



Concluding Observations of the Committee on the Elimination of Discrimination against Women

Understanding what governments need
to do to advance women's rights in Great
Britain

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Introduction

Background

CEDAW – the Convention on the Elimination of All Forms of Discrimination Against Women – is the United Nations’ international Bill of Rights for women. It is one of the UN human rights treaties, to secure equality between men and women. The UK Government is signed up to meeting the requirements of CEDAW. On a regular basis, the UN Committee responsible for CEDAW (the CEDAW Committee), questions states that have ratified the treaty, including the UK, on their progress towards guaranteeing women’s human rights.

This document sets out the concluding observations from the last examination of the UK in July 2013. It explains:

- what the CEDAW Committee was concerned about
- what the CEDAW Committee recommended, and
- the context for those recommendations.

The Equality and Human Rights Commission (EHRC) has produced this document as part of its role in supporting the UN treaty monitoring process and promoting understanding of human rights in Britain. The document is intended to help advocates for women’s rights, including Parliamentarians and civil society, understand what the CEDAW Committee expects the UK Government and devolved administrations to do over the next few years. The EHRC hopes this will help to get the greatest possible value from the CEDAW reporting process in advancing women’s equality.

Devolution in the UK means that the concluding observations will have different implications in different parts of the UK. This is because certain areas of government (for example, aspects of equality or health care) are the responsibility of the Governments of Scotland, Wales or Northern Ireland, under devolved powers. Other powers have been retained (or reserved) by the UK Government (for example, immigration law and policy). Scotland also has a different legal system.

The EHRC is one of the UK’s three national human rights institutions (NHRIs) with ‘A’ status accreditation at the UN. The Scottish Human Rights Commission leads on human rights issues that are devolved to the Scottish Parliament, while the EHRC addresses equality issues across Scotland, as well as human rights issues that are reserved to the Westminster Parliament. CEDAW Recommendations relating to the EHRC’s jurisdiction in Scotland are therefore included in this document. The EHRC’s remit does not extend to Northern Ireland, which is covered by the Northern Irish Human Rights Commission,

and is therefore outside of the scope of this document. This means that a few CEDAW Committee recommendations directed specifically to Northern Ireland are not included in this document.

What is CEDAW?

CEDAW is the Convention on the Elimination of All Forms of Discrimination Against Women, a landmark **international agreement** adopted by the UN. It entered into force on 3 September 1981 after 20 countries had ratified (or agreed to be bound by) it. Its purpose is to eliminate all forms of discrimination against women, with a view to achieving women's full equality with men in the enjoyment of their human rights and fundamental freedoms.

CEDAW defines discrimination against women as:

‘any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.’

CEDAW provides a practical blueprint through a series of Articles that detail steps to eliminate discrimination against women and girls that need to be taken by the states that have adopted the Convention.

Examples of how CEDAW has been used include:

- Educational opportunities – for example, Bangladesh used CEDAW to help attain gender parity in primary school enrolment and has as a goal for 2015, to eliminate all gender disparities in secondary education.
- Violence against women and girls – for example, Mexico responded to a destabilising epidemic of violence against women by using CEDAW terms in a General Law on Women's Access to a Life Free from Violence. By 2009, all 32 Mexican states had adopted the measure.
- Marriage and family relations – for example, Kenya has used CEDAW to address differences in inheritance rights, eliminating discrimination against widows and daughters of the deceased.
- Political participation – for example, Kuwait's Parliament voted to extend voting rights to women in 2005 following a recommendation by the CEDAW Committee to eliminate discriminatory provisions in its electoral law.

How CEDAW works

The **CEDAW Committee** consists of experts in gender equality who are nominated by governments and elected every four years. The Committee's task is to monitor how governments put CEDAW into practice.

State reports

Governments are required to report to the CEDAW Committee every four years, on their progress towards implementing CEDAW and the recommendations made by the CEDAW Committee in previous years. The UK Government's **seventh periodic report** is the most recent.

The CEDAW Committee may also ask governments to provide interim reports on issues of particular concern. At the examination of the UK in 2013, the CEDAW Committee asked the UK Government to report back on Northern Ireland's abortion law in 2014, and to provide information about the impact on women of reforms to legal aid in England and Wales in 2015.

Shadow reports

The NHRIs and non-governmental organisations (NGOs) in each reporting country can submit shadow reports to the CEDAW Committee. Shadow reports may set out an alternative view of the situation for gender equality in the country from that described in the Government's report. They can provide an alternative analysis of the impact of laws and policies, supported by different kinds of evidence. The CEDAW Committee normally also meets with these organisations and other gender equality experts to gain further information.

The EHRC submitted a **Shadow report** on the UK's seventh report, and the Women's Resource Centre coordinated a **Shadow report** from a coalition of 42 women's and human rights organisations from across the UK. All the reports submitted to the CEDAW Committee for the examination of the UK in 2013 can be found on the **UN's website**, in the table under 'information provided to the Committee'.

The examination

Once the CEDAW Committee has reviewed all of the information about a country, it calls the government to an oral examination of its report. The examination is broadly structured around a list of priority topics (a 'list of issues'), which the CEDAW Committee will provide to the government in advance.

Concluding observations

Following its examination of a state, the CEDAW Committee makes recommendations on what the state's government should do to improve its work on gender equality. These recommendations are called concluding observations and can be used in a number of ways, for example:

- The UK Government states it uses CEDAW as a framework for its policies to advance gender equality, for example implementation of the recommendations is referenced in the [Violence Against Women Action Plan](#).
- Parliamentarians are encouraged to monitor the UK Government's progress in implementing the CEDAW recommendations and use mechanisms such as parliamentary questions or debates to encourage the government to implement them. For example, the annual gender equality debate in the House of Commons held for International Women's Day (March 8th) offers the government of the day the opportunity to set out its work for women's advancement and the Shadow Minister and other Parliamentarians to debate the whole issue. All parties may refer to obligations under CEDAW and the current concluding observations can be used to particular effect.
- NGOs can also use the recommendations to call the government and public and private sectors to account. For example, Rape Crisis Centres have used CEDAW and its concluding observations to advocate for sustainable funding for women's organisations and to protect women from violence. NGOs have also used the concluding observations to help put gender equality at the centre of international negotiations on following up the Millennium Development Goals and developing a new post-2015 agenda.

Terms used by the CEDAW Committee

Temporary Special Measures

In cases where the long-term effects of discrimination have seriously disadvantaged women, the CEDAW Committee may recommend specific measures that speed up gender equality. These Temporary Special Measures are time-limited and must be discontinued once the objectives of equality of opportunity and treatment have been achieved. The CEDAW Committee's [General Recommendation 25](#) explains the value of Temporary Special Measures and makes clear that, by helping create a level playing field to overcome historical disadvantages faced by women, such measures are not discriminatory against men.

For example: The UK Government introduced a Temporary Special Measure allowing political parties to use women-only shortlists of candidates for elections, to help address the under-representation of women in Parliament. It can be used until 2030.

De facto or substantive equality

The CEDAW Committee recognises differences between women and men, both biologically and socially, and that, because of these differences, equal treatment under the law (formal or *de jure* equality) may not be enough to ensure women enjoy the same rights as men. Governments should seek to understand the root causes of inequalities between men and women, and to introduce laws, policies and public services that address them. This may mean treating women differently from men, to enable them to achieve the same results.

General Recommendations

The CEDAW Committee recognises that CEDAW is ‘dynamic’ – it needs to respond to changing global circumstances, especially where work towards equality may be in decline, or when a particularly intractable problem needs further attention such as **violence against women**. The CEDAW Committee issues **General Recommendations** to outline how CEDAW can be used in new contexts and to set out new strategies for progressing the rights of particularly disadvantaged groups of women, for example **older women** and **women in conflict**.

