

Committee on the Elimination of Discrimination against Women considers report of the United Kingdom

Committee on Elimination of Discrimination Against Women

17 July 2013

The Committee on the Elimination of Discrimination against Women today considered the seventh periodic report of the United Kingdom on its implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

Introducing the report, Helene Reardon-Bond, Director of Policy, Government Equalities Office, said there was a common equality legislative framework across England, Scotland and Wales which gave flexibility to interpret and implement the equality duties in a way which met local needs. The Minister for Women and Equality was uniquely placed to ensure the Government had a gender equality perspective at a strategic level, enabling them to influence policy and the delivery of public services. The Women's Business Council had been established to advise the Government and its recommendations had been welcomed. The public sector had a duty to have due regard to the need to eliminate unlawful harassment and discrimination. The Equality and Human Rights Commission had been conferred an A status rating as an independent national human rights institution. It was currently working with business to identify barriers to establishing a robust pipeline of female talent, as well as tackling trafficking in Scotland.

Committee Experts raised several issues of concern, including amendments made to the Government's 2010 Equality Act, and whether these changes meant the legislation met the rigours of CEDAW. The extent of education on human rights was also questioned, covering both compulsory and higher education. Sex education during compulsory education was discussed. Explanations were requested for the continuing reservations held by the State party against the provisions of the Convention, as well as updates on extending its reach into Crown Dependencies and Overseas Territories. Changes to the legal aid system were repeatedly questioned, with Experts wondering about the scope for provision for victims of violence, asylum seekers and women of limited means. The low percentage of women in the political sphere was raised, and the scope for the use of women-only lists by political parties was discussed.

In concluding remarks, Ms. Reardon-Bond said that the obligations under the CEDAW Convention were something that the Government was very mindful of. The recommendations of the Committee were looked forward to, and they would be distributed widely, as they had been on the previous occasion.

Also in concluding remarks, Nicole Ameline, Committee Chairperson, thanked the State party for its efforts, saying its reports and commitments had been very interesting. It was suggested that the efforts mentioned should be consolidated internationally, that the State party should consider binding commitments, and that the needs of vulnerable groups should be met.

The delegation of the United Kingdom in the room included representatives of the Government Equalities Office, the Home Office, the Department of Health, the Department for Work and Pensions, the Department for Business, Innovation and Skills, the Permanent Mission of the United Kingdom to the United Nations at Geneva, the Scottish Government, the Welsh Government and the Northern Ireland Executive.

Joining the discussion from London via video-conference were representatives from the Treasury Solicitors, the Foreign and Commonwealth Office, the Ministry of Justice, the Department for Business, Innovation and Skills, the Department for Work and Pensions, the Department of Health, the Home Office, the Department for Communities and Local Governments, the Department for International Development, the Ministry of Defence, the Treasury, the Scottish Government, the Welsh Government and the Northern Ireland Executive.

The Committee will next meet in public on Thursday, 18 July when it will consider the combined second and third periodic reports of Serbia (CEDAW/C/SRB/2-3)

Report of the United Kingdom

The seventh periodic report of the United Kingdom is available here (CEDAW/C/GBR/7, CEDAW/C/GBR/7/Add.1 and CEDAW/C/GBR/7/Add.2)

Presentation of the Report

HELENE REARDON-BOND, Director of Policy, Government Equalities Office, said there was a common equality legislative framework across England, Scotland and Wales which gave flexibility to interpret and implement the equality duties in a way which met local needs. The equalities brief had recently been transferred from the Home Office. The ministerial responsibility for equalities remained at Cabinet level. The Minister for Women and Equality was uniquely placed to ensure the Government had a gender equality perspective at a strategic level, enabling them to influence policy and the delivery of public services. The ministerial team attended Parliament every five weeks to take questions on their work. The United Kingdom was also active at the European and United Nations level. The Government had published an equality strategy in 2010, based on equal treatment and equal opportunity. The Women's Business Council had been established to advise the Government and its recommendations had been welcomed. The public sector had a duty to have due regard to the need to eliminate unlawful harassment and discrimination.

