

Written evidence submitted by Professor Sandra Walklate (Liverpool and Monash Universities) and Associate Professors Kate Fitz-Gibbon and Marie Segrave (Monash University) to the UK Parliament Joint Committee on Human Rights in respect of the Government's response to COVID-19: Human Rights implications. July 22nd 2020.

1. Who we are.

Professor Sandra Walklate is Eleanor Rathbone Chair of Sociology, Liverpool University, conjoint Professor of Criminology at Monash University (Victoria, Australia) and **Dr Kate Fitz-Gibbon** and **Dr Marie Segrave** are Associate Professors in School of Social Sciences at Monash University (Victoria, Australia). Dr Segrave is also Deputy Director of the Monash Migration and Inclusion Centre. Dr Fitz-Gibbon is also Honorary Research Fellow in the School of Law and Social Justice at Liverpool University. We are all members of the [*Monash Gender and Family Violence Prevention Centre*](#) (MGFVPC).

2. Why this submission.

As members of the MGFVPC we have extensive research experience in documenting and developing strategies on family violence (<https://arts.monash.edu/gender-and-family-violence>). Collectively we are currently engaged in research documenting the impact of policies introduced as a result of Covid-19 on women (and children)(see Pfitzner, Fitz-Gibbon & True, Gender-based violence and help-seeking behaviours during the COVID-19 Pandemic (<https://www.monash.edu/arts/gender-and-family-violence/research-projects/covid-19-and-gender-based-violence>); Segrave & Maher, Family violence, help seeking and temporary migration during COVID-19 (<https://lens.monash.edu/@politics-society/2020/04/02/1379949/coronavirus-family-violence-and-temporary-migration-in-the-time-of-covid-19>) and Walklate et al, Domestic Abuse: Responding to the Shadow Pandemic in England and Wales (<https://www.liverpool.ac.uk/law-and-social-justice/research/coronavirus-research/the-shadow-pandemic/working-papers/>).

Based on our ongoing and current research expertise in this area, our response focuses primarily on the third question posed by this inquiry:

- Which groups will be disproportionately affected by measures taken by the Government to address the COVID-19 pandemic?

In what follows we offer a review of some of the key concerns that this question raises and offer five recommendations in the light of our review.

3. Context

- 3.1. The right to life (Article 2 ECHR) has been and is of focal concern during this pandemic. It is likely that the means by which this right is protected are also the same means that may constitute the route by which other rights like the right to liberty (Article 5 ECHR) and the right to respect for family life (Article 8 ECHR) may be compromised. However, it is also important to place these rights within the context of other concerns. Human rights obligations place a responsibility on the state to protect its citizens when there is a reasonable possibility of preventing the violation of their rights. In this regard the right to protection, the right to life, and the right to respect for family life can come into conflict when that family life is infused with violence particularly as experienced by women (and children).
- 3.2. In 2009 the ECHR took a landmark decision in *Opuz v Turkey* (para 191) in which it remarked that ‘the state’s failure to protect women against domestic violence breaches their right to equal protection of law and this failure does not need to be intentional’. It was implied that such failures created a climate of impunity for perpetrators of such violence(s) and as such constituted discrimination against women under Article 14 (for a fuller discussion see Guney 2020).
- 3.3. The Government led public health policy response to Covid-19 in invoking the ‘stay at home’ directive therefore has clear consequences for the protective capacity of human rights for women (cited in 3.1). Home is not a safe place for women and children living with violence (Walklate 2020; Bradbury-Jones and Isham 2020). Indeed there is increasing evidence pointing to the impact of ‘stay at home’ directives on the nature, extent and severity of such violence (see for example Mlambo-Ngcuke, 2020; Fraser, 2020, House of Commons Home Affairs Committee, 2020; Boxall et al 2020), the capacity of support organisations to respond to such violence (Pfitzner et al 2020; Refuge 2020; Women’s Aid 2020), and the capacity of abusive partners to exploit the Covid-19 context in finding innovative ways for abuse (Pfitzner et al 2020).
- 3.4 The UK Government has responded positively to the issues outlined in 3.3. For example, in February 2002, the Ministry of Housing, Communities and Local Government provided £16.6 million to 75 projects across England to help fund domestic abuse refuge services with the government advising that household isolation instructions did not apply if a person needed to leave their home to escape domestic abuse. On 11th April 2020, the Home Secretary announced a new communications campaign to encourage reporting of incidents of abuse by dialling 999 (police emergency number) and adding 55 on a mobile phone if the caller was unable to talk in safety. On 23rd April 2020, the government announced the immediate transfer of £600,000 to charities to help them provide remote services and on 2nd May 2020, the UK Government announced a £76 million package for domestic abuse charities in recognition of the strains they were under.

