



Domestic abuse: the ‘shadow pandemic’

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ABSTRACT

Since the onset of the COVID-19 pandemic, incidents of domestic abuse have increased substantially around the world. The lockdown measures which were adopted by many jurisdictions, although necessary to limit the spread of the virus, nevertheless resulted in those living in abusive relationships finding themselves to be even more isolated. Indeed, UN Women has termed violence against women during the COVID-19 pandemic as the ‘shadow pandemic’. This article discusses the increased levels of domestic abuse globally, proceeds to examine the rise in instances of domestic abuse on the island of Ireland, and then analyses the measures adopted in both Northern Ireland and the Republic of Ireland in response. It is argued that, although meritorious steps were taken in both jurisdictions, essentially the pandemic has exacerbated pre-existing difficulties with the responses of both Northern Ireland and the Republic of Ireland to this issue.

Keywords: domestic abuse; COVID-19 pandemic; responses on the island of Ireland; response of United Nations Special Rapporteur on violence against women.

INTRODUCTION

The COVID-19 pandemic has undoubtedly constituted a public health emergency that is unprecedented in living memory. Since the first cases of the virus emerged in December 2019, by the end of December 2021 around 282 million confirmed cases of COVID-19 worldwide had been reported to the World Health Organization (WHO), with over 5,411,000 deaths as a result of the virus.¹ In Northern Ireland, since the first case of COVID-19 in this jurisdiction was diagnosed on 27 February 2020, by the end of 2021 there had been 394,854

1 World Health Organization, ‘[WHO coronavirus \(COVID-19\) dashboard](#)’.

confirmed cases and 2979 deaths due to the virus.² In the Republic of Ireland, since the first case of COVID-19 was confirmed on 29 February 2020, by the end of 2021 there had been 731,467 confirmed cases, with 5890 deaths.³ However, it is also important to remember that the COVID-19 pandemic has caused serious health concerns beyond actual cases of the virus itself. Gender-based violence, including domestic abuse, is now well-recognised as constituting a health issue,⁴ and, since the onset of the pandemic, incidents of domestic abuse have increased dramatically around the world,⁵ including on the island of Ireland.⁶ Essentially, the lockdown measures which have been adopted by many states, although necessary to limit the spread of the virus, have nevertheless had the impact of exacerbating the suffering of many victims of domestic abuse. Those already living in abusive relationships have found themselves to be even more isolated and trapped in such situations, given the lockdown and social-distancing measures which have been imposed. In addition, the widespread anxiety caused by the COVID-19 pandemic in terms of health concerns and financial worries has increased tensions within many relationships, all too often resulting in abuse. The increase in rates of domestic abuse has been so marked that UN Women, the United Nations (UN) entity dedicated to gender equality, has termed violence against women during the COVID-19 pandemic as being the 'shadow pandemic'.⁷

This article will examine the increase in instances of domestic abuse at a global level since the onset of the COVID-19 pandemic. It will then proceed to focus on the increased levels of domestic abuse in Northern Ireland and the Republic of Ireland, and will analyse the steps taken in both jurisdictions to respond to domestic abuse since the onset of the pandemic. It will be argued that, although in both Northern Ireland and the Republic of Ireland meritorious steps were taken to respond to the increased rates of domestic abuse, essentially the pandemic has exposed and exacerbated pre-existing problems with the responses of both jurisdictions to this issue.

2 Department of Health, 'COVID-19 statistics Northern Ireland'.

3 WHO, 'Ireland situation'.

4 See, for example, Keerty Nakray (ed), *Gender-based Violence and Public Health* (Routledge 2013).

5 UN Women, 'COVID-19 and ending violence against women and girls'.

6 Please note that, although the term 'domestic abuse' is used throughout this article, it is recognised that there is debate surrounding the use of the terms 'domestic abuse', 'domestic violence' and 'domestic violence and abuse'. For further discussion of the issues surrounding terminology, see Jo Aldridge, "Not an either/or situation": The minimization of violence against women in United Kingdom "domestic abuse" policy' (2021) 27 *Violence Against Women* 1823.

7 UN Women (n 5 above).

DOMESTIC ABUSE GLOBALLY DURING THE COVID-19 PANDEMIC

As the WHO has stated, 'Violence against women tends to increase during every type of emergency, including epidemics.'⁸ Studies show that, since the beginning of the pandemic, rates of domestic abuse have increased around the world.⁹ For example, in England and Wales, the police recorded 259,324 offences flagged as domestic abuse-related in the period from March until June 2020. This represented a 7 per cent increase from the same period in 2019.¹⁰ Of course, domestic abuse is caused by the actions of individual perpetrators, and the existence of the COVID-19 pandemic must in no way whatsoever be seen to negate the responsibility of such perpetrators for their actions. However, the measures which have been adopted by governments around the world in order to limit the spread of COVID-19, although necessary, have nevertheless had the impact of exacerbating the suffering of those experiencing domestic abuse. The nature of such abuse is that it occurs behind closed doors, and by the end of March 2020 more than 100 countries had instituted either a full or partial lockdown, with many others recommending restricted movement.¹¹ Measures mandating that people should only leave their homes for essential purposes and severely limiting social contact¹² meant that many victims of domestic abuse were essentially trapped with their abusers with very little means of escape. The situation was further exacerbated for victims who, due to pre-existing health conditions, were shielding from the virus and who could not therefore leave their homes at all. Indeed, such victims may have been in the position of being heavily reliant on their abusers in terms of purchasing food and collecting medication.¹³ Parallels can be drawn with the research carried out by Hague, Thiara, Magowan and Mullender regarding the experiences of disabled women subjected to domestic abuse, in which it was found that, 'The women's narratives illustrate the intense vulnerability to, and dependence

8 WHO, 'COVID-19 and violence against women. What the health sector/system can do' (7 April 2020).

9 UN Women (n 5 above).

10 Office for National Statistics, 'Domestic abuse during the coronavirus (COVID-19) pandemic, England and Wales' (November 2020).

11 'The world in lockdown in maps and charts' (*BBC News* 7 April 2020).

12 See, for example, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020; the Health Protection (Coronavirus, Restrictions) (Wales) Regulations 2020; the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020; and the Health Protection (Coronavirus, Restrictions) (Northern Ireland) Regulations 2020.

13 Women's Aid, 'A perfect storm: the impact of the COVID-19 pandemic on domestic abuse survivors and the services supporting them' (August 2020) 12.

they often had on, their abusive partners/others for everyday tasks, the resulting isolation, and not being able to leave.¹⁴ It is common for perpetrators of domestic abuse to attempt to isolate victims by cutting them off from family and friends – with lockdown and social-distancing measures, this was automatically effected without any effort on the part of perpetrators.