It was recognized that there was significant public concern about sexual objectification of women in the media. The Government believed that freedom of speech, and a media that was independent of the Government, were fundamental tenets of a free and open democratic society. There was no provision for the Government to intervene to remove legal text or images, even where they were sexually objectifying. However, the Government did want to reduce the harmful impact of such images without restricting the activities of a free press. For example, the Government's Body Confidence Campaign worked with industry to support more diverse and realistic representation of women and The Bailey Review on the commercialisation and sexualisation of childhood had resulted in a wide programme of action. A website had been created where individuals could find out about media regulation and how to take action about something they had seen.

Following the 2010 election a number of non-governmental bodies were closed, including the Women's National Commission. A dedicated engagement programme was aimed at women and women's organizations. This included Ministerial roundtables (20 this year), consultation meetings and a bi-monthly newsletter).

The Equality and Human Rights Commission had been conferred an A status rating as an independent national human rights institution. It was currently working with business to identify barriers to establishing a robust pipeline of female talent, as well as tackling trafficking in Scotland. The Government had implemented provisions to enable political parties to use positive action to encourage participation among under-represented

groups. Half of all appointments to senior roles in the public sector by 2015 should be women.

The United Kingdom had had to make some difficult decisions in tackling the economic downturn. No evidence had been seen to say that women's services were being adversely affected by reductions in government spending. A range of funding programmes had been put in place to support the voluntary sector. The number of women in work had increased, with more in posts than ever before. The National Careers Service supported young girls to make informed decisions and over the next three years GBP 1.6 million was to be spent on rural women's enterprise. A voluntary initiative had been created on gender equality transparency and over 117 leading businesses had signed up. The number of women in FTSE 100 and FTSE 250 company boards had increased. Since 2010, the Government had committed to extending the right to request flexible working to all employees by 2014. By making this an everyday occurrence it was hoped to eliminate unconscious bias against those who worked flexibly, the majority of whom were women. A new system of shared parental leave was to be introduced in 2015 to shift away from the presumption that mothers would take the primary care role. A commission on childcare had been created and parents were to receive support in childcare through tax credits, subsidies, extending the availability of free childcare and grants for new childcare businesses.

The Scottish Government had increased funding for work on gender equality by 27 per cent. In Northern Ireland priority was being given to actions that would lead to economic improvements for women. On health, the Government was taking action to improve key areas where the National Healthcare Service catered for the specific issues women faced. This included maternity services, decreasing the use of mixed wards and improving services for women who suffer miscarriage or stillbirth. Improvements to social care support for older and vulnerable women were also under discussion. A cross-government strategy on violence against women had been created and nearly GBP 40 million had been set aside for specialist local support services. Plans had been announced to criminalise forced marriage, introduced new stalking offences and piloted new ways to protect victims of domestic violence and sex workers. A new programme on female genital mutilation was in place to reduce use of the practice by 30 per cent in priority countries overseas.

Questions by Experts

An Expert said while the Committee had commended the United Kingdom on its then-planned Equality Bill it seemed this had not delivered. The highly detailed task of gender assessment had been abandoned and sex was just one of a number of protected characteristics. What were the outcomes of the review of this? It was difficult to believe that austerity cuts would have passed the old test. What remedy was there in the new scheme of a law that did not meet the regulation? How did the Government plan to mitigate impacts of programmes which meant that tenders were awarded to specialised providers that also ran programmes for men, thereby not protecting women's only services? On reservations to full implementation of CEDAW, why did the United Kingdom need reservations when new laws were said to be compatible with the Convention? The Committee had recommended full incorporation of the Convention. This was rejected on the basis that such an approach would create a parallel regime within the Equality Bill, could more details be provided on this reasoning? Human rights had been included in the curriculum of all law schools; did this include women's rights and CEDAW? Would changes in legal aid have a detrimental effect on women? Were there any assessments of the impact of constant changes in placement of the central government office for equalities? The closing of the Women's National Commission was said to not have achieved the goal of enhancing women's engagement. Did the Government intend to conduct an assessment of this decision?

