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**Committee on the Elimination of  
Discrimination against Women**

These concluding observations have been annotated by Engender with contextual information that may be of interest.

**Key to highlighting:**

- **Mention of Scotland**
- **Concluding observation that reflects one of Engender's key calls**, either made through our [Scotland shadow report](#) or through the [four-nations report](#) produced with WEN Wales, NIWEP, and Women's Resource Centre.

You can find out more about CEDAW at [Engender's website](#).

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

1. The Committee considered the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland (CEDAW/C/GBR/8) at its 1671<sup>st</sup> and 1672<sup>nd</sup> meetings, on 26 February 2019 (see CEDAW/C/SR.1671 and 1672). The Committee's list of issues and questions is contained in CEDAW/C/GBR/Q/8 and the responses of the United Kingdom are contained in CEDAW/C/GBR/Q/8/Add.1.

**A. Introduction**

2. The Committee appreciates the submission by the State party of its eighth periodic report. It also appreciates the State party's follow-up report to the Committee's previous concluding observations (CEDAW/C/GBR/CO/7/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

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\* The present document is being issued without formal editing.

\*\* Adopted by the Committee at its seventy-second session (18 February – 8 March 2019).

3. The Committee commends the State party for its delegation, which was headed by the Deputy Head, Government Equalities Office, Ms. Elysia McCaffrey. The delegation also included representatives of the Ministry of Justice, the Department for Work and Pensions, the government of Wales, Scotland and Northern Ireland, and the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva. The Committee notes, once again, that the State party's delegation did not include representatives of the Overseas Territories and Crown Dependencies.

## **B. Positive aspects**

4. The Committee welcomes the efforts made by the State party since the consideration in 2013 of the State party's seventh periodic report (CEDAW/C/GBR/CO/7) in undertaking legislative reforms, in particular the adoption of the following:

(a) The Domestic Violence Act in Anguilla, in 2014, which provides greater protection for victims of domestic violence by empowering the Court to grant a protection order;

(b) **The Human Trafficking and Exploitation (Scotland) Act, in 2015;**

(c) The Equality Act, in the Isle of Man, in 2017;

(d) The Equality Act (Gender Pay Gap Information) Regulations, introduced under section 78 of the Equality Act of 2010, in 2017, requiring private and voluntary organizations with more than 250 employees to publish their gender pay gap data;

(e) The Equality Act (Specific Duties and Public Authorities) Regulations, introduced under section 153 of the Equality Act of 2010, in 2017, requiring public bodies with more than 250 employees to publish their gender pay gap data;

(f) **The Limitation (Childhood Abuse) (Scotland) Act in July 2017,** which removes the three year limitation period for personal injury actions arising out of childhood abuse, as previously recommended by the Committee;

(g) **The Gender Representation on Public Boards (Scotland) Act in March 2018.**

5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) The Ending Violence against Women and Girls Strategy from 2016 to 2020, for England and Wales, adopted in March 2016;

(b) The **Equally Safe:** Scotland's national strategy to prevent and eradicate violence against women and girls, which was published in June 2014 and updated in March 2016 and explicitly recognizes violence against women and girls as a cause and consequence of gender inequality;

(c) The female offender strategy in England and Wales, in June 2018, to divert the most vulnerable women in the criminal justice system from custody through the provision of tailored support.

### **Sustainable Development Goals**

**6. The Committee welcomes the role played by the State party to support gender as a standalone Sustainable Development Goal and takes note of its response to the Women and Equalities Select Committee’s inquiry into the domestic implementation of Goal 5 of the Sustainable Development Goals. The Committee calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

## **C. Principal areas of concern and recommendations**

### **General context**

7. The Committee takes note of the decision by the State party to withdraw from the European Union (“Brexit”) following a referendum on 23 June 2016. Noting that this decision has necessitated a close scrutiny of its domestic legislation and the changes that may be required, the Committee calls upon the State party to seize this opportunity to reinforce its human rights framework across its territory, including by incorporating the Convention in its domestic law, and to utilize the Convention as a strategic choice to empower women. At this critical juncture, the Committee stresses that putting women’s rights at the heart of its deliberations and ensuring that women’s rights are strengthened will result in creating a stronger and more resilient society.

