



Human Rights Check **UK**

Call for Evidence

In April/May 2017, the United Kingdom will be examined for the third time by the United Nations on our human rights record under the Universal Periodic Review. Civil society organisations have the opportunity to contribute to the United Kingdom's examination by providing evidence to the UN about the human rights situation on the ground.

Human Rights Check UK is gathering information and evidence from groups across the United Kingdom which will form part of a joint civil society shadow report. You can provide information and evidence in three ways:

1. Complete the form online at: <https://www.bihr.org.uk/hrcheckyoursay>
2. Send the completed form to submissions@bihr.org.uk
3. Print and send the completed form by post to:

Human Rights Check UK
c/o British Institute of Human Rights
School of Law
Queen Mary University of London
Mile End Road
London
E1 4NS

If you would like this form in another format, please contact us at submissions@bihr.org.uk.



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About Welsh Women's Aid

Welsh Women's Aid is the national charity in Wales working to prevent domestic abuse and all forms of violence against women and ensure high-quality services for survivors that are needs-led, gender-responsive and holistic.

Established in 1978, we are an umbrella organisation that represents and supports a national federation of 23 local independent charities delivering specialist domestic abuse and violence against women prevention services in Wales, as part of a UK network of provision. These specialist services constitute our core membership, and they provide lifesaving refuges, outreach, and community advocacy and support to survivors of violence and abuse - women, men, children, families - and deliver innovative preventative work in local communities. We also deliver direct services including the Welsh Government funded Live Fear Free Helpline; a National Training Service; refuge and advocacy services in Colwyn Bay and Wrexham; and the national Children Matter project which supports local services to help children and young people affected by abuse and to deliver preventative STAR group-work in every local authority in Wales.

We have been at the forefront of shaping coordinated community responses and practice in Wales, by campaigning for change and providing advice, consultancy, support and training to deliver policy and service improvements for survivors, families and communities. As a national federation, our policy work, consultancy, training and advocacy is all grounded in the experience of local specialist services and service users. Our success is founded on making sure the experiences and needs of survivors are central to all we do.

1. What human rights issues are of concern to you and your organisation?

You may want to include information on how the issues came about, when the issues were of concern or whether they are still of concern, and who was affected. You may also want to include information on any obstacles or challenges you and your organisation faced in dealing with these issues.

Violence against women is a violation of human rights. Yet here in Wales (and the UK) violence against women is still a common occurrence. The 'Is Wales Fairer' report by the Equality and Human Rights Commission¹ outlined that violence against women is a key challenge that Wales is facing, and evidence² also shows that violence against women is increasing across both Wales and England compared to other violent crime types which are decreasing. Preventing and tackling violence against women is a broad but very essential area which needs to be acted upon to ensure that human rights are protected and accessible.

Austerity and cuts have seen those most vulnerable in our society being further disadvantaged. Funding for specialist services has been cut due to reductions in national

¹ <https://www.equalityhumanrights.com/en/publication-download/wales-fairer-report>

² <http://bjc.oxfordjournals.org/content/early/2016/01/31/bjc.azv131.full>



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budgets. This cut to funding has resulted in the loss of expertise and also smaller localised services, who are not only experts in providing support for those who have experienced any form of violence against women, but also experts in their local areas and area need. It is anticipated that these cuts to services will lead to an increase in violence and abuse, and an increased demand for service provision³. UK Government's austerity policy is disproportionately impacting women, and especially women who are being, have been or are at risk of being abused.

In addition, other changes to welfare and benefits have had a direct impact on those women and children who have experienced or are experiencing abuse. LASPO reforms, specifically cuts to Legal Aid, has limited women's right to accessing to justice. Rights of Women found that 40% of women are being denied access to legal advice and representation in family law proceedings⁴. It is important to note that whilst there is no government data on the impact the LASPO reforms have had on the access to justice, Welsh Women's Aid and our member services, amongst others, have seen the adverse impact this reform is having. Schedule 1 of the reforms specifically excludes those who are involved in private family law issues including divorce and child contact arrangements from receiving Legal Aid. Whilst there is an exception if a person is experiencing domestic abuse, it does not appear to be protecting those most in need. An applicant for legal aid must prove that they are a victim of domestic abuse, which is proving to be problematic due to the nature of abuse that many face. Financial abuse and coercive control further increases barriers to helpseeking and restricts women's access to justice, and monetary thresholds are too high for many women e.g. they are refused legal aid if they have a joint mortgage, but are unable to sell the property or access their money.

