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Comments Submitted

by ASSEDEL

**on Articles 8§1 and 16 of the 42nd National Report of the
United Kingdom on the Implementation of the European
Social Charter**

ASSEDEL

(Association européenne pour la défense des droits et des libertés)

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Introduction

ASSEDEL (L'Association européenne pour la défense des droits et des libertés) is pleased to submit its commentary on the United Kingdom's 42nd National Report, addressing compliance with Article 8§1 on maternity leave and Article 16 on measures to reduce domestic violence under the European Social Charter. The report highlights important legislative advancements and funding commitments that demonstrate progress in safeguarding these rights. Nevertheless, gaps remain in ensuring full accessibility, adequacy, and effectiveness of the measures outlined.

For maternity leave, while existing policies provide essential support, they often fall short in adequately addressing the financial needs of low-income women and ensuring robust enforcement mechanisms. Similarly, while the domestic violence strategies represent a significant step forward, questions remain about their long-term impact and the extent to which they address the needs of marginalized and vulnerable groups.

ASSEDEL recognizes the UK's efforts to address these challenges and emphasizes the importance of adopting more inclusive, comprehensive, and transparent measures to fully align with the principles of the European Social Charter. With continuous monitoring, targeted improvements, and a commitment to addressing identified gaps, these policies can contribute to meaningful and lasting change

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I. Commentary on the United Kingdom's Report on Maternity Leave under Article 8§1

ASSEDEL (*L'Association européenne pour la défense des droits et des libertés*) is commenting on the 42nd National Report from the United Kingdom, which provides a comprehensive overview of the legislative framework and adjustments made to safeguard maternity leave and benefits. While the report highlights important measures to protect these rights, several critical gaps remain. In particular, the adequacy of maternity pay and the accessibility of enforcement mechanisms continue to pose challenges, preventing full compliance with Article 8§1 of the European Social Charter.

I.I. Adequacy of Maternity Pay

The report acknowledges that Statutory Maternity Pay (SMP) and Maternity Allowance (MA) are provided for up to 39 weeks, with SMP covering 90% of average weekly earnings for the first six weeks and a fixed weekly rate of £156.66 thereafter. However, the fixed rate represents only 40% of the 2019 median equivalised income (£284 weekly) and is insufficient to meet the threshold of at least 50% required under Article 8§1. This inadequacy disproportionately affects low-income women, exacerbating economic disparities during maternity.

The current system's reliance on a fixed rate after six weeks, while supplemented by other targeted financial measures like Universal Credit, does not substitute for an adequate maternity benefit. Targeted support mechanisms should complement, not replace, a comprehensive and equitable earnings-related maternity benefit.

I.II. Impact of COVID-19

The pandemic necessitated adjustments to maternity-related policies, ensuring furloughed employees' entitlements to SMP and MA were not affected by reduced earnings. While these changes are commendable, their implementation faced challenges, such as inconsistent application by employers, leading to delays or reductions in benefits.

Self-employed women, supported through the Self-Employment Income Support Scheme (SEISS), encountered barriers, particularly those who recently started businesses. The criteria excluded many women, underscoring the need for a more inclusive and flexible approach to self-employment-related maternity protections.

I.III. Enforcement and Accessibility of Legal Safeguards

The UK's legal framework provides significant protections against discrimination during pregnancy and maternity leave. However, the system's reliance on individual complaints through employment tribunals presents accessibility challenges, especially for vulnerable women who may lack the resources or awareness to pursue claims.

Proactive state-led mechanisms, such as regular employer audits and public awareness campaigns, could address gaps in enforcement and improve compliance with maternity protections. Enhancing public understanding of maternity rights would empower women and ensure their access to legal safeguards.

I.IV. Recommendations

1. Introduce an earnings-related component for SMP beyond the initial six weeks, ensuring payments reach at least 70% of prior income, in line with international benchmarks. Annual reviews of the fixed rate should reflect inflation and living costs.
2. Expand the SEISS eligibility criteria to include women who started self-employment shortly before maternity and simplify the process of accessing maternity-related benefits.
3. Establish state-led monitoring mechanisms to reduce the reliance on individual complaints and ensure employers' compliance with maternity leave regulations.
4. Launch initiatives to inform women of their rights during maternity, focusing on marginalized and low-income groups to address under-reporting and improve access to support.
5. Encourage agreements with social partners to formalize protections for postnatal leave and prevent undue pressure on women to return to work prematurely.

II. Commentary on Measures to Reduce Domestic Violence Against Women and Girls in the United Kingdom and the Isle of Man under Article 16

ASSEDEL (*L'Association européenne pour la défense des droits et des libertés*) acknowledges the substantial efforts detailed in the 42nd Report of the European Social Charter regarding measures to address violence against women and girls (VAWG) under Article 16. The report highlights notable progress, particularly through legislative reforms such as the Domestic Abuse Act 2021 and the recognition of crimes like controlling or coercive behavior as serious offenses. These developments, alongside the detailed statistics on domestic abuse, sexual assault, and stalking, underscore the UK Government's dedication to addressing VAWG.

ASSEDEL (*L'Association européenne pour la défense des droits et des libertés*) commends the introduction of the cross-Government Tackling Violence Against Women and Girls Strategy (2021) and the complementary Tackling Domestic Abuse Plan (2022). These initiatives, supported by a significant allocation of over £230 million in funding, demonstrate a commitment to ensuring the safety of women and girls across all settings—whether at home, online, at work, or on the streets. The allocation of £47 million for community-based services is particularly encouraging, as it emphasizes localized support for survivors of domestic abuse and sexual violence. Furthermore, the ratification of the ILO Violence and Harassment Convention No. 190 reflects a progressive stance towards eliminating domestic violence in diverse settings, including workplaces.