8. The Committee is cognizant of the State party’s structure of government, with devolved administrations in Northern Ireland, Scotland and Wales, and with separate governance structures in the State party’s Overseas Territories and Crown Dependencies. It recalls, however, that the delegation of government powers does not negate the direct responsibility of the State party to fulfil its obligations to all women and girls within its jurisdiction, as set out in the Committee’s general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention. It also recalls that the Vienna Convention on the Law of Treaties provides, in article 27, that a party to a treaty may not invoke the provisions of its internal law as a justification for its failure to perform it. Hence, while recognizing the absence of a functioning government in Northern Ireland since January 2017, the Committee reiterates the obligation of the State party to take all necessary measures to ensure the effective application of the Convention to guarantee the rights of all women therein, as well as in all of the Overseas Territories and Crown Dependencies.

## Parliaments

9. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, annex VI to E/CN.6/2010/CRP.2). It invites the Parliament of the United Kingdom of Great Britain and Northern Ireland, as well as the **Scottish Parliament**, the National Assembly for Wales, and the Northern Ireland Assembly where relevant, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

## Reservations

10. While welcoming the withdrawal of some reservations in the Isle of Man, the Committee notes that the State party continues to maintain its reservations to the Convention, notwithstanding the fact that many of the reservations have the character of interpretive declarations and may no longer be necessary.

11. The Committee reiterates its previous recommendation that the State party review the current reservations with a view to withdrawing them.

## Legislative and policy framework

12. The Committee welcomes the efforts made by the State party to strengthen its legislative and policy framework to promote and protect the rights of women and girls, including those referred to in paragraphs 4 and 5. However, it reiterates its previous concerns expressed in 1999, 2008 and 2013 regarding the lack of measures taken to fully incorporate the provisions of the Convention in its domestic legislation, leading to a fragmented and uneven legislative framework on the rights of women and girls. It expresses particular concern that the absence of a functioning government in Northern Ireland since January 2017 has led to gaps in legislation and policy to ensure the effective protection of women in Northern Ireland. Furthermore, while the Committee welcomes the extension of the applicability of the Convention from three to seven Overseas Territories between 2016 and 2017, it remains concerned that the provisions of the Convention have not been given effect in all of its Overseas Territories and the Crown Dependencies of Jersey and Guernsey.

13. Recalling its previous concluding observations, the Committee recommends that the **State party incorporate all the provisions of the Convention in its legislation without further delay to ensure that the rights of women are guaranteed systematically and on an equal footing throughout all territories under its jurisdiction, including Northern Ireland. It also recommends that the State party, in accordance with its obligations under the Convention, take proactive measures to ensure that the Convention is given effect in all of its Overseas Territories and Crown Dependencies.**

Incorporating CEDAW into Scots Law was one of Engender's key recommendations.

14. The Committee notes that the Equality Act of 2010 prohibits both direct and indirect discrimination on the basis of sex. However, it reiterates its previous concern that the Equality Act does not extend to Northern Ireland (CEDAW/C/GBR/CO/7, para.18), and regrets that the State party, invoking the principle of devolution, has not taken any measures to ensure that women in Northern Ireland have at least the same equality protections as their counterparts in the other administrations of the State party, notwithstanding the lack of a functioning government in Northern Ireland. The Committee also remains concerned at the limitations of the public sector equality duty to effectively protect women from discrimination, including intersectional forms of discrimination, and regrets the lack of progress made to bring into force the provisions of the Equality Act relating to the public sector duty on socioeconomic inequalities (sections 1 to 3) and the recognition of “combined discrimination” (section 14).

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

**(a) Revise its legislation in Northern Ireland to ensure that it affords protection to women on an equal footing with women in other administrations of the State party;**

**(b) Ensure the uniform and effective application of the public sector equality duty, so that all public bodies across its jurisdiction systematically undertake gender equality impact assessments;**

**(c) Review and amend the public sector equality duty in order to address situations of intersectional forms of discrimination, such as discrimination faced by “Black, Asian and Minority Ethnic” women, older women, women with disabilities, asylum-seeking and refugee women, and lesbian, bisexual transgender women and intersex persons;**

This was a key call from Engender, as we see the public sector equality duty failing to bring about women’s equality in Scotland, and particularly failing women who face multiple discrimination or oppression.

**(d) Bring into force the provisions of the Equality Act relating to the public sector equality duty on socioeconomic inequalities (sections 1 to 3) and “combined discrimination” (section 14).**

16. The Committee is concerned about the disproportionately negative impact of austerity measures on women, who constitute the vast majority of single parents and are more likely to be engaged in informal, temporary or precarious employment. It reiterates its previous concern (CEDAW/C/GBR/CO/7, para.20) that austerity measures have resulted in cuts in funding to organizations that provide social services to women, including those that provide services for women only, as well as budget cuts in the public sector, where more women are employed than men. It also notes with concern that reductions in social care services increase the burden on primary caregivers, who are disproportionately women.

