1. Introduction

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.

We welcome the Equality and Human Committee’s focus on the delivery of national equalities and human rights priorities as part of its scrutiny of the Scottish Government’s Budget for 2020-21.

2. Inquiry questions

2.1 What are the key public policy areas where individuals and protected groups are struggling to access their rights?

Domestic abuse prevents women, children and young people from fully enjoying all of their rights. Domestic abuse violates human rights under international law because it denies women their rights, including the right not to be treated in an inhuman and degrading way; the right to respect for private and family life (including the right to physical and psychological integrity); and the right to life. Domestic abuse and associated forms of violence against women such as rape and sexual violence and forced marriage deny these basic rights in themselves. Human rights are further denied if public services do not respond to such abuse; if laws do not protect women from it; if policies do not prevent it; if services don’t respond to meet women and children’s needs and if specific funding is not identified and allocated to enforce these rights.

Equally Safe the Scottish Government’s strategy to eradicate and prevent violence against women and girls states, “We need to eliminate the systemic gender inequality that lies at the root of violence against women and girls, and we need to be bold in how we do that through prioritising a relentless focus on prevention.”

SWA contributed to Engender’s shadow report to the UN CEDAW Committee’s examination of the UK, which details a range of areas in which women’s rights have yet to be realised in Scotland. These include violence against women and girls, homelessness, access to justice, employment, childcare, women’s
reproductive health, social care, destitution of migrant women, women’s representation in public life as well as the lack of adequate data collection and gender mainstreaming.²

2.2 Which groups of people are most likely to be affected and why?

SWA has previously submitted evidence to the Equality and Human Rights Committee Inquiry into Destitution, Asylum and Insecure Immigration Status in Scotland. Our submission highlighted the failure of the state to uphold the rights of women 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, where women are either, forced to return to their abusive partner, or to live in extreme poverty.³ 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.”

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.⁴ For lone parents, (92% of which are women) the losses due to social security and tax credit cuts are especially dramatic, as a result the poverty rate for children in lone-parent households is forecast to increase from 37% to over 62% ⁵ Women who experience multiple inequalities are even more at risk from inadequate social security and deeper and sustained poverty.⁶

Social security and tax credit reforms such as the two-child tax credit limit and the ‘rape clause’ exemption and single household payment of Universal Credit (UC) specifically target women. The rape clause exemption raises serious issues about women’s rights to private and family life under Article 8 of the European Convention on Human Rights. Data from August 2017 demonstrates the disproportionate impact the two-child limit 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.

The single household payment of UC undermines women's equality and economic independence. Income and other resources are often not controlled or shared equally within the household, which is a significant factor in women's economic inequality. 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.

The UN Special Rapporteur on extreme poverty and human rights, Philip Alston, in his report to the United Nations following his visit to the UK in 2018 stated:

“Given the structural disadvantages faced by women, it is particularly disturbing that so many policy changes since 2010 have taken a greater toll on them. Changes to tax and benefit policies made since May 2010 will by 2021–2022 have reduced support for women far more than for men. Reductions in social care services translate to an increased burden on primary caregivers, who are disproportionately women. Under UC, single payments to an entire household, which are the default arrangement, can entrench problematic and often gendered interpersonal dynamics, including by giving control of payments to a financially or physically abusive partner.”

2.3 What type of public sector funding (European, national or local) is provided to your organisation to support vulnerable groups and those with protected characteristics to access public services?

SWA is currently funded by the European Commission (EC) to do a multi-national project to Improve Justice in Child Contact processes in domestic abuse cases. This is the latest in a long series of important cross-border pieces of work funded by the EC to support innovation and encourage the spread of good practice on violence against women and children in member states. Needless to say, Brexit will end that resource and, likely, the linkages with other countries that are so important to developments in Scotland.

SWA receives funding from the Scottish Government to progress outcomes in the Equally Safe Strategy. These funds reflect limited commitments to support policy, advocacy, and strategic service development in the areas of equalities, criminal justice, children and young people, and housing. Whereas SWA appreciates that funding from those areas has been made available on a longer cycle (2-3 years) than previously, the funding picture remains fragmented. Significant areas of government—economic policy, health, education, employability and fair work, for
example—have evidenced little or no interest in a strategic commitment to ending women’s disadvantage and thereby domestic abuse. The lack of budget-setting processes that cross portfolios remains a huge stumbling block to realizing policy intentions at the national level.

Our members, Women’s Aid groups working across Scotland apply for and receive funding from both national and local government to provide a range of frontline support service for women and children experiencing domestic abuse.

2.4 Is the level of public sector funding provided enough to deliver national priorities and better outcomes for people and communities, please provide evidence?

