

What Is it?

As of 6th April 2017, families in the UK are only able to claim child tax credits for their first two children. There are certain exemptions to this new legislation – one of which is being referred to as the 'rape clause'. This so-called exemption notes that people can continue to claim child tax credits if the third or consecutive child has been conceived as a result of rape or coercion.

In order for people to access this exemption they would be expected to fill in an 8-page form outlining:

- Personal details, such as their address
- The name of their child/ren and their date of birth
- That they are not living with the other parent of the child

Beyond this, the UK government has written into the legislation that organisations, such as Rape Crisis, will be required to verify that:

“the claimant's circumstances are consistent with it being likely that the claimant conceived through an act by another person to which the claimant did not agree by choice”.

And

“the claimant's circumstances are consistent with it being likely that the claimant conceived through an act by another person to which the claimant lacked the freedom or capacity to agree by choice”.

In his autumn statement in 2015, George Osborne states that poorer families should be more responsible when considering how many children they have. Not only is this ill-informed and discriminatory, it has been proved in other countries which have implemented a similar cap on the number of children a family have, this has not led to a reduction in the number of children in low income families, but results in a higher number of children experiencing poverty at the hands of the state.

The Child Tax Credit reform disproportionately affects minority and disadvantaged groups within our society, plunging women and their children into poverty without consideration for their access to resources, beliefs around reproduction and contraception, and experiences of abuse. Since 2010, 86% of cuts have come from the pockets of women, highlighting a clear ideological attack on women's rights. By reducing women's access to financial resources, their opportunities to flee abuse or provide for their families are severely limited. This is not an acceptable outcome in any circumstance and we condemn any measures with this result.

What's wrong with it?

The new Child Tax Credit reform forces women into a situation where they have to make a decision between poverty or disclosure.

By stating that this is “nothing more than a tick box exercise”, Ruth Davidson shows a distinct lack of understanding of the impact of disclosure on survivors and the uncertainty of what this will lead to. By framing this as simply a tick in a box reduces the wider context of this policy. The women and children who need these Child Tax Credits the most are poorer families. There have already been news reports of women accessing abortions as they would be unable to afford a third child without Child Tax Credits. The effect that this policy has then, is that it discriminates against poorer families, regulating who can afford to have children.

As previously mentioned, the form the government requires to be completed in order for a woman to receive tax credits for a child conceived due to rape is in two parts: one page the woman has to complete and the other is for a verified third party to complete.

It is repeated that requesting women to disclose their experience of rape is to help the government “give you full support” but gives no indication of what this support will look like or how it will be provided.

Survivors are told that a professional is required to sign the form in order to verify their experience of rape. It is a well known fact that survivors face a number of barriers to disclosing their experiences of sexual violence to people they know and trust, never mind to services they are engaged with. Survivors are frequently faced with judgement and disbelief when disclosing their experiences. The requirement of disclosing to both an 'approved organisation' and to the government ignores the needs of survivors to have control over their own disclosures and perpetrates the rape myths that women lie about experiencing sexual violence.

The form identifies a number of organisations who can be third party verifiers for the purpose of this form. SARCs are a vital resource for survivors but there is only one of these in Scotland and has had to deal with a number of cuts to their funding in recent years. Organisations, such as Rape Crisis and Women’s Aid, can also be approved as third party verifiers. By identifying SARCs and Anti-Male Violence organisations as two of the four options survivors have of who to disclose to, this will only add to the waiting lists that are too long because of the cuts that the government have made to our funding. This forces survivors to access support when they may not feel ready to do so, which can have an extremely negative impact on their recovery and wellbeing.

Healthcare professionals, such as a GP, are another option as a verifier. This may be a barrier for survivors as they have to see their GPs about other issues and that this would be on their medical record from then on.

Disclosing that your child was conceived as a result of rape has many barriers attached to it. While many social workers provide a great deal of support for families, women are often blamed for not protecting their children. Social workers also have the power to remove their children, especially if the woman discloses that she is in a relationship with the man who raped her.

At the bottom of the form, women are asked to sign a declaration which is written in language which is not accessible to a lot of people. It’s confusing and needlessly complicated, meaning that many women will have to access yet further support in order to make sense of it. This is not as sensitive as it claims.

The final part of the form asks women to tick a box to say that they are no longer living with “the other parent of this child”. This is victim-blaming. If a woman doesn’t tick this, her access to the child tax credit will be blocked, acting as a punishment for not exiting an abusive relationship. This places women and their children in further danger and reduces their chances of fleeing domestic abuse due to limited financial resources.

The third party declaration section of the form asks the verifier to confirm that the woman’s claims are consistent with someone who has experienced this. With regards to the dynamics of abuse, only organisations who have a gendered analysis will understand what is consistent with these experiences. Women still experience a lot of blame from organisations who do not have a gendered analysis of domestic abuse and sexual violence. Very few agencies receive extensive training around the dynamics of abuse. This reform forces women to disclose to agencies which they continually tell us that they aren’t believed by and experience discrimination.

What will we do?

Forth Valley Rape Crisis will not act as a third party verifier for the rape clause within the Child Tax Credit reform. The people who have created this reform have a lack of knowledge and understanding about sexual violence and the impact this has on survivors, resulting in a policy which re-traumatises and further stigmatises those who it will affect. We believe that women should be able to self-certify and not be forced into disclosing to another agency and should have the right to choose when they access support, instead of being forced to do so in order to avoid the threat of poverty.

The harm of Rape Crisis in participating as a third party verifier would be worse than us going along with it. Verifying women's experiences for them instead of believing them when they do disclose is contrary to the work that we do, and this only further reinforces the rape myth that women lie about their experiences of sexual violence. There is a great deal of stigma for both mother and child where the child was conceived as a result of rape, resulting in women not sharing this information. If Rape Crisis staff are required to ask a woman if this is the case for the sake of the form, this will damage the relationship they have established and will act as an additional barrier to women accessing support. The form requires women to state whether they are in a relationship with the perpetrator of sexual violence. We understand that forced pregnancy and having a child is often an abusive tactic perpetrators use to make it more difficult for women to flee the abuse, and is a time where women are at the most threat from their partner. If a woman is accessing support from Women's Aid to complete the form and are still in a relationship with the perpetrator, this creates another barrier between worker and survivor. By asking Anti-Male Violence organisations to act as third party verifiers, we are being asked to be complicit in coercing women into disclosing traumatic experiences.

We want to support women and feel that the best way we can do this is to challenge this policy rather than participate in it. We cannot allow this policy to be implemented as it discriminates against numerous intersections of our society, perpetuates rape myths and we have been given no information about how this will be implemented. The UK Government has stated that there would be no pressure on women to report sexual violence to the police, but with the lack of clarity on how this information will be handled, we cannot be certain that there won't be any negative outcomes from this process.

Forth Valley Rape Crisis will continue to campaign to eradicate the Child Tax Credit reform. We are an organisation built on fighting oppression and we will not collude in this policy or any other policies which set us back in our aims.

The current UK Government have implemented this policy, but the Scottish Parliament have been overwhelmingly critical of the reform and claimed that this will not be carried out in Scotland. We welcome the support of all those who continue to resist this discriminatory and harmful policy.