According to a survey carried out by Women's Aid in April 2020, 67.4 per cent of those currently experiencing abuse said that it had got worse since the onset of the COVID-19 pandemic,¹⁵ and 76.1 per cent said that they were having to spend more time with their abuser.¹⁶ In addition, 71.7 per cent said that their abuser had a greater level of control over their life since COVID-19,¹⁷ and 78.3 per cent said that the pandemic had made it more difficult for them to leave their abuser.¹⁸ In another survey carried out by Women's Aid in June 2020, 91.3 per cent of those suffering abuse said that the pandemic had affected their experiences of abuse in one or more ways.¹⁹ For example, 52.2 per cent said that they felt more afraid²⁰ and 58 per cent said that they felt that they had no one to turn to for help during lockdown.²¹ Some were reluctant to go to family or friends due to fears of spreading the virus, and 31.9 per cent said that their friends or family could not help them because of lockdown restrictions.²² In addition, the stresses associated with both the pandemic itself in relation to health concerns, and also the impact of lockdown and social-distancing measures in terms of financial worries, placed additional strains on relationships which all too frequently resulted in the occurrence of domestic abuse. For example, in the survey carried out by Women's Aid in April 2020, 30.4 per cent of those experiencing domestic abuse said that their abuser blamed them for the economic impact of COVID-19 on the household.²³

The situation was exacerbated by the fact that, at the very time of rising rates of domestic abuse, services available to victims were reduced, again due to lockdown and social-distancing measures. This

14 Gill Hague, Ravi Thiara, Pauline Magowan and Audrey Mullender, 'Making the links: disabled women and domestic violence' (Women's Aid Federation England 2008) 45.

15 Women's Aid 'The impact of Covid-19 on domestic abuse support services: findings from an initial Women's Aid survey' (April 2020) 3.

16 Ibid [3].

17 Ibid [5].

18 Ibid [4].

19 Women's Aid (n 13 above) 9.

20 Ibid.

21 Ibid.

22 Ibid 8.

23 Ibid 4.

meant that, in effect, services were reduced at the time they were most needed. According to a survey carried out by Women's Aid of service providers, 84.4 per cent said that they had had to reduce or cancel one or more services,²⁴ with 36.4 per cent of refuge providers having to do so.²⁵ Also, 48.9 per cent had been impacted by staff off work due to illness,²⁶ and 64.4 per cent by staff unable to come into work as they were self-isolating.²⁷ In addition, fundraising activities have been heavily curtailed due to the pandemic and 68.9 per cent of service providers who responded to the survey said that they were concerned about future loss of income from fundraising.²⁸

In research published in February 2021, it was also found that the COVID-19 pandemic seemed to be 'compounding or exacerbating' the experiences of many male victims of domestic abuse.²⁹ Again it was found that, in some instances, perpetrators were using the pandemic as an opportunity to exert greater control, such as by using lockdown restrictions to keep victims trapped at home, or by deliberately breaking the rules to put the health of their partners at risk. Many victims felt 'more isolated than ever',³⁰ and in some cases being at home all the time increased tension and anxiety, thus leading to more abusive behaviours. In addition, for some victims the fact that they had lost their jobs, were furloughed or were on reduced incomes meant it was more difficult for them to leave due to reduced economic independence. For example, some victims felt they were unable to afford to move into a new property.³¹

In July 2020, the UN Special Rapporteur on violence against women, its causes and consequences, presented a report to the UN General Assembly in which she stated that:

The intersection between the COVID-19 pandemic, and its lockdown measures, and the pandemic of violence against women, has exposed pre-existing gaps and shortcomings in the prevention of violence against women as a human rights violation that had not been sufficiently

24 Women's Aid (n 15 above) 3.

25 Ibid [3].

26 Ibid [6].

27 Ibid.

28 Ibid [12].

29 Nicole Westmarland, Stephen Burrell, Alishya Dhir, Kirsten Hall, Ecem Hasan and Kelly Henderson, "Living a life by permission" : the experiences of male victims of domestic abuse during COVID-19' (*Respect* 5 February 2021) 32.

30 Ibid [32].

31 Ibid [32]–[33].

addressed by many States even before the onset of the COVID-19 pandemic.³²

For example, prior to the pandemic, the Special Rapporteur had asserted that around-the-clock national toll-free helplines should be available for victims of domestic abuse.³³ However, in many states, such helplines were still not available around the clock and were not free of charge. During the COVID-19 pandemic, many helplines reported an increase in the number of calls, thus highlighting the necessity for such services.³⁴ Also, prior to the pandemic, many shelters were under-resourced and had limited capacity. The increase in cases of domestic abuse during the pandemic had therefore meant that almost all shelters had become overstretched or full, with the problems being further exacerbated by a lack of capacity in many shelters for social distancing or self-isolation.³⁵ The Special Rapporteur concluded that:

The COVID-19 pandemic represents an opportunity to bring about meaningful and lasting change at the national, regional and international levels, as it has placed the issue of gender-based violence against women, and domestic violence against women, in particular, in the spotlight.³⁶

DOMESTIC ABUSE ON THE ISLAND OF IRELAND DURING THE COVID-19 PANDEMIC

On 23 March 2020, lockdown restrictions were announced for Northern Ireland, along with the rest of the UK. Under these measures, it was only permissible to leave home for four reasons – shopping for basic necessities such as food and medicine; one form of exercise per day; medical need, or to provide care or help to a vulnerable person; and travelling to and from work, but only when work could not be done from home. Even when the activity in question fell within one of these four categories, the amount of time spent away from home was to be minimised as far as possible.³⁷ Essentially, the key and often-repeated

32 UN Special Rapporteur, 'Report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović: intersection between the coronavirus disease (COVID-19) pandemic and the pandemic of gender-based violence against women, with a focus on domestic violence and the "peace in the home" initiative' (24 July 2020, A/75/144) para 3.

33 UN Special Rapporteur, 'Report of the Special Rapporteur on violence against women, its causes and consequences' (13 June 2017, A/HRC/35/30) para 107.

34 UN Special Rapporteur (n 32 above) paras 47–48.

35 Ibid para 53.

36 Ibid para 89.

37 '[Coronavirus: strict new curbs on life in UK announced by PM](#)' (*BBC News* 24 March 2020).

message was, 'Stay at home; protect the National Health Service; save lives'. Similar measures were implemented in the Republic of Ireland on 27 March 2020.³⁸

It is certainly not disputed that such lockdown measures were necessary. At the time when these restrictions were implemented, 335 people in the UK had died as a result of contracting COVID-19,³⁹ as had 22 people in the Republic of Ireland.⁴⁰ This was a deadly new virus about which little was known at the time, for which there was no vaccine, and for which no effective treatments had yet been developed. In such circumstances, lockdown measures were the only option open to governments to adopt. In order to reduce the spread of the virus, the best course of action was to attempt to keep people apart as much as possible. Essentially, in the absence of interaction, a virus cannot spread.