The Optional Protocol

CEDAW also has an **Optional Protocol** that countries can sign up to, which enables individuals or groups to complain to the CEDAW Committee directly about potentially serious women’s rights violations in that country. Concerns can be brought to the CEDAW Committee through either the ‘communication’ or the ‘inquiry’ procedure; there have been very few so far.

For example: In 2004, in Hungary, a Roma woman’s ‘consent’ to ‘sterilisation’, using a Latin word, was obtained while she was on the operating table for a Caesarean section because her unborn baby had died. She was unaware she had agreed to have her fallopian tubes tied. Her case was successful; the Hungarian Government has made changes to its Public Health Act and paid compensation to the woman (2009). Two issues brought against the UK were found ‘inadmissible,’ principally on procedural grounds. Details of those cases can be found in the EHRC’s **guidance** on using the Optional Protocol.

Ratification and reservations

Ratification is a formal process by which governments from around the world accept the terms of an international treaty or convention and agree to implement them through domestic laws and policies. When ratifying a treaty or convention, a government can refuse to accept a particular term by making a reservation. The Government must implement all the terms of the treaty or convention apart from the ones where it has made a reservation.

For example: The UK Government entered a **number of reservations**, on issues including immigration, education, pensions and tax. The CEDAW Committee has called for the reservations to be reconsidered.

The main concluding observations of the seventh periodic review of the UK Government (2013)

The **concluding observations** on the UK were published by the CEDAW Committee in 2013. The document first sets out the background documents for the examination, and thanks the UK Government for taking part in the examination. It then notes positive aspects in the UK's progression towards gender equality, mentioning:

- the UK Government's strategy on equality, '**Building a Fairer Britain**'
- work on the **Declaration on Preventing Sexual Violence in Conflict**
- ratification of the UN Convention on the Rights of Persons with Disabilities (the **UNCRPD**)
- ratification of the **Optional Protocol on the Sale of Children**, and
- ratification of the Council of Europe **Convention on Action against Trafficking in Human Beings**.

The main part of the document covers the CEDAW Committee's principal areas of concern and recommendations. The issues considered by the CEDAW Committee are listed below, grouped by theme. You can follow the links to see what the CEDAW Committee said about each issue, and its recommendations.

The paragraph numbers used in this document refer to the emboldened paragraph numbers in the CEDAW Committee's concluding observations to the UK's seventh periodic report. The CEDAW Committee sets out its recommendation in these emboldened numbered paragraphs with their reasoning in the preceding plain text paragraphs. For convenience this report groups the recommendations by theme.

Themes

Framework for Delivering CEDAW Obligations

- Parliaments (paragraph 9)
- Reservations (paragraph 11)
- Legal Status of CEDAW (paragraphs 13 and 15)
- Constitutional Framework and Implementation of CEDAW, including the Public Sector Equality Duty (paragraph 17)
- Beijing Declaration and Platform for Action (paragraph 66)
- Millennium Development Goals and Future Framework (paragraph 67)

Legal and Physical Security

- Legal Aid and Access to Justice (paragraphs 23 and 57)
- Removal of the Corroboration Requirement in Sexual Offences Cases in Scotland, and Expansion of the Limitation Period (paragraph 27)
- Violence Against Women and Girls (paragraph 35)
- Female Genital Mutilation (paragraph 37)
- Trafficking and Exploitation of Prostitution (paragraph 39)
- Women in Prison (paragraph 55)
- Gender Sensitive Training for Officers Determining Immigration and Asylum for Victims of Violence (paragraph 59a)
- Women's Property Rights (paragraph 65)

Education and Employment

- Education, including Tackling Violence Against Women and Girls in Schools, and increased Participation in Non-‘Traditional’ Subjects and Careers (paragraph 45)
- Employment and Economic Empowerment, including Flexible Working, the Gender Pay Gap and Access to Justice for Discrimination at Work (paragraph 47)
- Access of Black and Minority Ethnic Women to the Labour Market to Alleviate their Concentration in Low-Paid Jobs (paragraph 59b)

Standard of Living, Health, Care and Support

- Impact of Austerity Measures on Women (paragraph 21)
- Affordable Childcare (paragraph 49)
- Health, including Access for Older Women, those with Disabilities, and other Marginalised Groups (paragraph 53)
- Access to Adequate Housing and Social Services for Ethnic Minority Women and Gypsy and Traveller Women (paragraph 61)
- Universal Credit (paragraph 63)

Power, Decision-Making and Voice

- National Machinery for the Advancement of Women (paragraph 29)
- Temporary Special Measures (paragraph 31)
- Stereotypes and Press Regulation (paragraph 33)
- Participation in Political and Public Life (paragraph 43a)

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Parliaments, Reservations, the Legal Status of the Convention, and UK Territories

Paragraphs 9, 11, 13 and 15

The CEDAW Committee is concerned about:

- The role of national Parliaments in implementing CEDAW
- The UK Government's reservations to CEDAW
- The status of CEDAW in UK legislation, and
- Ratification of CEDAW in Overseas Territories and Crown Dependencies.

Recommendations

The CEDAW Committee has asked the UK Government to:

- Encourage Parliaments in the UK to take steps to implement its recommendations
- Withdraw and narrow its reservations to the Convention
- Incorporate all the provisions of CEDAW into UK law, and
- Extend ratification of CEDAW to all UK territories including Guernsey and Jersey.

Constitutional Framework and Implementation of CEDAW, including the Public Sector Equality Duty

Paragraph 17

The CEDAW Committee is concerned that:

- The new, single Public Sector Equality Duty (PSED) may be less effective than the previous, specific Gender Equality Duty
- Some provisions of the Equality Act 2010 have not been brought into force, i.e.:
 - the public sector duty on socio-economic inequalities
 - provisions to tackle multiple discrimination, and
 - requirements for publication of information about the gender pay gap.

More information

While the specific duties related to the PSED in Scotland and Wales have explicit gender components, the CEDAW Committee is concerned that there are no similar specific requirements for gender in England.

Recommendations

The CEDAW Committee has asked the UK Government to:

- Use the opportunity of the review of PSED to improve the law
- Ensure that public authorities put it into practice, including the idea of ‘substantive equality’ (see [Terms used by the CEDAW Committee](#))
- Provide the same guidance on the PSED across England, Wales and Scotland
- Implement the provisions in the Equality Act 2010 on:
 - a new public sector duty on socio-economic inequalities
 - recognising multiple forms of discrimination, and
 - gender pay gap reporting by larger companies.

Background

The Equality Act 2010 created the PSED, which requires public sector organisations to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other prohibited conduct
- Advance equality of opportunity between persons who share a relevant protected characteristic such as race, gender or age, and persons who do not share it, and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Although this general duty applies throughout Britain, the specific duties in England have no specific gender component, while in Scotland and Wales they do.

England

To help English public bodies perform the PSED more effectively, they have two specific duties to:

- Publish information annually to demonstrate how they have complied with the PSED, and
- Prepare and publish equality objectives at least every four years.

In 2012 the [Red Tape Challenge spotlight on equalities](#) reviewed whether the PSED was operating as intended in England. The report of the [Independent Steering Group](#) stated the time elapsed between the introduction of PSED and the review was generally too short to make reliable conclusions and the resulting information gave a mixed picture. There were also recommendations for the EHRC to provide further guidance. There was no specific analysis of the impact on gender equality. The UK Government [responded](#) to the review. The EHRC has published information on the [English specific duties](#).