Response by the Delegation

In response to these questions and comments and others, the delegation said an assessment of the United Kingdom's reservations on the Convention on the Elimination of Discrimination against Women had been completed and reiterated the need for them. These were under active review. The Equality Act had imbedded and mainstreamed gender into policy. The Public Sector Equality Duty had changed, though it was felt this was in the vanguard of such actions as no other country had such a provision. Although it was only recently introduced, feedback had been that operations could be improved, and this was the reason for the review. It had been clearly decided that a Cabinet Minister needed to lead on equality and this was the reason for the movement between departments. The positive impact of this was that each department that had dealt with the portfolio better understood the demands of gender equality. The public consultation on the Women's National Commission had received very mixed reviews and it was thought the replacement measures were working well. An Equality and Human Rights Commission had a mandate that covered gender equality and worked with women's organizations. In relation to changes to the Equality Bill, the principle of due regard remained. Fiscal events that introduced austerity measures were introduced under the old regime and would have had regard to their provisions. The review of the Duty was based on whether the public sector equality duty was working as expected to sensitise policy to equality considerations'. The very robust review was nearly complete and would be presented shortly. Efforts had been made to engage widely.

There have been a number of Judicial Reviews since the Duty was introduced. In the majority of cases the courts had found compliance. The Equality and Human Rights Commission had intervened to assist the court in a number of those challenges. The Equality and Human Rights Commission was independent of Government and it was up to it how they exercised its powers.

The Code of Practice was the responsibility of the Equality and Human Rights Commission; however, it must be approved by the Secretary of State and laid before Parliament. The Department worked with the Commission on a Draft Code. However, they were unable to arrive at a test which was acceptable to both parties. Both the Government and the Equality and Human Rights Commission had produced guidance on interpretation of the Duty.

The Government continued to provide funding to projects on violence against women centrally. Capacity had been built in the women's sector to better understand local commissioning processes. The Ministry of Justice had provided advice to Police Commissioners on the process for commissioning services. There was an Equality Commission in Northern Ireland. Any policies or budgets must be subject to equality screening to see if there were gender impacts, and following further review, what mitigation could be used. The women's engagement programme held a series of ministerial round-tables allowing groups to meet ministers directly. On commissioning, the removal of ring fencing of grants had allowed local authorities to best make spending decisions and prioritise resources.

Protecting vulnerable people, including victims of sexual violence, had been communicated to local authorities as a spending priority. Related to incorporation of the Convention in domestic law, the United Kingdom did not become party to an agreement unless it was happy that its national legislation was in line, meaning this was done before ratification. The Equality Act 2010 was the primary act in meeting CEDAW obligations. The Act referred to sex as a protected characteristic. In relation to the enforcement of the public sector equality duty, persons who felt this was not being met could request judicial review and receive remedy from the High Court. The Act said there was a duty to have regard to persons with a protected characteristic but no specific requirement to mitigate and guarantee a specific outcome.

On legal aid, it was thought that in the current climate it was important to focus resources on cases that most needed them. Victims of domestic violence still received funding in relation to protection orders, immigration and separation issues. There was also an exceptional funding programme for cases where leaving a case unfunded would constitute a breach to the European Convention on Human Rights or European Union law, allowing funding to be exceptionally provided. Schools addressed human rights in their curriculum and school inspectors were advised to look at how equality issues were covered in the curriculum. In universities there was no specific curriculum on equal rights though they were expected to comply and it was hoped and expected that CEDAW issues would be covered by relevant courses.

Questions by Experts

An Expert said all temporary special measures in the report were of a non-binding nature and were not enforceable. What was the reasoning behind developing policy that was achieving results on such a slow path? It was noted that women were sexually objectified in the media, and this reinforced discrimination. What steps were being taken to regulate coverage of violence against women? What measures were being taken to help local decision makers to fulfil the obligation under the Convention to tackle violence against women? How was it ensured that funding met needs? What measures were envisaged to fast track applications for legal aid for victims of violence? What provisions were in place to provide legal protection in these cases for women that had been resident in the United Kingdom for less than 12 months? Was there an assessment of the requirement for Scottish women to make a contribution to legal aid costs? What was being done to support immigrant women in their access to justice? What was the level of coordination between the United Kingdom's national and international policy on female genital mutilation?

