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15 June 2013

**Glasgow Disability Alliance Submission to CEDAW on the United Kingdom**

Glasgow Disability Alliance is a Disabled People’s Organisation based in Glasgow, the largest city in Scotland. With over 2000 disabled members, GDA has the largest groundswell of disabled members in the UK.

In June 2013, we engaged with over 700 disabled people at our events, asking our members what their priorities were and what was most affecting them in their lives. Over 95% of the disabled women at our engagement events listed the impact of welfare reform as their top priority.

We believe that the way the UK Government is implementing welfare reform is having a significant and vastly disproportionate effect on disabled women. The UK Government is not considering the impact on disabled women in its policies on welfare reform: it is failing to introduce any measures to ensure that the rights of disabled women are respected or upheld.

**The impact of welfare reform on the human rights of disabled women**

Professor Alan Miller, Chair of the Scottish Human Rights Commission in evidence to the Scottish Parliament, stated that:

*‘The Commission is concerned that a number of the measures will have a deleterious and retrogressive effect on the enjoyment of human rights.’*

Glasgow Disability Alliance have heard evidence repeatedly from our membership and from our day to day work with disabled people that welfare reform is regressing their rights to independent living i.e. to live in their own homes with the support they need, with choices equal to others and participate fully in the life of their communities and wider life opportunities (Article 19, UNCRPD).

The regression of human rights being conducted against UK citizens in the name of welfare has a disproportionate and exponential impact on disabled people. Layers of systemic oppression and barriers which already existed for disabled people are being further compounded by gender, race, sexual orientation, the class system, and underlying social deprivation in large parts of the UK – particularly Glasgow, one of the poorest places in Western Europe.

There are over a million disabled people in Scotland. Over 100,000 of them are concentrated in Glasgow, a city of 500,000. Disabled people in the UK are twice as likely to be in persistent poverty. Of all children living in poverty, 1 in 3 has a disabled parent.

Glasgow has the lowest levels of employment of disabled people in Scotland. If disabled people are in employment, it is more likely to be low paid, low skilled jobs.

The UK Government has failed to consider the impact on human rights in introducing massive changes in welfare reform. The UK Parliament Joint Committee on Human Rights stated that:

“These [assessments] do not attempt to assess the cumulative impacts of multiple provisions in the Bill on particular groups with protected characteristics. This is of concern, since individuals will experience these changes cumulatively, and their impact needs to be understood in this way. For example, a disabled person may find that they lose their lower rate DLA, and therefore become subject to a cap on their housing benefit such that they cannot afford to remain in their home. Moving may disrupt informal patterns of care and support at the same time as they have increased reliance on these supports.”[[1]](#footnote-1)

**Employment**

**Regression of employment rights which disproportionally affects women and creates enormous potential for gender and disability based discrimination in employment.**

**CEDAW - R.K.B. v. Turkey[[2]](#footnote-2) 2012**8.10(b)(i) ‘Take measures to ensure that article 5 of the [Turkish] Labour Act and the Convention are implemented in practice by relevant national tribunals and other public institutions in order to provide for effective protection of women against any act of gender based discrimination in employment.’

**Situation in the United Kingdom**

GDA has noted the fact that gender stereotypes are still deeply entrenched in Scottish society, with particular regard to employment which is heavily segregated by gender. There is the continuing domination of men in senior positions, managerial roles and as owners, operators and heads of public and private employers, including female dominated sectors such as social work and education. Therefore the potential for gender based discrimination in employment is rife.

For disabled women, gender based discrimination has even greater consequences. Disabled women in general have lower levels of educational attainment and far fewer economic opportunities than non-disabled women, who in turn have lower educational attainment and fewer economic opportunities than men. When disabled women are able to find employment, it is even more likely to be in a female dominated, lower paid sector such as social care. The potential for economic discrimination based on the use of temporary contracts and ‘zero-hour’ contracts, where the number of hours worked by the employee is based on the whim of the employer, is even greater for women. Disabled women are in even less of a position to challenge discriminatory or unfair practices in work, and are held hostage to their generally male employers.

