



Submission from Scottish Women's Aid to the UN Special Rapporteur on extreme poverty and human rights call for evidence

September 2018

Scottish Women's Aid (SWA) is the lead organisation in Scotland working towards the prevention of domestic abuse and plays a vital role in campaigning and lobbying for effective responses to domestic abuse. We provide advice, information, training and publications to our 36 member groups and to a wide variety of stakeholders. Our members are local Women's Aid groups, which provide specialist services, including safe refuge accommodation, information and support to women, children and young people.

Special Rapporteur visit - women's experience of extreme poverty

SWA welcomes the visit of the UN Special Rapporteur on extreme poverty and human rights, Philip Alston to the UK. We would welcome the opportunity to arrange a visit to one of our members providing support to women and children who have experienced domestic abuse and destitution. Under international human rights law, Governments are obliged to prevent violence against women and to respond when it occurs by ensuring victims' access to safety and justice. For women with insecure immigration status there is a significant failure to uphold these rights, legal protections and access to safety and support.

Women at particular risk are those who have no recourse to public funds or whose immigration status makes them ineligible for basic social protections such as social security and housing, this includes EEA citizens. Women in this situation are either, forced to return to their abusive partner, or to live in extreme poverty.

Establishing women's rights is a complex and lengthy process, requiring expert advice.¹Securing both immigration status and entitlement to benefits is often subject to misinformation and incorrect decision making which results in months of delay during which time the victim has no income to support herself and her children. This increases the risk of women being compelled to return to their abusive partner.²

¹ <http://rightsofwomen.org.uk/wp-content/uploads/2014/10/Domestic-violence-immigration-law-and-no-recourse-to-public-funds-.pdf>

² [http://www.cpag.org.uk/sites/default/files/EWS%20briefing%20EU%20migrants%20\(May%202015\).pdf](http://www.cpag.org.uk/sites/default/files/EWS%20briefing%20EU%20migrants%20(May%202015).pdf)



This violation of women’s fundamental rights was noted by the Committee on the Elimination of Discrimination Against Women (CEDAW) in its Concluding Observations on the UK’s Seventh Periodic Report, stating at paragraph 56:

“The committee recalls in its previous concluding observations (ibid., paras. 295 and 296) and remains concerned that, under the “no recourse to public funds” policy, women with insecure immigration status continue to have no access to State support. While noting that the State party has announced a concession for women who are victims of domestic violence, the Committee is concerned that the concession only applies to women who have entered the State party on spousal visas and this has the potential to trap women in violent relationships.”

The Committee recommended that the Destitute Domestic Violence concession be provided to all women who are subjected to gender-based violence and exploitation. That all women with insecure immigration status, including asylum seekers have the right to justice and health care, until they return to their countries of origin.³ To date there has been no progress to implement this recommendation.

In Scotland, SWA provided evidence to the Equality and Human Rights Committee of the Scottish Parliament’s inquiry into the destitution of people seeking asylum or with insecure immigration status.⁴ The Committee’s report recommended the Scottish Government create a destitution fund to mitigate the impact of restrictions on access to public funds for those with insecure immigration status and European Economic Area migrant women experiencing domestic abuse.⁵ The Scottish Government rejected this recommendation.⁶

While many Women’s Aid groups in Scotland have continued to try and raise additional funding to cover the cost of accommodating women with no entitlement to housing benefit and to provide funds to cover women and children’s basic needs such as food, fuel, clothing, nappies, toiletries, travel etc. This in no way meets the current levels of demand and with Women’s Aid services under increasing financial pressure many find it very difficult to accommodate women with insecure immigration status.

³ <http://www.edf.org.uk/blog/ehrc-submission-to-the-un-committee-on-the-elimination-of-all-forms-ofdiscrimination-against-women/>

⁴ <https://womensaid.scot/wp-content/uploads/2017/09/Scottish-Womens-Aid-submission-to-EHRiC-committee-inquiry-March-2017.pdf>

⁵ http://www.parliament.scot/S5_Equal_Opps/Reports/EHRiC_3rd_Report_2017.pdf

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http://www.parliament.scot/S5_Equal_Opps/Inquiries/Scottish_Government_Response_to_Hidden_Lives_New_Beginnings_20170721.pdf



Austerity - disproportionate impact on women

SWA in coalition with Engender and other women's and human rights organisations in Scotland, have highlighted how the cumulative impact of cuts to social security and the wider austerity agenda have a disproportionate impact on women. Since 2010, 86 percent of net 'savings' raised through the UK Government's austerity measures, cuts to social security and tax credits will have come from women's incomes.⁷

Women in the UK are twice as dependent on social security as men, partly because the majority of lone parents with children are women (92%), because women are more likely to be caring for their pre-school children full time, and more likely than men to work part time and to have lower hourly earnings.⁸

Many women who experience multiple inequalities are even more at risk from inadequate social security. Disabled women, older women, black and minority ethnic women, rural women, and refugee women have been impacted by the austerity policy in particular ways. Women are at greater risk of deeper and sustained poverty. In addition to meeting basic needs, economic inequality affects women's access to social and cultural participation.

