

Ben Hoare Bell LLP

Cris McCurley

Bringing CEDAW to Life

28.2.18

Things can only get better

The decimation of women's access to justice

- They cut we bleed: women demanding justice in Court, the UN and on the streets.
- Austerity.
- Don't get mad, get angry/active
- LASPO 2012.

LASPO

- Consultation and bill stages.
- Lobbying.
- Protests.
- House of Lords motion of regret.
- Became law on 1.3.13 – just weeks before CEDAW enquiry into the UK

– LASPO Protests





justice alliance
**Defend
Magna
Carta**
Defend access to justice Defend legal aid

GRAYLING
STOP FEARING OUR
JUSTICE SYSTEM
APART

**THE
GLOBAL
LAW**

GRAYLING
STOP FEARING OUR
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APART

CENTRAL HALL

CENTRAL HALL

How LASPO Impacted Women

- More women rely on Legal Aid to access justice than men.
- It decimated significant areas of law such as housing, all private law matters involving children, finances and divorce.
- The government's equality impact assessment.
- The government's promise to victims of VAW/domestic abuse.

**THE PURPOSE OF ANY
HUMAN RIGHTS
PROTECTION IS TO
PROTECT THE RIGHTS
OF THOSE WHOM THE
MAJORITY ARE
UNWILLING TO PROTECT:
DEMOCRACY VALUES
EVERYONE EQUALLY
EVEN IF THE MAJORITY
DO NOT**

- Brenda Hale



Using CEDAW

- Articles of CEDAW.
- State party enquires.
- Shadow report writing.
- CEDAW UK Enquiry 2013.

CEDAW Enquiry 2013



The UK CEDAW Enquiry 2013

- The government's own report on compliance.
- The Shadow Report.
- The enquiry.
- The determination – corrective action: must do better.
- 2 year report back.

Judicial Review: Challenges to LASPO

- Cuts to the criminal law.
- Judicial review on the residence test.
- Judicial review on payment for judicial reviews (**!!).
- Judicial review on LASPO domestic violence regulations.
- Court fees
- Prisoners rights
- Embarrassment clause

Public Law Project/Rights of Women

- 19th September High Court grants permission for rights of women's legal challenges in judicial review.
- The High Court dismissed Rights of Women's claim finding the Secretary of State for Justice had acted within his powers in making these regulations.
- Appeal to the Court of Appeal.
- Legal team: Sarah Clark of the Public Law Project, Natalie Lieven QC and Zoe Leventhal – Landmark Chambers (pro bono).
- Rights of Women lead Emma Scott.



legal aid
Save lives

RIGHTS of
WOMEN

rightsforwomen.org.uk

JUSTICE
FOR
WOMEN
NOW

Save
legal aid
Save lives

Save
legal aid
Save lives

Court of Appeal Party



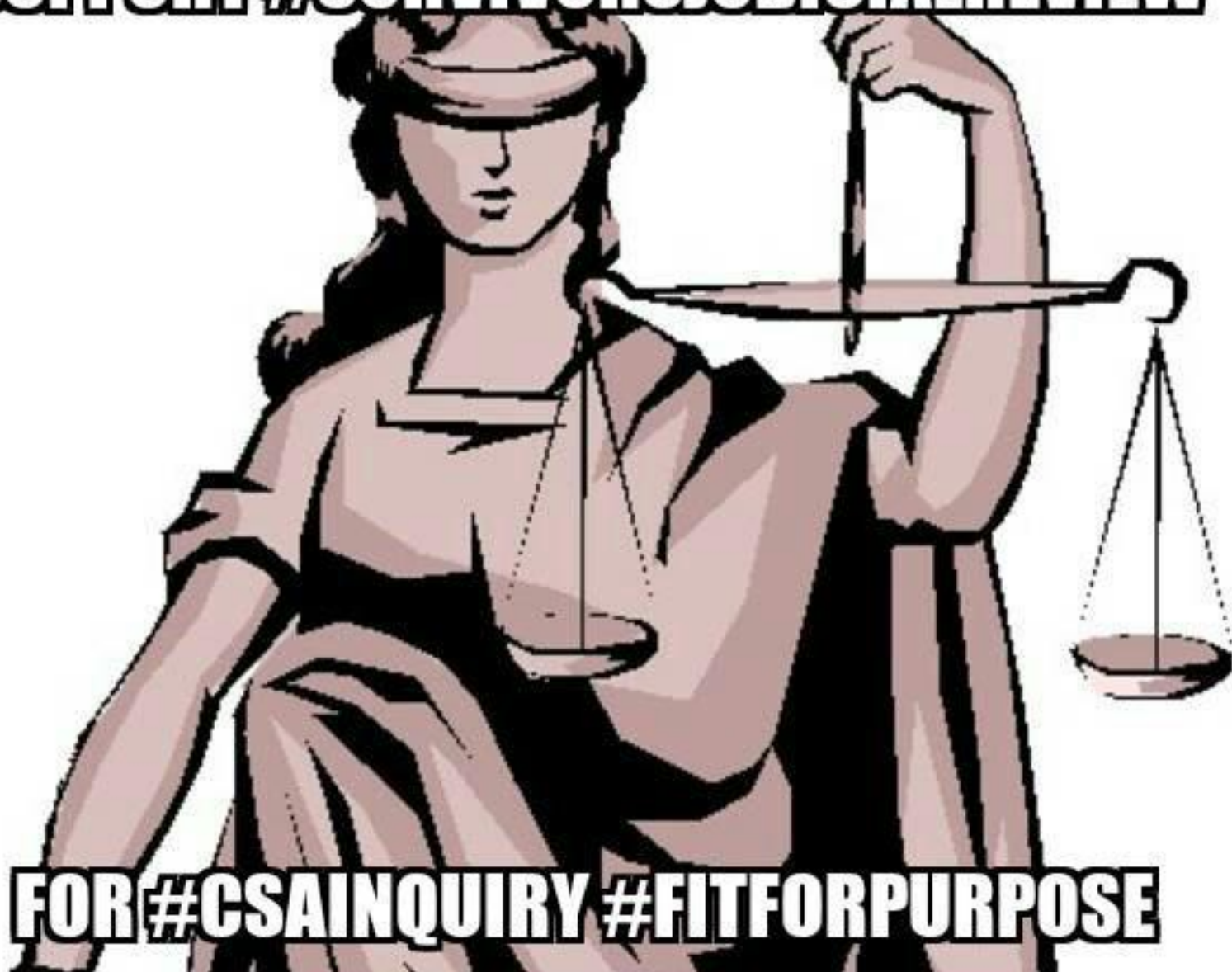
Outcome

- MOJ working party commenced work February 2016.
- Three Lord Chancellors later ...
- We are almost there.
- New regulations issued 8.1.18
- Govt issued their CEDAW report 16.11.17
- Minimal consultation
- Work starts on 2018 Shadow report

In for the long haul

- Threats of judicial review have resulted in legal aid change victories.
- Many successful judicial reviews.
- Southall Black Sisters acting as intervenors.
- The possibility of judicially reviewing the Legal Aid Agency on human rights and statutory charge cases.
- Other successful judicial reviews.

SUPPORT #SURVIVORSJUDICIALREVIEW



FOR #CSAINQUIRY #FITFORPURPOSE

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