However while the report provides comprehensive statistics and outlines financial investments, it lacks sufficient detail on the tangible outcomes of these measures. For example, while the rise in convictions for controlling or coercive behavior is noteworthy, there is no clear analysis of how these legal interventions have directly impacted the prevalence of domestic abuse or improved the circumstances of victims. The long-term efficacy of the Tackling Domestic Abuse Plan remains unclear, as does the specific impact of the allocated funds on addressing the root causes of VAWG.

The Welsh Government's VAWDASV National Strategy is a significant step in addressing domestic abuse, sexual violence, and violence against women, with valuable input from survivors and partner organizations. The Blueprint approach to collaboration is a positive

initiative, but clearer definitions of roles between devolved and non-devolved organizations could ensure smoother implementation and prevent gaps in service delivery.

The mandatory safeguarding training for NHS staff is a strong measure, but ongoing evaluation is essential to keep it relevant and effective. Additionally, more transparency on how the strategy's impact will be measured and assessed over time would strengthen accountability and ensure that objectives are being met.

While the strategy sets out important measures, securing adequate funding and resources for its implementation will be crucial for achieving meaningful change. Overall, it provides a solid foundation, and with careful monitoring, it has the potential to make a lasting impact.

Scotland's "Equally Safe" strategy is a comprehensive approach to addressing violence against women and girls. The £11 million investment in tackling domestic abuse and the Caledonian System are commendable. However, the effectiveness of these programs lacks clear evaluation metrics. It is recommended that the government establish measurable outcomes and publish regular progress reports to track success.

The Domestic Abuse (Scotland) Act 2018 is an important step, but its implementation and accessibility may vary across regions. More resources should be allocated for training local authorities and frontline workers to ensure consistent application of the law and support for marginalized communities.

The focus on tackling 'honour-based' violence and FGM is crucial, but there should be more transparency around the enforcement and outcomes of these initiatives. Regular reviews of multi-agency partnerships and targeted outreach for at-risk communities could improve impact.

The Northern Ireland Domestic and Sexual Abuse Strategy presents a comprehensive and clear overview of the measures introduced to tackle domestic violence and provide support to victims. The introduction of new domestic abuse, stalking offences, and provisions to protect victims in civil proceedings are significant steps in the right direction. Additionally, the establishment of Domestic Homicide Reviews and the launch of a new advocacy support service demonstrate a commitment to improving the support network for victims.

However, the rising number of domestic abuse incidents and crimes—especially those that don't result in criminal charges—raises concerns about the effectiveness of current measures in fully addressing the issue. The fact that over half of the recorded incidents in 2021/22 didn't result in a crime being recorded suggests that further attention is needed on how incidents are classified and how victims are supported through the reporting process. A stronger focus on closing this gap, with clearer guidelines for frontline workers, could help ensure that more victims receive the justice they deserve.

The performance review processes for domestic abuse cases, including the MARAC and DVADs, reflect ongoing efforts to refine and improve victim support. However, these initiatives would benefit from clearer timelines for implementation and evaluation. It would be helpful to outline how these reviews are being used to drive real change, and how success will be measured moving forward. Regular and transparent reporting on the outcomes of these reviews would also increase public trust and accountability.

Moreover, while the training for PSNI officers on the Domestic Abuse & Civil Proceedings (NI) Act 2021 is an excellent initiative, it's crucial that the government continues to assess the impact of this training and ensures that officers are well-equipped to handle the complexities of coercive control and other forms of abuse.

The Isle of Man's Domestic Abuse Act 2020 marks a significant step in addressing coercive and controlling behavior, as well as broader domestic abuse issues. By introducing clear definitions of "domestic abuse" and "personally connected" relationships, the Act aims to provide clarity for victims and the justice system. The commitment to establish a governance framework and align services with NICE quality standards shows a focus on high-quality service provision for victims and perpetrators. The introduction of Domestic Abuse Protection Notices (DAPNs) and Protection Orders (DAPOs) are key measures to offer immediate protection and to create a legal avenue for swift intervention.

However, while these legislative advances are commendable, there are a few areas for improvement. The fact that the majority of the Act came into force only in January 2023 indicates that full implementation is still underway, and the absence of data on prosecution rates for "domestic abuse" remains a gap. Since offenders are still prosecuted for specific crimes like assault until full legal structures are in place, it's important to monitor how effectively the new definitions and legal frameworks are being applied in practice.

Furthermore, while the Department's communications strategy aims to raise awareness, it would be beneficial to also include specific outreach programs targeting hard-to-reach communities or groups who might be less likely to come forward. Strengthening support for individuals in these groups will be crucial to ensuring that the Act reaches all victims of domestic abuse.

II. Recommendations:

- 1)** Establish measurable metrics to assess the long-term efficacy of the Tackling Domestic Abuse Plan and the allocation of funds. Publish regular reports to show tangible progress.

- 2)** Allocate part of the funding toward educational campaigns that challenge societal norms and address the root causes of violence against women and girls.

- 3)** Define roles between devolved and non-devolved organizations to prevent service gaps and ensure smoother implementation of the VAWDASV National Strategy.

- 4)** Develop clear metrics and timelines to evaluate the effectiveness of programs like the Caledonian System and regularly publish progress updates.

- 5)** Create clearer guidelines for frontline workers to ensure accurate classification of domestic abuse incidents and provide better support for victims during the reporting process.