Scotland

The specific duties in Scotland require **Scottish Ministers** to identify Scotland-wide equality priorities, and report on progress to the Scottish Parliament. Scottish public authorities are required to publish pay gap information, and statements on equal pay. The EHRC has published guidance for public authorities on the **Scottish specific duties**.

Wales

The Welsh specific duties include elements aimed directly at gender equality, for example public bodies in Wales are required to have an objective to address the gender pay gap. Welsh Ministers must compile reports of progress and proposals every four years. The EHRC has published information about the **Welsh specific duties**.

Beijing Declaration and Platform for Action

Paragraph 66

Recommendation

The CEDAW Committee calls for the UK Government to:

- Put into practice the Beijing Declaration and Platform for Action as it implements CEDAW.

Background

The **Beijing Declaration and Platform for Action (1995) (BDFA)** is an international agreement but is not legally binding: it is neither a covenant nor a treaty. However, the states involved commit to implement it and use it as part of their policy-making. The BDPFA sets out 12 ‘critical areas of concern’ – specific areas of women’s inequality – and steps to be taken to mitigate against this, including a range of actions to be carried out by governments, the UN, NGOs and others.

The Platform, Declaration, and subsequent additions published on anniversaries attempt to highlight the global gaps in realising women and girls’ rights, and what concrete steps need to be taken to overcome these. Each chapter focuses on one area of concern such as poverty, violence, the economy, women in the media, the girl child. It also deals with the mechanisms needed for the advancement of women.

In March 2015, the 59th session of the Commission on the Status of Women will review global progress on women’s equality and access to their rights on the 20th Anniversary of the Beijing Conference (Beijing+20).

Millennium Development Goals and Future Framework

Paragraph 67

Recommendation

The CEDAW Committee calls for the UK Government to:

- Include a gender perspective while working towards the Millennium Development Goals (MDGs) and the new development framework from 2015 (the Post-2015 Framework).

Background

In September 2000, building upon a decade of major United Nations conferences and summits, world leaders came together at the United Nations Headquarters in New York to adopt the [United Nations Millennium Declaration](#). Those states committed to a new global partnership to reduce extreme poverty and set out a series of time-bound targets – with a deadline of 2015 – that have become known as the MDGs. The UK was a signatory.

The eight MDGs – which range from halving extreme poverty to halting the spread of HIV/AIDS and providing universal primary education, all by the target date of 2015 – form a blueprint agreed to by all member States of the UN and all leading development institutions. They have galvanized unprecedented efforts to meet the needs of the world's poorest. Many have been successful. However, although there is a stand-alone gender equality goal (MDG number 3), gender was not mainstreamed throughout the other MDGs.

The [Post-2015 Framework](#) will build on the MDGs. In March 2014 the [Commission on the Status of Women](#) (a functional committee of the UN Economic and Social Council) called for a transformative stand-alone gender goal to be mainstreamed through all other goals (see paragraph E.43 of the [Agreed Conclusions](#)).

Civil society, and in particular women's and development organisations interested in gender equality and women's human rights, are working together at a global level to seek inclusion of a rights-based gender equality 'stand-alone goal' that is mainstreamed through the other goals, such as sustainable development and climate change. There is also strong support for an ambitious goal on violence against women and girls.

Legal and Physical Security

- Legal Aid and Access to Justice (paragraphs 23 and 57)
- Removal of the Corroboration Requirement in Sexual Offences Cases in Scotland, and Expansion of the Limitation Period (paragraph 27)
- Violence Against Women and Girls (paragraph 35)
- Female Genital Mutilation (paragraph 37)
- Trafficking and Exploitation of Prostitution (paragraph 39)
- Women in Prison (paragraph 55)
- Gender Sensitive Training for Officers Determining Immigration and Asylum for Victims of Violence (paragraph 59a)
- Women's Property Rights (paragraph 65)

Legal Aid and Access to Justice

Paragraph 23

The CEDAW Committee is concerned that:

- Changes to the legal aid system unduly restrict women's access to civil legal aid in England and Wales
- While legal aid is still available for some family law issues, there are conditions attached such as providing proof of abuse for victims of violence
- There are proposals for a residency test as a condition for receiving legal aid
- Fees have been introduced for Employment Tribunals, and
- Some women may be pushed towards informal arbitration systems, such as faith-based tribunals, which do not always meet CEDAW requirements.

More information

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO Act) means legal aid is no longer available in England and Wales for some issues including:

- Private family law (except cases involving domestic violence, forced marriage or child abduction)
- Personal injury and some clinical negligence cases
- Some employment and education law
- Immigration where the person is not detained, and
- Some debt, housing and benefit issues.

Recommendations

The CEDAW Committee has urged the UK Government to:

- Ensure that women can access courts and tribunals effectively, especially those who are survivors of violence
- Assess how reforms to legal aid have affected the protection of women's rights, and
- Ensure women are protected from informal justice systems such as community arbitration which may not be in line with CEDAW and may violate their rights.

Background

Civil Legal Aid

Two different kinds of legal aid are available in England and Wales:

- Civil legal aid helps pay for legal advice, mediation or representation in court to support people with legal problems, and
- Criminal legal aid is for those who have been accused of a crime. Most defendants will be eligible.

The **LASPO Act** restricts access to civil legal aid in England and Wales. Among other things, civil legal aid will no longer be available for most family advice, unless there is evidence of **domestic violence or abuse**, although concerns have been raised that this can be difficult to obtain.

Scotland has not limited access to legal aid in the same way, and has a distinct Scottish Legal Aid Board.

For up-to-date information on eligibility and access to legal aid see:

- [Scotland](#)
- [Wales](#)
- [England](#)

Tribunal fees

The right to challenge the actions of employers within an independent adjudication system is a key workplace right. Unfair dismissal or discrimination against pregnant women and women in certain age brackets, for instance, has been a significant barrier to equal employment practices.

The UK Government introduced a regime of **tribunal fees** in 2013, which will apply to all employment tribunals, including cases brought on the grounds of sex discrimination or equal pay. The new regime includes some degree of means-testing, but only those experiencing the most acute poverty will not be required to pay anything at all. There are concerns that without access to employment advice through civil legal aid, the chances of determining the correct legal ground for the case will be reduced and fewer can afford to bring cases.

The Ministry of Justice's **Tribunal Statistics Quarterly for October-December 2013** (p. 8) show the number of claims received in employment tribunals from October to December 2013 was 79 per cent fewer than in the same period of 2012.

Women with Insecure Immigration Status

Paragraph 57

The CEDAW Committee is concerned that:

- Women with insecure immigration status have ‘no recourse to public funds’ to support them, and
- The concession to this rule for victims of domestic violence only applies to women who have entered the UK on spousal visas, which might trap women in violent relationships.

Recommendations

The CEDAW Committee recommends that the UK Government should:

- Extend the concession to all women who experience violence so they have ‘recourse to public funds’ to support them, and
- Provide all women with insecure immigration status, including asylum seekers, with access to justice and health care until their return to their country of origin.

Background

People with ‘no recourse to public funds’ are those who are subject to immigration control and have no entitlement to welfare benefits, to Home Office asylum support for asylum seekers, or to public housing. For women in this position who are experiencing domestic violence, the ‘no recourse to public funds’ rule has meant that they may not be able to get a place in a refuge, as these are maintained through rental income that is largely funded by housing benefits. This can trap women in an abusive relationship.

In 2012 the Government introduced the **Destitution Domestic Violence Concession** which allows women in this position to get financial assistance. However this only applies to women who entered the UK on a spousal visa.

