



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland*

1. The Committee considered the combined seventh periodic report of United Kingdom of Great Britain and Northern Ireland (CEDAW/C/GBR/7) at its 1142nd and 1143rd meetings, on 17 July 2013 (see CEDAW/C/SR.1142 and 1143). The Committee's list of issues and questions is contained in CEDAW/C/GBR/Q/7, and the responses of the United Kingdom of Great Britain and Northern Ireland are contained in CEDAW/C/GBR/Q/7/Add.1.

A. Introduction

2. The Committee commends the State party for its seventh periodic report submitted on time, which takes into account the Committee's previous concluding observations. The Committee expresses its appreciation to the State party for its oral presentation, the written replies to the list of issues and questions raised by the pre-session working group, the further clarification to the questions posed orally by the Committee, and the open and constructive dialogue.

3. The Committee commends the State party for its delegation, headed by Ms. Helene Reardon-Bond, Director of Policy, Government Equalities Office and other government authorities who joined the dialogue via video conference. However, the Committee notes that the State party's delegation did not include representatives of Overseas Territories (OTs) and Crown Dependencies (CDs).

4. The Committee welcomes the State party's recognition of the positive contribution made by non-governmental human rights and women's organizations in the implementation of the Convention.

B. Positive aspects

5. The Committee welcomes the adoption of a new strategy on equality "Building a Fairer Britain" in 2010.

6. The Committee commends the State party for having coordinated the adoption, in April 2013 by G8 Ministers, of the Declaration on Preventing Sexual Violence in Conflict.

* Adopted by the Committee at its fifty-fifth session (8-26 July 2013).

7. The Committee welcomes the ratification by the State party of the Convention on the Rights of Persons with Disabilities, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, in 2009.

8. The Committee also welcomes the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings.

C. Principal areas of concern and recommendations

Parliaments

9. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government and invites the State party to encourage its parliaments, in line with their procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the next reporting process under the Convention.**

Reservations

10. The Committee recalls its previous concluding observations of 2008 (A/63/38, paras. 258 and 259) regarding the State party's commitment to review the significant number of reservations to the Convention, (articles 1, 2, 9, 11, 15 and 16), with a view to withdraw them. The Committee regrets that the State party continues to maintain its reservations, but notes that the Isle of Man, independently, intends to withdraw some of the reservations.

11. **The Committee reiterates its previous recommendation and urges the State party to withdraw and narrow down current reservations. It also reiterates its position that some of the reservations have the character of interpretive declarations and may no longer be necessary. It further urges the State party to provide assistance to the Isle of Man and other territories to withdraw some reservations.**

Legal status of the Convention

12. The Committee recalls its previous concluding observations of 1999 (A/54/38/Rev.1, part two, paras. 278-318) and 2008 (A/54/38/Rev.1, part two paras. 278-318, and A/63/38, paras. 260 and 261) and notes that while the Equality Act of 2010 and domestic legislation incorporate certain provisions of the Convention, its legislation does not incorporate all provisions of the Convention.

13. **The Committee reiterates these previous recommendations and urges the State party to continuously review its legislation with a view to incorporating all provisions of the Convention.**

Application of the Convention in OTs and CDs

14. The Committee is concerned that the State party's ratification of the Convention is yet to be extended to Jersey and Guernsey.

15. **The Committee urges the State party to extend its ratification of the Convention to all its territories, including Guernsey and Jersey.**

Constitutional framework and implementation of the Convention

16. While noting the State party's efforts to harmonise anti-discrimination laws under a single piece of legislation on equality (Equality Act 2010), the Committee is concerned that the Equality Act replaces the Gender Equality Duty (GED) with a single Public Sector Equality Duty (PSED) that covers all prohibited grounds of discrimination, and that the specific duty requirements of the PSED have no explicit gender component in England, unlike in Scotland and Wales, and does not adequately protect women against multiple discrimination. The Committee is also concerned that certain provisions of the Equality Act have not entered into force, such as provisions relating to the new public sector duty on socio-economic inequalities (sections 1-3); the recognition of "combined discrimination" (section 14); and the publication of gender pay information on (section 78).

