

PRESS RELEASE

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**GRAND CHAMBER OF EUROPEAN COURT OF HUMAN RIGHTS RULES AGAINST
THE UNITED KINGDOM IN GENDER VIOLENCE ‘BEDROOM TAX’ CASE**

VICTIM CALLS FOR GOVERNMENT TO CHANGE THE LAW WITHOUT DELAY

The Grand Chamber of the European Court of Human Rights has rejected the UK Government’s request to reconsider the ‘bedroom tax’ case of *A v the United Kingdom*. The UK Government has been found to have unlawfully discriminated against vulnerable victims of domestic violence. ‘A’ and her legal team now call on the UK Government to execute the Court’s judgment and end this discrimination without delay.

Background

In October 2019 the European Court of Human Rights ruled that the so-called ‘bedroom tax’ unlawfully discriminates against vulnerable victims of domestic violence. The application to the Court was brought by a woman known only as ‘A’ because her identity must be protected for her own safety. The case concerned the effect of the ‘bedroom tax’ policy on women living in ‘Sanctuary Scheme’ homes – properties which are specially adapted to enable women and children at serious risk of domestic violence to live safely in their own homes.

A is a victim of rape, assault, harassment and stalking at the hands of an ex-partner. Her challenge was to the UK Government’s reduction in housing benefit for ‘under-occupation’ of social housing, colloquially known as the ‘bedroom tax’. She claimed that the housing benefit regulations which introduced the scheme are discriminatory and have devastating consequences for her and her young son. Under the ‘bedroom tax’, A and her son are only entitled to receive housing benefit for a two-bedroom property. However, they live in a three-bedroom property which has been specially adapted for them by the police under the Sanctuary Scheme. This includes a panic space and extensive security measures. A’s housing benefit has been reduced by 14% because of the UK Government’s policy.

According to figures obtained in freedom of information responses from 79 local authorities, almost 1 in 20 households using the Sanctuary Scheme for people at risk of severe domestic violence have been affected by the under-occupancy penalty or bedroom tax, totalling 281 households across the country. The vast majority of people in the Sanctuary Scheme are women.

Unlawful Discrimination

The European Court of Human Rights in October 2019 found that the ‘bedroom tax’ unlawfully discriminates against A and those in her position. It also awarded A €10,000 because of the distress caused to her by the Government’s policy.

The Court found that A was particularly prejudiced by the ‘bedroom tax’ because her situation was significantly different from other housing benefit recipients because of her gender (paragraph 94). The aim of the ‘bedroom tax’ (to encourage people to leave their homes for smaller ones) was in conflict with the aim of Sanctuary Schemes (to enable those at risk of domestic violence to remain in their homes safely). The Government did not provide any “*weighty reasons*” to justify the discrimination, so it was unlawful. The Court also noted that in the context of domestic violence, “*States have a duty to protect the physical and psychological integrity of an individual from threats by other persons, including in situations where an individual’s right to the enjoyment of his or home free of violent disturbance is at stake*” (paragraphs 103-105).

UK Government’s Failed Appeal

In January 2020, the UK Government sought to appeal the European Court of Human Rights’ decision to the Grand Chamber of the Court. However, A has now been informed that the Grand Chamber has refused this application, and the judgment has now become final. Today, A and her legal team call on the Government to take action immediately.

A’s solicitor, **Rebekah Carrier** of Hopkin Murray Beskine Solicitors, said:

“Our client, whose life is at risk, has suffered great anxiety as a result of the bedroom tax and the uncertainty about this case. She is a vulnerable single parent who has been a victim of rape and assault, and she lives in a property which has been specially adapted by the police, at great expense, to protect her and her child. She has had to fight the UK Government for seven years to protect her right to be safe in her own home. She is delighted that after such a long battle, the European Court of Human Rights has recognised the impact that the bedroom

tax is having on her and others like her, and the Grand Chamber has refused the UK Government’s last-ditch attempt to appeal this finding.

We now call on the UK Government to take swift action and to change the rules to exempt from the bedroom tax the small but extremely vulnerable class of women and children who need the safety of a sanctuary scheme whilst they try to rebuild their lives after surviving domestic violence. The Domestic Abuse Bill, currently making its way through Parliament, is the obvious route to correct this injustice and protect A and others in Sanctuary Scheme homes.”

