



# Engender Submission of Evidence for the Social Justice and Social Security Committee Violence Against Women and Girls (VAWAG) and Domestic Violence Thematic Session

3 March 2022

## ABOUT ENGENDER

Engender is Scotland's feminist policy and advocacy organisation. Our aspiration is for a Scotland where women and men have equal access to rights, resources, decision-making and safety. We welcome this opportunity to participate in a thematic discussion on violence against women and girls and domestic abuse and ahead of the meeting have outlined here our current work in this area for the Committee. Engender does not provide violence against women services but works across a number of relevant policy domains.

## ENGENDER'S WORK ON VIOLENCE AGAINST WOMEN

### 1. Violence against women is cause and a consequence of women's inequality

Men's violence against women is a cause and a consequence of women's inequality, as recognised by Scotland's Equally Safe strategy.<sup>1</sup> This affirms the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which defines violence against women as 'gender-based violence against women', stressing that the social causes of violence against women and girls are rooted in male entitlement, privilege and the exercise of male control and unequal power relations, which gives license to acts of violence against women.<sup>2</sup>

Preventing and eradicating violence requires serious action to secure women's social, economic and cultural equality and the rights of women and girls. UN Women has

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<sup>1</sup> Scottish Government and COSLA (2018) Equally Safe. Available at: <https://www.gov.scot/policies/violence-againstwomen-and-girls/equally-safe-strategy/>.

<sup>2</sup> UN General Assembly (1993) UN Declaration on the Elimination of Violence against Women. Available at: <https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx>.

estimated that the impact of Covid-19 for women's equality could mean the loss of 25 years' worth of progress, and Scotland is not immune.

Measures to respond to the pandemic have disproportionately affected women's access to paid work - especially that of younger women and women of colour - and the volume of care that women provide.<sup>3</sup> Risk factors for women experiencing men's violence including poverty, housing insecurity and unemployment have all been exacerbated over the last two years. Referral rates across different support and advocacy organisations have fluctuated significantly, with increasing demand for support as lockdown ended.<sup>4</sup> Scottish Women's Aid services have reported difficulties in securing 'key worker status' for employees which has in some cases added to an already under-pressure service.

Equally Safe has clearly recognised the gendered nature of all forms of violence against women. It provides a framework for planning and delivering services, as well as allowing for the development of services that are tailored to suit the differing needs of women and men affected by violence and abuse. Equally Safe entrenches a bold, feminist analysis which must now be matched by boldness of action to realise its ambitions and the social change that the full diversity of women and girls in Scotland need.

## **2. Our Bodies Our Rights; Violence Against Disabled Women and Girls**

In November 2018, Engender published *Our Bodies, Our Rights: Identifying and removing barriers to disabled women's reproductive rights in Scotland*. Our research showed a correlation between disabled women's lack of reproductive control and an increased risk of sexual violence, abuse and coercion. Pervasive discrimination, negative attitudes, lack of knowledge and poor access to services feed into this. For instance, some young disabled women report that the experience of stigma around disability makes them more likely to accept a partner who might mistreat them.<sup>5</sup>

The extent of violence against disabled women in Scotland is not known, but one small-scale survey conducted in Glasgow showed that 73% of participating disabled

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<sup>3</sup> Engender (2021) Engender and Close the Gap Joint briefing on the impact of Covid-19 on young women. Available at < <https://www.engender.org.uk/content/publications/Close-the-Gap-and-Engender-Joint-briefing-on-the-impact-of-Covid-19-on-young-women.pdf> >

<sup>4</sup> Scottish Government (2020) Coronavirus (COVID-19): domestic abuse and other forms of violence against women and girls during Phases 1, 2 and 3 of Scotland's route map (22 May to 11 August 2020). Available at: [gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2020/09/coronavirus-covid-19-domestic-abuse-forms-violence-against-women-girls-during-phases-1-2-3-scotland's-route-map-22-11-august-2020](https://gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2020/09/coronavirus-covid-19-domestic-abuse-forms-violence-against-women-girls-during-phases-1-2-3-scotland's-route-map-22-11-august-2020)