The United Kingdom had signed the Istanbul Convention but had not yet ratified it. What was the way forward on this? Why had the criminalisation of forced marriage taken so long? What measures were being taken to tackle its root causes? Could some data on cases of femicide be offered? How was it planned to continue with the incorporation into national of the Istanbul Convention and what changes to legislation might this mean? What measures were in place to prevent the sexual harassment of girls? Why was there no comprehensive legislation on human trafficking? Would the State party consider appointing a national rapporteur on trafficking, based on the Dutch model? Would the State party consider a review of the definition of trafficking used in their policy? Was there any intention by the State party to change the law related to the purchase of sex from a child aged between 1 and 17 where the burden in law was currently on the prosecution to prove criminal intent?

Response by the Delegation

Responding, the delegation said a lot of work had been done on the recent overhaul of equality legislation. A voluntary approach had been adopted and as a result of this it was thought that appropriate provisions were in place. One-fifth of members of Parliament were now women and all parties were enthusiastic about bringing more women into politics. The research into women on boards had shown that women did not want quotas for such positions so instead work had looked at removing barriers to their appointment. The Women's Business Council had been created to provide recommendations for business and engender a culture change on gender equality.

The Government believed that free speech in the media was key, even if this meant the dissemination of legal images that sexually objectified women. The Government worked with advertising, fashion and retail actors to reduce the harmful impact of the images they used. The Leveson Inquiry had made a number of recommendations and a new

regulator and cross-party Royal Charter had been proposed.. Work to eliminate stereotypes in the media continued. On legal aid, injunctions were within the scope of legal aid funding and persons requiring protection would receive funding. Persons with the means to make a contribution to this process were required to do so. No feedback had been received to say this was a barrier to persons accessing protection.

A consultation on the residency test for legal aid had suggested exceptions to this rule could be provided in asylum cases and members of the armed forces. The Government was currently analysing responses and would make final proposals in due course. In Scotland, legal aid cases were assessed on a number of criteria, and it was believed that most women in need of legal assistance in domestic violence cases received help. A crisis element of funding has been agreed for black, minority and ethnic services in Northern Ireland. A 24-hour domestic violence helpline was in place for all victims.

Under current legislation it was an offence to pay for sexual services for a child under 13. In cases of a child offering services when they were between 13 and 18, there was a defence that could be raised saying the customer believed the prostitute to be over 18, and this was the same across the United Kingdom. Victims of human trafficking in Northern Ireland were offered a package of support including access to health care, housing and legal support. In Wales, there was support for women that had been trafficked and training would be rolled out for Welsh Police Officers from September 2013. The Government of the United Kingdom was unequivocal that female genital mutilation constituted violence against women and child abuse. Actions on this included guidelines to help front-line agencies recognise and deal with victims, funding to communicate with communities impacted by female genital mutilation and the creation of a helpline to report cases. An action plan had been issued to try and address the barriers to getting prosecutions from female genital mutilation cases.

On forced marriage, the criminalisation of the offence had been brought forward as soon as it was possible to do so. On the Istanbul Convention, timeframes were being developed with devolved authorities for ratification and introduction. Rules on forced marriage were a clear part of this and would soon be in place to allow further progress. There were a series of sources for data on violence against women, mainly the Office of National Statistics which broke down trends. The Council for Child Internet Safety was taking forward recommendation to restrict the access of young people to pornography online. There was a national rapporteur equivalent mechanism that drove forward national trafficking policy. There were separate offences in devolved areas for some offences of trafficking and this was not thought to be a hindrance to tackling the issue. There were eight convictions for human trafficking (on a principal offence basis). In England and Wales there were 142 defendants facing offences related to human trafficking in 2011/ 12, of which two thirds were prosecuted.

All schools were required to have measures in place to tackle all forms of bullying, including harassment. The school inspections system required consideration of patterns of bullying and the school's practice in eliminating discriminatory language and behaviour. In the Education Act 2011 teachers were given stronger powers to deal with cyber-bullying. New offences regarding harassment and stalking were now punishable under law.

