

**Scottish Women's Aid & Rape Crisis Scotland
Joint Briefing – 25/04/2017**

“To collude in this policy would compromise the trust that survivors put in our services. Beyond this, the idea that a third party is required to verify what women are telling the government about their own lives feeds into a number of harmful rape myths- not least that women lie about rape. If survivors do choose to access our support it should be a free and positive choice, not one borne out of fear of poverty or destitution.”

– Megan, Local Rape Crisis Worker

Introduction

Scottish Women's Aid and Rape Crisis Scotland are fundamentally opposed to both the family cap, and the associated rape clause. Ahead of the introduction of these policies at the beginning of April, we announced that we would not and could not collude by acting as third party reporters for the Department of Work and Pensions.

We welcome Tuesday's debate as an opportunity to provide further detail on our position, and we also welcome the cross-party condemnation this policy has received in Scotland.

Context

As of April 2017 Child Tax Credit entitlement is limited to two children, denying women financial support for any subsequent children with limited exceptions. One such exception, the 'rape clause' requires that should a third or subsequent child be born of rape, a woman must fill out a form and attain third party verification to be eligible.

Reliant on a third-party reporting system, this policy would put local Women's Aid and Rape Crisis groups in a position where they must certify to the Department of Work and Pensions (DWP) that a child had been born of rape or coercion in order for women to receive appropriate benefits.

Our position:

After careful consideration both Scottish Women's Aid and Rape Crisis Scotland decided that we were unable to support this policy by acting as a third party.

- 1) We are in no doubt that this policy will inflict harm on rape survivors, by removing their control over whom and when they speak about their experience. This control is known to be a critical element in a woman's recovery from rape, removing this control risks re-traumatising women.
- 2) Acting as third party verifiers would fundamentally change the relationship our services have with women. We trust women. We trust what they tell us, we recognise their experience and we support them to come to terms with their trauma in whatever way we can. To serve as 'verifiers' for women to be able to receive financial support would compromise this stance, and that is something we are not willing to do.
- 3) The additional eligibility requirement that women must not still live with their partner in order to claim ignores the prevalence of rape within the context of domestic abuse, and is particularly blind to the restriction and control of contraception as a tactic of control and abuse.

- 4) The policy seeks to restrict women's basic reproductive rights, contrary to Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women.
- 5) Independent analysis by the Child Poverty Action Group (CPAG) and the Institute for Public Policy Research (IPPR) has shown that the two-child benefit policy will push another 200,000 children below the poverty line.

Additional concerns:

- 1) There has been no training for staff working on the Department of Work and Pensions Tax Credit helpline, who may be required to respond to victim-survivors disclosing rape, potentially for the very first time. The reaction women receive to initial disclosures can shape and influence the rest of their recovery, this is unacceptable.
- 2) There are many, significant unanswered questions about how this disclosure might be understood and used by other actors in the benefits and criminal justice system. If a woman later goes to police with a rape charge, will failure to apply for the exemption be seen as evidence that she is lying about the rape? What will disclosing that information mean for the child?
- 3) There are serious concerns about the intersectional impact of these cuts. Evidence from the [Women's Budget Group](#) shows that large families are hit hardest by these cuts and amongst these families Asian families are overrepresented. This means that compared to white families, Asian families are relatively worse hit, with '16,000 or 18% cut in their living standard compared to £13,000 or 14% cut for large white families.'
- 4) The impact of this policy across the four nations affected has not been considered, most notably in Northern Ireland where the 'duty to report' serious crimes would obligate services to report a woman's experience to the Police, tying her up in legal action that she did not consent to being part of. We cannot understate the possible harm this could inflict on women.

More information:

Our opinion piece published in The National on the day the policy came into force can be found [here](#).

The Equality and Human Rights Commission have written to Damian Green to express their concerns about this policy in relation to human rights. Read this [here](#).

Details of the policy can be found [here](#).

Engender Scotland's response to the government consultation can be found [here](#).

Rape Crisis Scotland's response to the government consultation can be found [here](#).

Scottish women's organisations appeal to the House of Lords can be read [here](#).

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