

Women's Aid Federation Northern Ireland is deeply concerned about the 2-child tax credit 'rape clause' rule which comes into effect across the UK on 1st April. We strongly urge the Government to rethink its plans to introduce this cruel law.

The *Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017 (Statutory Instruments 2017 No. 376)*, which requires women to prove that they conceived their 3rd child through rape to access child tax credits, shows a breath-taking lack of understanding of sexual violence, and callous disregard for the wellbeing of victims.

This ill-thought out law will be devastating and re-traumatising for victims of rape who need to access child tax credits. The policy is discriminatory towards women, and towards poor women in particular.

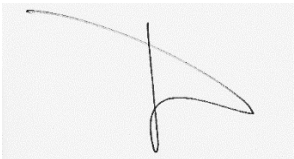
Women's Aid in Northern Ireland opposes the 'rape clause' on the following grounds:

- The law puts women in an unconscionable position of choosing between poverty and stigmatising their child as a 'rape child'. Women who rely on child tax credits to put food in their children's mouths will be faced with a Sophie's Choice of either re-living their trauma and stigmatising their child, or being further impoverished. No mother should be placed in this position. In Northern Ireland, which has a relatively small population, it may be especially difficult to protect women and children from being identified as rape victims and children of rape.
- The policy is tone deaf to the reality of sexual violence. Many victims take years before they are ready to open up and talk about sexual violence that they've suffered. Forcing them to do so before they're ready, in order to access welfare, is profoundly cruel. Forced disclosure can exacerbate PTSD and mental health issues related to sexual assault, and will heighten the sense of shame and isolation felt by victims.
- The 'rape clause' reveals a complete lack of understanding of the dynamics of domestic violence, or the fact that much sexual violence and rape occurs within domestic violence relationships. Most rapes are not perpetrated by strangers down a dark alley; they occur in homes and within relationships where there is abuse and power imbalance between partners. Many women in abusive relationships experience rape as a daily part of their lives. Their experience of rape may not resemble the stereotype of stranger rape, but it is still sex without consent, without choice, and in a context of fear of repercussions should they refuse. Rape in this context is often more difficult to prove and more difficult to disclose.
- Domestic violence can also include restriction of access to contraception, and removal of the choice of if and when to have a child, which affects women's ability to keep within a 2-child rule. Often forced pregnancy is a deliberate means to control women by keeping them in poverty. This policy will penalise those women in abusive relationships who do not have the freedom to control their own reproductive destiny.
- We already live in a culture where women are not believed when they report sexual assault. That fear of not being believed will prevent some women from even applying for the tax credits; those who do apply will do so knowing that their application may be rejected. This would be extremely traumatic for rape victims who are forced to disclose rape to access benefits, are told that they are probably lying, and are then left alone to deal with the fallout of the ordeal of disclosure.

- In Northern Ireland, this law will have particularly devastating impact on women, as abortion is not available legally except under extremely limited circumstances. Abortion is legislated under the Offences Against the Person Act 1861, and the 1967 Act does not apply here as it does in GB. Women must travel to other parts of the UK to access abortion, and this is costly as they are not permitted to access terminations under the NHS but must pay privately in addition to travel and accommodation costs. This policy will therefore doubly penalise poor women, who can neither afford to travel abroad to access abortion nor afford to lose their child tax credits. They may be forced into a choice between having a child and being forced further into poverty, or procuring medical abortion pills and risking up to life imprisonment. This amounts to criminalisation of poverty.
- Unlike the rest of the UK, all disclosure of serious crimes must be reported to police. This aspect of our legal system remains in place since the Troubles. Therefore, unlike the rest of the United Kingdom, if someone discloses rape and the perpetrator is identifiable (for example if it is the husband or partner of the victim), organisations and support services are legally obligated to inform the police. Many women do not want to engage with the criminal justice system, or report someone that they are in a relationship with to police. They should not be forced to do so to access welfare. This is yet another example of how Northern Ireland is not being considered in UK-wide policy.
- The 2-child 'rape clause' rule is discriminatory as it primarily affects women. It infringes their right to privacy, to family life, to be free from inhumane and degrading treatment, and is a form of structural violence against women.
- Child poverty, which is already at critical levels in the UK due to policies of austerity, will be further impacted by the 2-child rule.

We implore Government and members on all sides of both Houses to re-evaluate the 2-child tax credit proposal and 'rape clause', and reject its implementation in the UK.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jan Melia', written on a light grey background.

Jan Melia

CEO, Women's Aid Federation Northern Ireland