Lucy Hadley, Campaigns & Policy Manager at Women’s Aid Federation of England said:

“For women and children experiencing domestic abuse, safe housing can be a matter of life and death. The government has committed to improving protection and support survivors through the new Domestic Abuse Bill, but current welfare policies such as the ‘bedroom tax’ clearly undermine this aim. We call on the government to act now to protect all survivors in sanctuary schemes from this injustice, and assess all welfare reform policies on how they impact the safety of women and children experiencing domestic abuse.”

In a factsheet published earlier this week, on 3rd March 2020, the Government stated that Domestic Abuse Bill 2020 will provide *“further protection”* for victims of domestic abuse. Victoria Atkins MP, Minister for Safeguarding, said, *“Domestic abuse is an abhorrent crime perpetrated on victims and their families by those who should love and care for them. This landmark Bill will help transform the response to domestic abuse, helping to prevent offending, protect victims and ensure they have the support they need.”* A and her legal team have urged the UK Government to ensure that the commitment to protecting and supporting victims extends to A and others like her.

NOTES FOR EDITORS:

1. ‘A’ is represented by solicitors Rebekah Carrier and Ann Bevington, Hopkin Murray Beskine Solicitors, and barristers Karon Monaghan QC, Matrix Chambers, and Caoilfhionn Gallagher QC and Katie O’Byrne, Doughty Street Chambers. Any inquiries should be directed to Rebekah Carrier at rc@hmb solicitors.co.uk or 07531341102.
2. An order for anonymity is in place in relation to A and her son. She will not be making any comment and is not available to speak to the media. No information should be published or revealed which would be likely to lead to the identification of A or any member of her family. However, A’s solicitor, Rebekah Carrier, will answer any queries and is available for interview.
3. A’s case has been supported by Women’s Aid, which provided evidence. The Equality and Human Rights Commission intervened in A’s case in both the Court of Appeal and the Supreme Court and made submissions to the European Court of Human Rights.

4. This application challenged Regulation B13 of the Housing Benefit Regulations 2006, which came into force on 1st April 2013. Regulation B13 sees housing benefit reduced by 14% for families deemed to have one extra bedroom or by 25% for families deemed to have two extra bedrooms.
5. In the domestic courts, A's claim was unsuccessful in the High Court (*R (A) v Secretary of State for Work and Pensions* [2015] EWHC 159 (Admin)), but successful on the discrimination ground in the Court of Appeal (*R (Rutherford and Others) v Secretary of State for Work and Pensions; R (A) v Secretary of State for Work and Pensions* [2016] EWCA Civ 29). The Secretary of State appealed the Court of Appeal's decision on the discrimination ground to the Supreme Court. A cross-appealed the Court of Appeal's finding on the public sector equality duty. The Supreme Court heard the case with a number of disability-related challenges to the 'bedroom tax'. In handing down judgment on 9th November 2016, the Supreme Court by a majority of 5 to 2 allowed the Secretary of State's appeal in A's case and found that there had not been unlawful discrimination against women. *R. (Carmichael) (formerly known as MA) v Secretary of State for Work and Pensions* [2016] UKSC 58. The judgment of the Supreme Court is available here: <https://www.supremecourt.uk/cases/docs/uksc-2014-0125-judgment.pdf>
6. A link to the judgment of the European Court of Human Rights – now final – is here: [https://hudoc.echr.coe.int/eng#{"itemid":\["001-196897"\]}](https://hudoc.echr.coe.int/eng#{) and the press release issued by the European Court of Human Rights can be found here: [https://hudoc.echr.coe.int/eng-press#{"fulltext":\["32949/17"\],"itemid":\["003-6545619-8654164"\]}](https://hudoc.echr.coe.int/eng-press#{)
7. The UK Government is bound by the final decision of the European Court of Human Rights and must execute it accordingly. The Committee of Ministers of the Council of Europe is responsible for enforcing the Court's judgment. Today, 5th March 2020, A's solicitor has written to the UK Government asking for confirmation that an exemption to the 'bedroom tax' will now be introduced for victims of domestic violence in Sanctuary Scheme homes.
8. The Government's factsheet on the Domestic Abuse Bill 2020 can be found here: <https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-abuse-bill-2020-overarching-factsheet>
9. The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights. It is not an institution of the European Union.