

## **Engender Parliamentary Briefing: The two-child limit**

**October 2023**

### **BACKGROUND**

Engender welcomes this Scottish Parliament debate on the two-child limit. As a feminist policy and advocacy organisation focused on women's equality and rights, we are acutely concerned by changes to the tax and benefit system since 2010 that have worked to entrench and deepen women's poverty and have undermined women's safety and human rights. **Analysis from the House of Commons Library predicted that 86% of net 'savings' between 2010 and 2020 came from women's incomes, pensions, and services that are primarily relied upon by women.**<sup>1</sup>

Engender has been engaged in social security policy for over ten years. The design of social security has highly gendered impacts, as women are twice as dependent on social security as men.<sup>2</sup> Shrinking and inadequate entitlements are particularly acutely experienced by disabled, **BME and refugee women, lone parents, unpaid carers and other marginalised groups who are at even greater risk of poverty and destitution.**

We fully support calls to scrap the two-child limit at the UK level, which harms women and children across Scotland, directly pushing many into deeper poverty. In Scotland, we support calls for the Scottish Government to invest in mitigating the UK Government's policy on grounds of equality and human rights.

### **SPECIFIC CONSIDERATIONS**

#### **1. The two-child limit systemically discriminates against women**

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<sup>1</sup> <https://researchbriefings.files.parliament.uk/documents/SN06758/SN06758.pdf>

<sup>2</sup> <https://www.engender.org.uk/content/publications/Securing-Womens-Futures---using-Scotlands-new-social-security-powers-to-close-the-gender-equality-gap.pdf>

The UN's Special Rapporteur for Extreme Poverty described Universal Credit (UC) as misogynistic, suggesting that "if you got a group of misogynists together in a room and said 'how can we make a system that works for men but not women?' they wouldn't have come up with too many other ideas than what's in place".<sup>3</sup>

**System-wide design flaws with UC and wider UK Government social security policy embed and deepen women's inequality and insecurity.** The two-child limit is a key aspect of this.

The two-child limit disproportionately impacts on women:

- 44% of households affected are headed by single parents, the overwhelming majority of which (92%) are women.
- 58% of those affected are in paid work, with women 72% of those earning below the real Living Wage in Scotland in 2023.
- Women are 70% of unpaid carers and are four times as likely to give up paid work in order to provide 'sandwich care' for children alongside disabled or older people.
- Women from some minority ethnic, faith-based and refugee communities are more likely to have three or more children.

## **2. Reproductive rights**

The two-child limit and its exemptions put women in a position of justifying their reproductive choices and family circumstances in order to receive social security. This is abhorrent. Whilst the Scottish Government is not responsible for the policy, it clearly undermines the focus on anti-poverty and equality in its high-level policy prospectus and recent Programme for Government.

**The two-child limit does not account for women's fundamental rights** to reproductive autonomy, religious and conscientious views on the use of contraception, the fallibility of contraception, bereavement, family breakdown, new relationships and blended families, economic uncertainty and countless other factors that shape women's lives. The policy also ignores realities about women's

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<sup>3</sup> <https://www.telegraph.co.uk/news/2018/11/16/welfare-system-cruel-misogynistic-un-expert-warnsdamning-report>

choices in pregnancy - **domestic abuse commonly includes elements of reproductive coercion.**

Anecdotal evidence tells us that the two-child limit forces women to terminate wanted pregnancies, a serious affront to human rights.

Meanwhile, international evidence shows that ‘family caps’ do not result in reducing the number of children born to recipients of social security, but push families into deeper poverty instead.<sup>4</sup>

### **3. The rape clause**

The so-called ‘rape clause’ has been widely condemned by human rights and equality advocates. The exemption implies a difference between the humanity and rights of planned and ‘unforeseen’ children. It demands that women disclose a trauma at a time and in circumstances not of their choosing in order to avoid or minimise poverty for herself and her children.

It is not possible for the state to gather information regarding rape from women that does not seriously risk re-traumatising women, and breach their and their children’s right to privacy. **Between 2017 and 2020, almost 1,000 women across the UK went through this process in order to access needed income.**<sup>5</sup> This data represents only those able to go through the process of disclosure, or those for whom the alternative is even graver.

Mitigation of the two-child limit in Scotland would prevent women from having to go through, as well as from decision-making around, this appalling application process.

### **4. The removal or mitigation of the two-child limit**

The House of Commons Work and Pensions Committee has acknowledged the urgent need for the family cap to be removed, acknowledging that:

“We do not recommend the reversal of a significant policy lightly. But on the evidence, the two-child limit not only fails to achieve the Government’s own objectives, **but has unintended consequences that no Government should be**

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<sup>4</sup> <https://www.engender.org.uk/content/publications/Engender-submission-of-evidence-on-the-two-child-limit-on-Tax-Credits-and-Universal-Credit-to-the-Scottish-Parliament-Social-Security-Committee.pdf>

<sup>5</sup> <https://www.parliament.scot/chamber-and-committees/votes-and-motions/S6M-09977>

**willing to accept.** The Government must return to providing support for all children through the benefits system.”<sup>6</sup>

This briefing points to some of these consequences for women and for women’s equality. Women’s organisations across the UK, including Engender, have campaigned for the removal of the two-child limit since its introduction on grounds of sexist discrimination and harm to women and their children. The UN CEDAW Committee recommended its repeal in its most recent examination of the UK.<sup>7</sup>

**We join calls from across civil society for the Scottish Government to mitigate the cost of the two-child limit in Scotland.** This is on the grounds that the policy undermines not only child poverty targets but also the Scottish Government’s human rights obligations and high-level commitments on gender equality.

#### FOR FURTHER INFORMATION

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#### ABOUT US

Engender is Scotland’s feminist policy and advocacy organisation, working to increase women’s social, political and economic equality, enable women’s rights, and make visible the impact of sexism on women and wider society. We work at Scottish, UK and international level to produce research, analysis, and recommendations for intersectional feminist legislation and programmes.

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<sup>6</sup> <https://publications.parliament.uk/pa/cm201919/cmselect/cmworpen/51/51.pdf>

<sup>7</sup> <https://www.engender.org.uk/content/publications/Engender-annotated-concluding-observations-formatted.pdf>