17. The Committee urges the State party to take advantage of the review of the PSED to ensure that the gender equality component of the duty is properly prescribed for public authorities, including the application of the principle of substantive equality. In this regard, the State party should consider issuing statutory guidelines on PSED covering England, Wales and Scotland, which would provide uniform guidance on the gender equality duty. It further urges the State party to bring into force the provisions of the Equality Act relating to (a) the introduction of a new public sector duty on socio-economic inequalities; (b) the recognition of multiple forms of discrimination; and (c) the need to publicise gender pay information.

18. The Committee is concerned that the Equality Act of 2010 does not, on the whole, extend to Northern Ireland and as a result women in Northern Ireland do not have the same remit of equality protections as compared to their counterparts in England. The Committee is particularly concerned that the legislative framework in Northern Ireland does not provide for multiple discrimination, and that there is no prohibition against pay secrecy clauses.

19. The Committee recommends that the State party should revise its legislation in Northern Ireland to ensure that it affords protection to women on an equal footing with other women in the State parties' administrations. The State party should, therefore, recognise multiple discrimination, and ensure that pay secrecy clauses are prohibited.

20. The Committee is concerned that the austerity measures introduced by the State party have resulted in serious cuts in funding for organisations providing social services to women, including those providing for women only. The Committee is concerned that these cuts have had a negative impact on women with disabilities and older women. It is also concerned that the State party resorts to commissioning women's services instead of direct funding, which allegedly risks undermining the provision of these services. The Committee is further concerned that budgetary cuts in the public sector, disproportionately affect women, due to their concentration in this sector.

21. The Committee urges the State party to mitigate the impact of austerity measures on women and services provided to women, particularly women with disabilities and older women. It should also ensure that Spending Reviews continuously focus on measuring and balancing the impact of austerity measures on women's rights. It should further review the policy of commissioning services wherever this may undermine the provision of specialised women's services.

Legal aid and access to justice

22. The Committee is concerned that the Legal Aid, Sentencing and Punishment of Offenders Act of 2012 unduly restricts women's access to legal aid, as it removes access to legal aid for litigation concerning, inter alia, divorce, property disputes, housing and

immigration matters. While noting that legal aid is still available for some private family law issues, the Committee is concerned that the Act conditions legal aid upon proof of, *inter alia*, abuse for victims of violence, and that a proposed residency test is under consultation. It is also concerned at the introduction of court fees under the Employment Appeal Tribunal Fees Order 2013. The Committee notes with concern reports that these limitations may push women, particularly ethnic minority women, into informal community arbitration systems, including faith-based tribunals, which are often not in conformity with the Convention.

23. **The Committee urges the State party to:**

(a) Ensure effective access by women to courts and tribunals, in particular women victims of violence;

(b) Continuously assess the impact of the reforms to legal aid on the protection of women's rights; and

(c) Protect women from informal community arbitration systems, particularly those which violate their rights under the Convention.

24. While welcoming the establishment of the Historical Institutional Abuse Inquiry, which is mandated to investigate the abuse in residential institutions committed in Northern Ireland between 1922 and 1995 (Magdalene Laundries), the Committee regrets that the Inquiry's mandate excludes women who were over 18 years when they were entered in the Magdalene Laundries. The Committee is concerned that this exclusion perpetuates a climate of impunity and leaves many women without a remedy.

25. **The Committee urges the State party to:**

(a) Extend the mandate of the Historical Institutional Abuse Inquiry to include women who entered the Magdalene Laundries at the age of 18 and above; and

(b) Provide adequate redress to all victims of abuse who were detained in the Magdalene Laundries and similar institutions.

26. The Committee is concerned that, following the findings of the Carloway Review of criminal law and practice in Scotland, the burdensome requirements of corroboration impede the prosecution of rape and other sexual violence cases. The Committee is also concerned that the three-year limitation period for sexual abuse cases for civil law suits in Scotland, including where a child is a victim, unduly limits access to justice for victims.