Questions from the Experts

An Expert asked why the Government was refraining from statutory guidance covering the entire United Kingdom in regards to the equality duty. A law in Scotland set a limit of three years for bringing charges for cases of abuse, was this likely to be changed? There was new legislation on the possession of extreme pornographic material on servers outside of the United Kingdom, was this being implemented? The Committee had put forward a recommendation to extend a strategy on CEDAW to the Crown

Dependencies and Overseas Territories. What steps were being taken to do this? The Isle of Man was considering withdrawing reservations to CEDAW, what dialogue between the two governments had taken place on this? Was there an update on a new domestic violence law in the British Virgin Islands? It was reported that a large amount of female prisoners had been trafficked at some point and did not always receive the best advice. Further, such women did not receive any counselling on resettlement and support other women received. What was intended to identify trafficked women, who should not be jailed, and to assist them better?

Were there procedures for the social integration of former sex workers? Were there policies to allow trafficked women to return home in dignity and avoid further trafficking? The rights of women of black, minority or ethnic women were not always well supported. What had been done to tackle hate crime against this group? Was there information on investigations into allegations of abuse in residential organizations in Northern Ireland, for example the Magdalene laundries? What measures were being taken to ensure the increasing use of new technology in communicating policy did not leave some persons uninformed? The new Equality Law did not seem to have provisions for substantive equality and empowering women as laid out in the CEDAW Convention. How was incorporation of these principles foreseen? Were there figures regarding cases of rape and violence involving domestic women? If Scotland was not included in a national strategy against trafficking, what impact did this have on progress overall?

Response by the Delegation

In response to these questions and comments and others, the delegation said the agendas of round tables held with ministers with responsibility for equality were very open. The time bar on cases of sexual abuse in Scotland mentioned was not in place and there were a number of historical cases to evidence this. Scotland had its own policy on trafficking, run in close cooperation with the other members of the Kingdom. There was a historical institutional abuse inquiry underway in Northern Ireland. An estimated 1.2 million women and 800,000 men suffered domestic violence last year. Over 60,000 women had been raped and 400,000 were sexually assaulted. Domestic homicide reviews were in place to learn lessons from such cases. There was revised guidance on child sexual exploitation issued last month which put a focus on the credibility of the allegation, not the credibility of the victim. There had been a number of judicial reviews that cited the public sector equality duty, where three had overturned the decision of the public authority.

The delegation confirmed that the Isle of Man was considering withdrawing some of its reservations to articles of CEDAW and it was expected that they would be in contact with London in the autumn to discuss their intentions. A project to lay the groundwork for CEDAW in the Overseas Territories had been funded and the Government was supporting the extension of CEDAW when territories were able to apply them. A new law passed in the British Virgin Islands had provisions which offered better shelter, health and counselling services for victims of domestic violence.

The Government was actively looking at legislation on extreme pornography to address a loophole that had been identified. The Northern Ireland historical institutional abuse inquiry had been running since 2012. The terms of reference of this looked to a report being provided within three years of its beginning. Any person that had lived in the Magdalene laundries between 1922 and 1995 could give evidence of their experiences to the inquiry. Substantive equality was addressed in the Equality Act. A woman's right to breastfeed was now protected. The United Kingdom was committed to tackling hate crime with an ongoing programme of work. As part of this, the Ministry of Justice had provided funding to a number of charities working with black, minority and ethnic women.

The number of trafficked women in prison was an issue and steps were being taken to identify such women and offer appropriate help and support. There were a number of mechanisms to help victims to return home. The reservations to the Convention still in place were a sign of how seriously the United Kingdom's Government took its obligations. On reservations, one was still in place to exclude women from ground close combat rules to ensure combat effectiveness. This was reassessed every eight years. On another reservation, since 1983 women who were British citizens were able to transmit their nationality. All children of British mothers born before this date were now able to apply for citizenship if they were entitled to it and were of good standing and if they wished to do so. Another reservation covered the provision of pensions, where a male of pensionable age could, until 2010, claim an additional pension amount if they had a dependent wife. No new applications were being accepted and existing claims would be stopped in 2020. The reservation on Article 16 was that national policies on adoption considered the needs of the child in the wider picture, and this was not consistent with the wording of the Convention.