3.5 However, the measures cited in 3.4 need to be understood in the context of the well-documented and largely hidden nature of domestic abuse. Indeed, some women are more marginalised than others from policy interventions in relation to domestic abuse. Thus the 'stay at home' directive has compounded their right to protection as a result of the inherent discriminatory nature of such policies (3.2.).

4. Women living with violence disproportionately affected by Covid-19 related policies.

4.1. The reluctance of women living with violence who are members of BAME groups is well-documented (Harrison and Gill 2019). Evidence presented to the House of Commons Home Affairs Committee 2020) by Southall Black Sisters points to concerns about the potential of increased suicides for some ethnic minority women for whom self-harm might seem the only way out of an abusive relationship when directed to 'stay at home'.

4.2. Evidence also points to the disproportionate consequences of the 'stay at home' directive for women whose migration/visa status might be fragile (Segrave 2020). These women are invariably less visible in the wider community because of their fragile status and, by definition, constitute a harder to reach to group in terms of policy intervention. It is well documented that precarious visa status creates leverage for perpetrators, as well as contributing to reluctance or fear regarding help seeking for women experiencing family violence (Segrave 2020; Segrave & Maher 2020; EVAWuk 2020). Critically, this group are also unable to access the same level of service supports. It is essential that all women, and their children, regardless of their visa status are able to access financial support, safe and secure housing, and medical care.

4.3. In general women living with violence and disabilities report an uneasy relationship with, and experiences of, the criminal justice and other interventions in responding to their victimisation (McCulloch et al 2020). There is evidence to suggest that such experiences have been, and will continue to be, exacerbated while any 'stay at home' directive is in place (see inter alia, Women's Aid, 2020; WHO, 2020) given the frequent high level of dependency experienced by such women on their partners.

4.4. Women for whom English is not their first language may also be disproportionately impacted by Covid-19 policies. There is a need for clear and simple communications that are readily understandable. This has been done in other jurisdictions since the beginning of the pandemic. For example, in Victoria (Australia) the police have released a series of multi-lingual videos encouraging members of culturally and linguistically diverse (CALD) communities to report any violence they are experiencing (<https://www.sbs.com.au/language/english/audio/victoria-police-releases-video-in-punjabi-with-an-important-message>).

4.5. It is also important to recognise that the increasing recourse to the use of the Internet and other forms of digital technology to reach out to women living with violence cannot necessarily be done safely (as much work on digital abuse demonstrates (see Harris and Wodlock, 2019) and at the same time marginalise those women, particularly in rural communities for whom such services are either fragile or non-existent (DeKeseredy, 2019). This is especially though not exclusively the case in parts of Wales.

5. Recommendations.

Recommendation One: Towards a future free of violence requires long term investment beyond COVID-19. It is clear the conditions of COVID-19 have intensified and increased the rate and severity of family violence and it is essential that the commitment should be a response that is long term, well planned, and overseen by experts. The impact of lockdown and the social and financial impacts of COVID-19 are undoubtedly contributing to conditions where we must invest in women's safety and security in the coming decade. This investment must include monitoring of data, investment in evaluation and evidence-building as to what works, as well as investment in service provision. It is essential, as detailed in Recommendations Two to Five, that these efforts involve a diverse range of experts.

Recommendation Two: Specific recommendation arising out of the concern related to increased rate of suicide. Domestic abuse does not impact all women in the same way. It is therefore imperative that at all points of intervention sensitivity to both the hidden nature and the impact that such abuse might have is at the forefront of policy and practice responses and understood within the cultural context in which it occurs. This is a matter not only for first responders but all public sector, voluntary sector and wider community groups who can routinely come into contact with the impact of abusive relationships on women belonging to ethnic minority groups.

Recommendation Three: Equal support for all women, regardless of visa or migration status. We strongly urge the consideration of emergency and medium-term support packages that will ensure women can access the supports they need, including dedicated immigration support alongside legal support.

Recommendation Four: Specific recommendation arising out of the concern for women with disabilities experiencing violence. We urge the government to direct increased funding to support disability and specialist family violence support services to meet an increase in service demand and to pivot their service delivery models to allow practitioners to reach and engage with women remotely wherever possible.

Recommendation Five: Caution in Respect of the Recourse to Digital Technological Responses. In order to maintain service responses and comply with the regulations relating to Covid-19, many police forces, NGOs and other community groups have turned to digital technology to maintain a level of service delivery remotely. However the extent to which such

responses serve all members of any community needs to be approached with caution. This is particularly the case in the context of domestic abuse when the technology may on the one hand not reach them and on the other may be the source of the abuse. All such interventions should be 'security-proofed' to ensure women are not placed at further risk as a result of enhanced reliance on this kind of remotely delivered response.

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