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3rd March 2021

Re: Independent Human Rights Act Review (IHRAR) - Call for Evidence

To whom it may concern,

Cambridge Women's Aid (CWA) has been providing specialist services to survivors of domestic abuse since 1977. Currently, we provide safe refuge and tailored community support to survivors of abuse living in Cambridge city, South Cambridgeshire and East Cambridgeshire. In the last year, we have supported over 500 women to regain control of their lives after being subjected to abuse.

We welcome the opportunity to submit a response to the Independent Human Rights Act Review (IHRAR) call for evidence. We note that the questions outlined in the call for evidence are focused on how the law might be changed, and do not ask how effectively it is working already. We feel it is vital that we share the difference the Human Rights Act (HRA) has made for survivors of domestic abuse and other forms of Violence Against Women (VAWG), and the services that support them, which must inform any review of the HRA.

Why the Human Rights Act is important for survivors and VAWG services

Domestic abuse, and other forms of VAWG, are violations of human rights and a form of discrimination against women. These crimes are deeply rooted in the societal inequality between men and women. As a domestic abuse charity, Cambridge Women's Aid strongly believes that the Human Rights Act (HRA) is a critically important means for addressing injustice and inequality that impact women and children experiencing domestic abuse and other forms of violence against women. The European Court of Human Rights has made it clear that domestic abuse can fall within the scope of Articles 2, 3, 8 and 14¹ and that a state can be held to be in breach of those rights if they have not taken sufficient steps to protect survivors from abuse. Therefore, the HRA provides a number of opportunities to address the inequalities and injustices faced by survivors of abuse:

- **Empower survivors and advocates to raise concerns with public bodies and services.** Survivors of domestic abuse face many barriers to getting the help they need, including discrimination and gatekeeping by statutory agencies. For example, in 2019-20 Women's Aid's No Woman Turned Away project supported a 104 (42.8%) women who had contacted a housing team, and at least 32 of these (30.8%) were prevented from making a valid homelessness application². Furthermore, 63 (25.9%) women supported by the project had

¹ Article 2: right to life

Article 3: freedom from torture and inhuman and degrading treatment

Article 8: respect for private and family life, home and correspondence

Article 14: protection from discrimination in respect of the rights and freedoms in the convention.

² Austin, J. (2020). 'No Where to Turn'. Available: <https://www.womensaid.org.uk/wp-content/uploads/2020/06/Nowhere-to-Turn-2020.pdf>. Women's Aid Federation of England.

contacted social services while searching for a refuge space; and the responsible teams failed to meet their obligation to safeguard women and children in at least 18 (28.6%) of those cases³. The HRA empowers survivors and support services to challenge such public bodies and advocate for the support they are entitled to.

- **To support our campaigning efforts to improve support for survivors.** As a frontline service, we are all too aware of the scale of change needed to fully meet survivors' needs and ensure their wellbeing and safety. The HRA supports our campaigning efforts to call for these changes needed in practice, policy and law; and a framework to challenge proposed laws or policies which could jeopardise the human rights of survivors and their children.
- **Protects survivors' rights and places duties on national and local government and services, which the courts can independently review.** Government and public authorities do not always get things right in their response to domestic abuse and VAWG, and this results in survivors being unable to access their rights to safety, protection and support. The HRA provides a framework to challenge these injustices and hold public bodies accountable, including police failings and in the family courts⁴. The HRA has been used to bring cases against individual police forces when they have failed in VAWG cases, and has required them to change the way they work in response to VAWG. For example, the high profile John Worboys case, in with The High Court concluded that the Metropolitan Police's failings amounted to a clear breach of the women's human rights.⁵ Whilst of course we would far rather that legal action is not required to ensure women can access their rights, the reality of women's experiences suggests otherwise – and the HRA is an essential protection in this regard.
- **Examples of how we have used the rights and duties in the Human Rights Act:** As a member service of Women's Aid Federation of England (WAFE), the HRA has helped support a number of key legal challenges driven by the needs of survivors and WAFE's national network of frontline services. This has included a legal challenge on the bedroom tax, which went to the European Court of Human Rights – who ruled in 2019 that *'the UK Government had unlawfully discriminated against vulnerable victims of domestic violence'*⁶. WAFE has also used the Human Rights Act as a critical backstop where legal and policy reforms, or practice by public bodies, are undermining survivors' human rights. Recently this has included intervening in the case of *R (on the application of FB) v London Borough of Camden*, where a female survivor of domestic abuse was placed into a mixed-sex homelessness hostel which did not meet her needs and exposed her to further trauma. The case has resulted in the local authority reviewing their process for homelessness applications under the Housing Act 1996, Part VII, and the use of mixed gender accommodation under s.188 Housing Act 1996 – resulting in practical benefits for survivors.

³ Austin, J. (2020). 'No Where to Turn'. Available: <https://www.womensaid.org.uk/wp-content/uploads/2020/06/Nowhere-to-Turn-2020.pdf>. Women's Aid Federation of England.

⁴ Birchall, J. and Choudhry, S. (2018). *What about my right not to be abused? Domestic abuse, human rights and the family Courts*. Women's Aid Federation of England and Queen Mary University. Available: <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2018/05/Domestic-abuse-human-rights-and-the-family-courts-report.pdf>

⁵ Ofer, N (2017). *'Violence against women and girls: Protecting women's human rights and holding the state to account'*. End Violence Against Women Coalition and Southall Black Sisters. Available: <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Human-Rights-Act-report-Oct-2017.pdf>

⁶ Matrix Law (2019). *European Court of Human Rights rules against United Kingdom in 'Bedroom Tax' case*. Available here: <https://www.matrixlaw.co.uk/news/european-court-of-human-rights-rules-against-united-kingdom-in-bedroom-tax-case/>

We wish to note that specialist domestic abuse and VAWG services often rely on the rights and duties in the HRA in a preventative way – reminding public bodies of their duties to women and children escaping abuse, and preventing a case from reaching the courts.

We are deeply concerned about any changes the UK Government might make to the Human Rights Act that will result in less protection of rights. Society is too often failing survivors of domestic abuse and VAWG, and to weaken a framework (the HRA) which allows survivors to challenge these failings would be a deeply worrying development.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Sophie Meuwissen', written over a horizontal line.

Sophie Meuwissen
Project Coordinator
Cambridge Women's Aid