However, it was immediately apparent to those working in the area of combating domestic abuse that such measures could potentially be catastrophic for victims. On 20 March 2020, even before lockdown measures were imposed and 'stay at home' messages were still in the form of government advice only, Women's Aid NI issued a statement which asserted that:

We know that the government's advice on self or household-isolation will have a direct impact on women and children experiencing domestic violence and abuse in Northern Ireland. Home is often not a safe place for survivors of domestic violence and abuse. We are concerned that social distancing and self-isolation will be used as a tool of coercive and controlling behaviour by perpetrators and will shut down routes to safety and support.⁴¹

The statement proceeded to comment that:

The impact of self-isolation will also have a direct impact on specialist services, who are already operating in an extremely challenging funding climate and will be rightly concerned about how to continue delivering life-saving support during the pandemic.

Women's Aid NI therefore called for safety advice and planning for those experiencing domestic abuse to be included in national government advice on COVID-19, and for workers within frontline domestic violence services to be recognised as 'key workers'. Women's Aid NI also welcomed an announcement from the Department of

38 "'Stay home": Varadkar announces sweeping two week lockdown' *The Guardian* (London, 27 March 2020).

39 'Coronavirus: strict new curbs' (n 37 above).

40 'Stay home' (n 38 above).

41 Women's Aid NI, 'Women's Aid NI statement on Covid-19 and the domestic abuse sector' (20 March 2020).

Communities, which funds refuges and outreach services, that there would be no impact to the voluntary and community sector, and called upon the Northern Ireland Assembly to consider the safety and needs of survivors of domestic abuse in Northern Ireland and relevant services as a fundamental priority within their guidance and contingency planning for the COVID-19 pandemic.

It rapidly became apparent that the predictions made by Women's Aid NI were entirely accurate. According to statistics released by the Police Service of Northern Ireland (PSNI), there were 31,848 domestic abuse incidents in Northern Ireland during 2020, one of the highest rates since such records began in 2004/2005.⁴² Since the first lockdown in this jurisdiction began on 23 March 2020, the PSNI had by May of that year received at least 3755 calls relating to domestic abuse.⁴³ From 1 April until 21 April 2020, the PSNI received 1919 calls regarding domestic abuse, which represented an increase of 10 per cent on the approximate number of 570 calls which were usually received each week prior to the onset of the COVID-19 pandemic. By the end of April 2020, three people had been killed as a result of domestic abuse since the beginning of the lockdown.⁴⁴ On 23 March 2021, a year since the beginning of the first lockdown, Women's Aid Federation Northern Ireland joined with a number of other bodies working in the area of combating domestic violence, to issue a statement asserting that,

It was clear from the outset that lockdown measures would exacerbate women and girls' experiences of violence and abuse, and shut down routes to safety and support. Over the past year this has been borne out in the huge increases in demand our sector has witnessed, the increasing complexity of need from those we support, the strains that frontline workers have faced in responding to survivors in trauma, the new ways that perpetrators are using Covid-19 as tools for abuse and control, and of course the tragic murders of women and children that we remember today.⁴⁵

In the Republic of Ireland, An Garda Síochána reported a 25 per cent increase in domestic abuse calls in April and May of 2020 as compared to April and May of 2019.⁴⁶ In November 2020, Safe Ireland published

42 Northern Ireland Statistics and Research Agency, 'Domestic abuse incidents and crimes recorded by the police in Northern Ireland: update to 31 December 2020' (25 February 2021).

43 Amnesty International UK, 'Northern Ireland: with domestic violence at all-time high, funding urgently needed for frontline groups' (18 May 2020).

44 'Coronavirus: three domestic killings since lockdown began' (*BBC News* 28 April 2020).

45 Women's Aid, 'COVID-19: one year on' (23 March 2021).

46 'Increase in domestic abuse incidents linked to Covid-19 lockdown' *Irish Examiner* (Cork, 1 June 2020).

a report on women and children who sought support from domestic abuse services in the Republic of Ireland during the first six months of the COVID-19 pandemic.⁴⁷ According to this report, from March until August 2020, an average of 1970 women and 411 children had received support from a domestic abuse service each month. Of those women and children, an average of 575 women and 98 children each month had accessed the service for the first time. In July, at least 2210 women received support, which was the highest number of any month during this period.⁴⁸ In February 2021, Safe Ireland issued a similar report, this time covering the period from September until December 2020.⁴⁹ According to this report, an average of 2018 women and 550 children accessed domestic abuse services each month. Of these, an average of 611 women and 122 children accessed such services for the first time each month.⁵⁰

From March until August 2020, 33,941 helpline calls were received. Services also received 2260 helpline emails, 3452 texts and 1047 online chat messages during this period of time. Whilst the number of in-person support sessions decreased sharply, domestic abuse services provided 33,624 phone support sessions and 575 video support sessions from March until August.⁵¹ Between September and December 2020, domestic abuse services received 23,336 helpline calls. In addition, 871 helpline emails were received, as were 1631 texts and 404 online chat messages. Domestic abuse services also provided 18,892 phone support sessions, 166 video support sessions and 8783 in-person support sessions.⁵²

On average there were 191 women and 288 children staying in domestic abuse accommodation each month between March and August 2020. These figures encompassed averages of 121 women and 176 children in refuge accommodation each month; 28 women and 37 children in safe homes each month; and 42 women and 75 children in supported housing each month.⁵³ From March until August there had been 1351 requests for refuge, which equates to an average of 225 requests per month or eight requests per day, which could not be

47 Safe Ireland, 'Tracking the shadow pandemic – a report on women and children seeking support from Domestic Violence Services during the first 6 months of COVID-19' (November 2020).

48 Ibid [1]–[3].

49 Safe Ireland, 'Tracking the shadow pandemic – lockdown 2. A report on women and children seeking support from Domestic Violence Services September 2020–December 2020' (February 2021).