<sup>5</sup> United Nations General Assembly (2017) Sexual and reproductive health and rights of girls and young women with disabilities

women had experienced domestic abuse and 43% had been sexually assaulted.<sup>6</sup> Studies from elsewhere in the UK find that disabled women are up to twice as likely to experience sexual violence and partner abuse as non-disabled women.<sup>7</sup>

A review of international evidence highlighted both the extent of the problem globally and the need for an increased focus on disabled women's safety in Scotland:

- Reported rates of sexual violence among disabled women range from 51% - 79%;
- 90% of learning disabled women have been subjected to sexual abuse, with 68% experiencing sexual abuse before turning 18;
- 20% of disabled women have experienced unwanted sex compared to 8.2% of non-disabled women.<sup>8</sup>

For many women, reporting sexual violence leads to investigation and medical procedures that are intrusive, inaccessible and traumatic. Disabled women may be especially disinclined to report sexual abuse because of discrimination and negative assumptions related to their impairments, communication barriers, or lacking equipment and specialist knowledge required to meet their needs. Women who took part in *Our Bodies, Our Rights* discussed both routine sexual health screening and examination experiences, and experiences of sexual violence. Disabled and learning disabled women encounter additional barriers to justice and support, including negative assumptions, limited knowledge and understanding relating to their impairments and communication barriers. Many health settings lack specialist equipment, such as hoists, and specialist clinical skills that may also restrict access to forensic examination services.

Experiencing domestic abuse often compromises access to health services, with specific implications in terms of reproductive and maternal health for disabled women. Over 30% of domestic abuse begins during pregnancy and can escalate for those in existing abusive relationships, with hugely damaging impacts on maternal and infant health.<sup>9</sup> Women in abusive relationships and disabled women are more likely to have delayed access to maternity services, which is particularly concerning given that disabled women can be susceptible to particular pregnancy complications.<sup>10</sup>

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<sup>6</sup> Wise Women (2015) *Daisie project: violence against disabled women survey*

<sup>7</sup> ONS (2018) *Women most at risk of experiencing partner abuse in England and Wales: years ending March 2015 to 2017*; Balderston (2013) *Victimised again? Intersectionality and injustice in disabled women's lives after hate crime and rape*

<sup>8</sup> United Nations General Assembly (2017) *Sexual and reproductive health and rights of girls and young women with disabilities*

<sup>9</sup> SafeLives (2016) *A cry for health: why we must invest in domestic abuse services in hospitals*

<sup>10</sup> Breckenridge et. al (2014) *Access and utilisation of maternity care for disabled women who experience domestic abuse: a systematic review*

### 3. Misogyny and harassment of women

Women in Scotland are not yet adequately protected from misogynistic behaviours. Sexualised and misogynistic harassment happens to the majority of women, costs time, money and energy to avoid, makes women and girls fearful and affects their use of public space and leisure time, and constrains women and girls' behaviour and opportunities. It causes a direct harm to victims and communicates harm or risk to other women and girls who witness or hear it. While there are large data gaps on prevalence, available studies confirm the anecdotal picture:

- The 2014 Fundamental Rights Agency survey on violence against women identified that 64% of women in the UK have avoided places or situations for fear of being physically or sexually assaulted in the 12 months prior.<sup>11</sup>
- ActionAid reported in 2016 that more than half (53%) of women in Great Britain had experienced some form of harassment within the last month, and that almost half (43%) had done so at the age of 18 or younger.<sup>12</sup>
- A 2021 study from Girlguiding UK found that 83% of 17- and 18-year-olds and 59% of girls aged 13 to 16 have suffered some form of harassment. Just over a quarter (27%) of all girls and young women have experienced unwanted attention or stalking.<sup>13</sup>
- More than half of women have experienced some form of sexual harassment in the workplace, with one quarter experiencing unwanted touching, and one fifth of women experiencing unwanted sexual advances.<sup>14</sup>