27. **The Committee urges the State party to:**

(a) Consider implementing the recommendations of the Carloway Review regarding the removal of the corroboration requirement in criminal cases related to sexual offences; and,

(b) Expand the limitation period for civil claims regarding abuse, particularly of girls, so that they can still initiate proceedings when they are adults.

National machinery for the advancement of women

28. The Committee is concerned about the replacement of the Women's National Commission, which was part of former UK-wide national machinery for women's equality, with the Government Equalities Office (GEO) whose mandate does not extend to Northern Ireland. The Committee recalls its previous concluding observations of 2008 (A/63/38, paras. 262 and 263) and remains concerned at the lack of a unified national strategy for the implementation of the Convention. It is also concerned that the State party's new modernised approach to engaging with women's organisations negatively impacts on

women's ability to be involved and to contribute to furthering the implementation of the Convention.

29. **The Committee recommends that the State party ensure that the Government Equalities Office has a dedicated section for the coordination of gender equality in all parts of the State party. It reiterates its previous recommendation that the State party develop and adopt a unified, comprehensive and overarching national strategy for the implementation of the Convention throughout its territory. The State party should also assess the impact of the new approach to engaging with women's organisations and to introduce measures to mitigate the negative impact on their abilities for adequate engagement.**

Temporary special measures

30. While commending the State party for extending until 2030 the provision allowing political parties to adopt women-only short-lists for parliamentary candidates, and the Welsh government pledge to introduce quotas, the Committee is concerned at the failure by the State party to introduce further temporary special measures to address the under-representation of women in decision-making positions in the public and private sectors, as well as in political life, especially in Parliament. The Committee is particularly concerned that notwithstanding the recommendations in the Davies' report that more temporary special measures could be a route to achieve a significant change in the representation of women on company boards, the State party continues to use the less effective Voluntary Search Code.

31. **The Committee recommends that the State party evaluate the impact of the Voluntary Search Code and consider using more prescriptive temporary special measures to improve the representation of women in the public and private sectors, particularly on company boards, as well as in political life.**

Stereotypes

32. While noting the State party's efforts to raise awareness on the causes and consequences of body image anxiety, the Committee remains concerned at the prevalence of stereotypical imaging and objectification of women by the media and in advertising as confirmed by the Leveson Inquiry.

33. **The Committee recommends that the State party:**

(a) **Continue to engage with the media to eliminate stereotypical imaging of women and their objectification in the media, particularly in advertising; and**

(b) **Implement the recommendations of the Leveson Inquiry, including those that seek to give powers to a regulator to intervene in matters of discriminatory reporting.**

Violence against women

34. The Committee commends the State party for launching the "Call to End Violence against Women and Girls" in 2010. It notes that the State party intends to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), and to criminalise forced marriage. However, it is concerned at continued reports of violence against women, including domestic violence, particularly affecting black and minority ethnic women, and the so-called honour killings against ethnic minority women. The Committee is also concerned at reports of negative police attitudes towards women who are victims of domestic violence. The Committee

further recalls its previous concluding observations (A/63/38, paras. 280 and 281) and is concerned that corporal punishment remains lawful in the home.

35. **Recalling its general recommendation No. 19 (1992) on violence against women, and its previous recommendation, the Committee urges the State party to:**

- (a) **Ratify the Istanbul Convention, and criminalise forced marriage;**
- (b) **Increase its efforts in the protection of women, including black and minority women, against all forms of violence, including domestic violence, and the so-called honour killings; and**
- (c) **Continue public awareness-raising campaigns on all forms of violence against women, including black and ethnic minority women.**
- (d) **Intensify efforts to train police officers to eliminate prejudices concerning the credibility of victims of domestic violence; and**
- (e) **Revise its legislation to prohibit corporal punishment of children in the home.**

Female Genital Mutilation

36. While noting the launch of the Preventing Sexual Violence Initiative aimed at fighting impunity for sexual violence crimes, the Committee is concerned at reports that female genital mutilation (FGM) persists in some communities in the State party. The Committee further recalls its previous concluding observations (A/63/38, paras. 278 and 279) and remains concerned that there still have not been any convictions on FGM.