50 Ibid [2]–[3].

51 Safe Ireland (n 47 above) 4–5.

52 Safe Ireland (n 49 above) 5–6.

53 Safe Ireland (n 47 above) 6.

met due to a lack of capacity.⁵⁴ For the period from September until December 2020, there were on average 167 women and 265 children in domestic violence accommodation each month. These figures encompassed averages of 108 women and 168 children in refuge each month; 22 women and 35 children in safe homes each month; and 37 women and 62 children in supported housing each month.⁵⁵ From September until December 2020, 808 requests for refuge – an average of 202 requests per month or seven requests per day – could not be met due to lack of capacity.⁵⁶

While such statistics make for grim reading, they cannot, however, be said to be surprising. Measures mandating that people should only leave their homes for essential purposes and for the minimum length of time possible resulted in a situation whereby many victims of domestic abuse were essentially trapped at home with their abusers. Whilst previously one or both parties may have gone out to work, thereby affording the victim some respite, the move to working from home where possible had the effect of closing off even this limited measure of escape. Likewise, a victim of domestic abuse may have escaped for short periods of time whilst leaving children at school or collecting them after school, however, again such forms of relief were shut off as schools were closed. In addition, even the act of contacting support services was made more difficult for many victims, due to fears of being overheard by their abusers.⁵⁷ In April 2020, a number of victims in the Republic of Ireland reported that they felt unable to leave abusive households in case they got into trouble for breaching the restriction mandating that people should not travel beyond two kilometres of their homes.⁵⁸

In addition, victims reported difficulties with accessing courts to obtain safety orders. Courts were being adjourned or were closing early, and some victims experienced problems in getting to court and also with obtaining child care when going to court or legal appointments, particularly due to the closure of Child and Youth Services in the Republic of Ireland. In addition, some victims reported that requirements to wait outside courthouses due to COVID-19 restrictions could be difficult and intimidating.⁵⁹

For victims who had to shield from the virus due to pre-existing health conditions and who could not therefore leave their homes at all, the situation was made even worse as such victims may have been in the

54 Ibid 9.

55 Safe Ireland (n 49 above) 7.

56 Ibid 9.

57 Safe Ireland (n 47 above) 12.

58 Ibid 12.

59 Ibid 11–13.

position of being reliant on those abusing them to collect medication and carry out essential shopping.⁶⁰ In addition, the fact that people could not mix with those from another household cut off potentially vital sources of support for victims of abuse.⁶¹ Indeed, a common tactic of perpetrators of domestic abuse is to isolate victims from their friends and family members. The lockdown measures served to do this without the need for any action on the part of perpetrators. In addition, even as regards relationships which were not previously violent, the anxieties associated with the pandemic and resulting lockdown measures in terms of, for example, health concerns and financial worries, placed additional stresses on some relationships which may have resulted in abuse.

In addition, at the very time of rising need, domestic abuse support services found themselves working in particularly challenging circumstances, due to the necessity to adapt working practices in light of the difficulties posed by the COVID-19 pandemic. To allow for social distancing, domestic abuse services had to restrict the numbers of families they could accommodate, with some communal refuges closing units. Safe Ireland reported that many services were operating in old premises which were unsuitable for implementing social distancing. It was also reported that a lack of in-person contact made it more difficult for domestic abuse services to build a rapport with service users.⁶²

Additionally, domestic abuse support services experienced staff shortages due, for example, to self-isolation requirements or to staff testing positive for COVID-19. In order to ensure the continuation of services, some staff had to be redeployed to areas of the service where they were most needed. This left other areas with a skeleton staff managing many services. Also, vital sources of fundraising ended, due to the need to close charity shops and cancel church-gate collections and other fundraising events.⁶³

RESPONSES TO DOMESTIC ABUSE IN NORTHERN IRELAND DURING THE COVID-19 PANDEMIC

Measures have been adopted by the governments in both Northern Ireland and the Republic of Ireland to address the issue of domestic abuse since the onset of the COVID-19 pandemic. It is, however, important to remember that the existence of domestic abuse is not a problem which suddenly came into being because of the pandemic. For example, in June 2019, Criminal Justice Inspection Northern Ireland

60 Women's Aid (n 13 above)12.

61 Safe Ireland (n 47 above) 12.

62 Ibid 11–12.

63 Ibid 11.

(CJINI) published a report on the handling of domestic abuse cases by the criminal justice system in Northern Ireland.⁶⁴ In this report seven recommendations were made as regards improvements which were deemed by the CJINI to be necessary. According to the CJINI, the PSNI should develop an action plan within six months, to develop further the approach to dealing with cases of domestic abuse and address issues which were highlighted as regards the training and development of new recruits and first responders in relation to coercive and controlling behaviour, harassment and stalking behaviour; and in relation to risk assessment practices in cases of domestic abuse. In addition, CJINI recommended that the PSNI and the Multi-Agency Risk Assessment Conference (MARAC) Operational Board should develop an action plan within six months, to develop further the multi-agency safeguarding arrangements for cases of domestic abuse in Northern Ireland. It was recommended that the PSNI and the Public Prosecution Service (PPS) should, within three months, develop an implementation plan to develop further the prosecution team approach for cases involving domestic abuse or with a domestic motivation. In addition, the Criminal Justice Board, in conjunction with its partners, should, in the nine months following the report, ensure the delivery and roll-out of Northern Ireland-wide schemes to enable the clustering of domestic abuse cases to a designated court in each Administrative Court Division; and a properly costed contract for an independent domestic violence advisory (IDVA) service to address the safety of victims at high risk of harm. Also, the Department of Justice should review how potential inadequacies in current legislation regarding the act of choking or strangulation could be addressed; and develop plans for legislation to introduce protection orders for stalking and harassment. In addition, the PPS should review the use of special measures in cases of domestic abuse and take action to address any issues arising.⁶⁵ It can be seen therefore that problems surrounding responses to domestic abuse pre-existed the COVID-19 pandemic, although it is certainly the case that the pandemic and the associated lockdown measures served to exacerbate these difficulties.

Since the beginning of the COVID-19 pandemic, steps have been taken by both the Northern Ireland Department of Justice and the PSNI to raise awareness among victims of domestic abuse that help and support were still available.⁶⁶ For example, the Department of Justice

64 CJINI, *No Excuse: Public Protection Inspection II: A Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System in Northern Ireland* (June 2019).

65 Ibid [12]–[13].

66 Department of Justice and Department of Health 'Coronavirus (COVID-19) – support for victims of domestic abuse'.

implemented a media campaign entitled 'See the Signs', while the PSNI initiated another media campaign termed 'Behind Closed Doors'. Also, although the work of the courts had been severely affected by the pandemic, emergency applications for non-molestation orders and restraining orders could still be made through the Family Proceedings Courts. The Departments of Justice and Health issued guidance stating that household isolation instructions introduced as a result of the COVID-19 pandemic did not apply if a person needed to leave their home to escape from domestic abuse.⁶⁷ This guidance also provided advice on what domestic abuse is; what signs to look for; and where help and support could be obtained.