Sexual Violence Cases in Scotland

Paragraph 27

The CEDAW Committee is concerned that in Scotland:

- The requirement for corroborating evidence in cases of rape and sexual violence acts as a barrier to prosecuting these cases, and
- The three-year limit (the ‘time bar’) for taking civil cases to claim compensation for sexual abuse cases, limits access to justice for victims.

More information

The concerns raised by the CEDAW Committee under this concluding observation relate to the justice system in Scotland, which is entirely devolved. The CEDAW Committee notes the findings of the Carloway Review of the Scottish justice system, which recommended removing the requirement for corroboration in criminal cases (being taken forward through the [Criminal Justice \(Scotland\) Bill](#)).

Recommendations

The CEDAW Committee urges the Scottish Government to:

- Consider putting into practice the recommendations of the Carloway Review especially in regard to corroborating evidence, and
- Extend the limitation period for civil claims regarding abuse, so that a woman can bring a case as an adult, even if the crime took place when they were a child.

Background

Corroboration

In its [Consultation Paper](#) the Scottish Government noted that the requirement for corroboration of evidence in criminal cases is an ancient and highly distinctive feature of Scots criminal law that, generally speaking, is not used in other countries, or in any international court. Scots criminal law requires **two things**:

- at least one source of evidence, for example the testimony of one witness, which indicates the guilt of the person accused of the crime. That evidence may be direct or circumstantial, and
- each crucial fact in a case must be corroborated by at least two sources of evidence, either direct or circumstantial, for example the same evidence provided by two eyewitnesses, or an eyewitness account that is consistent with circumstantial evidence.

The **Consultation Paper** also noted that, historically, the requirement for corroboration has been regarded as an ‘important protection against an accused person being convicted unsafely on the basis of the evidence of a dishonest or mistaken witness’. However, it can be challenging to provide such evidence for crimes that happen in private and without witnesses. For example, in a rape case two forms of evidence that penetration took place and two forms of evidence that there was no consent would need to be provided.

Lord Carloway, the Lord Justice Clerk, was commissioned to **review** the justice system in Scotland. He recommended the removal of corroboration from Scots Law.

The removal of the requirement for corroboration is part of the **Criminal Justice (Scotland) Bill**, which is awaiting the recommendations of a review chaired by Lord Bonomy.

Time bars

Claims for damages for any form of personal injury, including sexual violence, must be brought within the three year limit (or ‘time bar’) set out in the **Prescription and Limitation (Scotland) Act 1973**. This means that an individual has to begin a personal injury case within three years of the injury being sustained, or the victims knowing the injury has been sustained. The period of limitation does not run while the child is under 16 and the court does have some discretion to allow an action to be commenced after the three year limitation has lapsed if they consider it fair to do so.

The Scottish Government consulted on the time bar and concluded that it should be extended, and that cases where it would be fair for the judge not to enforce the time bar should be clarified. This is being addressed through the **Damages Bill**.

Violence against Women and Girls

Paragraph 35

The CEDAW Committee is concerned about:

- The prevalence of violence against women
- Violence affecting black and ethnic minority women, including so-called ‘honour killings’
- Negative police attitudes towards women who are victims of domestic violence, and
- Corporal punishment of children in the home.

More information

The CEDAW Committee commends the UK Government’s strategy on violence against women, and notes that it intends to ratify the Istanbul Convention on preventing and combatting violence against women and domestic violence, and to make forced marriage a crime.

Recommendations

The CEDAW Committee urges the UK Government to:

- Ratify the Istanbul Convention
- Make forced marriage a criminal offence
- Increase protection of all women and girls from all sorts of violence, including domestic violence and crimes in the name of honour
- Raise public awareness on all forms of violence against women and girls, and ensure awareness-raising campaigns address the needs of black and ethnic minority women
- Intensify the training of police officers to tackle prejudice against victims of domestic violence, and
- Change the law to stop corporal punishment of children in the home.

Background

According to a March 2014 [EU-wide survey](#), violence against women is ‘an extensive human rights abuse’ across Europe with one in three women reporting some form of

physical or sexual abuse since the age of 15 and 8 per cent suffering abuse in the last 12 months. The UK has the joint fifth highest rate of physical and sexual violence (44 per cent) in the European Union. About 1.2 million women suffered domestic abuse and over 330,000 women were sexually assaulted in 2012-13 (estimates, [UK Government](#)).

The UK Government has produced a [strategic vision](#) on ending violence against women and girls, accompanied by an [Action Plan](#) that was updated in March 2014. The Welsh Government has its own [strategy](#) and has introduced a Bill aimed at ending violence against women, domestic abuse and sexual violence. The Scottish Government is also developing a [strategy](#).

The Council of Europe has developed a Convention on preventing and combating violence against women and domestic violence, which is known as the [Istanbul Convention](#). The UK Government has signed, but not yet ratified the Istanbul Convention.

The [Anti-Social Behaviour, Crime and Policing Act 2014](#) implements the CEDAW Committee's recommendation to criminalise forced marriage. The Scottish Parliament enabled the Westminster Parliament to legislate on its behalf in relation to this matter. Police forces are engaged with the joint Foreign and Home Office [FMU - Forced Marriage Unit](#) and expert NGOs working at service and advocacy levels to implement the law sensitively and effectively. The FMU has published [figures for forced marriage](#).

Corporal punishment of children

Parents in the UK are not yet explicitly banned from smacking their children within the home; and the UK Government has made no commitments to make smacking an offence. The 2004 Children Act removed the defence of 'reasonable chastisement' in England and Wales for any child punishment that caused such injuries as bruising, swelling, cuts, grazes or scratches.

While the National Assembly for Wales voted to ban smacking via the [Rights of Children and Young Persons Measure 2011](#) (part of its commitment to use the Convention on the Rights of the Child to shape law and policy in Wales), there will be no legislation before 2016.

In [Scotland](#) it has been illegal to use any implements other than an open hand when disciplining a child since October 2003 – but it is not yet banned.

Female Genital Mutilation

Paragraph 37

The CEDAW Committee is concerned that:

- Female Genital Mutilation (FGM) persists in some communities across the UK, and
- There have still been no convictions for FGM.

Recommendations

The CEDAW Committee recommends that the UK Government:

- Ensures existing laws against FGM are put into practice
- Ensures the Crown Prosecution Service is provided with the necessary support to prosecute perpetrators of FGM, and
- Supports the Director of Public Prosecutions' action plan on improving FGM prosecutions.

Background

FGM removes and damages healthy and 'normal' female genital tissue, causing long-term health effects. Also known as female circumcision, it may be understood as a way of controlling female sexuality in cultures where marriage is the major goal. FGM is recognised **internationally as a violation of the human rights** of girls and women and the UN **unanimously** called on states to ban the practice in 2012.

The **Female Genital Mutilation Act 2003** and the **Prohibition of Female Genital Mutilation (Scotland) Act 2005** prohibit the practice of FGM in the UK. It applies to UK Nationals or permanent UK residents, and prevents them from carrying out, or assisting, FGM abroad, even in a country where the practice is legal.

The Director of Public Prosecutions published an **Action Plan** on improving the Crown Prosecution Service's prosecution of FGM, following consultation with experts in September 2012.

Education is central to preventing FGM, and the UK Secretary of State for Education, following a meeting with Fahma Mohammed, has written to schools reminding them of their **duty to protect children** and with plans for raising awareness of the problem of FGM.

The duty to protect children should also be used to protect young girls from early and forced marriage.

The Home Affairs Select Committee has conducted an **inquiry** on FGM and called for a national action plan.