Further to this, the UK Government continues the regression of the rights of women to challenge unfair or discriminatory practices in employment.[[3]](#footnote-3) The UK Government has increased the time that a person has worked for an employer from one to two years before they can make a claim to an employment tribunal to seek remedy for:

* The right to written reasons for dismissal
* The right to claim compensation for unfair dismissal
* The right to claim redundancy pay

Agency workers, of which many are women working in low paid sectors such as hospitality and social care, still do not have the rights to:

* Claim for unfair dismissal
* Claim for statutory redundancy pay
* Claim maternity, adoption and parental leave
* A written statement of the terms and conditions of employment

In 2013 the UK Government introduced a fee of £1,200 for anyone to make a claim to an employment tribunal.[[4]](#footnote-4) This puts an effective remedy completely out of reach for any low paid worker, and in particular disabled women.

**Margaret’s story**

“I worked 20 years as a cleaner for the local council. With the cuts, they made all of us, at least 30 women in the cleaning staff, redundant. We lost everything, and the only option left was to work for a cleaning agency instead, where I was doing the same job, in the same place, but for less money, no holiday’s, no sick leave, no rights. Every day I had to ring the agency to ask what work there was. Then I took ill with my diabetes and needed a couple weeks to get out the hospital and get better. They didn’t even tell me I was sacked, they just stopped answering my calls.”

**Domestic Violence**

**UK Government and Scottish Government failure to provide state funded shelters and provide adequate support to NGO’s providing those services.**

**CEDAW - V.K. v. Bulgaria[[5]](#footnote-5) 2011**

9.16(b)(iii) ‘Ensure a sufficient number of State-funded shelters are available to victims of domestic violence and their children and provide support to non-governmental organisations offering shelter and other forms of support to victims of domestic violence.’

**Situation in the United Kingdom**

State funding for domestic violence services comes through various sources in the UK. Less than £40m is committed by the central government, with the majority coming from local authorities who are already facing significant cuts in their funding overall.

The impact on service cuts to domestic violence services across the UK has been significant. In 2012, nearly 30,000 women had to be turned away from the first refuge service they approached because there was no space. One in five Women’s Aid services has reported severe funding difficulties and 14 services had to close.[[6]](#footnote-6)

**Scotland**

In Scotland, cuts to domestic violence services are even worse. In 2009/10, 61% of Scottish Women’s Aid Services were working with a reduced budget, with no increase to take account of inflation or increasing operational costs. In 2011/12, this rose to 84% of all services in Scotland.

This increased pressure on budgets has resulted in cuts to services. A third of groups have had to make cuts to their services, and out of necessity have had to introduce waiting lists, reduce out of hours support, reduced refurbishment of accommodation, reduced staff hours, pension contributions for staff and cuts in training budgets.

Despite these cuts, 7 in 10 groups have reported a greater demand for their services. The sustainability of these services is under significant threat. Over half of services in Scotland only have one year funding contracts with the local authority, 16% have no contracts at all and a third of services are running at a deficit.[[7]](#footnote-7)

**Disabled women and domestic violence**

Considering the significant reduction in domestic violence services across the UK, and particularly in Scotland where most local authorities are keeping services in a state of perpetual panic over funding with one year funding contracts, if any, the impact on disabled women is even greater. Disabled women may face difficulties traveling to services independently, and even if they are able to get to the service, whether it is accessible to them is another question. With a reduction in out of hours services and cut backs making it impossible to upgrade accommodation to meet accessibility needs, how disabled women are meant to access these services is something the UK Government, Scottish Government and local authorities have completely failed to consider.

**Increased risk of financial abuse of disabled women**

The UK Governments Universal Credit consolidates many benefits and tax credits into a single payment which will be claimed by one individual in the household and be paid into one bank account. The Universal Credit will include Job Seekers Allowance, Employment and Support Allowance, Income Support, Child Tax Credits, Working Tax Credits and Housing Benefit. For couples with children or lone parents, there is a cap of £500 per week.

The childcare elements of benefits and tax credits were paid to the main carer – usually the mother, however this will now end with the Universal Credit. Gender inequalities within households, and even more so when the female partner is disabled, ensure that the vast majority of benefit recipients will be men.[[8]](#footnote-8)

Once money has reached the beneficiary, it is usually unequally distributed within the household, to the detriment of the female partner. This is freely acknowledged by UK Government Ministers.[[9]](#footnote-9)

Disabled women who have child care responsibilities and hereto relied on the money for their children to be paid directly to their back accounts will now be at the mercy of their male partners to ensure they adequately care for their children. The risk of financial abuse of disabled women by this change is significant.