One consequence of this is that vulnerable women are being forced to represent themselves due to not being able to access Legal Aid and also not being able to access the funds needed to pay legal specialists. This has meant many have faced perpetrator intimidation and manipulation whilst seeking protection through the courts.

The UK Government has passed legislation to criminalise forced marriage and female genital mutilation (FGM), however there is no evidence of a reduction in those who are experiencing, have experienced or are at risk of experiencing one (or both) of these and perpetrators are not being held to account by the state, for these crimes. Research has also suggested that by criminalising these practices, those who have experienced or are at risk of experiencing FGM or forced marriage are unlikely to seek support due to the fear of their families being criminalised, and the repercussions this may bring⁵. This is a concern which Welsh Women's Aid and our members share. This suggests there needs to be a significant shift in focus from prosecution to protect, support and education for those who are experience, are at risk of experiencing or who have experienced these types of abuse.

³ CEDAW Shadow Report, Women's Resource Centre, 2013

⁴ <http://rightsofwomen.org.uk/wp-content/uploads/2014/09/Evidencing-domestic-violence-V.pdf>

⁵ <http://rightsofwomen.org.uk/wp-content/uploads/2016/02/Creating-a-clear-pathway-for-practice.pdf>



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The UK benefit framework has faced many reforms, one of which is the way benefits will be paid to claimants. One change is that there will be a single payment per household. This is particularly concerning for Welsh Women's Aid and our members. Women who experience abuse face significant barriers when trying to leave, including financial barriers and barriers relating to housing. The impact of joint payments under Universal Credit is likely to further harm women who are being abused. Refuge found that 89% of women faced financial abuse within their abusive relationships⁶. This system makes it easier for financial abuse to occur (it is likely that payments will be made into the perpetrators bank account). The UK Government has outlined that those who are experiencing domestic abuse will be able to access single payments, however to access separate payments there must be a disclosure of abuse to JobCentre staff. The very process of accessing separate payments alerts the perpetrator of abuse to the fact that a disclosure has been made. Engender in Scotland, alongside several other Scottish Organisations have produced a report which outlines the discrimination that this UK Government framework will cause to women and the increased risk which abused women are likely to face⁷. The points raised in this report are equally applicable in Wales. Joint Universal Credit payments will have a detrimental impact on those in already abusive relationships and disproportionately to women in general.

Another human rights issue which concerns Welsh Women's Aid is the impact that No Recourse to Public Funds (NRPF) is having on women who are or who have been abused. Women who have NRPF are often unable to access the support and services they need in order to escape abusive relationships and other forms of violence against women such as forced marriage. These women are then given the choice of either accepting abusive practices or becoming homeless and destitute⁸. The Home Office introduced the Domestic Violence Destitution Fund in order to prevent this from happening, however research shows how it is failing to provide the intended protection due to the high threshold of evidence required and also the bureaucracy of the process⁹.

An issue linked to Legal Aid also involve the human right of children. Rights of Women found that 61% of women sought legal advice and representation in relation to child contact, "However, the multiple responses demonstrate that respondents had a range of family law issues on which they required legal advice and representation in the aftermath of domestic violence". Women's Aid Federation of England conducted a research report into 19 child homicides, where children were killed by a parent who was also a perpetrator of abuse. These parents had all been granted contact with the child (formally or informally). Women's Aid Federation of England found that whilst the "*blame for these killings lies with the perpetrators...we have concluded that these cases demonstrate failings that need to be*

⁶ Refuge (2008) *What's yours is mine: The different forms of economic abuse and its impact on women and children experiencing domestic abuse*

⁷ <http://www.engender.org.uk/content/publications/A-Widening-Gap---Women-and-Welfare-Reform.pdf>

⁸

<http://www.wmp.org.uk/documents/wmp/WSMP%20Info/Uncharted%20territory%20violence%20against%20migrant%20refugee%20and%20asylum%20seeking%20women%20in%20Wales.pdf>

⁹

<http://www.wmp.org.uk/documents/wmp/WSMP%20Info/Uncharted%20territory%20violence%20against%20migrant%20refugee%20and%20asylum%20seeking%20women%20in%20Wales.pdf>



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addressed to ensure that the family courts, Child and Family Courts Advisory and Support Service (Cafcass), children's social work and other bodies actively minimise the possibility of further harm to women and children¹⁰.