Questions by Experts

An Expert said the representation of women in public life was described in the report as a challenge. Was the extension of the voluntary women-only shortlists enough to remedy the situation? Had the Government considered financial incentives to parties that had more women on their lists? Was it likely that a reduction in seats as a whole was to impact on the numbers of female members? What steps had been taken to advance Welsh plans to take on Norwegian-style quotas? Had efforts to encourage persons with disabilities into political posts been successful? What was being done to increase the number of women in the judiciary? Respondents to the survey on women on boards mentioned previously were mostly those already in powerful positions. In answers given to the survey, the idea of quotas was rated as the second most popular measure to get more women onto boards. Why was this suggestion not being supported? There seemed to be some problems in policy coherence with regards to the implementation of Resolution 1325. Could more information be provided about an inquiry in Northern Ireland around the implementation of the resolution? Stricter rules on visa and travel requirements would put women more vulnerable to brokers and trafficking. What reform measures had been taken in regard to the refugee registration process to ensure this was gender-sensitive?

Response by the Delegation

Responding to these questions and comments and others, the delegation said a year-long inquiry had taken place to look at increasing the diversity of parliament, considering gender, race and those with disabilities. It had concluded that work on this needed to be done in political parties themselves and all-women lists could be used if needed. Asian women were now in Parliament for the first time and a record number of Asian women ran for office in 2010. A taskforce on black, minority and ethnic women had been created to try and encourage more women at local level. It was hoped this would then filter through to Parliament. The Women's Business Council had looked at the representation of women on boards and had concluded that the issue was in the executive pipeline and barriers needed to be removed at the middle management level. There was a strong body of thought in the United Kingdom that was against quotas as it was considered they moved away from appointments based on merit. A range of policy measures were being developed to create a pool of women that were "board-ready" including the right to request flexible working and a system of shared parental leave as of 2015. It was thought this would remove the idea among employers that employing women carried risks as they might take a long period out for maternity leave.

Funding was available to support persons with disabilities to stand for political office. The Government was committed to more diversity in the judiciary. Part-time working

was now available in the Supreme Court. The selection commission was now able to consider protected characteristics (sex, race and other) in their choice of appointments. A programme of gender sensitivity training had been implemented for all those involved in asylum decision-making. On the higher overturning of asylum decisions from women on appeal it was the case that both case law, the circumstances of the applicant and the provision of evidence could change between decisions and appeals. There were a number of routes into the United Kingdom. Family rules were changed to ensure persons coming to join a spouse were supported enough to integrate effectively in the community and not be a burden on the taxpayer. The minimum age of such a spouse had reverted to 18. Persons arriving in such a way had a five-year wait before they could apply for permanent residency. This was done to check the validity of the relationship. Victims of domestic violence did not need to abide by this rule before applying and could access public funds to facilitate this.

The Welsh Government was exploring legislative options on Norwegian style quotas for public sector boards in Wales and meanwhile it was taking non-legislative steps to increase the number of women and other under-represented groups on public sector boards including publishing Sport Wales case study and a Ministerial Chairs seminar. As of January 2013 in Northern Ireland, 43 per cent of the judiciary were women. The Office of the First Minister and Deputy Minister funded an organization with a mandate to bring women into public life. The position of the United Kingdom Government on Resolution 1325, as agreed by the First Minister and the DUP, but not agreed by the Deputy First Minister and Sinn Fein, was that the Northern Ireland situation did not constitute an armed conflict as defined under international law. Women had played a crucial role in Northern Ireland and their efforts were applauded. The State party was committed to its action plan on the Resolution.

Questions by Experts

An Expert said it was apparent that there was gender segregation in education with women under-represented in science and technology and well-represented in more traditionally female areas. This was repeated in vocational training. Were there plans to approach this legislatively? Human rights and sexual health education was not part of the secondary school curriculum. Was there an impact assessment on how austerity measures in education were impacting women, and particularly vulnerable women? Could data on women in academia be provided? What percentage of these women were in high-level positions in universities? The gender pay gap, though smaller, was still quite high. How many companies reported on their gender pay gaps? When was the initiative related to reporting on this to produce information on the details it had received? Were there other plans to tackle structural causes of the gender pay gap? It was reported that over half black, ethnic and minority women were unemployed. This group was also under-employed and often in part time or temporary work. Were measures being taken to assess the impact of austerity on this group? What was being done to address the high unemployment rate of women with disabilities?

