

Senedd Cymru  
Y Pwyllgor Materion Allanol a  
Deddfwriaeth Ychwanegol  
Ymadael â'r Undeb Ewropeaidd:  
Paratoadau yng Nghymru ar gyfer  
diwedd y cyfnod pontio  
EAAL(5) EUP04  
Ymateb gan Cymorth i Ferched Cymru

Welsh Parliament  
External Affairs and Additional  
Legislation Committee  
Exiting the European Union:  
Preparedness in Wales for the end of  
the transition period  
Evidence from Welsh Women's Aid

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# Welsh Women's Aid Briefing: Violence against Women, Domestic Abuse and Sexual Violence and Brexit

## Overview

There is still uncertainty surrounding how the UK will exit the European Union. One outcome which is highly likely regardless, unless steps are taken now to prevent it, is that women will be disproportionately and detrimentally impacted.

## Key concerns

Welsh Women's Aid is very concerned about the far-reaching impact of Brexit on survivors of Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) in Wales such as:

Increasing poverty rates for women, putting them further at risk if they are living with or moving on from violence and abuse

Financial hardship common for women post separation<sup>1</sup>

The threat to EU women's rights to public services if they are unable to apply for EU settled status

The threat of the loss of basic human rights that EU legislation has progressed and protected, as uncertainty remains over the future of the Human Rights Act.

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<sup>1</sup> The Economics of Abuse, S Davidge and L Magnusson, page 4 <https://www.womensaid.org.uk/wp-content/uploads/2019/03/Economics-of-Abuse-Report-2019.pdf>

It is vital that Welsh Government delivers a positive post-Brexit agenda for women and girls and commits to protecting and supporting all survivors of VAWDASV. Welsh Women's Aid will continue to ask for assurances around the protection of services and resources and making recommendations to secure the protection of Welsh and EU migrant women who rely on such services for safety, and often for lifesaving support.

## Human Rights Act

The Human Rights Act is a vital act in UK law, which incorporates the European Convention on Human Rights into UK domestic law. It includes:

- 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)
- The right to life.

### Why the Human Rights Act is important for protecting survivors of VAWDASV:

The Act has been used to hold police forces, for example, to account over failings relating to violence against women, such as domestic homicides, rape and so-called honour-based violence

The Act is currently the only piece of legislation available to allow agencies advocating for survivors to challenge the police and offer women a legal route to bring a claim in UK law.

While the UK Government has a policy intent to address all forms of violence against women, it has said its intention is to repeal the Human Rights Act in favour of a British Bill of Rights, uncertainty remains about what this will look like and whether this will further water down women's rights in the UK post-Brexit.

## Funding

Welsh Women's Aid has been calling for the Welsh Government to fulfil the commitment to secure and sustainable funding for the Welsh specialist VAWDASV sector, under the Violence Against Women Domestic Abuse and Sexual Violence (Wales) Act 2015.

Long before the COVID-19 pandemic we have demonstrated<sup>234</sup> these services are often unable to support all survivors, because of limited resources. The pandemic has magnified these issues and shone a light on existing gaps and failures in the system.

## The Impact

The security of the specialist sector in Wales will also be under threat when the country is no longer part of the EU. Between 2014-2020, the EU pledged £9.13 billion in Structural Funds to the UK. Wales receives approximately £370 million of this Fund annually and this sum has been vital for the maintenance of women's services. However, the Shared Prosperity Fund that will act as its' replacement is £730 million less. This is not only a concern for maintaining specialist VAWDASV services but also for wider community services. If these services are cut there will be less opportunities for survivors to disclose, leading to escalation of abuse, later access to support and greater complexity of cases. This in turn will put additional burden on specialist services that are already struggling to meet need. Promises were made during the EU referendum that Wales would 'not lose a penny' if the UK left the EU. These campaign statements must now be actualised with post-referendum guarantees that survivors will not be detrimentally affected by any potential Brexit outcome.

We are concerned about the cumulative impact, of both COVID-19 and the effects of exiting the EU, on an already stretched sector. Sustainable funding for the specialist VAWDASV sector will be vital to ensuring *all* survivors can be supported.

## Economic Impacts

Welsh Government analysis shared with the sector suggests possible increases in the cost of living, including increased cost for food and energy. This will have impacts on services as well as survivors during and post abuse.