37. **The Committee reiterates that the State party should ensure the full implementation of its legislation on FGM. The Committee recommends that the State party should ensure that the Crown Prosecution Service is provided with the necessary support to effectively prosecute perpetrators of FGM, including supporting the action plan on improving FGM prosecutions released by the Director of Public Prosecutions in November 2012.**

Trafficking and exploitation of prostitution

38. The Committee is concerned at the lack of a comprehensive national framework on trafficking, considering the nature and complexity of this phenomenon and its prevalence, notwithstanding the clear recommendations of the Equality and Human Rights Commission Inquiry into Human Trafficking in Scotland and the Group of Experts on Action against Trafficking in Human Beings under the Council of Europe Convention on Action against Trafficking in Human Beings. The Committee is also concerned at alleged weaknesses of the National Referral Mechanism in identifying victims of trafficking and the lack of adequate support provided to them.

39. **The Committee urges the State party to:**

- (a) **Adopt a comprehensive national framework to combat trafficking in women and girls; and**
- (b) **Identify any weaknesses in the National Referral Mechanism and ensure that victims of trafficking are properly identified and adequately supported and protected.**

40. While noting that in Northern Ireland it is an offence to pay for the sexual services of a child under 18 years, the Committee is concerned that in the case of a child over the age of 13 and under the age of 18, the prosecution is required to prove that the purchaser did not reasonably believe the child to be 18 years old or more.

41. **The Committee urges the State party to revise its legislation by shifting the burden of proof from the prosecution to the purchaser of sexual services. The Committee recommends that once the prosecution proves that the child was over 13 and under 18, and the accused purchased sexual services from the child, the purchaser should be required to establish that the purchaser did not reasonably believe that the child was under 18 years.**

Participation in political and public life

42. While noting the increase in the representation of women in the public sector, the Committee is concerned that women continue to be significantly underrepresented in certain fields, including in parliament, in the judiciary and on public sector boards. The Committee is particularly concerned at the low representation of black and minority ethnic women and women with disabilities in political life. The Committee further recalls its previous concluding observations (A/63/38, paras. 284 and 285) and remains concerned at the low representation of women in the post-conflict process in Northern Ireland and the failure to fully implement Security Council Resolution 1325 (2000).

43. **The Committee calls upon the State party:**

(a) Continue to take concrete targeted measures to improve the representation of women in Parliament and the judiciary, particularly black and ethnic minority women and women with disabilities; and

(b) Ensure the participation of women in the post-conflict process in Northern Ireland, in line with Security Council Resolution 1325 (2000).

Education

44. While noting the adoption of the Education Act in 2011, the Committee is concerned that it is not compulsory to provide personal, social and health education (PSHE), and education on sexual relationships in all schools. The Committee is also concerned at reports of bullying, expressions of racist sentiments and harassment of girls in schools. The Committee is further concerned at the persistence of traditional attitudes and stereotypes, including the choice of studies, which affect educational paths and careers followed by girls and women. The Committee is particularly concerned at reports of under-representation of women and girls in science, technology, engineering and mathematics (STEM), and in apprenticeships especially in Scotland, which ultimately affects the gender pay gap in the labour market. The Committee is also concerned at the lack of data on the number of women heading academic institutions and at the low number of women in professorial positions.

45. **The Committee recommends that the State party should:**

(a) Consider introducing mandatory age appropriate education on sexual and reproductive rights in school curricula, including issues on gender relations and responsible sexual behaviour , particularly targeting adolescent girls; and

(b) Enhance measures to prevent, punish and eradicate all forms of violence against women and girls, including bullying and expressions of racist sentiments, in educational institutions;

(c) Intensify career guidance activities to encourage girls to pursue non-traditional paths and improve the gender awareness of teaching personnel at all levels of the education system;

(d) Take coordinated measures to encourage girls' increased participation in STEM and apprenticeships; and

(e) **Take appropriate measures to collect data on women in positions at all levels of academic institutions and improve the representation of women at the higher echelons.**

Employment and economic empowerment

46. The Committee recalls its previous concluding observations of 2008 (A/63/38, paras. 286 and 287) and appreciates the State party's efforts to provide flexible working arrangements for women and men, and to introduce shared parental leave envisaging new legislation in 2015. The Committee is concerned at reports of persistent discrimination of pregnant women in employment and their access to justice. Furthermore, the Committee is concerned at existing occupational segregation and persisting gender pay gap, and the high unemployment rates of women with disabilities. The Committee notes, however, that the State party launched a voluntary, rather than compulsory, gender equality analysis and reporting initiative, and that it intends to introduce legislation requiring tribunals to order a pay audit in the event that an employer loses an equal pay claim.