An Expert said that it was reported that discrimination against pregnant women was common and there was now a fee of GBP 1,200 to take a claim to tribunal. Was this being taken into account? There was no universal childcare provision. Was the Government prepared to increase infrastructure to make affordable childcare better available? With regard to the proposal of shared parental leave, this had been under discussion for some time, what was there to show the Committee that there was a real commitment for 2015? What was being done to tackle sexual harassment in the workplace? Women in prisons often suffered poor mental health, how successful was the Government's strategy on providing the same treatment to those in prison as those outside such facilities? What were the safety nets for asylum seeking and refugee women considering they were unable to access public funds? Was there information on the provision of sexual health education targeted at adolescents?

On HIV, women living with the condition in the United Kingdom faced considerable stigma, what was being done to tackle this? What was being done to address negative attitudes towards pregnant women with disabilities? Abortion law in Northern Ireland said that it was only possible to have access to abortion in cases of severe threat to the women's life. The most recent guidelines were even more restrictive than the current law. Was the United Kingdom Government planning any reform with regards to the current situation in line with the recommendations of human rights bodies on this? It seemed that the provision of fertility treatment provision was discriminatory against gay and single women as it required a period of unprotected sexual intercourse, both in Northern Ireland and other parts of the Kingdom. What was the position of the Government on this?

Response by the Delegation

Responding, the delegation said it was clear that discrimination against pregnant workers was illegal and unacceptable. Changes to the system of parental leave provided an opportunity to reiterate to all employers about what was illegal and the expectation of how employers behave towards their workers. The time was right to look at the issue of pregnancy discrimination again. Issues related to breastfeeding in the workplace and the sharing of best practice was also to be considered. The speaker was extremely confident that shared parental leave would be in place by April 2015. The legislation required for this had cleared the first legislature, was under discussion in the second legislature and the secondary legislation to bring the provisions into play was already being looked at. New legislation would better allow partners to attend ante-natal appointments. There was a strong uptake of the two-week statutory paternity leave following a birth. It was recognised that new parental leave provisions would take some time to take root.

On the introduction of fees to take claims of discrimination to tribunal, this was only the case for those who could pay and a remission scheme would be in place for those who could not. A number of free-of-charge resolution options were also available. In relation to abortion in Northern Ireland, it was lawful to perform a termination where it was necessary to preserve the life of the pregnant woman, or where there was a risk of real serious effect on her physical or mental health, which was either long-term or permanent. In any other circumstances it was unlawful to perform such an operation. A public consultation was taking place on the document 'the limited circumstances for a lawful termination of pregnancy in Northern Ireland: a guidance document for health and social care professionals'. The guidance document did not change the law on termination of pregnancies in Northern Ireland. NICE guidance that recommended that gay women who had six cycles of failed fertility treatment could be considered for treatment with the National Health Service was under consideration. Female asylum seekers and those with uncertain immigration status would have access to antenatal health and maternity services. The issue of stigma that women with HIV might feel when accessing services was recognised, and steps had been taken to tackle it. Support was given to learning disabled mothers and families to allow the child to remain and thrive in that family. Welfare reform such as the equalisation of pension age and support for lone parents was part of bringing women into the workplace.

It was factually incorrect to say that half of black, minority and ethnic were unemployed. This was driven by high levels of economic inactivity in some sections of this community. It was recognised that more needed to be done to support the employment goals of women with disabilities. More funding was to be given for up-front payments to help persons with disabilities back to work. Equality was an integral part of the school inspection framework. The personal, health, economic and social education provided in schools could cover human rights, though this was not prescriptive so that schools could best reflect the needs of their students. Guidance issued on this covered

contraception and family planning. Funding was being provided to promote teaching on the issue of consent. In England, girls performed better than boys and were more likely to stay on after compulsory education. The Government of the United Kingdom was taking steps to raise the quality of teaching and put in a place a more demanding curriculum. This should improve the engagement of all young people.