In addition, the PSNI led a multi-agency proactive operational response, in collaboration with the Departments of Justice, Health and Communities as well as voluntary sector partners, with the aim of ensuring a joined-up approach to the prevention of harm and the provision of support.⁶⁸ The PSNI, in collaboration with Women's Aid and in conjunction with the Northern Ireland Housing Executive, established 'crash pads' in Belfast, Ballymena and Lisburn to enable a safe environment of self-isolation for victims of domestic abuse suffering with COVID-19.⁶⁹ In terms of support for victims, prior to the COVID-19 pandemic, the PSNI under its 'victim call back' system would 'call back' victims within approximately 10 days. However, the PSNI revised this during the lockdown period and reduced the average time taken to call victims to within 24 hours.⁷⁰

Also, the 'Ask for ANI' scheme, a UK-wide initiative which was launched on 14 January 2021, enables victims of domestic abuse to use the codeword 'ANI' ('Action Needed Immediately') in participating pharmacies to let staff know that they need to access support. When the codeword is used, a trained member of staff offers a private space for the victim to phone either the police or support services such as a domestic abuse helpline. The staff member also offers to assist the victim in doing so. It certainly seems that the introduction of this scheme was a very positive development as regards responding to domestic abuse in Northern Ireland, as in other parts of the UK, particularly in the context of the COVID-19 pandemic. For example, the Chief Executive of SafeLives, Suzanne Jacob, commented that:

Victims of domestic abuse are experts in their own situation and it's survivors of abuse who first asked for this scheme. We need to give victims as many options as possible, including during the very tight

67 Ibid [2]–[3].

68 Ibid [4].

69 Northern Ireland Policing Board, *Report on the Thematic Review of the Policing Response to COVID-19* (2020) [93]–[94].

70 Ibid [95].

restrictions of lockdown. The Ask for ANI scheme will provide a further vital lifeline for domestic abuse victims trapped by their perpetrators because of Covid. A trip to a participating shop or pharmacy might be a critical opportunity for someone to get the help they desperately need. We commend the government for listening to survivors and launching this scheme, and hope that more retailers take up the scheme so that victims across the country have a route to safety.⁷¹

One of the most significant developments as regards responses to domestic abuse in Northern Ireland during the COVID-19 pandemic was the passing of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.⁷² This legislation was introduced in the Northern Ireland Assembly on 31 March 2020, just eight days after the beginning of the first lockdown, and received royal assent on 1 March 2021. Under this Act, a specific offence of domestic abuse was created. According to section 1 of the legislation, it is a criminal offence to engage in a course of behaviour that is abusive of another person where the parties are personally connected to each other; a reasonable person would consider the course of behaviour to be likely to cause physical or psychological harm; and the perpetrator intends the course of behaviour to cause physical or psychological harm, or is reckless as to whether the course of behaviour causes such harm. Under section 5(2), the parties are 'personally connected' if they are, or have been, married to each other or civil partners of each other; they are living together, or have lived together, as if spouses of each other; they are, or have been, otherwise in an intimate personal relationship with each other; or they are members of the same family. In addition, important steps were taken in the 2021 Act to assist complainants in giving evidence in cases involving the domestic abuse offence. Section 23 of the legislation amends article 5 of the Criminal Evidence (Northern Ireland) Order 1999 to make such complainants eligible for special measures when giving evidence. These special measures may include: screening the complainant from the accused;⁷³ giving evidence by means of a live link;⁷⁴ giving evidence in private;⁷⁵ or video-recording the complainant's evidence in chief,⁷⁶ cross-examination or re-examination.⁷⁷ Also, section 24 of the 2021 Act inserts a new

71 UK Government 'Pharmacies launch codeword scheme to offer "lifeline" to domestic abuse victims' (14 January 2021).

72 For further discussion of this legislation, see Ronagh J A McQuigg, 'Northern Ireland's new offence of domestic abuse' (2021) Statute Law Review (early online access 17 May 2021).

73 Criminal Evidence (Northern Ireland) Order 1999, art 11.

74 Ibid art 12.

75 Ibid art 13.

76 Ibid art 15.

77 Ibid art 16.

article 22A into the 1999 Order, stating that no person charged with an offence involving domestic abuse may cross-examine the complainant in person.

The 2021 Act was certainly a crucial development, not least because it brought Northern Ireland into line with the other jurisdictions within the UK and Ireland in terms of criminalising coercive control.⁷⁸ Prior to the Act the legislative position in relation to domestic abuse in Northern Ireland was problematic, as there was no specific offence of domestic abuse in this jurisdiction. Instead, incidents of domestic abuse had to be prosecuted under general criminal law statutes such as the Offences Against the Person Act 1861. This was relatively unproblematic in relation to incidents of physical violence, as these could be prosecuted under the 1861 Act as, for instance, common assault under section 42, aggravated assault under section 43, assault occasioning actual bodily harm under section 47, assault occasioning grievous bodily harm under section 18, or unlawful wounding under section 20. In *R v Ireland and R v Burstow*,⁷⁹ it was established that a recognisable psychiatric illness could constitute 'bodily harm' for the purposes of sections 18, 20 and 47 of the Offences Against the Person Act. However, states of mind which are not supported by medical evidence of psychiatric injury are not encompassed by the 1861 legislation. Prosecuting cases of psychological abuse using the 1861 Act was therefore problematic, and this remained the position in Northern Ireland until the enactment of the 2021 legislation.

It has now been recognised that physical violence is only one aspect of domestic abuse, and that psychological abuse can be just as harmful.⁸⁰ With this recognition came the realisation by many that a specific offence was necessary to capture the particular harms involved. For example, Bettinson and Bishop state that, 'the creation of an offence of controlling or coercive behaviour in an intimate or family relationship is necessary in order for the criminal law to better

78 Coercive control was criminalised in the Republic of Ireland under s 39 of the Domestic Violence Act 2018; coercive and controlling behaviour was criminalised in England and Wales under s 76 of the Serious Crime Act 2015; and abusive behaviour (including psychological abuse) towards a partner or ex-partner was criminalised in Scotland under s 1 of the Domestic Abuse (Scotland) Act 2018.

79 [1997] 4 All ER 225.

80 See Evan Stark, *Coercive Control: How Men Trap Women in Personal Life* (Oxford University Press 2007); Evan Stark, 'Rethinking coercive control' (2009) 15 *Violence Against Women* 1509; Evan Stark, 'Looking beyond domestic violence: policing coercive control' (2012) 12 *Journal of Police Crisis Negotiations* 199; Tamara L Kuennen, 'Analysing the impact of coercion on domestic violence victims: how much is too much?' (2007) 22 *Berkeley Journal of Gender, Law and Justice* 2; and Emma Williamson, 'Living in the World of the domestic violence perpetrator: negotiating the unreality of coercive control' (2010) 16 *Violence Against Women* 1412.

reflect the reality of the central harm of domestic violence'.⁸¹ The need for the criminalisation of psychological abuse has also been recognised in regional and international human rights standards. For instance, in *Volodina v Russia*,⁸² the European Court of Human Rights stated that the feelings of fear, anxiety and powerlessness which are caused by coercive and controlling behaviour can amount to inhuman treatment under article 3 of the European Convention on Human Rights (the right to be free from torture and inhuman or degrading treatment or punishment). In addition, in its General Recommendation 19 the UN Committee on the Elimination of Discrimination Against Women (the CEDAW Committee) recognised that 'coercion' can amount to gender-based violence.⁸³ Indeed, in its 2019 Concluding Observations on the UK's eighth periodic report, the CEDAW Committee voiced concern regarding the legislative position in relation to gender-based violence in Northern Ireland and recommended that the UK, 'Adopt legislative and comprehensive policy measures to protect women from all forms of gender-based violence throughout the State party's jurisdiction, including Northern Ireland.'⁸⁴ The creation of the new domestic abuse offence in this jurisdiction goes some way towards addressing such concerns.

