

BRIEFING PAPER

Concluding Observations by the CEDAW Examining Committee on the 7th Periodic Report of the United Kingdom of Great Britain and Northern Ireland

The Convention on the Elimination of Discrimination Against Women (CEDAW) is often described as an international bill of rights for women. CEDAW defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

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

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms. The UK signed up to CEDAW in 1986.

Countries that have ratified the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

The UK Government submitted its 7th Periodic Report in June 2011 and faced scrutiny from an expert international committee who will examine its efforts made to improve the situation for women across a number of key policy areas.

This briefing paper provides an overview of the key findings and recommendations made by the CEDAW Examining Committee.

www.scottishwomensconvention.org

Scottish and UK Government Responsibilities

The UK Government Equalities Office (GEO) is responsible for overseeing and promoting the delivery of commitments under CEDAW. For the 4-yearly reports, the GEO co-ordinates input from all other UK Government Departments and from the devolved administrations, including the Scottish Government.

These reports provide information on progress on a variety of issues for women, as well as on the UN CEDAW Committee's previous recommendations. After the UK Government submits its report, the CEDAW Committee examines them and may ask questions.

The Scottish Government must provide information to the GEO around the articles in CEDAW which are devolved to Scotland - such as health, education and violence against women - as well as information specific to Scotland in reserved matters such as employment and social and economic benefits. Non-Governmental Organisations (NGOs) in Scotland can also submit Shadow Reports in response to the UK Government report. These give the perspective of different organisations and groups throughout the country.

Copies of the UK Government's 7th Periodic Report to CEDAW, as well as the report by the Scottish CEDAW Shadow Report Forum, can be found here <http://www.scottishwomensconvention.org/activities/cedaw2013/cedaw>

Positive Aspects

The examining Committee welcomed positive steps taken by the UK Government, including:

- The adaptation of a new strategy on equality, *"Building a Fairer Britain"*, in 2010.
 - Co-ordinating the adoption, in April 2013, by G8 Ministers, of the Declaration on Prevention of Sexual Violence in Conflict.
 - Ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
 - Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings.
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Principal Areas of Concern and Recommendations

Parliaments

CEDAW is binding on all branches of Government. The UK Government should, therefore, encourage all of its Parliaments to take the necessary steps to implement the concluding observations of the CEDAW Committee between now and the next reporting process.

This means that the Scottish Parliament has a duty to consider the recommendations made by the CEDAW Committee.

Legal Status of CEDAW

All aspects of CEDAW have not yet been incorporated into domestic law. The Committee urges the UK Government to ensure that all parts of the Convention are included through regular review of legislation. UK and Scottish Governments are encouraged to consider CEDAW when introducing or amending new policies or laws.

Constitutional Framework and Implementation of the Convention

The Committee has concerns about the replacement of the Gender Equality Duty with the broader Public Sector Equality Duty (PSED) under the Equality Act 2010. At the moment there is no uniform guidance on the PSED across the devolved nations. The UK Government should consider issuing statutory guidance covering England, Wales and Scotland, to rectify this.

The Committee is also concerned that austerity measures have resulted in serious cuts to funding for organisations which provide services to women, including those providing for women only. This could have a particularly negative impact on women with disabilities and older women.

There are also concerns that cuts to public sector budgets impact more on women, due to their concentration within this sector. Women tend to be employed by local authorities, the NHS and other civil service type jobs. It is also well known that women use the services offered by these organisations more often than men. Due to public sector funding cuts, women are losing the use of a service and also continue to assist families and communities who require additional support.

Recommendations:

- The UK Government should soften the impact of austerity measures on women and on services provided to women, especially those with disabilities and older women.

- Governments should continuously focus on the impact austerity measures are having on women's rights when reviewing budgets and spending.

Legal Aid and Access to Justice

According to the Committee, and in agreement with the recommendations of the Carloway Review into Criminal Law in Scotland, the “*burdensome requirement*” of corroboration in criminal cases hinders the prosecution of rape and other sexual violence cases. Corroboration means that at **least two different and independent sources of evidence** in support of each crucial fact are required before someone can be convicted of a crime.

There are also concerns that the three year limit for sexual abuse cases in civil law, including where the victim is/was a child, limits access to justice for victims.

Recommendations:

- The proposals put forward in the Carloway Review regarding the removal of corroboration in criminal cases in Scotland should be implemented.
- The limitation period for civil claims regarding sexual abuse should be expanded from the current three years.

National Machinery for the Advancement of Women

The Committee raised concerns about the replacement of the Women's National Commission (WNC) with the Government Equalities Office (GEO).

There is a new modernised approach of engagement with women's organisations, for example through newsletters. This, however, negatively impacts on women's ability to be involved with and to contribute to ensuring that the CEDAW recommendations are implemented.

Recommendations:

- The UK Government should ensure that the GEO has a dedicated section for the co-ordination of gender equality throughout the UK.
- **There should be a unified, comprehensive and overarching national strategy for the implementation of CEDAW.** This reaffirms a previous recommendation made by the Committee during the previous reporting process.
- An assessment of the new approach to engagement with women's organisations is necessary.

Temporary Special Measures

The UK Government has failed to introduce further temporary special measures to address women's under-representation in political and public life.

