

## JUSTICE RESPONSES TO DOMESTIC ABUSE DURING CORONAVIRUS

### BACKGROUND

Since the beginning of April 2020, the Centre for Justice Innovation has been monitoring the coronavirus response of eight common law jurisdictions across the world.<sup>1</sup> We have investigated and recorded the actions they have taken in the fields of adult criminal, youth and public family law during the pandemic in our covid-19 tracker.<sup>2</sup> We have now expanded our tracker to include justice system responses in these eight jurisdictions to combat domestic abuse.

### DOMESTIC ABUSE DURING THE PANDEMIC

#### *Findings*

Of the eight jurisdictions tracked, we found:

- **Concern about the possibility of an increase in the prevalence of domestic abuse due to lockdown measures.** Self-isolating with an abuser may increase the risk of harm, and victims may find it more difficult to access support or escape abuse.
- **Police forces in all jurisdictions report that they remain committed to responding to emergencies** as normal.
- **Widespread disruption to the support available to victims and witnesses.** In all jurisdictions, the majority of service provision has shifted to phone and online only, with helplines offering support and advice on immediate safety planning, filing for an order of protection, accessing safe accommodation, community resources and counselling. Safe accommodation and shelters remain open to victims;
- **All jurisdictions have prioritised domestic abuse cases within the courts.** Courts have reduced operations to only essential services and capacity for phone and audio hearings have been increased significantly, with the UK establishing a Remote Access Family Court to allow cases to go forward remotely. In all jurisdictions, child protection and family violence proceedings, such as orders of protection, are considered priority cases. Australia has enacted a national directive, known as the 'COVID-19 List'. This allows courts to fast-track urgent applications which are considered to have arisen directly as a result of Covid-19 that relate to child abuse, family violence, or risk of family violence;
- **Five jurisdictions have announced increased funding for frontline domestic abuse services.** England and Wales, Scotland, Ontario, Canada, and Republic of Ireland have pledged additional funding to ensure the continued delivery of vital services during the pandemic, while New Zealand has announced that frontline services would receive additional funding in the upcoming budget spread out over four years, due to increased pressure as a result of the crisis;

---

<sup>1</sup> Victoria, Australia; Ontario, Canada; England and Wales; New York State, USA; New Zealand; Northern Ireland; Republic of Ireland; Scotland.

<sup>2</sup> You can access the covid-19 justice tracker at: <https://justiceinnovation.org/covid19>

- **There is limited information regarding measures to supervise domestic abuse perpetrators in the community.** Across all jurisdictions, the majority of probation supervision is taking place via phone and video technology. In England and Wales, the National Probation Service issued guidance that doorstep visits will be the default option for offenders with domestic abuse issues, while the Probation Board for Northern Ireland is continuing to deliver domestic abuse programmes remotely. Despite concerns that stay-at-home measures will lead to a steep rise in domestic abuse incidents, there is little information available on how probation services are managing offenders with domestic abuse concerns on community supervision.

## CONCLUSIONS

Despite notable variations across jurisdictions in service provision, court operations and funding, the pattern in jurisdictions in the UK is similar to other countries: the shutdown of all but essential and urgent domestic abuse court hearings (usually, via the use of remote hearings) and significant reductions in frontline service provision.<sup>3</sup>

Of particular concerns to court services across the eight jurisdictions, there has been much discussion on whether court business will continue to be conducted remotely in the future, and concerns about what types of cases are appropriate for virtual hearings. This discussion is of particular importance for cases involving domestic abuse due to their sensitive and serious nature. Evidence from England and Wales<sup>4</sup> reveal a number concerns regarding victim participation in virtual hearings, giving examples of victims becoming distressed by hearings taking place in their home, and victims waiting on the phone line for the hearing to begin with the perpetrator being the only other person on the line. This is a pertinent issue, as the upcoming Domestic Abuse Bill enshrines in law the right of victims of domestic abuse to be eligible for giving evidence via video link in court.<sup>5</sup> **The Government should develop guidance on the use of virtual court hearings in domestic abuse proceedings that ensures a fair and appropriate process.**

Moreover, as jurisdictions emerge out of lockdowns, there ought to be **effective practice sharing between probation services in these jurisdictions around management of the risk of domestic abuse perpetrators under community supervision to capture lessons learned.** Due to the widespread reports of an increase in domestic abuse incidents, probation services should be encouraged to be transparent about their experiences of monitoring individuals, as well as the provision of intervention programmes while lockdown measures are in place, so all jurisdictions can ensure, should similar measures be taken in future, that lessons have been learned.

---

<sup>3</sup> Clinks (2020) Reduced service provision and continued uncertainty - how Covid-19 is impacting the sector: Available at <https://www.clinks.org/community/blog-posts/reduced-service-provision-and-continued-uncertainty-how-covid-19-impacting>

<sup>4</sup> NFJO (2020) Remote hearings in the family justice system: a rapid consultation (2020). Available here [https://www.nuffieldfjo.org.uk/app/nuffield/files-module/local/documents/nfjo\\_remote\\_hearings\\_20200507-2-.pdf](https://www.nuffieldfjo.org.uk/app/nuffield/files-module/local/documents/nfjo_remote_hearings_20200507-2-.pdf)

<sup>5</sup> Domestic Abuse Bill 2020, 96. Available here <https://publications.parliament.uk/pa/bills/cbill/58-01/0096/20096.pdf>