Providers of career guidance were required to remove gender stereotypes in their work. Specialist initiatives to encourage young people to study science, technology, engineering and mathematics subjects were in place. On childcare, the concerns about the affordability of childcare were shared in Government and steps on this included increased pre and post school care, funding for the expansion of nurseries and increasing the access to informal childcare. Start-up grants to fund new childcare businesses were available. More social benefits to cover the cost of childcare were offered. Only a few companies published data on their gender pay gap, though many did report breakdowns of data on the number of women employed and the positions they held. The need for further regulation on this was kept open. The Scottish Government agreed there was a need for better provision of childcare and the amount of care available to all three and four year old, as well as vulnerable two-year olds had been increased.

Questions by Experts

An Expert said the tax credit system had seen significant reductions and there were many concerns about the new Universal Credit system. This was to be paid monthly and could limit women's economic independence. Could all or part of this payment be paid to women? How did the United Kingdom deal with discrimination against elderly women under the Equality Act? What measures had been taken to take into account the needs of women living in rural areas, such as high transport costs? What impact had changes to social subsidies had on the elderly? What had been done on the recommendations offered about women of tribal origin? The State party was encouraged to take measures to understand the high representation of women of black, minority and ethnic origin in detention. What was the Government not implementing three measures in the new Equality Bill? The three years limitation mentioned earlier related to civil, not criminal, cases. Was reform of this being considered? While legal aid was in theory available in family law cases, the burden of proof was very high. Did a woman who sought redress in contact or property cases have to first prove she was a victim of domestic violence to get free legal assistance? What was the result of the consideration by the Government of provisions in the break-up of de facto relationships?

Response by the Delegation

The delegation said disabled and elderly persons in Wales received free transport. The gender equality impact of welfare reform had been considered. The ethos behind the reform was about not trapping people in a cycle of dependency and creating a safety net for those that needed it. The Universal Credit was analogous to the world of work. Monthly payments mirrored the working world, and support would be offered to those concerned about the transition from fortnightly to monthly payments. Payment exceptions may be possible, including the splitting of payments in specific situations of potential abuse. The level of self-harming in prisons had dropped. The strategic priorities on women offenders included robust options for community penalties, offering the judiciary options other than detention.

On legal aid, the Government was committed to providing legal aid to victims of domestic violence. Most private family cases had been removed from scope, except for situations where one partner was a victim of violence, or in private children cases where there was a risk of child abuse by one of the parties. The majority of evidence would not attract a charge and where there was the possibility of a charge, the Government had worked with stakeholders to discourage this and saw no reason for this to be more than

a small fee. This was kept actively under review. The socio-economic duty in the Equality Act was quite weakly worded and so was not introduced though it remained on the statute book. The dual discrimination provision of the Act was thought to be too expensive for business to implement compared to the potential benefit, and cases could still be brought on any of the single grounds of the Act. In Scotland, there was a three year time bar on civil cases, including cases of child abuse, though there had just been a consultation and the outcomes of this were to be reported soon. It was thought that the laws on the property rights of co-habitants were not discriminatory to women and changes to them were not foreseen in this government.

Concluding Remarks

NICOLE AMELINE, Chairperson of the Committee, thanked the State party for its efforts, saying it had made a lot of progress in the protection of human rights and encouraged it to take all measures to address the concerns of the Committee. The reports and commitments had been very interesting and it was suggested that efforts should be consolidated internationally. The State party should consider binding commitments and the needs of vulnerable groups should be met. The next periodic report from the State party was awaited with interest.

HELENE REARDON-BOND, Director of Policy, Government Equalities Office, thanked the entire United Kingdom delegation, saying this was a challenging process that the Committee had delivered with expertise and vigour. It was hoped that a great sense of the collaborative work done had been put forward. The broad range of shadow reports submitted by non-governmental organizations was appreciated. The obligations under CEDAW were something that the Government was very mindful of. The recommendations of the Committee were looked forward to, and they would be distributed widely, as they had been on the previous occasion.