Stereotypes

The Committee remains concerned at the prevalence of stereotypical images and the objectification of women by the media and in advertising.

Recommendations:

- More engagement with the media to eliminate stereotyping is necessary.
- The UK Government should implement the recommendations from the Leveson Inquiry into the Culture, Practice and Ethics of the Press, including those that seek to give powers to a regulator to intervene in matters of discriminatory reporting.

Violence Against Women (VAW)

The UK Government is commended for launching its 'Call to End Violence Against Women and Girls' in 2010. However the Committee remains concerned at continued reports of VAW, including domestic violence, particularly on BME women and through the so-called 'honour killings' against BME women.

There have also been reports of negative police attitudes towards women who are victims of domestic violence.

Recommendations:

- The UK Government has not yet ratified the Council of Europe Convention on preventing and combating Violence Against Women and Domestic Violence (the Istanbul Convention). It should do so as a matter of priority.
- Efforts to protect women, including BME women, should be increased.
- The UK Government should continue public awareness raising campaigns on all forms of Violence Against Women.
- Measures to further train police officers on issues of VAW should be intensified.
- Legislation to stop corporal punishment of children in the home needs to be revised.

Female Genital Mutilation (FGM)

There are concerns that FGM persists in some communities within the UK. There have not been any convictions under FGM legislation to date.

Recommendations:

- The UK Government should ensure the full implementation of its legislation on FGM.

Trafficking and Exploitation of Prostitution

The lack of a comprehensive national framework on trafficking needs to be addressed. The National Referral Mechanism (NRM), the framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support, has alleged weaknesses. This is particularly the case in the identification of victims and the lack of support provided to them.

Recommendations:

- The UK Government is urged to adopt a national comprehensive framework and identify any weaknesses in the NRM.

Participation in Political and Public Life

Women, particularly BME and disabled women, continue to be significantly underrepresented in certain fields, including in Parliament, the judiciary and on public sector boards.

Recommendations:

- The UK Government should continue positive measures to improve the representation of women.

Education

The Committee expressed concern at the underrepresentation of women and girls in Science, Technology, Engineering and Mathematics (STEM) and in apprenticeships, especially in Scotland. This ultimately affects the gender pay gap in the labour market.

Recommendations:

- Co-ordinated measures should be taken to encourage the increased participation of girls and young women in STEM subjects, as well as in the Modern Apprenticeship scheme.

Employment and Economic Empowerment

The Committee appreciates the efforts of the UK Government to provide flexible working arrangements for women and men, as well as the introduction of shared parental leave, envisaged to be put into legislation in 2015.

There are, however, concerns at reports of persistent discrimination of pregnant women in employment and their access to justice as a result. Existing occupational segregation and the persisting gender pay gap are also issues, as is the high unemployment rate of women with disabilities.

The Committee recalls previous concluding observations and is concerned by excessive childcare costs, as well as reports that the proposed reforms to the Welfare System would exacerbate the cost of childcare for low income families due to reductions in childcare tax credits.

Recommendations:

- The UK Government should strengthen its efforts to promote the use of flexible working arrangements and introduce shared parental leave.
- Practices should continue to be established to eliminate occupational segregation and to narrow the pay gap.
- Women must be provided with access to justice in employment cases, including cases relating to discrimination on the grounds of pregnancy and/or motherhood.
- Affordable childcare must be provided to mitigate the impact of the proposed reforms of the Welfare State on the cost of childcare for low income families, as well as the increased burden for care on women.

Health

The Committee notes reports that women with disabilities, older women, asylum seeking women and traveller women face obstacles in accessing medical healthcare. Further, women with disabilities can face limited accessibility to pre-natal care and reproductive health services.

Recommendations:

- The UK Government is urged to strengthen the implementation of programmes and policies aimed at providing effective access to healthcare.

Disadvantaged Groups of Women

Under the 'No Recourse to Public Funds' (NRPF) policy, women with insecure immigration status still have no access to state support. The domestic violence concession of that policy only applies to women who have entered the UK on spousal visas, which might trap women in violent relationships.

Concerns arise around the lack of gender sensitive approaches by immigration authorities towards women who are victims of violence.

Recommendations:

- The concession to NRPF should be extended to all women subject to gender based violence and exploitation. Access to justice and healthcare should be provided to all women with insecure immigration status, including asylum seekers.
- Officers in charge of immigration and asylum applications should be provided with gender-sensitive training.

Socio-Economic Benefits

Under Universal Credit (UC), benefits and tax credits will be paid into a bank account of one member of the family. This poses risks of financial abuse for women due to power imbalances in the family, particularly if payment is made to an abusive male spouse.

Recommendations:

- The UK Government is urged to adopt preventative measures against potential exploitation of the Universal Credit system by an abusive male spouse.

This Briefing Paper provides details on the main points outlined in the Concluding Observations of the CEDAW Examining Committee. A full copy of the observations can be found at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCOC%2fGBR%2f14761&Lang=en

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy.

This is achieved in a number of different ways - through roadshow, round table, conference and celebratory events. Following each event a report is compiled and issued to women who attend and relevant policy and decision makers.

The SWC uses the views of women to respond to Scottish and UK Government consultation papers.