### The impact

Increased pressure on resources is likely to enable and/or intensify economic abuse. We are likely to see increased economic abuse due to resources being limited, enabling further control, reduced financial capacity for survivors to leave an abusive partner as well as impacting on their ability to move on and build a life free from abuse.

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<sup>2</sup> <https://www.welshwomensaid.org.uk/wp-content/uploads/2018/02/State-of-the-sector-report-2016-FINAL.pdf>

<sup>3</sup> <https://www.welshwomensaid.org.uk/wp-content/uploads/2017/12/WWA-State-of-the-Sector-2017-ENG.pdf>

<sup>4</sup> <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/01/State-of-the-Sector-2018-Eng.pdf>

Services that have had no increase in funding to reflect a rise in costs or have lost funding, could mean they will struggle to pay energy bills for their service properties. It will impact on staff as increased living costs on already low wages will leave them unable to maintain their current standard of living. This is likely to lead to a number of trained and experienced staff leaving the profession in order to obtain higher wages elsewhere. This is already a problem in the sector with the current lack of sustainable funding, the impact of further cost increases and cuts in funding and resources could be devastating to the retention of staff and the maintenance of current provision levels. This inevitably will have a knock-on impact on survivors as services will be limited in what they are able to provide, resulting in increased waiting lists and survivors being turned away from services due to lack of capacity or resources.

## EU Migrant Women

Welsh Women's Aid is concerned that EU migrant women may find their rights restricted and removed post-Brexit as well as facing restrictions on the application process for 'settled status' which will become compulsory for all non-Irish EU citizens. Women impacted by VAWDASV are at greater risk of failing to access their settled status in the context of coercive control, where perpetrators can further their oppression by preventing women from proving their residency and using their immigration status to further control and isolate their partners. This will exacerbate the concerns Welsh Women's Aid already has, about the status of women from outside the EU, who have no recourse to public funds and therefore are often face significant barriers to accessing specialist violence against women support.

We also have concerns surrounding access to existing financial support, and how restrictions may disadvantage women who find themselves without the right to public resources because they have been unable to access the EU Settlement Scheme. Survivors with NRPF can apply for a Domestic Violence Destitute Concession, which gives them the access to public funds for 3 months whilst they make visa applications and arrangements. However, a lack of eligibility prevents many survivors from accessing this concession.

Welsh Women's Aid membership data from 2017/18 and 2018/19 show that only a total of 11 survivors were eligible for the DV Destitute Concession; 6 in 2017/18 which was 30% of all survivors with NRTPF supported, and 5 in 2018/19 which accounted for only 17% of all NRTPF survivors.

### The impact

Women experiencing violence and abuse who have an insecure immigration status or whose status is dependent on their partner face additional barriers to help seeking when attempting to exit. This approach is being aided by the hostile environment that many migrant women have reported frequently experiencing in

immigration checks with healthcare, housing and education services.<sup>5</sup> This cohort of women also face barriers to accessing protection, support and specialist services, because of a lack of funding within the sector. Welsh Women's Aid are concerned that this situation will worsen post-Brexit, as potentially more women will face losing their rights to public resources.

The EU has been instrumental in progressing protections for women. We are concerned that leaving the EU will lead to a regression of those rights and protections and Welsh Women's Aid urges UK and Welsh Government to outline their plan to protect women against these negative implications.

## Recommendations

Welsh Women's Aid makes the following recommendations to the Welsh Government:

- Develop a fund that can be used to support survivors with No Recourse to Public Funds and insecure immigration status
- Ensure that all survivors of abuse will have access to funds in Wales to help them to safely access the support they need by creating a fund that survivors (or the specialist sector) can access to support all women with insecure immigration
- Urge UK Government to overturn plans to repeal the Human Rights Act, recognising it is a vital tool in the quest for justice for women impacted by violence and abuse
- Urge UK Government recognises women living with domestic abuse as a 'vulnerable' group in terms of accessing the EU Settled Status. We ask UK Government to clarify what support they will provide women who are living with abuse to apply for settled status
- Urge UK Government to abolish No Recourse to Public Funds.

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<sup>5</sup> <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/FINAL-living-in-a-hostile-environment-for-Web-and-sharing-.pdf>