Wales

The Welsh Government has released a **Cabinet Statement** and developed the **All Wales FGM Protocol 2011**. BAWSO, an all-Wales service providing support for survivors or likely ‘targets’ of FGM, amongst other forms of gender based violence, receives financial support from the Welsh Government. An **FGM Toolkit** for professionals and parents as a teaching aid has been developed, along with a National Training Framework that will complement the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill.

Scotland

The Scottish Government is currently funding research by the Scottish Refugee Council and the Women’s Support Project that will establish a baseline for further interventions, as well as funding various services that support women and deliver prevention work. The Scottish Government has included a commitment to tackle FGM within their **Violence Against Women and Girls strategy**.

The Scottish Cabinet Secretary for Education, Michael Russell MSP, **wrote to head teachers** of Scottish Schools to highlight the importance of teachers working with other agencies to prevent and report FGM and highlighting relevant policy, legislation and resources following a campaign by schoolgirl Fahma Mohamed who was supported by women’s organisations. The Scottish Government has published information on the **framework** in Scotland to prevent FGM.

Trafficking and Exploitation of Prostitution

Paragraph 39

The CEDAW Committee is concerned that:

- There is currently no national plan to tackle trafficking for sexual exploitation in the UK and that trafficking is complex and widespread
- The National Referral Mechanism is weak in identifying victims of trafficking, and
- Victims of trafficking are not provided with adequate support.

More information

The CEDAW Committee noted the recommendations of the EHRC's [Inquiry into Human Trafficking in Scotland](#), and the Council of Europe's Group of Experts on Action against Trafficking in Human Beings ([GRETA](#)).

Recommendations

The CEDAW Committee urges the UK Government to:

- Adopt a comprehensive national action plan to tackle trafficking in women and girls
- Identify any weaknesses in the National Referral Mechanism, and
- Make sure that victims of trafficking are properly identified, supported and protected.

Background

Human trafficking

Human trafficking is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them. For someone to be trafficked they do not have to cross any border. More information can be found [here](#). The CEDAW Committee highlights the link between human trafficking and sexual exploitation for prostitution.

The UK has ratified the [International Convention Against Transnational Organised Crime](#), which includes a protocol that covers the trafficking of women and girls. It has also ratified the EU Anti-Trafficking Directive. However, each country in the UK deals with trafficking in a slightly different way, so there is no single system of protection for victims or laws to

prosecute traffickers. Both the CEDAW Committee and the GRETA have criticised this approach and suggest it does not comply with the UK's international obligations.

The National Referral Mechanism

The **National Referral Mechanism** (known as the NRM) has been established to identify victims of human trafficking and to ensure they receive appropriate protection and support. It is part of the UK National Crime Agency's UK Human Trafficking Centre. Particular identified organisations may refer potential human trafficking victims to the NRM. Significant concerns have been raised about the NRM since its establishment, due to the low numbers of people recognised as 'trafficked' and the treatment of those with irregular immigration status.

The EHRC has raised a number of **concerns** about the NRM, including the lack of specific data and investigations, and training for authorities to recognise trafficked people thus avoiding their criminalisation and possible prison sentence. The NRM is currently being reviewed, with a report expected in autumn 2014.

England and Wales

The UK Government has **reviewed** trafficking legislation in England and Wales, and decided that it needs consolidating. It has introduced a **Modern Slavery Bill**, though **concerns remain**, including the need to make a link between trafficking and sexual exploitation for prostitution.

In Wales an anti-human trafficking co-ordinator has been appointed. The Welsh Government's anti-human trafficking co-ordinator has published the 2013 **annual report**.

Scotland

The EHRC's **Inquiry into Human Trafficking in Scotland** illuminated the problems Scotland is facing in meeting its international and domestic human rights obligations. The Scottish Government has announced that it will bring forward a Bill on trafficking during this parliamentary session.

Women in Prison

Paragraph 55

The CEDAW Committee is concerned that:

- Women are more likely than men to be put into prison for non-violent offences
- Women have limited access to mental health care in prisons
- Black and ethnic minority women are over-represented in prison, and
- Some women in prison have been trafficked, and there are a lack of services to integrate them into society after release.

Recommendations

The CEDAW Committee urges the UK Government to:

- Implement recommendations made by Baroness Corston and by the House of Commons Justice Committee on women in prison
- Work on alternatives to prison, including community projects and services for women convicted of minor offences
- Improve mental health care in all prisons
- Address the root causes of black and ethnic minority women being over-represented in prison, and
- Make sure that authorities, including prison staff, are able to recognise when women may have been trafficked, prevent them being treated as criminals, and provide adequate services for their integration into society.

Background

The 2007 [Corston Report](#), on women with particular vulnerabilities in the criminal justice system, made key recommendations on preventing women being imprisoned inappropriately, and improving conditions for those in custody. The [Justice Select Committee](#) has been monitoring the implementation of the Corston recommendations.

In Scotland, the independent [Commission on Women Offenders](#) had a remit to consider how to improve outcomes for women in the criminal justice system and reduce the recent rise in the female prison population. The Scottish Government accepted 33 out of the 37 recommendations made by the Commission and have been working to implement change across the system.

Immigration and Ethnic Minority Women

Paragraph 59(a)

The CEDAW Committee is concerned by reports that:

- Immigration authorities do not take a gender-sensitive approach towards women who have experienced violence.

Recommendations

The CEDAW Committee urges the UK Government to:

- Train officers in charge of immigration and asylum applications so that they are gender sensitive, especially for women and girls who have experienced violence.

Background

Research conducted for the EHRC has identified a range of concerns affecting women seeking asylum in the UK, in relation to health, education, employment and poverty, notwithstanding the decision-making process concerning their asylum claim.

Women's Property Rights: Economic Consequences of Divorce

Paragraph 65

The CEDAW Committee is concerned about:

- The lack of progress on dealing with the financial consequences of relationship breakdown for women.

More information

The CEDAW Committee made recommendations in 2008 on the status of women after marriage or relationship breakdown in England and Wales, and also highlights the Law Commission report on cohabitation. The CEDAW Committee is concerned over the lack of progress in this area, and that women's rights may not be protected in relation to the division of assets in the case of divorce, dissolution of a civil partnership, or the end of a *de facto* relationship.

Recommendations

The CEDAW Committee urges the UK Government to:

- Make reforms quickly to protect women's right to property when there is an end to a marriage, civil partnership, or *de facto* union
- Ensure these reforms are in line with CEDAW General Recommendation number 29 on the economic consequences of marriage, family relations and their dissolution and Article 16 of CEDAW that gives women and men equal rights in marriage and the family.

Background

The [Law Commission proposals](#) (2007) referred to by the Committee give guidance for legislation to enable cohabiting couples to divide property and provide for children of the union in an equitable way. Since women are more likely to have any child of such a union living with them, and may not have been able to contribute financially equally to the

partnership, these proposals would be particularly important for them. They have not been implemented.

Between 1996 and 2012 the **rate of cohabitation** in the UK doubled to nearly 6 million people and 58 per cent believed Common Law would protect them, which is not the case.

The CEDAW Committee seeks to ensure that the principles of substantive equality (see Terms p. 3) which apply to marriage and divorce will also apply to cohabiting couples at dissolution of their relationship:

‘In respect of the economic dimensions of family relations, a substantive equality approach must address matters such as discrimination in education and employment, the compatibility of work requirements and family needs, and the impact of gender stereotypes and gender roles on women’s economic capacity’ (**CEDAW General Recommendation 29 para 8**).

The Matrimonial Causes Act 1973 and the Civil Partnership Act 2004 govern divorce and dissolution rules for England and Wales. The courts start from a premise of equality but vary orders seeking to ensure the prime carer of any children (normally the mother) is not economically disadvantaged. However when assessing the division of assets, women’s contribution to households in the form of unpaid domestic and reproductive labour may be uncounted.

