

# 'Shadow pandemic' of domestic violence

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At the onset of the pandemic, the number of calls into hotlines went down. “But that didn’t mean that suddenly domestic violence was declining. It meant that the opportunities to have a safe space to call or ask for help were limited,” said Marianna Yang. Credit: Kris Snibbe/Harvard University

Violence against women increased to record levels around the world following lockdowns to control the spread of the COVID-19 virus. The

United Nations called the situation a "shadow pandemic" in a 2021 [report](#) about domestic violence in 13 nations in Africa, Asia, South America, Eastern Europe, and the Balkans. In the United States, the *American Journal of Emergency Medicine* [reported](#) alarming trends in U.S. domestic violence, and the National Domestic Violence Hotline ([The Hotline](#)) received more than 74,000 calls, chats, and texts in February, the highest monthly contact volume of its 25-year history.

The Gazette spoke with Marianna Yang, lecturer on law and clinical instructor at the Family and Domestic Violence Law Clinic at WilmerHale Legal Services Center of Harvard Law School, about the crisis. The interview was edited for clarity and length.

## Q&A: Marianna Yang

**GAZETTE: The most recent statistics about domestic violence during the pandemic are worrisome. What do those numbers mean?**

YANG: In 2021, the United Nations published the report "Measuring the Shadow Pandemic: Violence Against Women During COVID-19." It said that since the pandemic, [violence](#) against women has increased to unprecedented levels. The *American Journal of Emergency Medicine* said that [domestic violence](#) cases increased by 25 to 33 percent globally. The National Commission on COVID-19 and [criminal justice](#) shows an increase in the U.S. by a little over 8 percent, following the imposition of lockdown orders during 2020. I don't have anything more specific for Massachusetts, but there is no reason to believe that we are any different from the rest. Domestic violence is prevalent everywhere.

According to all statistics I have seen from 2020–2021, domestic violence and [intimate partner violence](#) during the pandemic has

increased because the [risk factors](#) have increased with lockdowns and pandemic restrictions.

## **GAZETTE: What role did the pandemic play in the rise of risk factors for domestic violence?**

YANG: The increase in numbers really shows that there are unintended consequences to some of the lockdowns recommended by global health experts to address the pandemic. There are good reasons for lockdowns to protect public health, but we have to recognize the collateral and unintended impacts as well. That's not to say that we should not have lockdowns, but there must be more focus on the resources to address those secondary impacts as well. A lockdown increases the risk factors for domestic violence in multiple ways: there are more financial stressors because of income loss due to unemployment; there is also the loss of the ability to have breathing spaces for people who are in risky relationships. When people are working outside the home, interactions with their partner are limited to certain hours of the day, and the potential time for conflict is also limited. In a lockdown, not only do you take away those breathing spaces, but you also increase the dynamics where domestic violence can occur. Also, beyond that, during a lockdown, the ability to get help is limited because you don't have the private space to call somebody; you're isolated from your support system as a victim/survivor, and you can't access your family and friends, the people that you rely on. In all those facets and all those ways, the risk goes up for violence.

## **GAZETTE: How did the reporting of domestic violence incidents fluctuate during the pandemic?**

YANG: I do know that at the very beginning of the pandemic, the number of calls into hotlines were showing a decrease, but that didn't

mean that suddenly domestic violence was declining. It meant that the opportunities to have a safe space to call or ask for help were limited. As the restrictions were relaxed a bit, we saw an increase in the calls for help, but they could also mean that the situation might have escalated to a point where it would push someone to make calls they otherwise would not have before the pandemic.

Generally speaking, domestic violence and intimate partner violence are underreported, and that was before and during the pandemic. There are plenty of folks who, for many good reasons, do not reach out for help. Before the pandemic, there were two hashtags—[#WhyIStayed](#), [#WhyILeft](#)—which helped facilitate discussions around many of the reasons why people decide to stay or leave.

### **GAZETTE: In which other ways were domestic violence victims affected by the pandemic?**

YANG: I don't have direct access to information about shelters during the pandemic. I'm sure they remained open for the current residents, but I don't know whether they were accepting new residents. What I do know is that judges were less likely to grant motions like Motions to Vacate the Marital Home due to the pandemic restrictions. Although this didn't happen in any of my cases, there were anecdotes about judges being much less willing to consider those motions because of the inability of anyone to leave the house and go somewhere else. But in situations where there is clear violence, and the plaintiff can show imminent physical safety issues, judges must first and foremost consider the safety aspects of the plaintiff seeking a protective order. Judges handled restraining orders during the pandemic as emergency petitions, and the courts were open for those, but everything had to be remote and remote on a dime. There were situations where it was more difficult to provide evidence because documents or affidavits were usually filed

with the court and had to be filed in person. There were gaps in the court's systems during the pandemic, and understandably so, but that doesn't lessen the impact and hardships that the victims had to endure.

## **GAZETTE: How did the pandemic impact the services provided by the Family Law and Domestic Violence Clinic at HLS?**

YANG: By the time domestic violence victims get to us, it's several steps removed. The clinic has a partnership with the Passageway program at Brigham and Women's Hospital, which provides services directly to domestic violence clients, including safety planning. My understanding is that they've faced an increased number of clients seeking their assistance. Those who needed to seek restraining orders and address issues through the probate and family courts were referred to us to the extent that we could access the courts. Because of the court's closures, we provided increased levels of consultation and education around the law for when the clients could make a legal move.

Now that the courts are open again, what we're noticing, especially in the courts that we're practicing in, is that things are getting delayed a lot longer than they used to. Even if people can go to court, getting motions in a divorce case or getting custody and child support issues heard in front of a judge has taken months longer. Before the [pandemic](#), it took about 30 days for motion to be heard. These days, it takes two weeks or more just to get motions docketed and then another 30 or 60 days, if not more, after that. We're seeing a lot of chaos in terms of the workings of some of the courts; there are files that go missing and pro se litigants [those representing themselves] needing to get in front of the judges can't get through the bureaucracy of the courts.

The biggest hurdle has been the bureaucratic aspects of getting in front

of a judge. Minimizing that delay is now a much bigger part of our advocacy. We also need more legal aid and pro bono lawyers who understand that people who are in domestic violence situations are going through trauma. One of the best ways to support victims of domestic violence is to offer trauma-informed lawyering, which is another way to holistically support a client going through a difficult situation.

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