**17. The Committee recommends that the State party undertake a comprehensive assessment on the impact of austerity measures on the rights of women and adopt measures to mitigate and remedy the negative consequences without delay.**

This was a key call from Engender (along with other women's organisations from across the four nations). UK Government has never undertaken cumulative impact assessment on its social security 'reform' programme, or its ideological austerity roll-out.

18. The Committee welcomes the adoption of the Sanctions and Anti-Money Laundering Act in May 2018, which requires the Secretary of State to provide "all reasonable assistance" to the governments of the British Overseas Territories to enable each of those governments to establish a publicly accessible register of the beneficial ownership of companies registered in each government's jurisdiction. While the introduction of this Act constitutes a positive step in the fight against money laundering, tax evasion and corruption, the Committee remains concerned that the offshore tax regimes in the Overseas Territories and Crown Dependencies continue to enable multinational companies and wealthy individuals as well as criminal organizations to avoid paying tax, leading to significant losses of revenue that could be utilized for public services for women.

**19. The Committee recommends that the State party continue to adopt measures to combat money laundering and tax evasion, including by establishing public registers of companies and Trusts in all of its Overseas Territories and Crown Dependencies, and undertaking independent, participatory, and periodic impact assessments of the domestic and extraterritorial effects of its financial secrecy and corporate tax policies on the rights of women. It also recommends that the State party revise its corporate, trust, financial and tax legislation, policies and practices with a view to fully realizing the enjoyment by women of their rights under the Convention, both domestically and abroad.**

20. The Committee notes the assurance provided by the State party that the European Union (Withdrawal) Act of 2018 converts the majority of European Union law into legal guarantees at the domestic level and that the minimum standards established by the European Union will be retained. Nevertheless, the Committee is concerned that the withdrawal of the State party from the European Union ("Brexit") could, in the absence of comprehensive measures to empower women and domestic legislation incorporating the provisions of the Convention, lead to a retrogression in the protection of women's rights in the State party. It also expresses concern that women may be disproportionately affected by the negative economic impact of Brexit and the loss of funding from the European Union for specialized programmes and service for women and girls. Given the distinctive circumstances in Northern Ireland, the Committee expresses further concern that women living therein will be particularly affected, including due to changes affecting cross-border trade.

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

**(a) Undertake a thorough impact assessment of its withdrawal from the European Union on the rights of women, including women in Northern Ireland, and adopt effective measures to mitigate the negative effects;**

This concluding observation of Brexit reflects the calls made by Engender through the four-nations report, as well as evidence given to the Committee at the pre-sessional working group and at the examination itself. The Committee was very concerned with the impact of Brexit on women.

**(b) Ensure the inclusion of the provisions of the Convention, the European Convention on Human Rights and the “acquis communautaire” (or “EU acquis”) in its domestic legislation, and utilize the human rights framework and the empowerment of women as a strategic tool to tackle the current challenges;**

**(c) Ensure that any future change in legal provisions do not constitute a retrogression in the protection of women’s rights and adopt measures to ensure that its domestic legislation keeps pace with progress on women’s rights in the European Union;**

**(d) Ensure that any future trade and investment agreements negotiated by the State party recognize the primacy of its obligations under the Convention and explicitly consider their impact on women’s rights;**

**(e) Ensure that the loss of funding from the European Union does not lead to gaps in support and services provided to women and girls, including by securing alternative sources of funding.**

#### **Legal aid and access to justice**

22. The Committee welcomes the measures adopted by the State party to facilitate access to civil legal aid for victims of domestic violence and child abuse. It also notes that the introduction of court fees under the Employment Appeal Tribunal Fees Order 2013, which the Committee in its previous concluding observations (CEDAW/C/GBR/CO/7, para.22) found to be of concern, has been declared unlawful by the Supreme Court in 2017 and thus suspended. However, it remains concerned that cuts to legal aid, as well as the strict criteria to access legal aid under the Legal Aid, Sentencing and Punishment of Offenders Act of 2012 continue to have a negative impact on women’s ability to access justice and effective remedies in areas such as family, housing, immigration and welfare benefits law.

**23. The Committee recommends that the State party ensure that women, in particular women in vulnerable situations, such as women with disabilities, “Black, Asian and Minority Ethnic” women, asylum-seeking and refugee women, and victims of gender-based violence and**

Although this concluding observation does not mention Scotland, it comprehensively addresses concerns that we raised about access to justice for victim-survivors of rape and sexual assault and domestic abuse.