The Family Law (Scotland) Act 2006 introduced new rights and obligations concerning cohabiting couples. For the purposes of the 2006 Act, a cohabiting couple is a couple (either opposite sex or same sex) who live together as if they were married or in a civil partnership. The 2006 Act creates a legal presumption that each party will have an equal share in household goods (excluding motor vehicles and money) acquired during the cohabitation. The parties are also presumed to have an equal share in any allowance or account created for joint household expenses.

Education and Employment

- Education, including Tackling Violence Against Women and Girls in Schools, and Increased Participation in Non-‘Traditional’ Subjects and Careers (paragraph 45)
- Employment and Economic Empowerment, including Flexible Working, the Gender Pay Gap and Access to Justice for Discrimination at Work (paragraph 47)
- Access of Black and Minority Ethnic Women to the Labour Market to Alleviate their Concentration in Low-Paid Jobs (paragraph 59b)

Education, including tackling Violence Against Women and Girls in Schools, and Increased Participation in Non-‘Traditional’ Subjects and Careers

Paragraph 45

The CEDAW Committee is concerned that:

- Personal, Social and Health Education (PSHE) and education on sexual relationships is not compulsory in schools
- There are reports of bullying, racism and harassment of girls in schools
- Persistent stereotyping affects girls’ choice of subjects, their career path, and ultimately the gender pay gap
- There is under-representation of girls in science, technology, engineering and mathematics (STEM), and in apprenticeships, particularly in Scotland, and
- There is a lack of data on the number of women heading academic institutions, and low numbers in professorial positions.

Recommendations

The CEDAW Committee recommends that the UK Government should:

- Consider introducing age appropriate education on sexual and reproductive rights as part of the school curriculum. This should include issues on gender relations and responsible sexual behaviour and should target adolescent girls in particular
- Do more to prevent, punish and eradicate all forms of violence against women and girls. This should include bullying and expressions of racist sentiments in educational institutions
- Do more to encourage girls to pursue non-traditional paths through career guidance
- Increase teachers’ awareness of gender issues at all levels of the education system
- Encourage the increased participation of girls in STEM subjects and apprenticeships, and
- Collect data on women’s positions in academic institutions, and improve the representation of women at the higher levels.

Background

There have been calls for stronger requirements on teaching about sexual relationships in schools, to improve young people's understanding of consent and help tackle violence against women and girls, as well as to help reduce the rates of early pregnancy. In September 2013 the UK Government published [advice](#) on the teaching of PSHE, including sexual relationships.

The Scottish Government has responsibility for the education system in Scotland, and sets policy on [sex and relationships education](#) in Scotland's schools.

The Welsh Government has responsibility for the education system in Wales. The Welsh Government has produced [guidance](#) on sex and relationships education. The anticipated Welsh Government Bill on violence against women, domestic abuse and sexual violence will require the teaching of healthy relationships if passed.

The EHRC has developed [research](#) and [resources](#) on careers guidance. The educational and career paths followed by girls can be affected by traditional attitudes and stereotyping, leading to occupational segregation where women are more often found in lower paid work. This issue is particularly apparent in girls' under-representation in STEM subjects, as well as their take-up of apprenticeships.

Access by women and girls to STEM subjects has been considered in detail by the UN Commission on the Status of Women, in its [agreed conclusions](#) and its [reports](#).

The EHRC has also published commissioned [research](#) on preventing and responding to identity-based bullying in schools. This includes bullying on the basis of gender.

Employment and Economic Empowerment, including Flexible Working, the Gender Pay Gap and Access to Justice for Discrimination at Work

Paragraph 47

The CEDAW Committee is concerned about:

- Persistent discrimination against pregnant women in employment and access to justice
- Occupational segregation and the gender pay gap, and
- The high unemployment rates of disabled women.

More information

The CEDAW Committee notes that the UK Government has created a voluntary, rather than compulsory, initiative for reporting and analysing gender equality by companies. It notes plans to give tribunals new powers to order employers who lose an equal pay claim to do a pay audit. The CEDAW Committee appreciates measures taken to provide flexible working and shared parental leave.

Recommendations

The CEDAW Committee asks the UK Government to:

- Do more to promote the use of flexible working arrangements
- Encourage men to participate equally in childcare responsibilities through the introduction of shared parental leave
- Take steps to end occupational segregation and reduce the gender pay gap
- Create more opportunities for disabled women to access employment
- Assess how effective its voluntary reporting initiative has been in increasing access to information about company pay gaps, and
- Ensure that women can access justice in employment cases, including pregnancy and maternity discrimination.

Background

Section 78 of the Equality Act 2010 enables the Government to require all companies with more than 250 employees to report on their progress on recruitment and employment of women, and on equal pay. The Government has said that it will not implement these measures while it is working with business on voluntary reporting, through the **Think, Act, Report** initiative.

The EHRC is conducting an **inquiry** into the recruitment of FTSE350 Board members and research into **pregnancy discrimination** in the workplace.

The impact on access to justice of recent changes to civil legal aid is discussed in the concluding observation on **Legal Aid and Access to Justice**.

The UK Government has recently updated its disability strategy action plan '**Fulfilling Potential: Making It Happen – Action Plan Update**' which includes action items to address the employment rate gap between disabled and non-disabled people.

Immigration and Ethnic Minority Women – Limited Access to the Labour Market

Paragraph 59(b)

The CEDAW Committee is concerned that:

- Black and ethnic minority women have low levels of participation in the labour market, and are concentrated in low-paid jobs for which they are often over-qualified.

Recommendation

The CEDAW Committee asks the UK Government to:

- Increase access to the labour market for black and ethnic minority women to stop them being concentrated in low-paid jobs, with targeted actions.

Background

Ethnic minority women can be doubly disadvantaged in the labour market, in relation to employment levels, pay gaps, job security, and harassment at work. There is evidence of poor working conditions in some of the sectors in which migrant workers are particularly concentrated; for example the EHRC's [inquiry](#) into recruitment and employment in the meat and poultry processing sector in England and Wales revealed widespread mistreatment and exploitation. A [progress report](#) suggests that conditions in that sector have improved following the inquiry. The EHRC is currently undertaking an inquiry into the cleaning sector, which also disproportionately employs women and particularly migrant or ethnic minority women, in low paid jobs.

Labour market participation varies among groups of ethnic minority women. As reported in the EHRC's [How Fair is Britain?](#), almost half of Bangladeshi and Pakistani women are economically inactive, compared to a fifth or fewer of other groups. Even comparing those with degrees, Pakistani and Bangladeshi women are some 11 percentage points less likely to be employed than white British women.

Standard of Living, Health, Care and Support

- Impact of Austerity Measures on Women (paragraph 21)
- Affordable Childcare (paragraph 49)
- Health, including Access for Older Women, those with Disabilities, and other Marginalised Groups (paragraph 53)
- Access to Adequate Housing and Social Services for Ethnic Minority Women and Gypsy and Traveller Women (paragraph 61)
- Universal Credit (paragraph 63)

The Impact of Austerity Measures on Women

Paragraph 21

The CEDAW Committee is concerned that:

- Austerity measures – budget reductions – across the UK have resulted in lack of funding for organisations providing social services to women, including those that are specialist women-only services
- The budget reductions have a particular and negative effect on women with disabilities and older women, and
- Budget reductions in public services disproportionately affect women who use the services and are employed in them.

More information

The CEDAW Committee is also concerned that the UK Government does not give direct funds for services for women but commissions NGOs to provide them. This may make it difficult to sustain these services in the current economic environment.