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- 81 Vanessa Bettinson and Charlotte Bishop, 'Is the creation of a discrete offence of coercive control necessary to combat domestic violence?' (2015) 66 *Northern Ireland Legal Quarterly* 179, 196. For further discussion of the need for a discrete offence, see Marilyn McMahon and Paul McGorrrery (eds), *Criminalising Coercive Control: Family Violence and the Criminal Law* (Springer 2020); Michele Burman and Oona Brooks-Hay, 'Aligning policy and law? The creation of a domestic abuse offence incorporating coercive control' (2018) 18 *Criminology and Criminal Justice* 67; Vanessa Bettinson, 'Criminalising coercive control in domestic violence cases: should Scotland follow the path of England and Wales?' (2016) *Criminal Law Review* 165; Heather Douglas, 'Do we need a specific domestic violence offence?' (2015) 39 *Melbourne University Law Review* 434; Cheryl Hanna, 'The paradox of progress: translating Evan Stark's coercive control into legal doctrine for abused women' (2009) 15 *Violence Against Women* 1458; Jennifer Youngs, 'Domestic violence and criminal law: reconceptualising reform' (2015) 79 *Journal of Criminal Law* 55; Victor Tadros, 'The distinctiveness of domestic abuse: a freedom based account' (2005) 65 *Louisiana Law Review* 989; and Deborah Tuerkheimer, 'Recognising and remedying the harm of battering: a call to criminalise domestic violence' (2004) 94 *Journal of Criminal Law and Criminology* 959.
- 82 [2019] ECHR 539, para 75. For further discussion of *Volodina v Russia*, see Ronagh McQuigg, 'The European Court of Human Rights and domestic violence: *Volodina v Russia*' (2021) 10 *International Human Rights Law Review* 155.
- 83 Committee on the Elimination of Discrimination Against Women, General Recommendation No 19: Violence Against Women (1992) para 6.
- 84 Committee on the Elimination of Discrimination Against Women, 'Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland' CEDAW/C/GBR/CO/8 (14 March 2019) para 30(b).

However, although the passage of the domestic abuse legislation through the Assembly coincided with the COVID-19 pandemic, the legislation itself cannot be said to constitute a response to the pandemic. Legislation criminalising coercive and controlling behaviour in Northern Ireland had in fact been drafted prior to the three-year suspension of the Northern Ireland Assembly from January 2017 until January 2020,⁸⁵ and securing the enactment of such legislation was a key priority of the Department of Justice.⁸⁶ However, as the Justice Minister, Naomi Long MLA, stated during Assembly debates on the Bill, the urgent need to address the issue of domestic abuse became 'even more apparent during the current COVID-19 crisis'. This may therefore have contributed towards easing the passage of the Bill through the Assembly, and certainly the impact of the COVID-19 pandemic on rates of domestic abuse arose on a number of occasions during Assembly debates on the legislation. For example, the Justice Minister commented that:

As we advise people to stay home, stay safe, save lives, we are also mindful that, for many in our community, home is not a safe place or a haven from harm. Instead, it is the very place where they are most vulnerable to abuse and to their abuser. Combined with physical distancing, which so often ends in social isolation, those already at risk have found themselves frequently without their most basic support networks or the temporary respite from abuse that being able to leave their home, even for a short time, might bring, compounding their vulnerability and the risk of harm. Whilst the current crisis has raised awareness of the plight of those who are victims of domestic abuse, it is imperative that our response is not temporary or fleeting, because domestic abuse is neither.⁸⁷

Nevertheless, even if legislation criminalising coercive and controlling behaviour had been in place prior to the onset of the pandemic, it is unlikely that this would have contributed to any substantial extent towards limiting the rise in rates of domestic abuse in Northern Ireland, or to improving responses to this increase. Coercive control had been criminalised in the Republic of Ireland prior to the pandemic under section 39 of the Domestic Violence Act 2018, however, as will be discussed later in this article, the same increase in rates of domestic abuse can be seen in this jurisdiction, and similar responses were put in place.

Whilst there have certainly been a number of very meritorious responses to the issue of domestic abuse in Northern Ireland during the

85 See 'New abuse law "held up by lack of NI Assembly"' (*BBC News* 19 January 2018).

86 Northern Ireland Assembly, 'Official Report: Tuesday 28 April 2020', Naomi Long MLA, Justice Minister.

87 Ibid Naomi Long MLA, Justice Minister.

period spanned by the COVID-19 pandemic, it is clear that problems remain. In a joint statement issued in March 2021 by a number of bodies working in the area of combating domestic abuse, including Women's Aid NI,⁸⁸ it was asserted that there was still serious concern regarding 'the lack of meaningful partnership working between the UK government, devolved administrations in Wales, Scotland and Northern Ireland, and our specialist sector. This has limited the ability of all nations and regions to meet the needs of women and girls and the life-saving specialist services that support them.' Essentially, 'urgent action' was needed on 'funding, equal protection and support, prevention and practical measures to protect women and girls experiencing violence and abuse during COVID 19.' It was asserted that: 'Whilst the UK government has delivered emergency funding for the VAWG sector over the past year, it has been piecemeal, fragmented and unequal.' In particular, 'Specialist services in Northern Ireland did not receive comparable levels of funding to other nations.' The statement noted that, although the 'Ask for ANI' scheme 'was born from the urgent need to improve gateways to help for women trapped at home with their abuser', it was not launched until nearly a year after the onset of the pandemic, and there had been 'continued concerns with how this is working across all four nations in the UK, the level of training for pharmacy staff responding to disclosures, as well as how effectively such schemes link up to local specialist support services'. The statement concluded that:

violence against women is still not factored in at the highest levels of the pandemic response, not seen as a fundamental priority in the public health response we need. As the first year of COVID 19 comes to end, we cannot return to 'business as usual'. We need a new approach, which equally protects all women and girls, and ends the societal inequalities that drive violence and abuse against them.

Northern Ireland is currently the only jurisdiction within the UK which does not have a strategy specifically dedicated to addressing gender-based violence, although it is notable that in March 2021 Women's Aid NI launched a petition calling on the Assembly to develop and implement a strategy on violence against women and girls,⁸⁹ following which the Assembly passed a motion calling for such a strategy. On 10 January 2022, the Northern Ireland Executive Office, the Department of Justice and the Department of Health together published a 'Call for Views' to inform the development of a 'Domestic

88 'Covid-19: one year on – a joint statement from Women's Aid, Imkaan, Women's Aid Federation Northern Ireland, End Violence Against Women, Welsh Women's Aid and Scottish Women's Aid' (23 March 2021).