**of trafficking, have effective access to justice and remedies with adequate legal support and representation, including by ensuring that the legal aid and representation is accessible and available, as well as the provision of procedural and age-appropriate accommodations. It also recommends that the State party take effective measures to ensure that women have access to legal aid in areas that affect them most, such as family, housing, immigration and welfare benefits law.**

We were particularly keen to raise issues around women experiencing homelessness as a result of domestic abuse, and access to family law.

### **National machinery for the advancement of women**

24. The Committee welcomes the information provided by the State party delegation that the Government Equalities Office, its national machinery for the advancement of women, will be relocated from the Department of Education to the Cabinet Office on 1 April 2019 to improve coordination among government departments. It also welcomes the establishment of the House of Commons Women and Equalities Select Committee to monitor the performance of the Government Equalities Office in June 2015. Nevertheless, the Committee remains concerned that the mandate of the Government Equalities Office is broad and not specifically aimed at advancing the rights of women. Additionally, while noting that the Government Equalities Office convenes a Gender Directors' Network to bring together those responsible for gender equality in England, Wales, Scotland and Northern Ireland, the Committee reiterates its previous concerns of 1999, 2008 and 2013 regarding the lack of a unified and comprehensive national strategy as well as an effective coordinating and monitoring mechanism for the implementation of the Convention. It expresses further concern regarding the lack of systematic collection of disaggregated data, in particular with regard to intersectional discrimination, to identify areas where women lack substantive equality with men, inform policy-making, and assess the impact of measures taken.

### **25. The Committee recommends that the State party:**

**(a) Continue to take measures to strengthen the capacity of the Government Equalities Office to function as an effective national machinery for the advancement of women;**

**(b) Consider establishing a national oversight mechanism to coordinate and monitor the implementation of the Convention, with the effective participation of its national human rights institutions and women's organizations;**

This is not something which Engender has called for, as we are deeply cautious about the extent to which UK Government could provide leadership to a four-nations approach to women's equality.

However, some form of inter-civil society mechanism that mirrored any inter-governmental mechanism around women's equality is worth exploring.

The Committee has repeatedly criticised, over a number of cycles, the UK Government for failing to engage substantively with women's organisations.



(c) **Develop and adopt a unified, comprehensive and overarching national strategy for the implementation of the Convention throughout the whole of its territory;**

(d) **Systematically collect and publish data disaggregated by sex, gender, ethnicity, disability and age throughout the whole of its territory to inform policy-making and assess the impact of measures taken.**

Better gender-disaggregated data is always a concern of Engender's and we recommended, through our four-nations report, a systematic approach to collecting and publishing relevant data.

(Gender-disaggregated data relates to men and women, but takes a gendered approach to ensure that it captures gendered differences in men's and women's lives. For example, transport data should capture trip-chaining as women are more likely to move from home to nursery or childcare to work to errands to home. Data collection approaches that only gather information about the single longest element of a journey will not be sensitive to women's use of public transport.)

### **Stereotypes**

26. The Committee welcomes the research undertaken by the Advertising Standards Authority on the harmful effects of stereotypical imaging and the objectification of women in the media and in advertising and the publication of its report in July 2017. It also commends the introduction by the Committee of Advertising Practice of a new rule in the Advertising Codes to proscribe gender stereotypes that are likely to cause harm, or serious or widespread offence in advertisements, which will come into force in June 2019. Nevertheless, the Committee remains concerned at the persistence of gender stereotypes affecting women and girls' educational and career choices, as well as the impact of unrealistic images perpetrated on media, including social media, on the mental wellbeing of women and girls.

27. **The Committee recommends that the State party continue to engage with the media to eliminate stereotypical imaging and the objectification of women in the media, and take further measures to eliminate negative gender stereotypes and to promote positive and diverse gender portrayals, including in schools and through public campaigns.**

### **Gender-based violence against women and girls**

28. The Committee welcomes the adoption of measures to combat violence against women and girls, including the "Ending Violence against Women and Girls Strategy" for 2016 to 2020 in England and Wales, and the "Equally Safe: Scotland's national strategy to prevent and eradicate violence against women and girls" in Scotland. Nevertheless, the Committee remains concerned about the lack of uniform protection of women and girls from all

forms of gender-based violence across the jurisdiction of the State party, noting with particular concern the inadequacy of laws and policies to protect women in Northern Ireland. It also expresses concern that:

(a) Asylum-seeking women, migrants and women with insecure immigration status who experience gender-based violence, including domestic violence and rape, refrain from seeking protection and support services for fear of having their immigration status reported to authorities;

(b) Women with disabilities face challenges in accessing justice and seeking protection for gender-based violence, particularly when violence is perpetrated by their caregivers;

(c) The system of commissioning services has reportedly led to funding of large and generic service providers, rather than organizations providing specialist services for victims of gender-based violence, which may entail inadequate or inappropriate support for victims of gender-based violence.