**European Court of Human Rights – Opuz v. Turkey 2009**

The Committee will note the landmark case from the European Court of Human Rights, which found that gender based violence is a form of discrimination under the European Convention and that Turkey was in violation of its obligations to protect women from domestic violence. The Committee will also be aware that this judgement relied heavily on the country report on Turkey from this Committee.

Despite this judgement from the European Court of Human Rights, there is no mechanism in Scotland for this judgement to be taken account of. *Opuz* provides positive obligations on the State to act; at the very least this judgement must be considered in Government and local authority funding decisions. The Human Rights Act 1998 places a duty on public authorities to take Convention rights and Strasbourg cases into account, and this is not taking place.

**Karen’s story**

“I lived with my man 20 years. The abuse didn’t start till I had my stroke and started using my wheelchair. First he took over my benefits, so I had to ask him for money. He said why do you need money you don’t leave the house.

Eventually, I found the courage to try and leave. I tried to get myself to a shelter on public transport which was hard enough. When I got there, I couldn’t get in because it wasn’t accessible, I didn’t have any other choice but to go home, and I was there for another year.”

**Questions the committee may wish to consider**

1. What will be the impact of charging a fee for accessing an employment tribunal?
2. Has the Government considered the impact on disabled women in relation to the situation of temporary workers, agency workers and ‘zero-hours’ contracts?
3. Has the Government considered the impact on disabled women in its cuts to domestic violence services?
4. What structural problems need to be addressed to ensure that public bodies take account of human rights issues?

**Further effects of welfare reform**

**The Bedroom Tax**

As part of the welfare reform agenda, the UK Government have imposed a tax on people in social housing who are assessed by the Government as having ‘too many’ bedrooms. They can lose up to a quarter of their housing benefit if they do not move to smaller home, which are practically non-existent. There is no exemption for disabled people, even when they need room for life saving equipment such as dialysis or other medical equipment, or for when they require a carer to stay over. There is no exemption either for disabled children, who may require their own space or specialist equipment, they are expected to share rooms with siblings.

This tax disproportionally affects disabled people, and in the main families with disabled people, more often than not where the head of the household is female. Of the 105,000 households in Scotland affected by this tax, 80% (83,000) contain one or more disabled people.

**No access to an independent and impartial tribunal in welfare provision**

The right of access to a fair hearing, including access to an independent and impartial appeals process in the provision of welfare benefits by a State, has previously been enumerated by The European Court of Human Rights:

*Kovachev v. Bulgaria, 1998* – The applicant complained before the Bulgarian domestic courts of the States refusal to increase his disability allowance. The domestic courts refused to examine the case on the merits because the social welfare regulations did not provide for a court of appeal and conferred exclusive jurisdiction on the administrative authorities in such cases.

The European Court of Human Rights held that the applicant should have been able to assert his claim before an independent and impartial tribunal, and therefore it was a violation of Article 6, Section 1 of the European Convention of Human Rights.

The parallels between the provisions of the Bulgarian welfare law at issue in *Kovachev v. Bulgaria* and the welfare reform law in the UK could not be more evident. Vulnerable people needing welfare have absolutely no right to appeal decisions to anyone, let alone an independent or impartial tribunal, in clear violation of their right to a fair hearing as laid down in Article 6 of the ECHR.

The *only* way for a disabled person to challenge the decisions made against them is for a doctor to submit medical evidence and give his or her opinion that the person is not fit for work.

Doctors groups in Glasgow have now ruled that doctors cannot provide letters of support confirming care needs of patients, providing further medical evidence in fit for work assessments, or to mitigate against the Bedroom Tax.[[10]](#footnote-10)

**Reduction in social services for disabled women**

Job Centres in the UK have targets to meet on benefit sanctions, which can result in no benefits being paid for as long as three months, leaving women utterly destitute and unable to meet their basic needs. A sanction can be imposed for making mistakes in filling out forms or being ill on the day of a planned assessment- even when notice or a medical certificate is provided. The UK Government demands benefit forms be filled out online, yet the vast majority of disabled women don’t have access to a computer. Even disabled women who are able to get online often get caught by the automatic time outs on the website.