89 Women's Aid NI, 'Sign our petition to the Northern Ireland Assembly and help make a difference to the lives of women & girls' (9 March 2021).

and Sexual Abuse Strategy' to be led by the Department of Justice and the Department of Health, and a 'Strategy to tackle Violence Against Women and Girls' to be led by the Executive Office. In addition, in April 2021 a follow-up review⁹⁰ was published in respect of the 2019 report by CJINI on the handling of domestic abuse cases by the criminal justice system.⁹¹ Although seven recommendations had been made in the 2019 report, the follow-up review found that only one of these had been implemented, whilst four had been only partially achieved and one not implemented. The CJINI Chief Inspector, Jacqui Durkin, welcomed the new domestic abuse legislation and also evidence that the PSNI and the PPS had improved how they shared information and worked together in relation to cases of domestic abuse. In addition, she commended the collaborative work which had been carried out by the PSNI-led Domestic Abuse Independent Advisory Group in relation to responding speedily to the need for greater numbers of victims to access services as a result of the COVID-19 pandemic. However, Ms Durkin also stated that she was 'disappointed with the pace of progress and that key recommendations to implement an advocacy service to support victims of domestic violence and abuse and establish regional domestic violence and abuse courts remained outstanding'.⁹² Initial discussions had taken place with the Presiding District Judge as regards piloting a domestic violence and abuse court in Belfast. It was envisaged that this model would work in a similar manner to the arrangements in the District Judge's domestic violence court in the Magistrates' Court in Derry/Londonderry, however, details had not been discussed, and this work had been paused due to the pandemic.⁹³ In addition, Ms Durkin remarked that:

Domestic violence and abuse is a long standing problem throughout our community that has been exacerbated by the COVID-19 pandemic with many new and repeat victims finding their homes are not a safe place, but a place of fear and anxiety during the lockdown restrictions.⁹⁴

90 CJINI (n 64 above).

91 CJINI, *No Excuse: A Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System in Northern Ireland. A Follow-Up Review of the Inspection Recommendations* (April 2021).

92 CJINI, 'Inspectorate "disappointed" at pace of progress on domestic violence and abuse recommendations' (21 April 2021).

93 CJINI (n 91 above) 25.

94 CJINI (n 92 above).

RESPONSES TO DOMESTIC ABUSE IN THE REPUBLIC OF IRELAND DURING THE COVID-19 PANDEMIC

Various measures were also adopted in the Republic of Ireland as regards addressing the issue of increased rates of domestic abuse in the context of the COVID-19 pandemic. Similar to the public awareness campaigns carried out in Northern Ireland, in the Republic of Ireland the Department of Justice, in conjunction with a range of bodies working in the area of combating domestic abuse, instigated a national public awareness campaign entitled 'Still Here', which communicated the essential message that, 'If your home isn't safe, support is still here.' This campaign was carried out across television, radio and social media platforms and emphasised that restrictions on movement in the context of COVID-19 lockdowns did not apply to someone escaping from a risk of harm or seeking to access essential services.⁹⁵ Also, both the Courts Service and the Legal Aid Board prioritised domestic abuse and child care cases, and the Legal Aid Board established a helpline to assist victims of domestic abuse.⁹⁶

Similar to the PSNI, An Garda Síochána also took a proactive response and established 'Operation Faoiseamh' to support victims of domestic abuse. This operation was launched on 1 April 2020 as part of An Garda Síochána's community engagement response to COVID-19. The aim of this operation was to prevent loss of life and to ensure that victims of domestic abuse were supported and protected during the COVID-19 pandemic. Phase one of the operation involved the utilisation of Garda Victim Liaison Offices, Divisional Protective Service Units and other appropriate resources to reach out to victims of domestic abuse with a view to ascertaining issues of concern, offering support and ensuring that issues were dealt with quickly and effectively. The feedback from victims was reported to be 'overwhelmingly positive'.⁹⁷ Phase two of the operation began on 13 May 2020 and focused on the execution of arrests and the commencement of prosecutions for offences regarding breaches of court orders obtained pursuant to relevant provisions of the Domestic Violence Act 2018.⁹⁸ On 28 October 2020, phase three of the operation began, during which continued efforts were made to make contact with victims to provide support and to offer the assistance of local and specialised resources. A further drive

95 Department of Justice, 'If your home isn't safe support is still here'.

96 Oireachtas Library and Research Service, 'L&RS note: domestic violence and COVID-19 in Ireland' 5.

97 An Garda Síochána, 'Operation Faoiseamh – domestic abuse' (9 June 2020).

98 Ibid.

to arrest and bring before the courts offenders who had breached court orders also commenced on 28 October 2020.⁹⁹

Nevertheless, as with Northern Ireland, difficulties still remained, particularly in relation to the provision of sufficient funding for domestic abuse services. Safe Ireland commented that:

Domestic abuse specialist support services are a critical part of the infrastructure in Ireland to respond to tens of thousands of women and children annually. However, Covid-19 exposed decades of limited investment in these services. These organisations struggled with the challenges of relying on a small pool of staff with limited availability of relief staff, physical premises that aren't all suitable to facilitate public health requirements and a significant breakdown in linkage to the national public health decision-making infrastructure resulting in limited access to testing, PPE and clinical care.¹⁰⁰

As Safe Ireland proceeded to remark: 'Covid-19 has exposed very clearly the serious weaknesses in Ireland's support infrastructure.'¹⁰¹

In March 2021, Safe Ireland published a discussion paper entitled *No Going Back* which asserted that the COVID-19 pandemic offers society 'the greatest impetus' in decades to change responses to domestic, sexual and gender-based violence.¹⁰² The paper stated that:

We are very clear that Covid-19 does not cause domestic and sexual violence, it has exposed it. This epidemic and the arising communal empathy towards it, have, in turn, fully revealed the inadequate, siloed and poorly resourced way in which we are responding to coercive control generally, and domestic violence specifically.¹⁰³

Safe Ireland proceeded to make four key recommendations in terms of changing responses to domestic, sexual and gender-based abuse. Firstly, it was stated that a dedicated Minister and Ministry to address such abuse was needed, with 'reach across all of the departments and agencies with which a survivor may interact, with a cross-sectoral inter-departmental budget and a Cabinet Standing Committee'. Secondly, the paper called for 'a cross-sectoral framework for policy and services which provides for integrated delivery of public and independent services and supports'. It was asserted that this framework should be held within the same government department 'to avoid current fragmentation and incoherent policy, planning and provision'.

99 An Garda Síochána 'Operation Faoiseamh (phase 3) – An Garda Síochána continues to support victims of domestic abuse' (28 October 2020).

100 Safe Ireland, 'Creating safe homes and safe communities: supports for domestic violence and coercive control in budget 2021' (2020).