**29. With reference to its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and recalling its previous recommendation, the Committee recommends that the State party:**

**(a) Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention);**

This was a key call of Engender's, along with our sister organisations across the four nations. This Convention is a Council of Europe instrument that incorporates a feminist analysis of men's violence against women, and would provide a backstop for action by UK and Scottish Governments.

**(b) Adopt legislative and comprehensive policy measures to protect women from all forms of gender-based violence throughout the State party's jurisdiction, including Northern Ireland;**

Its implementation would underpin the existing violence against women strategy in Scotland, Equally Safe, and protect against regression in the case of future governments deprioritising the eradication of violence against women.

**(c) Ensure that asylum-seeking women, migrants and women with insecure immigration status are able to seek effective protection and support services without fear of having their immigration status reported to authorities;**

**(d) Ensure that its laws and policies effectively protect women with disabilities from all forms of gender-based violence, and in particular violence perpetrated by their caregivers;**

**(e) Ensure that the policy of commissioning services does not undermine the provision of specialized services for women who are victims of gender-based violence.**

### **Female genital mutilation**

30. The Committee commends the introduction of a mandatory reporting duty, which came into force in October 2015, requiring health-care and social-care professionals and teachers to report all known cases of female genital mutilation in girls under 18 years of age to the police. It also welcomes the first conviction for female genital mutilation in February 2019. However, the Committee remains concerned that the practice continues to persist, and that it is reportedly increasingly performed on babies and infants to avoid detection.

**31. The Committee recommends that the State party ensure the full implementation of its legislation on female genital mutilation and take further measures to effectively prosecute perpetrators of this offence. It also recommends that the State party step up its efforts to raise awareness that female genital mutilation is a form of child abuse and gender-based violence against women and girls.**

### **Trafficking and exploitation of prostitution**

32. The Committee welcomes the adoption in 2015 of the Modern Slavery Act, Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland), and the **Human Trafficking and Exploitation (Scotland) Act**, which introduce new criminal offences for human trafficking, slavery, servitude, and forced and compulsory labour. However, the Committee is concerned that the definition of trafficking as set out in the Modern Slavery Act of 2015 is conditioned on travel. While appreciating the ongoing reforms to improve the National Referral Mechanism, the Committee remains concerned that many victims of trafficking and modern forms of slavery remain unidentified, and that the support provided to victims is inadequate, putting victims at risk of homelessness, destitution and further exploitation.

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

**(a) Ensure that the definition of human trafficking in its domestic legislation is in line with the internationally agreed definition as set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol);**

**(b) Adopt a comprehensive national strategy to combat trafficking in women and girls, as previously recommended;**

**(c) Continue to improve the National Referral Mechanism, including by implementing the reform package announced in October 2017, to ensure that victims of trafficking are properly identified and adequately protected and supported.**

34. The Committee expresses concern at reports of increasing numbers of women who are turning to prostitution due to poverty, and of the practice of male landlords offering accommodation to women in return for sex (“sex for rent”). It is also concerned that existing services provided to women in prostitution are focused on harm reduction rather than exiting prostitution, which may have the effect of prolonging the exploitation of women in

prostitution. While noting that it is an offence to pay for the sexual services of a child, the Committee is concerned that the prosecution is required to prove that the accused believed that the child was under 18 years old, rather than the accused, which contributes to impunity for child prostitution.

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

**(a) Take effective measures to ensure that women in vulnerable situations have effective access to employment opportunities, housing and social security so that they do not need to resort to prostitution or “sex for rent”;**

**(b) Take effective measures to reduce demand for commercial sex, including by carrying out educational and awareness-raising measures targeted at men and boys and focused on combating all notions of subordination and objectification of women;**

**(c) Revise legislation to decriminalize women in prostitution and clear the criminal records of women who have been convicted for offences related to prostitution to enable them to seek alternative forms of employment;**

This was one of Engender’s asks, which was part of the four-nations report we submitted to the Committee. The Committee has proposed a set of concluding observations that fall short of the ‘Nordic model’ but retains some of its features.

**(d) Ensure the availability of specialist services, which are adequately funded, inclusive and accessible, to assist women and girls to exit prostitution;**

**(e) Create educational and employment opportunities for women who wish to exit prostitution;**

**(f) Undertake research into the prevalence and nature of prostitution in Scotland and Northern Ireland, in addition to the research that is currently underway in England and Wales, to identify necessary changes to legislation and policy;**

This is an example of the Committee’s lack of familiarity with what is going on in each nation preventing it from crafting precise concluding observations. This work has recently been done in Scotland.

