asylum seekers who are appeal rights exhausted (ARE asylum seekers)
  + Some EEA and Swiss citizens who are not working, job-seeking or self-employed and have not yet applied for Settled Status

The guidance acknowledges that women may be at increased risk of exploitation, violence and domestic abuse because of their insecure immigration status and a lack of access to public funds and makes clear local authorities’ safeguarding duty in this regard. A fortnightly NRPF consortium meeting is being hosted by local and national government to monitor implementation of the guidance and identify gaps and risks.

* There has been a coordinated response by the Scottish Government’s Justice unit, bringing all justice strategic leads together with VAW specialist organisations to coordinate a response to combatting domestic abuse.
* Internet connectivity can be an issue for some people, particularly those living in remote and island communities. The Scottish Government is working to identify the problems people face in getting online and are working together with providers and key stakeholders to resolve these. The UK Government has agreed a series of steps with providers, including removal of all data allowance caps on all current fixed broadband services, as well as offers of new mobile and landline packages to ensure people are connected and the most vulnerable continue to be supported(e.g. data boosts at low prices and free calls from their landline or mobile). Given the move to virtual support for women and children experiencing domestic abuse this is an important focus.

**10. Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by NGOs and NHRIs or equality bodies.**

* While there are problems with remote working as stated previously, there are some positive examples of collaborative partnership working to provide a coordinated response to domestic abuse. In some cases, the frequency of communication amongst existing partnerships is an improvement from pre-lockdown.
* Online platforms are being used to keep frontline services in contact with one another, enabling them to share best practice and resources.
* Webinars have been developed on responding to the crisis which have proved helpful. Training is being delivered online.

* Services are being very adaptable in meeting changing needs, e.g. developing contact via SMS messaging for the Domestic Abuse and Forced Marriage Helpline.
* Scottish Women’s Aid and the Chartered Institute of Housing are developing guidance for social landlords on responding to domestic abuse during the COVID-19 crisis.[[11]](#footnote-11)

**11. Please send any additional information on the impacts of the COVID-19 crisis on domestic violence against women not covered by the questions above**

We are concerned at the lack of attention in the call for submissions on the impact of the COVID-19 crisis on children and young people experiencing domestic abuse. We know from long experience that children and young people do not just ‘witness’ abuse but experience domestic abuse alongside their mother. Children are also being negatively impacted by violence against women during the pandemic and it is essential to maintain a focus on this alongside the impact on women. For example, we know from the children and young people using our services that school and nursery can often feel like the safest places to be when they and their mothers are experiencing domestic abuse. The closure of these spaces, as well as other community spaces where children and young people get to enjoy their freedom, has particular impact on the safety and wellbeing of those experiencing domestic abuse.

Guidance has been developed for local authorities in Scotland to make provision for vulnerable children and children of key workers to access schools and/or childcare. At the time of writing, the guidance publicly circulated by the Scottish Government regarding access includes no explicit reference to domestic abuse. The definition of vulnerable provided by the Scottish Government includes a child being on the child protection register; looked after; on the edge of care; being eligible for Free School Meals; having complex additional support needs; and/or being affected by poverty and deprivation.

The definition is not intended to be exhaustive but this criteria and domestic abuse not being identified as a particular factor placing children at risk will mean that hundreds of children and young people experiencing domestic abuse fall through the cracks in terms of being able to access safe spaces. While not all children and young people who are experiencing domestic abuse will want or need to be in school or early childcare, in order to ensure that all children and young people who feel unsafe in their own homes have a place that they can go to, it is important that those experiencing domestic abuse will be able to access a space in school or early childcare if they feel they need it. We have been informed by officials that currently only 0.5% of children with multi-agency protection and wellbeing plans in place are accessing school spaces, confirming our concerns that the guidance is not being consistently applied in practice. In a number of local authority areas in Scotland, Women’s Aid groups have not been notified about available spaces for children and young people, or how to access them.

Scotland’s Domestic Abuse and Forced Marriage Helpline and the Scottish Women’s Rights Centre have received a significant number of calls regarding concerns over child contact/visitation arrangements and orders. Women and children experiencing domestic abuse have voiced concerns about the possibility of contact with the perpetrator moving outside of contact centres and potentially becoming less safe, and we have reports all across our systems (helplines, communications from services and police) that quarantine measures are being used as an excuse to keep children and young people in the home of the perpetrator. Perpetrators are using the pandemic to justify not returning children to their mothers after contact time. It is well known that perpetrators frequently use child contact arrangements as a tool to continue abuse of women and children post-separation, and infection control measures have exacerbated the problem.

1. <https://www.engender.org.uk/content/publications/Engender-Briefing---Women-and-COVID-19.pdf> [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/publications/coronavirus-covid-19-and-domestic-abuse/coronavirus-covid-19-support-for-victims-of-domestic-abuse> [↑](#footnote-ref-2)
3. <https://www.scotcourts.gov.uk/docs/default-source/default-document-library/urgent-civil-business---website-notice.pdf?sfvrsn=6> [↑](#footnote-ref-3)
4. <https://www.scotcourts.gov.uk/docs/default-source/default-document-library/urgent-civil-business---website-notice.pdf?sfvrsn=6> [↑](#footnote-ref-4)
5. <https://www.engender.org.uk/content/publications/Engender-Briefing---Women-and-COVID-19.pdf> [↑](#footnote-ref-5)
6. <https://www.rcog.org.uk/globalassets/documents/guidelines/2020-04-17-coronavirus-covid-19-infection-in-pregnancy.pdf> [↑](#footnote-ref-6)
7. <https://www.sehd.scot.nhs.uk/cmo/CMO(2020)09.pdf> [↑](#footnote-ref-7)
8. <https://www.gov.scot/publications/first-minister-covid-19-update-15/> [↑](#footnote-ref-8)
9. <https://safer.scot/> [↑](#footnote-ref-9)
10. <http://www.migrationscotland.org.uk/uploads/Guidance%20Covid%2019%20Supporting%20People%20with%20NRPF%20200420_0.pdf> [↑](#footnote-ref-10)
11. <https://womensaid.scot/0441-domestic-abuse-guidance-v1-003/> [↑](#footnote-ref-11)