In 2015, nine out of ten lone parents in Scotland were women. For lone parents, the losses due to social security and tax credit cuts are especially dramatic, they lose around £5,250 on average, equivalent to almost 19% of their net income. This rises to up to 25% for the poorest lone parents. The child poverty rate for children in lone-parent households is forecast to increase from slightly over 37% to slightly over 62% as a result of the austerity reforms, an increase of almost 25 percentage points.⁹

Black and minority ethnic women have also been disproportionately affected. The Women's Budget Group and the Runnymede Trust conducted a cumulative impact assessment of the changes to taxes, benefits and public spending since 2010 on Black and ethnic minority women. It found that Asian women stand to lose 19% of their income by 2020 (or £2,247 a year), almost twice the loss of white men in the same income group.¹⁰

There are specific social security and tax credit reforms which impact on women's rights these include:

⁷ Engender (2016) Securing Women's Futures: Using Scotland's New Social Security powers to Close the Gender Equality Gap 4

⁸ <https://www.equalityhumanrights.com/sites/default/files/progress-on-socio-economic-rights-in-great-britain.pdf>

⁹ Equality and Human Rights Commission (2018), 'The cumulative impact of tax and welfare reforms'. Available at: <https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-tax-and-welfare-reforms>

¹⁰ <http://wbg.org.uk/news/new-research-shows-poverty-ethnicity-gender-magnify-impact-austerity-bme-women/>

Two-child tax credit limit

The limitation of child tax credits and universal credit to the first two children in each family is projected to drive a further 200,000 more children into poverty, and will affect approximately 510,000 families in 2019-20. Data from August 2017 demonstrates the disproportionate impact this has had on lone mothers. Of the 68,247 households affected by the benefit cap, 78% (53,502) were single claimant households. Of these single claimant households, 90% (48,436) were female.¹¹

The 'rape clause'

Provisions within the Welfare Reform and Work Act 2016 allow for exemptions to the two-child limit. These include multiple birth, adoption, kinship carer and non-consensual conception. This later exemption, commonly known as the 'rape clause' forces women to disclose intimate personal details of sexual violence, to the Department of Work and Pensions, in order to obtain financial support for that child.

The exemption raises serious issues about women's rights to private and family life under Article 8 of the European Convention on Human Rights. In April 2017 the Equality and Human Rights Commission wrote to the Minister for Employment:

"This exception, which purports to prevent women from being penalised, requires, in our view, invasive reporting requirements of intimate details. Children who may not be aware that they were born of rape may well become aware through this process and through the creation of a record. We consider there to have been a failure to fully consider the impact of the implementation of this exemption, including the potentially traumatic process for having eligibility assessed and the risk of re-traumatisation upon survivors of rape."

Universal Credit

There are numerous problems with both the design and delivery of Universal Credit (UC) that cause and worsen poverty. A fundamental issue for women's equality is the single household payment of UC. Income and other resources are often not controlled or shared equally within the household, which is a significant factor in women's economic inequality.¹² In the case of couples, Universal Credit is paid as a single payment for the household into a bank account nominated by the couple at the outset of the claim.

¹¹ 1 Hudson-Sharp et al., (2018), 'The impact of welfare reform and welfare to work programmes: an evidence review'. EHRC.

¹² Joseph Rowntree Foundation. (2014). *Poverty through a gender lens: Evidence and policy review on gender and poverty*.



This practice does not account for the fact that financial decision-making takes place within the context of gendered power dynamics. The majority of jointly awarded “out of work” social security programs are claimed by men, and assumptions that couples own, access and control joint bank accounts on an equal basis are unfounded.¹³

In recent research, the EHRC found that for couples, the assumption about which partner receives the UC payment is crucial for the pattern of results.