The Scottish Government has convened an independent working group to consider the most effective legal and other responses to misogynistic harm. This work is a rare and critical opportunity to craft ambitious and meaningful tools to target serious acts of misogyny and communicate that Scotland takes a gendered and robust approach to violence against women. This includes opportunities to develop a fit-for-purpose approach that recognises the scale and harm such harassment causes without undermining existing work to prevent and respond to violence against women as a gendered harm. An ineffective criminal justice approach to misogynistic harm however risks communicating to women that only some violence against women is motivated by gendered factors and / or that a small number of designated crimes that are successfully prosecuted accurately represents the scale of the problem of misogyny in

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<sup>11</sup> Fundamental Rights Agency (2014) Survey on violence against women in EU (2012). European Union Agency for Fundamental Rights Available at: <https://fra.europa.eu/en/publications-and-resources/data-and-maps/surveydataexplorer-violence-against-women-survey>.

<sup>12</sup> ActionAid UK (2016) Nearly three in four women were harassed in past month. ActionAid UK Available at: <https://www.actionaid.org.uk/latest-news/three-in-four-women-uk-world-harassed-in-last-month>.

<sup>13</sup> Girlguiding UK (2021) It happens all the time. Available at: [https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girlguiding-research-briefing\\_girls-experiences-of-sexualharassment\\_june2021.pdf](https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girlguiding-research-briefing_girls-experiences-of-sexualharassment_june2021.pdf).

<sup>14</sup> TUC (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016.

Scotland. Engender is represented on this group, but the information in this briefing represents our views and analysis only.

Any changes to criminal law to respond to misogynistic harms must also be accompanied by intensive culture-change work aimed at men's entitlement to public space, power and women's physical and mental attention.

Engender is also currently undertaking research into sexual harassment in the workplace and developing a suite of recommendations for Scottish Government and governmental bodies.

#### 4. Support for women's services

The Scottish Government has made additional funding available for national and local services over the course of the pandemic<sup>15</sup> however existing funding is insufficient to provide a comprehensive service to all who need it. In recent years Women's Aid groups have therefore been increasingly reliant on grants to supplement inadequate local and national government funding. Emergency funds are not a substitute for a sustainable funding model for specialist domestic abuse services.

Effective and consistent service responses are crucial to keep women experiencing violence and abuse safe across Scotland. Our 2021 Manifesto – Vision for a Feminist Recovery<sup>16</sup> – highlights that to see the principles of Equally Safe implemented in the everyday practice of the Scottish workforce, training and workforce development approaches must incorporate the need to eliminate the systemic gender inequality that lies at the root of violence against women and girls. There is currently no nationally agreed requirements or guidance for the level or quality of VAWG training staff receive, the national picture is inconsistent and not all training adopts an Equally Safe-aligned, gendered analysis.

There is a need to protect funding for women's organisations and support services, including ring-fenced funding to resource violence against women advice and support services. In terms of tackling misogyny, work to implement the Working Group's recommendations should begin as swiftly as possible. There is a need to develop appropriate training for criminal justice actors in order to identify and respond to gendered harms including misogynistic harassment. Implementation and resourcing are key to not only the success of these measures, but to the wider Equally Safe agenda.

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<sup>15</sup> Scottish Government (2020) Support for victims of domestic violence during COVID-19 outbreak. Available at [gov.scot/news/support-for-victims-of-domestic-violence-during-covid-19-outbreak/](https://gov.scot/news/support-for-victims-of-domestic-violence-during-covid-19-outbreak/)

<sup>16</sup> Engender (2021) Vision for a Feminist Recovery. Available at <https://www.engender.org.uk/content/publications/Vision-for-a-feminist-recovery---Engender-manifesto-for-the-Scottish-Parliament-Election-2021.pdf>.

## 5. Human rights

Violence against women is a human rights abuse. Violence against women remains at epidemic levels, operating as a shadow pandemic whilst Covid-19 related measures have been implemented, restricting access to support and exacerbating the enabling conditions for perpetrators of abuse. Women's exposure and risk of falling into poverty or deeper poverty has increased due to restrictions on the sectors where women's labour is concentrated because of occupational segregation, because of mounting care, childcare and home-schooling and domestic work that has largely fallen to women, and because of pre-existing income precarity.<sup>17</sup>

Women in Scotland continue to face significant barriers to equality and the realisation of their fundamental human rights. The Gender Equality Index sets a baseline score for women's equality at 73 out of 100 (100 being 'full equality'), which masks deeper inequality experienced by different groups of women. Disabled women, women from black and minority ethnic (BME) communities, LGBT women, younger and older women, migrant, refugee, asylum-seeking and stateless women, low-income women, women with minority faiths, unpaid carers, care experienced girls and women, and women in rural areas all experience gender inequality in particular ways that are not fundamentally taken into consideration by policymakers in Scotland and the UK.