Welsh Women's Aid shares concerns around safe child contact and the way in which public bodies are prioritising a perpetrator's right to family life over child safety, which in the most extreme cases has led to a denial of the right to life. In lesser cases, it has led to children being exposed to an increased risk of abuse. One of our member services told us that decision makers are increasing risk to those who are already vulnerable. For example, a survivor of domestic abuse recently relocated away from the perpetrator; the family court Judge ordered that the mother (survivor) must share new address and telephone number with the father (perpetrator), as they claimed the abusive must maintain contact.

2. What steps have been taken since to improve the situation?

Wales passed a new piece of legislation to tackle and prevent violence against women in Wales entitled the "Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015". The legislation has been praised worldwide and is a huge step towards preventing and tackling violence against women. Whilst it is too early to comment on its implementation at this stage, we do have concerns that the Act does not require a sustainable funding model for ensuring specialist services continue to support survivors of abuse, which places the specialist support available for survivors at increased risk of closure, if not addressed. In addition, Wales also adopted the UN Convention on the Rights of the Child in 2004.

The Welsh Government has also passed the "Wellbeing of Future Generations (Wales) Act 2015", is about improving the social, economic, environmental and cultural well-being of Wales. Public bodies listed in the Act are required to act and make decisions with long term impacts in mind, work better with people and communities and internally, and look to prevent problems from occurring.

We note that the UK does not have a unified strategy to implement CEDAW in the UK. There are, however, violence against women and equality strategies in Wales, England, Scotland and Northern Ireland. It is positive that each nation has its own strategy but there is a need to have a joint strategy in order to stop disparity between countries and also to offer a joined up approach to service provision. Many women escaping violence tend to cross borders to keep themselves and their children safe. This needs to be recognised in the UK's approach to tackling and preventing abuse in this context.

The time limits for Legal Aid evidence has also been increased which will allow more women who have been or are in abusive relationships to access legal advice and representation, however this move will not protect the right to access justice for all women who are or have experienced abuse.

¹⁰ <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2016/01/Child-First-Nineteen-Child-Homicides-Report.pdf>



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3. What do you think the government should be doing on this issue?

This includes the UK government, the Scottish and Welsh government if relevant, and any other public bodies such as local authorities or the police.

Human rights, inequality and violence against women are not mutually exclusive. In order to prevent violence against women the inequality which causes it must be addressed in all areas of the UK.

Wales and the rest of the UK need a shift in the way we protect women from violence. A key way in which to do this is by prioritising prevention and protection, in addition to prosecution and other measures that hold perpetrators accountable. One way in which the Government (both UK and Wales) can address this is to have healthy relationship education in all educational settings. This will teach future generations about what is acceptable or not in relationships and promote equality by encouraging a move away from assigned gender roles.

In addition, organisations and bodies who provide a service to the public should also receive training which addresses both violence against women and inequality. Those organisations should also be held to account if they fail, for example in the cases outlined in the Nineteen Child Homicides report (above).

As outlined in the answer to the first question, many of the reforms actioned by the UK Government have had a disproportionate effect on women. Equality impact assessments should be utilised to insure that Government (and other public bodies) do not enforce policies and laws which have detrimental impacts based on protected characteristics. Welsh Women's Aid also would call on the UK Government to ratify and uphold the Istanbul convention and also CEDAW. Despite ratification of CEDAW in 1986, there are still several areas which are not enforced across the UK, including Wales. Linked to this issue is the need for responsibility for upholding human rights to be clearly outlined by UK Governments and devolved areas, without shifting responsibility between countries, as happens the NRPF issue (outlined above). Survivors of abuse have the right to have their human rights to be recognised and upheld, regardless of their immigration status; human rights are for all, not just those who governments deems worthy.

4. If you could tell the government one thing about human rights, what would it be?

Violence against women is a violation of fundamental human rights, which is rooted in inequality. Each of these areas need to be acted on in order to promote a positive change for those in our society who are experiencing, have experienced or are at risk of experiencing violence and abuse.



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5. Your Details

Your Name: Karan Sanghera

Your Organisation: Welsh Women's Aid

Contact E-mail Address: karansanghera@welshwomensaid.org.uk

Please check the boxes representing the geographical area which your organisations works in:

- England
- Scotland
- Wales
- All of Great Britain

If acting on behalf of an organisation or organised group please check the box to confirm that you have the necessary authority to submit this form.