“If we assume a 50/50 split of UC between partners, women in the bottom decile of income distribution stand to lose around £1,450.306. If we assume that UC is paid to the partner with the highest weekly earnings in every couple, (the male partner in around four-fifths of couples in our dataset), women’s losses average around £3,650, while men stand to gain just over £1,000.”¹⁴

This raises serious concerns for women’s equality and economic independence. The implementation of the single household payment of Universal Credit returned the UK to the “male breadwinner model”, which prioritises the needs of men, compromises women’s safety, and creates power imbalances within households. Particularly where women experience domestic abuse, research suggests that 89 percent of all women who are abused by a partner experience financial abuse as part of domestic abuse.¹⁵

Every woman is entitled to an independent income, and it is within the remit of the UK Government to provide women with the financial resources necessary to realise their human rights, including the right to food, security and housing.

The Scottish Government, under the provisions of the Scotland Act 2016, has the power to split payments of Universal Credit. A Scottish Government consultation in 2016 found overwhelming support for the automatic split payment of Universal Credit.¹⁶ Split payments of UC were unanimously supported at Stage 3 of the Social Security (Scotland) Act 2018. It is vital that the Scottish Government develop a timescale for introducing split payments and that the UK Government engage positively and quickly with the Scottish Government to cost and negotiate the IT changes needed to roll out automatic split payments of UC.

¹³ Women’s Budget Group. (2011). *Welfare Reform Bill 2011: Universal Credit Payment issues*. 87% of jobseekers allowance claims from someone with a partner, or a joint claim, are from a male claimant, and around 65% of income support claims that include a dependent partner are by men. Some 81 per cent of guarantee pension credit claims in couples are made by men.

¹⁴ Equality and Human Rights Commission (2018), ‘The cumulative impact of tax and welfare reforms’.

¹⁵ Engender. (2015). *Gender Matters in Social Security: Why we need individual payments of Universal Credit*.

¹⁶ Scottish Government. (2017). *Analysis of Written Responses to the Consultation on Social Security in Scotland*.



Child Poverty

The links between women's access to income and child poverty are well established.¹⁷ As a result of the austerity measures outlined above poverty rates after housing costs for lone mothers in Scotland fell in 2010-11, but have increased since, reaching 37 percent in 2014-15.¹⁸

As highlighted earlier, income and other resources are often not controlled or shared equally within the household.¹⁹ Economic dependency is particularly acute in households where women experience domestic abuse:

Mothers experiencing domestic violence are more likely to become lone parents, less likely to be earning independently, and more likely to report their families getting into financial difficulties, with family incomes sometimes withheld from the victim and child as part of a pattern of abuse. All of this...places their children at greater risk of suffering poverty.²⁰

There is evidence to suggest that spending on children is linked to benefits that are labelled for that purpose. Until the advent of Universal Credit, child tax credit was paid to the main carer. However, the respective elements of Universal Credit are not separately itemised within the overall payment. Women who qualify for child elements of Universal Credit face restricted transparency and control over budgeting for their children. This could be addressed in split payment of Universal Credit which allocates entitlements related to children to the main carer.

Brexit

We are concerned that the UK's withdrawal from the EU may mean that future equality and human rights protections from the EU are not binding in UK law and that existing ones may be removed. Employment rights and funding for women's services are areas of particular concern.²¹

EU settlement scheme

Following Brexit, EU citizens will need to provide evidence that they have lived here for 5 years, providing a record of their housing, employment, education, residency history, over this time

¹⁷ Women's Budget Group. (2005). *Women and children's poverty: Making the links*.

¹⁸ Scottish Government. (2015). *Poverty and Income Inequality in Scotland*.

¹⁹ Joseph Rowntree Foundation. (2014). *Poverty through a gender lens: Evidence and policy review on gender and poverty*.

²⁰ Women's Budget Group. (2005). *Women's and Child's Poverty: Making the Links*.

²¹ <https://www.equalityhumanrights.com/sites/default/files/pressing-for-progress-womens-rights-and-gender-equality-in-2018-pdf.pdf>



period. For many women who are more likely to have child care responsibilities and an interrupted employment history this will be difficult. Women who have experienced domestic abuse are doubly disadvantaged from being able to meet these requirements, due to the coercive and often financially controlling behaviour of the abuser; women are discouraged or prevented from working, or engaging in education. Once they have left an abusive partner they may well become homeless, be moved through a series of temporary accommodation arrangements and be unable to provide documentary proof of their residency. It is critical that women in this situation are not further penalised but supported to make this process, and their entitlement to live in the UK, accessible and inclusive.

Contact

Jo Ozga
Policy worker
Scottish Women's Aid
132 Rose Street
Edinburgh EH1 3RP

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