Disabled women with support needs, for example personal assistance to get to work or cook food, are being humiliated by social workers who are forced to fit the persons needs to the ever shrinking budget, rather than providing necessary support to achieve independent living. Support hours are being slashed, critical services severely reduced, and even so called ‘life and limb’ support which is supposedly the minimum provision is resulting in more isolation and greater health problems, increasing the risk to a disabled persons quality, fulfilment and length of life. In Scotland, as elsewhere in the UK, there has been an exponential growth in those requiring the service of food banks. Many mothers are relying on them to feed their families

This is a horrendous symptom of the poverty and destitution caused by welfare reform. Food banks are providing a literally lifesaving service to people who face the very real prospect of malnutrition. Yet many food banks are inaccessible to disabled woman.

Disabled woman are facing having their benefits capped, cut or sanctioned, their support hours reviewed and removed, their homes under attack and are also facing horrendous hostility from the public as a consequence of UK Government propaganda fuelled by media reporting. In addition, disabled people face historical barriers such as lack of physical access, lack of equal opportunities to education and employment due to discrimination- both at individual and institutional levels.

It is clear that there is a crisis facing disabled women and at times it feels like our very humanity is under attack. There is currently a lack of long term focus. Austerity measures such as cuts and efficiency savings, service reform and charges for social care result in crushing confidence, self- worth, identity and participation of disabled people, not just in society but in their own lives. Welfare reform has compounded this in a devastating way and the full impact of this is as yet unknown but feared by disabled women.

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1. Human Rights Joint Committee, *Twenty First Report: Legislative Scrutiny, Welfare Reform Bill*, UK Parliament 2011
http://www.publications.parliament.uk/pa/jt201012/jtselect/jtrights/233/23305.htm#a5 [↑](#footnote-ref-1)
2. Committee on the Elimination of Discrimination Against Women, *R.K.B. v. Turkey*, United Nations, 2012

http://www2.ohchr.org/english/law/jurisprudence.htm [↑](#footnote-ref-2)
3. Citizens Advice Bureau, *Rights at Work,* Citizens Advice 2013
http://www.adviceguide.org.uk/scotland/work\_s/work\_rights\_at\_work\_s/basic\_rights\_at\_work.htm [↑](#footnote-ref-3)
4. Molloy, L., *Employment Tribunal fees to be introduced in 2013*, Pannone Solicitors, June 2012
http://www.pannone.com/media-centre/blog/employment-blog/employment-tribunal-fees-to-be-introduced-in-2013 [↑](#footnote-ref-4)
5. Committee on the Elimination of Discrimination Against Women, *V.K. v. Bulgaria*, United Nations, 2008
http://www2.ohchr.org/english/law/docs/CEDAW-C-49-D-20-2008\_en.pdf [↑](#footnote-ref-5)
6. Women’s Aid, *Cuts in refuge services putting vulnerable women and children at risk,* Women’s Aid Federation of England and Wales, November 2012
http://www.womensaid.org.uk/domestic-violence-press-information.asp?itemid=2944&itemTitle=Cuts+in+refuge+services+putting+vulnerable+women+and+children+at+risk&section=0001000100150001&sectionTitle=Press+releases [↑](#footnote-ref-6)
7. Scottish Women’s Aid, *Measuring the Impact of funding cuts on domestic abuse services for women and children in Scotland*, Scottish Women’s Aid, 2012
http://wbg.org.uk/pdfs/Womens-Aid-impact-of-cuts-on-domestic-abuse-services-Scotland(1).pdf [↑](#footnote-ref-7)
8. Department for Work and Pensions, *Department for Work and Pensions Statistical Tabulations*, 2013
http://83.244.183.180/100pc/tabtool.html [↑](#footnote-ref-8)
9. Hansard, *Daily Hansard Written Answers*, UK Parliament, 2011
http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110314/text/110314w0004.htm [↑](#footnote-ref-9)
10. *Scottish Parliament told that doctors cannot abandon vulnerable patients affected by welfare reform*, Glasgow Disability Alliance 2013
http://www.gdaonline.co.uk/showlog.php?weblogid=247 [↑](#footnote-ref-10)