Recommendations

The CEDAW Committee has asked the UK Government to:

- Reduce the effect of the austerity measures on women and services for them
- Pay special attention to disabled women and older women
- Ensure that each Spending Review focuses on measuring the impact of austerity on women's rights and counter any negative effect (use gender budgeting), and
- Make sure the way it currently funds social services is the best way forward, especially in relation to specialist services for women.

Background

The UK Government declared in 2010 that reducing the fiscal deficit was its priority, and introduced a number of austerity measures.

The EHRC has **assessed** whether the Treasury's Spending Review 2010 met the legal

obligations under the Public Sector Equality Duty – and a **progress report** was published in June 2014. Since 2013, the Treasury has published an **equalities review** alongside the UK Government's annual budgets, providing an assessment of the impacts of the budget on different groups, including women.

The Governments in Scotland and Wales have made similar assessments:

- The **Equality Statement** attached to the Scottish Government's 2014-15 budget sets out the Scottish Government's commitment to reduce the **impact on women** of the UK Government's welfare reforms; and
- The Welsh Government assessed the impact of the **Housing (Wales) Bill** on different groups. In addition, the EHRC in Wales in collaboration with the Welsh Government conducted an **appreciative inquiry** of the Welsh Government's approach to assessing the equality impacts of its budget.

In July 2014 the EHRC **published research** it commissioned from the National Institute of Economic and Social Research which shows the progress they have made in developing a model of the cumulative impact of Government spending and fiscal decisions on particular groups.

Affordable Childcare

Paragraph 49

The CEDAW Committee is concerned about:

- The high cost of childcare, and
- Reductions in Child Tax Credit which could make it even more difficult for low income families to pay for childcare.

Recommendations

The CEDAW Committee urges the UK Government to:

- Note the previous recommendations of the CEDAW Committee to provide more and improved childcare facilities
- Provide affordable childcare, and
- Ensure that welfare reforms do not have a negative impact on the cost of childcare for low income families, or the burden of care for women.

Background

England and Wales

The Childcare Act 2006 requires the provision of sufficient childcare for working parents in England and Wales, but only 20 per cent of local authorities in England and 25 per cent in Wales reported enough childcare for children aged two and under. There are also major gaps in provision for older children, disabled children and parents who have atypical work patterns, such as shift workers.

The UK Government's most recent **budget** (18th March 2014) goes some way to fulfilling the Committee's recommendations. The Tax-Free Childcare costs cap will be increased to £10,000 per year for each child. This means that eligible parents can benefit from greater support, up to £2000 per child each year. From autumn 2015 this scheme will be rolled out to all eligible families with children under 12 years within the first year of the scheme's operation. **Free early education** has been extended for all 3 and 4 year olds to 15 hours. This offer is also extended to 20 per cent of 2 year olds, which will increase in September

2014 to 40 per cent of this age group. The UK Government has also developed a **Childcare Business Grants Scheme** to support the establishment of new childcare businesses.

The Welsh Government recently **announced** a £2.3 million grant for families needing help with childcare before and after the school day.

Scotland

Childcare in Scotland, including after-school care, is more expensive than elsewhere in the UK. Only a fifth (21 per cent) of Scottish local authorities **report** that they have enough childcare for working parents and only one in 10 local authorities have enough childcare for parents who work outside normal office hours. There is insufficient childcare for older children, families in rural areas and those with disabled children.

The Children and Young People (Scotland) Act 2014 introduced an increase of free childcare from 475 to a minimum of 600 hours per year for 3 and 4 year olds, and 15 per cent of Scotland's most vulnerable 2 year olds, extending to 27 per cent in 2015. Free School Lunches will be provided to all children in primary 1–3 by January 2015.

Health, including Access for Older Women, those with Disabilities, and other Marginalised Groups – especially Reproductive Health Services

Paragraph 53

The CEDAW Committee is concerned that:

- Disabled, older, asylum seeking and Traveller women face obstacles in accessing medical health care, and
- Disabled women have limited access to pre-natal care and reproductive health services.

Recommendations

The CEDAW Committee urges the UK Government to:

- Ensure that there is effective access to health care for all women, particularly disabled, older, asylum seeking and Traveller women, and
- Pay special attention to disabled women's access to prenatal care and reproductive health services.

Background

Poorer women, disabled women including those with learning disabilities, asylum-seeking, refugee women and other minorities may face a number of barriers to health care. These barriers include poor English or other communication problems, lack of ability to pay, insufficient knowledge of their rights, late or poor attendance at appointments or not accessing health care until late in pregnancy.

The EHRC has also published [research](#) on the inequalities for Gypsy and Traveller communities which includes health issues for Gypsy and Traveller women.

The UK Government has recently updated its disability strategy action plan 'Fulfilling Potential: Making It Happen – Action Plan Update' which includes action items on health outcomes for disabled people and access to health services.

The Scottish Government established a **ministerial task force** on health inequalities, which produced a cross-sector strategy called *Equally Well* in 2008. The action plan was reviewed and refreshed in 2010.

Disaggregated **health statistics** in Scotland have been produced by NHS Scotland.

In Wales the EHRC published **research** which highlights issues for access to health care on the basis of race, gender, disability, age, sexual orientation and religion.

Access to adequate Housing and Social Services for Ethnic Minority Women and Gypsy and Traveller Women

Paragraph 61

The CEDAW Committee is concerned that:

- Ethnic minority women, including Traveller women, have poor outcomes in education, health and employment, and
- There are not enough sites for Traveller women and members of their families.

Recommendations

The CEDAW Committee recommends that the UK Government should:

- Do more to end discrimination against ethnic minority women
- Improve access to social services including health care, education and employment for ethnic minority women, and
- Provide adequate sites specially set up for Traveller women and members of their families.

Background

The EHRC report [Simple Solutions](#) illustrated how a lack of designated sites for Traveller communities undermines good relations, which in turn disadvantages women in particular. Sites where Gypsy Traveller communities are clustered often lack adequate sanitation. This increases health problems particularly for girls and women, in a community that already experiences barriers to accessing health care. The Equal Opportunities Committee of the Scottish Parliament [reported](#) on the situation for Gypsies and Travellers in Scotland.

[Evidence](#) from Scotland and elsewhere in Britain has shown a poor take-up of preventative health care by Gypsy and Traveller women, especially well-women care and immunisation programmes. There is also evidence to suggest that being forced to move on results in a lack of continuity of maternity care, the late detection of foetal abnormalities and the misdiagnosis of maternal and child health complications.

Universal Credit

Paragraph 63

The CEDAW Committee is concerned that:

- The payment of benefits and tax credits to the bank account of one family member, under Universal Credit, creates a risk of financial abuse for some women.

Recommendations

The CEDAW Committee urges the UK Government to:

- Put in place measures that prevent exploitation of the Universal Credit system by an abusive spouse.

Background

Under Universal Credit, families will choose one bank account into which their benefit will be paid (which could be a joint account). However, this income may not always be fairly shared within the family. There are concerns that the reduction in money going directly to the woman in a household poses even greater risks if the spouse should be physically as well as financially abusive because it may leave her with even fewer resources to take action to find safety and protect herself and her children.

Power, Decision-Making and Voice

- National Machinery for the Advancement of Women (paragraph 29)
- Temporary Special Measures (paragraph 31)
- Stereotypes and Press Regulation (paragraph 33)
- Participation in Political and Public Life (paragraph 43a)

National Machinery for the Advancement of Women

Paragraph 29

The CEDAW Committee is concerned about:

- The UK Government's approach to engaging with women, girls and their organisations, and
- The need for an overall national strategy to implement CEDAW, and to coordinate work on gender equality.