Engender therefore has warmly welcomed the Scottish Government's intention to incorporate CEDAW, in addition to ICESCR, the Convention on the Elimination of All Forms of Racial Discrimination (UNCERD), the Convention on the Rights of Persons with Disabilities (UNCRPD) and other rights in a new Human Rights Bill in this parliament. This would give CEDAW visibility and greater power as an advocacy and litigation tool – however effective incorporation would also need to be supported by other legal and soft law measures, such as the Scottish Specific Duties for the Public Sector Equality Duty, in order to prevent violations of rights and progress the realisation of gender equality.

Engender foresees four immediate cross-cutting benefits of incorporation of CEDAW:

- The significantly improved visibility of CEDAW and the rights it protects;
- Enhanced accountability for women's rights including the possibility that any woman can access a remedy for a breach of her rights in her local court;
- Rights could be better delivered without litigation because of requirements for public sector bodies to better embed substantive equality and the detailed jurisprudence spanning the full treaty articles into policy and practice;

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<sup>17</sup> Engender (2020) Gender and Unpaid Work: The Impacts of Covid-19 on Women's Caring Roles. Available at: [https://www.engender.org.uk/content/publications/1594974358\\_Gender--unpaid-work---the-impact-of-Covid-19-on-womens-caring-roles.pdf](https://www.engender.org.uk/content/publications/1594974358_Gender--unpaid-work---the-impact-of-Covid-19-on-womens-caring-roles.pdf).

- As the overarching aim of incorporation would be to avoid litigation, effective incorporation would require the legislature's enhanced vigilance regarding compliance.

At the last reporting cycle for the UK in 2019, the CEDAW Committee made the following recommendations of particular note for violence against women policy in Scotland:

- Access to justice for victim-survivors of rape, sexual assault and domestic abuse;
- Better intersectional gender-disaggregated data;
- Ratification of the Istanbul Convention;
- Decriminalising women in prostitution;
- Improving sex and relationship education;
- Repealing the two-child limit (family cap) on Universal Credit and other reserved benefit.<sup>18</sup>

While action on a number of these recommendations has been seen, others have been slow or are yet to be explored by policymakers. In addition, as we highlighted in our recent submission to the CEDAW Committee as part of its focused follow-up, Covid-19 has exacerbated many of the trends that prevented women from accessing their human rights and has delayed action addressing the concluding observations. The UK Government has to date shown no interest in incorporation of CEDAW and has additionally delayed its ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) since signing in 2012, a further barrier to protection of women's equality and safety.

## 6. Social Security

In the realm of social security, the Scottish Government has committed to introducing individual payments of a Universal Credit Award using devolved flexibilities. However, since the commitment was made in 2019 progress towards delivering individual payments has been slow. Accepting the complexities of negotiation with the DWP and the impacts of the pandemic, many, many more households have been exposed to UC through natural migration. Rates of Universal Credit applications doubled over the course of 2020<sup>19</sup> and as a result, significantly more women are affected by the single household payment and other aspects of the 'welfare system' such as the two-child

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<sup>18</sup> Engender (2019) CEDAW UK Examination: annotated concluding observations. Available at: <https://www.engender.org.uk/content/publications/Engender-annotated-concluding-observationsformatted.pdf>.

<sup>19</sup> UK Government (2021) Universal Credit statistics, 29 April 2013 to 8 July 2021: Available at <https://www.gov.uk/government/statistics/universal-credit-statistics-29-april-2013-to-8-july-2021/universal-credit-statistics-29-april-2013-to-8-july-2021>

limit,<sup>20</sup> all of which have severe consequences for women's human rights and poverty levels, and therefore exposure to men's violence.

