

The Impact of Leaving the European Union

Women's Aid Briefing

On 23 June 2016 the United Kingdom (UK) voted to leave the European Union (EU). The decision will impact on survivors of domestic abuse and the services they rely on for support. This briefing focuses on expected impacts and opportunities in the areas of legislation, funding, research and evidence, and political priorities.

Key findings

- Leaving the EU presents both threats and opportunities for change in the fight against domestic violence and violence against women and girls (VAWG), and for women's equality.
- Women's rights and voices must be central as the UK leaves the EU. We call for: equal representation between men and women in the negotiations; the Government to utilise the expertise of women's organisations during the process; human rights and gender impact assessments to be completed on resulting agreements and trade deals; and a clear role for the VAWG sector to ensure survivors and the services they need are protected.
- The Government must protect the rights of survivors of domestic abuse to security and justice – including protection from perpetrators – when they travel and move within Europe after Brexit.
- In the context of continued public spending constraints and the removal of EU grant funding – which provides direct funding for specialist services and survivors of domestic abuse - campaigning for sustainable funding for life-saving refuges and domestic abuse services remains an urgent priority.
- European victims of domestic abuse living in the UK already face severe difficulties with residency and accessing services, which we are concerned may be further restricted after the UK leaves the EU.
- The Government must use the opportunity provided by Brexit to end commissioning for specialist domestic abuse services where it is not required, and establish a new approach to the procurement and commissioning services of social benefit which values quality and expertise, over cost.
- The UK Government and civil society must remain central to European and international research, best practice sharing, partnerships and policy development in the fight against VAWG, and step up our engagement within the Council of Europe and United Nations (UN).
- The Government must ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) with immediate effect to safeguard the UK's legal obligations to prevent VAWG, protect victims and punish perpetrators.
- Rising harassment and violence, which survivors of domestic abuse and staff from our member services are reporting following the EU referendum, are intersectional issues and require urgent action to tackle.

1. Legislation

EU law guarantees equality between men and women and has ensured rights, support and protections for victims of violence, including domestic abuse, in a range of different ways.

Human rights and gender equality: the decision to leave the EU will not remove the core human rights of UK citizens, which are established in the Human Rights Act 1998 and other human rights instruments outside the EU. However, by removing the UK's obligations under the EU Charter, the decision to leave the EU may remove certain human rights safeguards and remedies currently available for women living in the UK. The Government's proposed British Bill of Rights raises further questions in this area.

Crime and justice: EU measures in the area of freedom, security and justice (AFSJ) protect women from gender based violence through legislation, police cooperation and protections of victims' rights. EU law has significantly strengthened the rights of victims of domestic abuse and VAWG offences – including the rights of referral to victim's services, access to specialist support and the provision of shelters. The EU Protection Order also ensures that women in EU countries who have suffered domestic violence are protected from perpetrators when they travel, or move, to another Member State.

Immigration, social security and employment: the impact of leaving the EU on procurement depends on the negotiations. If the UK remains part of the single market and subject to free movement law, little may change. But if the Government negotiates a different settlement, even stricter restrictions on residency and access to services for European survivors of domestic abuse living in the UK could be imposed– such as further restrictions to their entitlements to social housing, healthcare and welfare benefits.

Other EU countries could also impose restrictions on the residency and social security entitlements of UK citizens living abroad. This is important for women who live in other Member States, as they may need entitlements in order to access financial support and assistance, and refuge accommodation. Key protections for women in employment legislation – including the rights to annual leave, maternity leave and anti-discrimination legislation – could also be at risk after Brexit.

Digital safety: victims of domestic abuse experience online abuse – including harassment, stalking and revenge pornography – which generally forms part of a pattern of coercive and controlling behaviour. The EU encourages a voluntary and self-regulatory approach with online platforms and providers to tackle these online crimes. Withdrawal from the EU is therefore an opportunity to establish a more robust regulatory framework, which better protects survivors from experiencing online abuse.

Recommendations:

- Although the UK will retain core human rights obligations after Brexit, the Government must safeguard victims' rights in domestic legislation and ensure that women can access the same legal remedies.
- The Government must protect the rights of UK and EU survivors of domestic abuse when they travel and move within the Union and European Economic Area (EEA) by retaining the EU Protection Order, safeguard survivors' access to support through their entitlements to services, social security and healthcare, and guarantee the protection of women's employment rights after Brexit.