**(g) Revise its legislation to shift the burden of proof from the prosecution to the purchaser of sexual services for cases involving minors, as previously recommended (CEDAW/C/GBR/CO/7, para.41).**

**Participation in political and public life**

36. The Committee welcomes the increasing number of women who are represented in Parliament, the judiciary and the police force. Nevertheless, the Committee remains concerned about the underrepresentation of women in political and public life, particularly in Northern Ireland, as well as the low representation of “Black, Asian and Minority Ethnic” women and women with disabilities in political life. While welcoming the adoption in Scotland of the **Gender Representation on Public Boards (Scotland) Act** in March 2018,

which aims to achieve the objective of 50% female representation in non-executive positions in the boards of certain public bodies by December 2022, the Committee remains concerned at the inadequacy of measures adopted by the State party to accelerate the representation of women in all areas of political and public life throughout the State party's territory.

37. **The Committee recommends that the State party take specific targeted measures, including temporary special measures, to improve the representation of women, including "Black, Asian and Minority Ethnic" women and women with disabilities, in Parliament, the judiciary and decision-making positions in the Foreign Service and its diplomatic missions. It also calls upon the State party to take measures to address the low representation of women in political and public life in Northern Ireland, including by ensuring the implementation of Section 43A of the Sex Discrimination (Northern Ireland) Order 1976 enabling the use of gender quotas.**

This has been a specific call of Engender's and particularly for legislated quotas to be introduced in the Scottish Parliament. This requires a transfer of powers from the UK Government to Scottish Government.

#### **Women and peace and security**

38. The Committee welcomes the adoption in January 2018 of the State party's fourth National Action Plan on Women, Peace and Security (2018 – 2022), which provides a framework to ensure that the provisions of the Security Council resolution 1325 (2000) and associated resolutions are incorporated into the State party's defence, diplomacy and development work abroad. However, the Committee reiterates its previous concern regarding the lack of measures taken by the State party to implement Security Council resolution 1325 in Northern Ireland, where women continue to face intimidation by paramilitary groups and are underrepresented in post-conflict reconstruction and peacebuilding processes.

39. **With reference to the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party take concrete measures to ensure the effective participation of women in post-conflict reconstruction and peacebuilding processes in Northern Ireland, in line with Security Council resolution 1325 (2000), including by:**

(a) **Addressing the obstacles to their participation, including intimidation by paramilitary groups, as noted in the 2014 inquiry by the All-Party Parliamentary Group on Women, Peace and Security;**

(b) **Guaranteeing women's participation in the context of the transitional justice mechanisms envisaged in the draft Northern Ireland (Stormont House Agreement) Bill.**

#### **Education**

40. The Committee commends the measures adopted by the State party to encourage girls to consider jobs in science, technology, engineering and mathematics, including through apprenticeships. However, the Committee

remains concerned about women’s continued underrepresentation in higher education and careers in these fields. It also expresses concern at the findings of the Women and Equalities Committee regarding the prevalence of sexual harassment of girls in schools. In addition, while welcoming the adoption of the Children and Social Work Act in April 2017, which introduces a duty on the Secretary of State for Education to make Relationships Education mandatory at primary schools and Relationships and Sex Education mandatory at secondary schools in England from September 2020, the Committee notes that the regulations to bring this provision into effect have yet to be adopted, that there is wide variation in the content of sexual education across the State party.

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

**(a) Strengthen efforts to encourage girls to pursue non-traditional subjects and take coordinated measures to encourage girls to take up courses in science, technology, engineering and mathematics;**

**(b) Continue to implement the recommendations of the Women and Equalities Committee contained in the report of October 2018 on sexual harassment of women and girls in public places;**

Another slight devolution glitch here, as the recommendations in the Women and Equalities Committee report do not relate to Scotland (or indeed any other nation than England).

**(c) Take measures to introduce mandatory age-appropriate education on sexual and reproductive rights in school curricula, including issues such as gender relations and responsible sexual behaviour, throughout the State party;**

This reflects one of Engender’s key priorities in our Scotland report, which was to call for better RSPHE, including consent, gender stereotypes, and abortion rights. We were particularly focused on the distinct sexual and reproductive health needs of disabled women and girls.