The single household payment undermines gender equality by reflecting an antiquated notion of a single (male) breadwinner who controls household expenditure as the default. Clearly, this does not reflect the way income is paid in the labour market and seems antithetical to the UK Government's intention that UC smooth the transition between unemployment and work. Women have described how the single household payment makes it impossible to leave an abusive partner. Women cannot claim UC before they leave the home without alerting their partner. Some people have been refused an advance during the five-week wait if there is an amount outstanding from a previous advance. While women staying in refuge will be exempt from the benefit cap, it will be applied to women moving into other temporary or permanent accommodation and can leave people having to decide between paying the rent or buying food.

Research undertaken on behalf of the Joseph Rowntree Foundation shows that there is clear evidence of a link between poverty and domestic abuse although there are significant methodological limits in understanding the exact connections.<sup>21</sup> The report further notes that domestic violence and abuse can leave women more vulnerable to poverty when leaving a partner because of the lower earnings capacity of single parents but also because of ongoing financial abuse by their ex-partner. The cumulative assessment of tax welfare reform undertaken by the Equality and Human Rights Commission in 2018 showed that lone parents (9 in 10 of which are women) had been one of the most affected groups in terms of net cuts, losing around 25% of their net income, or one pound in every four, on average.<sup>22</sup> Surviving Economic Abuse reported in 2021 that 17% of women who accessed benefits and have experience of financial abuse said that because of the perpetrators' actions since the start of the pandemic their financial situation had worsened.<sup>23</sup>

An exemption to the two-child limit applies where a child was conceived of as a result of rape or in a controlling or coercive relationship. Woman cannot access the exemption while living with a perpetrator. Women must provide evidence from an approved person set out in guidance that includes health care professionals, social workers or other approved persons. Engender and other women's organisations

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<sup>20</sup> Sefton, T, Monk-Whinstanley, R and Howes, S (2020) No one knows what the future can hold. Available at: <https://cpag.org.uk/sites/default/files/files/policypost/No-one-knows-what-the-future-can-hold-FINAL.pdf>.

<sup>21</sup> E. Fahmy et. al. (2018) Evidence and policy review: Domestic violence and poverty. Available at: [https://research-information.bris.ac.uk/ws/portalfiles/portal/128551400/JRF\\_DV\\_POVERTY\\_REPORT\\_FINAL\\_COPY\\_.pdf](https://research-information.bris.ac.uk/ws/portalfiles/portal/128551400/JRF_DV_POVERTY_REPORT_FINAL_COPY_.pdf)

<sup>22</sup> EHRC (2018) The Cumulative Impact of Tax and Welfare Reforms. Available at: <https://www.equalityhumanrights.com/sites/default/files/cumulative-impact-assessment-report.pdf>

<sup>23</sup> Surviving Economic Abuse (2021) Cost of Covid. Available at: [https://survivingeconomicabuse.org/wp-content/uploads/2021/04/SEA-Cost-of-Covid-Report\\_2021-04.pdf](https://survivingeconomicabuse.org/wp-content/uploads/2021/04/SEA-Cost-of-Covid-Report_2021-04.pdf)

describe the exemptions as an affront to women’s dignity and human rights, and in Scotland have refused to work as approved persons. Women who do not meet the criteria for any of the exemptions to the two-child limit will not receive additional amounts in their benefit for any third subsequent children born after April 2017.<sup>24</sup>

Engender continues to call for reforms to the social security system to enhance equality and safety for all women while looking at immediate additional support for women who are experiencing domestic abuse.

**FOR FURTHER INFORMATION**

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**ABOUT US**

Engender is Scotland’s feminist policy and advocacy organisation, working to increase women’s social, political and economic equality, enable women's rights, and make visible the impact of sexism on women and wider society. We work at Scottish, UK and international level to produce research, analysis, and recommendations for intersectional feminist legislation and programmes.

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<sup>24</sup> CPAG (2021) It Feels as Though My Third Child Doesn't Matter. Available at: <https://cpag.org.uk/policy-and-campaigns/report/it-feels-though-my-third-child-doesnt-matter>