More information

The CEDAW Committee is concerned that the Government Equalities Office (GEO) has replaced the role of the Women's National Commission's (WNC) (which until 2010 was women's voice to the UK Government) on engaging with women and girls. The CEDAW Committee thinks this change may be making it more difficult for women to get involved in the work of putting CEDAW into practice; and to becoming involved in policy development and advice more generally.

When the CEDAW Committee last examined the UK in 2008 it called for a unified national strategy to implement CEDAW across the UK. It remains concerned that this hasn't happened yet.

Recommendations

The CEDAW Committee recommends that the UK Government:

- Ensures the GEO has a dedicated team to coordinate work on gender equality across the UK
- Develops a comprehensive UK-wide strategy to put CEDAW into practice
- Assesses the impact of GEO's new approach to engaging with women's organisations (for example compared to the work of the WNC), and
- Take steps to reduce any negative effects of the GEO's new approach on women's ability to engage adequately with the UK Government.

Background

This concluding observation is about the National Machinery of Government for Women, which can include National Human Rights Institutions (NHRIs) and/or independent women's commissions whose role is to promote and protect the rights guaranteed under CEDAW. As such, they should include ways for women's voices to be heard and heeded by government. The CEDAW Committee made a **General Recommendation** in 1988 on national machinery.

The CEDAW Committee is interested in the participation of civil society, especially women's organisations, and relationships with the UK Government. The WNC was established by the UK Government in 1969, following a call from the UN. It was the way that women in the UK could call the UK Government to account about equality for women and girls. It also enabled the UK Government to communicate with a wide group of NGOs working for women and girls. Its relatively small budget did enable women to come together from across the UK around issues of importance, including those covered by CEDAW, to develop policy. The WNC was closed on 31st December 2010 as part of a **review** to increase efficiency, transparency and accountability in public bodies.

Since 2011, the GEO has taken on this work through, for example, roundtable meetings between Ministers and women's organisations, as well as the use of social media.

Women's organisations have themselves (largely without additional resources), developed some new mechanisms for meeting together, developing policy around issues of concern, and meeting with relevant departments of UK Government to influence policy and hold Government to account.

Increasing the Representation of Women in Decision-Making Positions, including through the use of ‘Temporary Special Measures’

Paragraphs 31 and 43(a)

The CEDAW Committee is concerned that:

- There are not enough women in Parliament, the legal system, and on boards of organisations set up by the UK Government (such as magistrates, police boards and other public bodies)
- Ethnic minority and disabled women are particularly poorly represented, and
- The UK Government is not introducing ‘Temporary Special Measures’ to increase women’s representation, but relies on the Voluntary Search Code (for appointments to company boards) which is less effective.

More information

The CEDAW Committee commends the UK Government for enabling political parties to have women-only shortlists to select their parliamentary candidates, and the Welsh Government’s pledge to introduce quotas. However, it thinks the UK Government should go further and introduce other Temporary Special Measures.

Recommendations

The CEDAW Committee recommends that the UK Government:

- Takes concrete action to increase the number of women in the public sector, the judiciary, parliament and on the boards of public companies, particularly black, ethnic minority and disabled women
- Looks at how the current Voluntary Search Code for increasing the number of women on boards is working, and
- Considers using more Temporary Special Measures to improve representation.

Background

In 2011 the **Davies Report** on women's representation on FTSE100 company boards, recommended that the executive search community should draw up a voluntary code of conduct (**Voluntary Search Code**) to address gender diversity on corporate boards and implement best practice. A **review** in 2013 considered the next steps for increasing female representation. While the proportion of women on Boards has increased, the review made a number of recommendations to help sustain and broaden this increase. The EHRC has produced **guidance** on the options available under the law for increasing Board diversity, as well as conducting an **inquiry** into the recruitment of FTSE350 Board members.

The UK Government introduced a Temporary Special Measure of women-only shortlists for political parties, to increase the number of women in Parliament. It can be used until 2030. This has increased representation substantially, but has to date been employed only by the Labour Party.

The Welsh Government's **Programme for Government** commits to taking steps to deliver a representative pool of decision-makers, including exploring the possibility of introducing quotas to ensure that at least 40 per cent of public appointments to public bodies are women.

Who Runs Wales? 2014 highlights the effectiveness of special measures as seven of the 13 female MPs that Wales has had were selected by all-female shortlists; and women make up 42 per cent of National Assembly Members in 2014. The Welsh Government has also appointed an expert group to develop an **action plan** aimed at increasing the diversity of councillors following the 2017 local elections.

The Scottish Government has not introduced any Temporary Special Measures, separate from political parties' own processes. Nevertheless, the number of women Members of the Scottish Parliament increased to 35.7 per cent in 2013 from 34.1 per cent in 2008.

Eliminating Sexual Stereotyping in the Media

Paragraph 33

The CEDAW Committee:

- Is concerned about the high degree of stereotyping and use of sexual images of women by the media and in advertising, an issue highlighted in the Leveson Inquiry, and
- Notes that the UK Government has made efforts to raise awareness of body confidence issues.

Recommendations

The CEDAW Committee asks the UK Government to:

- Continue to work with the media and advertising industries to stop them presenting women and girls in a stereotypical way
- Put into effect the recommendations of the Leveson Inquiry, including having a regulator with powers to stop the media reporting in a discriminatory way.

Background

The **Leveson Inquiry** was a public inquiry established by the UK Government to examine the culture, practice and ethics of the press in England and Wales. Scotland is responsible for the regulation of its own press, and was consequently not in the scope of the Leveson Inquiry. As part of its wider remit the Leveson Inquiry looked at ‘the sexual objectification of women and girls, and the mainstreaming of the sex and porn industries in the media and popular culture’. It concluded that this issue needed further consideration by ‘any new’ regulator, recognising that a balance must be found between freedom of speech and cases of discriminatory reporting.

The UK Government has championed a **Body Confidence Campaign** that recognises that both sexes are burdened by popular culture, which often results in low body confidence and low self-esteem. There is a particular impact on women and girls, with many females appearing heavily ‘photoshopped’ with ‘perfectly thin’ figures. Actions taken so far include the creation of an industry award to reward the inclusion of body diversity in magazines. Media Smart have assisted in the development of a teaching pack for primary schools to

help understand the doctoring of body image in the media and ensure that children are educated on the issue. More information can be found [here](#).

Scotland

A recent Scottish Parliament [members' debate](#) on body image and media representation surveys some of the discussions taking place in Scotland. In addition, the Scottish Parliament recently completed extensive research and inquiries into women and work as part of a holistic strategy to combat discrimination against women in work and political representation.

Wales

The National Assembly's Presiding Officer has taken forward efforts to improve the media portrayal of women in Wales. The [Speaker's Conference on 'Women in Public Life'](#) included a panel discussion amongst academics, campaigners, media representatives and politicians about improving the portrayal of women in the Welsh media. A Wales Committee Member of the EHRC contributed to this discussion as a panel member. As a result of this event, the Presiding Officer held a further event entitled 'Women in the Media: A fair representation?' to highlight this issue and explore ways of making improvements to women's portrayal in the Welsh media.

The Welsh Government's Right to be Safe strategy, equality objectives and upcoming legislation on violence against women all emphasise the importance of education and awareness-raising to tackle the objectification and stereotyping that can contribute to women facing discrimination and violence. Media portrayal has been highlighted as a key area where action is needed to make improvements in Wales.

Contacts

This publication and related equality and human rights resources are available from the Commission's website: www.equalityhumanrights.com.

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