**(d) Promote human rights education in schools which includes a focus on the empowerment of girls and the Convention.**

**Employment and economic empowerment**

42. The Committee commends the State party for its efforts to increase the participation of women in employment, and welcomes the announcement that it will publish a strategy on “Gender Equality and Economic Empowerment”. It also welcomes the adoption of legislation to introduce a requirement for companies and public bodies with over 250 employees to publish their gender pay gap data in England, Scotland and Wales. It also welcomes the voluntary initiatives led by the business sector to increase women’s representation in the private sector, such as the Hampton-Alexander Review process. However, the Committee remains concerned that:

(a) Women continue to be under-represented on corporate boards and executive positions and are concentrated in lower paying positions within

occupational sectors, as well as in lower paying occupational sectors, such as health, education and retail;

(b) Women are more likely to be engaged in informal, temporary or precarious employment, including employment with zero-hour contracts;

(c) Sexual harassment in the workplace remains prevalent, as noted in the report of the Women and Equalities Committee published in July 2018;

(d) Women from marginalized groups continue to face obstacles in accessing employment and are concentrated in low-paid sectors.

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

**(a) Continue to take proactive and specific measures to increase the representation of women in decision-making positions in the workplace and decrease the horizontal occupational segregation of men and women, including by increasing women's access to apprenticeships in fields where they are underrepresented;**

**(b) Take measures to increase opportunities for women to access formal and secure employment and discourage the use by employers of zero-hour contracts;**

**(c) Ensure that the provisions regarding mandatory pay gap reporting in the Employment Act (Northern Ireland) 2016 is brought into effect in Northern Ireland;**

**(d) Encourage employers to publish a narrative with their gender pay gap data to understand the reasons behind the gender pay gap and to take appropriate remedial measures;**

**(e) Introduce a mandatory duty on employers to take reasonable steps to protect women from sexual harassment in the workplace;**

**(f) Adopt specific measures, including temporary special measures, to facilitate the access of women from marginalized groups, such as "Black, Asian and Minority Ethnic" women and women with disabilities to the labour market in order to increase their employment rate and alleviate their concentration in low-paid jobs.**

44. The Committee welcomes the measures taken by the State party to expand the childcare entitlement for working parents in England, Wales and Scotland. However, the Committee is concerned that childcare costs remain excessive, particularly in Northern Ireland, which constitutes an obstacle for women to enter and progress in the workplace. Additionally, while welcoming the introduction of flexible working arrangements in 2014, the Committee regrets that it can only be exercised after 26 weeks of employment. It also regrets that despite the introduction of shared parental leave in 2014, uptake by men has been low.

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

**(a) Ensure the availability of affordable and accessible childcare facilities and/or arrangements throughout the State party, in particular Northern Ireland;**

**(b) Consider removing the 26-week waiting period for employees to apply for flexible working arrangements;**

**(c) Provide further incentives for men to take parental leave, such as non-transferrable leave, and encourage men to participate equally in childcare responsibilities.**

### **Health**

46. The Committee welcomes the introduction of a scheme in June 2017 to enable women from Northern Ireland to access abortion services in England without having to pay. However, the Committee deeply regrets the continued failure of the State party to implement its previous recommendations, as well as the recommendations following its inquiry under article 8 of the Optional Protocol of the Convention finding grave and systematic violations of women's rights in Northern Ireland (CEDAW/C/OP.8/GBR/1) to ensure women's access to abortion services, including by decriminalizing abortion, on the grounds that abortion is a matter for the authorities in Northern Ireland to consider.

**47. With reference to paragraph 8 of the present concluding observations, and noting article 33 of the Belfast Agreement or the Good Friday Agreement of 1998 which provides that the Westminster Parliament shall legislate as necessary to ensure that the United Kingdom's international obligations are met in respect of Northern Ireland, the Committee urges the State party to implement, without further delay, the recommendations contained in the Committee's report following its inquiry under article 8 of the Optional Protocol to the Convention.**

48. The Committee remains concerned at obstacles faced by women from marginalized groups, such as asylum-seeking and refugee women, migrant women, Gypsy and Traveller women, and victims of trafficking to access healthcare services, including as a result of their inability to provide identity documentation, proof of address or immigration status.

**49. The Committee recommends that the State party strengthen the implementation of programmes and policies aimed at providing effective access to healthcare by women from marginalized groups, particularly asylum-seeking and refugee women, migrant women, Gypsy and Traveller women, and victims of trafficking.**

### **Socioeconomic benefits**

50. The Committee recalls its previous concluding observations (CEDAW/C/GBR/CO/7, para.62) and remains concerned that the payment of Universal Credit, which consolidates six separate income-related benefits, into a single bank account under the Universal Credit system risks depriving women in abusive relationships access to necessary funds and trapping them in situations of poverty and violence. It also expresses deep concern at the introduction of a two-child tax credit limit except in certain circumstances such as rape, which has a perverse and disproportionate impact on women. The Committee also expresses its concern that the increase in the state pension age for women from 60 to 66, following several legislative changes, has affected the pension entitlements of women born in the 1950s, and is contributing to poverty, homelessness and financial hardships among the affected women.