47. **The Committee recommends that the State party should:**

(a) **Intensify its efforts to promote the use of flexible working arrangements and introduce shared parental leave to encourage men to participate equally in child care responsibilities;**

(b) **Continue to take proactive and concrete measures to eliminate occupational segregation and to narrow the gender pay gap;**

(c) **Create more opportunities for women with disabilities to access employment;**

(d) **Assess the effectiveness of the voluntary reporting initiative under Think, Act, Report, to ensure transparency of salaries in enterprises; and,**

(e) **Ensure women's access to justice in employment cases, including in cases related to discrimination on grounds of pregnancy and motherhood.**

48. The Committee recalls its previous concluding observations (A/63/38, paras. 286 and 287), and is concerned at the excessive costs of childcare. It is also concerned at reports that the proposed reforms to the welfare system would exacerbate the cost of childcare for low income families due to reductions in Childcare Tax Credit.

49. **Recalling its previous recommendation, the Committee urges the State party to provide affordable childcare and to mitigate the impact of the proposed reforms of the welfare system on the costs of childcare for low income families and the increased burden for care on women.**

Health

50. While acknowledging the consultation process on a revised set of guidelines issued by the Northern Ireland Department for Health, Social Services and Public Safety on the 'limited circumstances for a lawful termination of pregnancy in Northern Ireland' (2012), the Committee regrets that a public consultation regarding the possible abolition of criminal abortion laws, as called upon by the Committee in its previous concluding observations (A/63/38, paras. 288 and 289), has not been undertaken, and it is concerned that abortion continues to be illegal in Northern Ireland in all cases except where continuance of the pregnancy threatens the life of the mother, thus making it necessary for women to seek abortion in other parts of the State party.

51. **Recalling its previous recommendation, the Committee reiterates that, in line with general recommendation No. 24 on women and health and the Beijing**

Declaration and Platform for Action, the State party should expedite the amendment of the anti-abortion law in Northern Ireland with a view to decriminalise abortion. The State party should also ensure that legal abortion not only covers cases of threats to the life of a pregnant woman but also other circumstances such as threats to her health and in cases of rape, incest and serious malformation of the foetus..

52. The Committee is concerned at reports that women with disabilities, older women, asylum seeking women and Traveller women face obstacles in accessing medical healthcare. The Committee is particularly concerned that women with disabilities face limited accessibility to pre-natal care and reproductive health services. The Committee is also concerned at legal impediments in accessing reproductive treatments by some groups of women in Northern Ireland.

53. **The Committee urges the State party to:**

(a) **Strengthen the implementation of programmes and policies aimed at providing effective access for women to health-care, particularly to women with disabilities, older women, asylum-seeking and Traveller women;**

(b) **Pay special attention to the health needs of women with disabilities, ensuring their access to prenatal care and all reproductive health services; and**

(c) **Provide equal access to reproductive treatment for all women in Northern Ireland without discrimination.**

Women in prison

54. The Committee recalls its previous concluding observations (A/63/38, paras. 266 and 267) and notes the measures taken to address the recommendations in the Corston report on women in the administration of criminal justice. However, the Committee remains concerned at reports that the number of women in prison continues to increase partly due to changes in sentencing so that women are more likely than men to be incarcerated for non-violent offences. The Committee is also concerned at women's limited access to mental health care in prisons, and at the over-representation of black and ethnic minority women in prison. The Committee is also concerned at reports of an increase in the number of trafficked women in prison and the lack of adequate integration programmes upon release.