The Equally Safe (VAWG) Fund is one of the few specific funds reserved within the Scottish Budget designated for activity to progress women’s equality and rights. This provides financial support for frontline services, prevention activity and initiatives, which build capacity in local partnerships to strengthen responses to VAWG. It includes the work of national VAWG organisations such as Scottish Women’s Aid, Rape Crisis Scotland and Zero Tolerance. As well as local Women’s Aid support services for women and children, local Rape Crisis services and other local specialist provision. The current Equally Safe funding stream comes to an end in June 2020 and it is not yet clear what will replace it. The Scottish Government review of frontline services is unlikely to have been completed by that date.

Women’s Aid groups in Scotland receive the majority of their funding from local authorities and the Scottish Government. Over the last ten years, Women’s Aid groups have become increasingly unable to rely on these sources to provide adequate funding to meet demand for their core support services, due to a steady increase in demand for services alongside repeated cuts, freezing of funding, and insecure contracts. The proportion of overall funding from these sources that Women’s Aid groups are using to run their core services has dropped considerably in the last ten years (Figure 1.)
In 2009/10 Women's Aid groups reported that 60% of their funding was provided by local authorities and 40% by the Scottish Government. By 2017/18 this had reduced to 44% from local authorities and 23% from the Scottish Government. In 2017/18 89% of Women’s Aid groups reported a reduction or standstill in their funding (i.e. a real term cut).

Women’s Aid services have had to increasingly source other forms of funding for core support services. This funding ranges from charitable bodies to local community fundraising. It is inherently problematic that Women's Aid services have to rely on temporary, often ad-hoc funding sources for long-term work, and that already-stretched staff resources must then be directed into often time-consuming funding applications. This in turn, has a direct impact on those seeking support.

Local authority decision-making often compounds the insecurity of Women’s Aid service funding, through the short-term nature of contracts for services, and the tendering of domestic abuse services in the area. In 2017-18, over a fifth of Women’s Aid groups in Scotland were providing services without having a contract or service level agreement with their local authority. Of the Women’s Aid groups that do have a contract with their local authority, almost two thirds of them are on one-year contracts.

At the same time there has been a consistent increase in demand for support services, with 85% of Women’s Aid groups now operating a waiting list for at least one of their services, with some carrying waiting lists of up to 6 months. There has
been a particularly stark increase in the waiting list times for refuge spaces across Scotland, with over half of Women’s Aid groups reporting a waiting list for this service in 2017-18.

2.5 Are there public funding challenges for the third sector; if so what would be the implications for delivering equalities and human rights outcomes?

While preventing VAWG is a national priority with a strategic approach based on addressing women’s inequality – this often fails to translate into a gendered analysis within the budget or for women’s equality to be mainstreamed across portfolios. The Scottish Women’s Budget Group (SWBG) response to the draft budget of 2018-19, states that;

“The draft Budget, like budgets before it, lacks gender competence. Good intentions do not take the place of appropriate, informed, and evidenced analysis of need and spend before budgets are constructed. The failure to use tools such as gender budgeting force the budget process into a post hoc defensive response. Using public monies to address structural flaws in our economy, spend, and revenue generation and ensuring robust incorporation of gender budgeting in specific portfolios would build capacity and analytic infrastructure.”

The SWBG response goes onto provide as an example of this the Scottish Government’s response to homelessness.

“Women and their children suffer homelessness in significant numbers. Their risk for homelessness and the choices women make to keep their children housed and safe are inextricably linked with women’s economic dependence, enforced by structural and systemic elements of Scotland’s economy. These experiences are very often framed by women’s experiences of domestic and sexual violence. Indeed, thousands of women and children in Scotland are forced into homelessness by domestic abuse every year.

As in pretty much all areas of Scotland’s budget, women’s experiences of homelessness are fundamentally different from men’s, especially women with children. Unfortunately, the government’s current approach to homelessness lacks gender analysis, with no recognition of the gendered dimensions of homelessness and the structural conditions that shape women’s routes into and out of homelessness. The focus on rough sleeping and temporary accommodation prioritises areas of homelessness where women and children are least likely to be visible.”

Civil society organisations such as Women’s Aid services are funded by the same public authorities that they – as human rights defenders - have to hold to account in respect of the human rights of the women and children they represent. This creates
particular challenges for smaller local services where there is a significant imbalance of power, funding is precarious and there is a lack of long-term contractual arrangements. There are very limited means by which frontline service providers can effectively and independently challenge public sector funders.

2.6 What changes could be made to improve accountability for national priorities being delivered by the public sector in partnership with the third sector?

We support the SWBG and Engender’s call for gender budget analysis of the Scottish budget process to advance gender equality and progressive realisation of women’s rights. Gender budget analysis must happen at every stage of the budgeting process; be integrated into financial planning throughout the year; be complemented by parallel accountability mechanisms and monitoring and evaluation. 13 Parliament would then have a key role in scrutinising this process, ensuring competent gender equality analysis is carried out across policy portfolios and holding government to account.

1 Scottish Government (2018) Equally Safe Scotland’s strategy for preventing and eradicating violence against women and girls
9 Women’s Aid (2015) Unequal, Trapped and Controlled
12 ibid
13 https://gendermatters.engender.org.uk/