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

(a) **Ensure that women in abusive situations are able to independently access payments under the Universal Credit system;**

**(b) Repeal the two-child tax credit limit;**

This was one of Engender's key calls, made within the four-nations report.

(c) **Take effective measures to ensure that the increase in the State pension age from 60 to 66 does not have a discriminatory impact on women born in the 1950s.**

### **Rural women**

52. The Committee is concerned at the obstacles faced by women and girls in rural areas to access education, employment, and healthcare and support services due inter alia to limited resources and access to transportation and Internet. In addition, while the Committee commends the measures taken in Wales and Scotland to halt the practice of hydraulic fracturing to extract fossil fuels, known as fracking, it is concerned that women in rural areas in other territories of the State party are disproportionately affected by the harmful effects of fracking, including exposure to hazardous and toxic chemicals, environmental pollution, and climate change.

53. **Recalling its general recommendations No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Adopt inclusive and accessible measures to facilitate women and girls access to education, employment, healthcare services and support services in rural areas, including by ensuring their access to transportation and Internet, as well as their participation in decision-making processes regarding rural development;**

(b) **Review its policy on fracking and its impact on the rights of women and girls, and consider introducing a comprehensive and complete ban on fracking;**

(c) **Ensure the equal participation of rural women and girls in policymaking processes on disaster mitigation and climate change, in line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.**

### **Asylum-seeking and refugee women**

54. The Committee expresses concern at the detention of asylum-seeking women, including pregnant women and nursing women, and the absence of a general time limit on immigration detention in the State party. It also expresses concern about the destitution of refugee and asylum-seeking women due to extremely low levels of financial support available, which is difficult to obtain, as well as lack of access to employment and housing, which places them at further risk of exploitation, abuse and even trafficking.

55. **Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

- (a) Introduce a general time limit on immigration detention and implement alternatives to detention;**
- (b) Take immediate measures to end the detention of pregnant women and nursing mothers;**
- (c) Take measures to enable asylum-seeking and refugee women to access employment and appropriate housing.**

#### **Women in detention**

56. The Committee welcomes the adoption by the State party of the first female offender strategy in June 2018 to divert the most vulnerable women in the criminal justice system away from custody through the provision of tailored support in England and Wales. However, the Committee regrets that the strategy does not cover all the administrations of the State party, including in Scotland, where the rate of imprisonment of women continues to be high due to the rise in the use of custodial sentences. It also remains concerned at the inadequacy of mental health care services in prisons and at the disproportionate rate of self-harm and suicide among women.

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

- (a) Allocate sufficient resources to effectively implement the Female Offender Strategy, and ensure that a similar strategy is also adopted in other administrations of the State party;**
- (b) Continue to develop alternative sentencing and custodial strategies, including community interventions and services, for women convicted of minor offences;**
- (c) Take further measures to improve the provision of mental health care in all prisons, taking into account the particular needs of women.**

#### **Marriage and family relations**

58. The Committee welcomes the consultations initiated by the State party on divorce reform proposals entitled “Reducing family conflict: reform of the legal requirements for divorce”. However, it expresses concern about the obstacles faced by women in religious marriages to seek divorce, as well as the relatively high number of forced marriages in the State party, despite efforts made by the Forced Marriage Unit.

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

- (a) Ensure that the new legal requirements for divorce provide for “no-fault” divorce and introduce an obligation for the celebrant of religious marriages, including Islamic marriages, to civilly register such marriages;**
- (b) Strengthen efforts to combat forced marriages, including by sensitizing parents on the need for full and free consent of their daughter to her marriage in line with article 16, paragraph 1 (b) and the Committee’s general recommendation No. 21 (1994) on equality in marriage and family relations, and consider alleviating costs for repatriation of victims.**

### **Beijing Declaration and Platform for Action**

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

### **Dissemination**

61. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local, as well as in the Overseas Territories and Crown Dependencies), in particular to the Governments, the Parliaments and the judiciary, to enable their full implementation.

### **Ratification of other treaties**

62. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

### **Follow-up to concluding observations**

63. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13, 21 (a), 21(b) and 25 (b) above.

### **Preparation of the next report**

64. The Committee requests the State party to submit its ninth periodic report, which is due in March 2023. The report should be submitted on time and cover the entire period up to the time of its submission.

65. 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 (see HRI/GEN/2/Rev.6, chap. I).