- Women's campaigners and domestic abuse organisations must seize the opportunity Brexit provides to strengthen legislation tackling online abuse.

2. Funding

The full extent of the economic impact of Brexit is unknown, but continued restraint on public spending is expected. The UK's decision to leave the EU is likely to have a range of different, and damaging, implications on funding for specialist domestic abuse services – but it also provides opportunities for reform.

Procurement and commissioning: changes to the established procurement rules, which have adversely impacted specialist domestic abuse services in recent years, will depend on the outcome of the UK-EU negotiations and the future agreed economic relationship with the EU and EEA. But leaving the EU is an opportunity for the Government to reform the current system, to ensure the commissioning for services of social benefit values quality and expertise, over cost. This is crucial for enabling the best possible service provision for tackling VAWG, and delivering long-term, sustainable outcomes for survivors.

EU funding: the UK will no longer have access to EU grant funding for non-governmental organisations, grassroots groups and networks for tackling domestic abuse and VAWG, or EU funds that support survivors to access the training, education and other services which are needed to build independence. The UK may also be restricted from benefitting from the work of organisations funded by the EU to tackle these issues.

Recommendations:

- In the context of expected constraints on public spending, and the end of EU grant funding – which is likely to expose some domestic abuse services to significant financial risk, and could directly reduce support for survivors – continuing to campaign for dedicated and sustainable funding for specialist services remains a priority for domestic abuse organisations, including Women's Aid.
- The Government must use the opportunity provided by Brexit to end commissioning for specialist domestic abuse services where it is not required, and establish a new approach to the procurement and commissioning services of social benefit which values quality and expertise, over cost.

3. Research, evidence and best practice

The EU coordinates pan-European research funding, collaboration, evidence collection and best practice sharing on VAWG and domestic abuse. Leaving the EU is likely to reduce access to research funding for UK universities, and the ability of the UK to participate in vitally important evidence collection, knowledge transfer and policy development on these issues with other EU countries and institutions. UK academics and organisations may still be able to participate in pan-European research work, and safeguarding the UK's involvement in international collaboration and partnerships to tackle VAWG must be a priority.

Recommendation:

- The VAWG sector should press the Government to continue to work closely with European and international partners on research, evidence and best practice sharing in tackling VAWG.

4. Political priority and commitment

The EU is committed to promoting gender equality, as both a value and a policy objective. The European Council, Parliament and Commission have, respectively, adopted conclusions, resolutions and strategies to tackle VAWG and domestic abuse. Although leaving the EU will remove the UK's commitments within this political framework, as a member of the UN and the Council of Europe the Government will retain many existing obligations on these issues and must remain central to international progress on combatting VAWG. The UK's ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) – a landmark international treaty establishing legally binding measures on prevention, the protection of victims and punishment of perpetrators – is now crucial.

Given the importance of the negotiations for gender equality and women's rights, it is concerning that the role of civil society – including organisations working on gender equality and VAWG – is not clear, and that the negotiations are predominately being led by men. The Government will benefit from utilising the significant expertise of women's organisations and the VAWG sector during the negotiations process, and must consider establishing new expert advisory mechanisms in this regard.

Finally, the wider political climate is a significant concern for Women's Aid, who are receiving reports from our members that, following the EU referendum, staff and survivors of domestic abuse – particularly those from black and minority ethnic communities – have suffered increasing violence and harassment.

Recommendations:

- To ensure the UK remains a leader in tackling VAWG, the Government must ratify the Istanbul Convention with immediate effect and retain a leading international role on tackling VAWG.
- During the Brexit negotiations, the Government must ensure equal representation of men and women, utilise the experience and expertise of women's organisations, establish a clear role for the VAWG sector within the process, and safeguard equality through human rights and gender impact assessments of resulting agreements and trade deals.
- The Government must lead efforts to tackle rising levels of harassment and violence, which survivors of domestic abuse and staff from Women's Aid member services are reporting following the EU referendum.

The briefing was informed by a meeting of the APPG on Domestic Violence on 'Brexit and Domestic Abuse', held on 14 September, more details on which can be accessed here:

<https://www.womensaid.org.uk/appg/>

Women's Aid is also sincerely grateful for the contribution of the following experts in the development of this briefing:

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