55. **Recalling its previous recommendation, the Committee urges the State party to:**

(a) **Vigorously pursue efforts to implement the recommendations in the Corston report including those contained in the report of the House of Commons Justice Committee published on 15 July 2013;**

(b) **Continue to develop alternative sentencing and custodial strategies, including community interventions and services for women convicted of minor offences;**

(c) **Improve the provision of mental health care in all prisons;**

(d) **Introduce measures aimed at addressing the root causes of the over-representation of black and minority ethnic women in prison; and**

(e) **Ensure that authorities, including prison staff, are able to recognise women who may have been trafficked to avoid their criminalisation, and to provide adequate services for their integration into society.**

Disadvantaged groups of women

56. The Committee recalls its previous concluding observations of 2008 (A/63/38, paras. 295 and 296) and remains concerned that under the “no recourse to public funds” policy, women with insecure immigration status still have no access to state support. While noting that the State party has announced a concession for women who are victims of domestic violence, the Committee is concerned that this concession only applies to women who have entered the State party on spousal visas, which might trap women in violent relationships.

57. Recalling its previous recommendation, the Committee recommends that the State party should:

(a) Extend the concession to the “no recourse to public funds” policy to all women who are subjected to gender based violence and exploitation; and

(b) Provide access to justice and healthcare to all women with insecure immigration status, including asylum seekers, until their return to their countries of origin.

58. The Committee is concerned at reports of lack of gender sensitive approaches by immigration authorities towards women who are victims of violence. The Committee is also concerned at the low levels of participation of black and ethnic minority women in the labour market and their concentration in low-paid jobs for which they are often over-qualified.

59. The Committee urges the State party to:

(a) Continue to provide training to officers who are in charge of immigration and asylum applications on gender-sensitive approaches in the treatment of victims of violence; and

(b) Take targeted measures to facilitate the access of black and ethnic minority women to the labour market in order to alleviate their concentration in low-paid jobs.

60. The Committee recalls its previous concluding observations of 2008 (A/63/38, paras. 292 and 294) and remains concerned that women from ethnic minority communities, including Traveller communities, continue to register poor outcomes in education, health and employment. The Committee is also concerned at the lack of adequate designated sites in the State party for Traveller women and members of their families.

61. The Committee, recalling its previous recommendation, recommends that the State party should:

(a) Intensify its efforts to eliminate discrimination against ethnic minority women and improve access to social services including healthcare, education and employment; and

(b) Provide adequate sites designated for use by Traveller women and members of their families.

Socio-economic benefits

62. The Committee notes the reforms to the welfare benefit system in order to consolidate benefits and tax credits into a single payment under the Universal Credit system. However, it is concerned that, under the Universal Credit system, benefits and tax credits will be paid into a bank account of one member of the family, which poses risks of financial abuse for women due to power imbalances in the family, particularly if payment is made to an abusive male spouse.

63. **The Committee urges the State party to adopt preventive measures against potential exploitation of the Universal Credit system by an abusive male spouse.**

Economic consequences of divorce

64. The Committee recalls its previous concluding observations of 2008 (A/63/38, paras. 290 and 291) and notes the proposals set out in the report of the Law Commission titled “Cohabitation: The Financial Consequences of Relationship Breakdown”. The Committee is concerned at the lack of progress made in this area, and that the rights of women in de facto relationships with regard to matrimonial property and benefits may, therefore, not be adequately safeguarded.

65. **The Committee urges the State party to expedite efforts to undertake reforms with a view to protect the property rights of women upon break-down of marriage or of de facto unions in line with general recommendation no. 29 on the economic consequences of marriage, family relations and their dissolution, and article 16 of the Convention.**

Beijing Declaration and Platform for Action

66. **The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.**

Millennium Development Goals and the future framework

67. **The Committee calls for the integration of a gender perspective in accordance with the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals as well as in the new development framework as of 2015.**

Follow-up to concluding observations

68. **The Committee requests the State party to provide written information on the steps undertaken to implement the recommendations contained in paragraphs 51 and 23 above within one and two years respectively.**

Preparation of next report

69. **The Committee invites the State party to submit eighth periodic report in July 2017.**

70. **The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).**