101 Ibid.

102 Safe Ireland, *No Going Back: A Sustainable Strategy and Infrastructure to Transform our Response to DSGBV in Ireland* (March 2021) [3].

103 Ibid [3].

Safe Ireland's third recommendation was for a National Services Development Plan to ensure that a network of specialist, skilled and local services is established 'so that survivors everywhere can expect the same professional response'. Services should be 'adequately and sustainably resourced'. Safe Ireland's fourth recommendation was for a prevention strategy as regards domestic, sexual and gender-based abuse. The discussion paper stated in this regard that:

The Covid-19 pandemic has elicited a significant community response and awareness of (such abuse), in particular, the vulnerability of women and girls. It makes sense to utilize this public awakening to develop a strategy that addresses the root causes of sex and gender-based violence.¹⁰⁴

LOOKING TO THE FUTURE

Vaccines are currently being rolled out relatively quickly in a number of states, therefore resulting in the easing of lockdown restrictions in these countries. For example, at the time of writing, the vaccination programmes in both jurisdictions on the island of Ireland are being rolled out successfully.¹⁰⁵ However, the avoidance of further lockdowns is by no means certain. COVID-19 is still a very new virus and a number of variants have been identified to date. It is possible that the virus could mutate into a strain which is unresponsive to the vaccines currently available, thus necessitating further lockdown measures until such times as the vaccines can be adapted to be effective against such a variant. The risks which 'stay at home' messages pose for victims of domestic abuse could therefore materialise again even in such states which seem to be currently coping relatively well with the COVID-19 threat.

However, there are also longer-term lessons which can be learnt. Essentially, it is inaccurate to view the issues surrounding domestic abuse during the COVID-19 pandemic as simply being created by the pandemic itself and thus to expect that there will be no such problems in a post-pandemic society. As was commented by the UN in April 2020: 'The pandemic is deepening pre-existing inequalities, exposing vulnerabilities in social, political and economic systems which are in turn amplifying the impacts of the pandemic.'¹⁰⁶ This statement is very pertinent to the issue of domestic abuse. As was noted by the UN Special Rapporteur on violence against women, the pandemic

104 Ibid [9].

105 See Department of Health, 'NI COVID-19 vaccinations'; and Government of Ireland, 'Vaccinations'.

106 United Nations, 'Policy brief: the impact of COVID-19 on women' (9 April 2020) 2.

has 'exposed pre-existing gaps and shortcomings in the prevention of violence against women as a human rights violation that had not been sufficiently addressed by many States even before the onset of the COVID-19 pandemic'.¹⁰⁷ There is a danger of viewing the current problems regarding responses to domestic abuse as simply being caused by the measures adopted by states in relation to COVID-19. In reality, the COVID-19 pandemic has served to expose and exacerbate pre-existing difficulties with the responses of states to domestic abuse. For example, as mentioned above, in many states the helplines for victims of domestic abuse were not available around-the-clock. This problem was then brought into sharp relief during the pandemic as many helplines experienced an increased volume of calls, thus placing greater pressure on services which may have been insufficient in the first place and highlighting the need for improved provision of such services.¹⁰⁸ Likewise, prior to the pandemic, many shelters had limited capacity and were under-resourced. Again the surge in cases of domestic abuse during the pandemic served to place even greater pressure on already inadequate service provision. The fact that the COVID-19 pandemic has raised awareness of the shortcomings of state responses to domestic abuse may contribute towards an improvement in such responses in the future. The increase in rates of domestic abuse during the COVID-19 pandemic has been widely covered by the media, thus raising public awareness of the issues involved.

It is certainly the case that the pandemic has exposed and exacerbated pre-existing problems with the responses of both Northern Ireland and the Republic of Ireland to this issue. For example, in Northern Ireland, in June 2019 CJINI had identified a number of difficulties with the response of the criminal justice system to domestic abuse and made seven recommendations for improvement. These were problems which pre-dated the pandemic, and in April 2021 it was found that only one of these recommendations had been implemented, whilst four had been only partially achieved and one not implemented. It is certainly not sufficient to view a potential end to the pandemic as constituting a resolution to the issue of domestic abuse. Essentially, as was asserted in the joint statement issued by Women's Aid NI, along with a range of other bodies, in March 2021, 'we cannot return to "business as usual". We need a new approach, which equally protects all women and girls, and ends the societal inequalities that drive violence and abuse against them.' Likewise, in the Republic of Ireland, Safe Ireland commented, also in March 2021, that the pandemic and the associated impact on rates of domestic abuse have 'fully revealed the inadequate, siloed and

107 UN Special Rapporteur (n 32 above) para 3.

108 UN Special Rapporteur (n 33 above) paras [47]–[48].

poorly resourced way in which we are responding to coercive control generally, and domestic violence specifically.'¹⁰⁹

CONCLUSION

The COVID-19 pandemic is undoubtedly an unprecedented situation which caused intractable problems for governments worldwide, including in both jurisdictions on the island of Ireland. Until the COVID-19 vaccines were widely rolled out, the most effective way of preventing the spread of the virus was to keep people apart to as great an extent as was possible. A virus does not spread itself – it can only spread through the interaction of individuals and if such interaction is kept to a minimum, the transmission of the virus will also be minimised. This was of course the premise behind the lockdown measures which were implemented around the world, including in both jurisdictions on the island of Ireland. Until the vaccines were available, the most effective way to protect oneself from COVID-19 was to remain at home to the greatest extent possible. For the majority, home was thus the safest place to be for the duration of the pandemic. However, the paradox for those experiencing domestic abuse was that, while home may have been the safest place in relation to the COVID-19 pandemic, it was nevertheless the most dangerous place to be as regards the 'shadow pandemic' of domestic abuse, as was demonstrated by the increase in rates in domestic violence in both Northern Ireland and the Republic of Ireland. In both jurisdictions meritorious steps were taken during the pandemic to respond to the increased rates of domestic abuse. Similarities can be seen as between the two jurisdictions in relation to the responses adopted. For example, public awareness campaigns were implemented, and both the PSNI and An Garda Síochána responded in a pro-active and effective manner. Nevertheless, similarities can also be identified as regards the difficulties that remained, particularly in relation to levels of funding for support services.

There are certainly lessons to be learnt from the COVID-19 pandemic as regards the issue of domestic abuse. The fact that the pandemic has served to highlight the shortcomings of responses to this issue may contribute towards an amelioration in such responses in the future. As Safe Ireland stated, the pandemic offers society 'the greatest impetus' in decades to change responses to domestic, sexual and gender-based violence.¹¹⁰ The challenge for all states, including both jurisdictions on the island of Ireland, must now be to act on the lessons of the 'shadow pandemic' and work towards a common goal of combating domestic abuse.

109 Safe Ireland (n 102 above) 3.

110 Ibid.