

Eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under article 18 of the Convention, due in 2017

[Date received: 17 November 2017]

Annexes

Annex 1: UK reservations and declarations

Overarching statement A

The UK has gone further than many countries in placing a proactive gender duty on public bodies. This means, among other things, that in planning, policy-making and service delivery, all public bodies subject to British discrimination law must have due regard to the need to promote equality of opportunity between men and women. In addition, British discrimination law allows positive action to be undertaken by employers who wish to provide special training for, or target special recruitment drives at under-represented groups, including women, in or for their workforce. These provisions have been carried forward and strengthened in the Equality Act. The reason for the reservation is therefore simply to preserve freedom of action for the UK to provide for proactive measures as well as anti-discriminatory measures based on gender. The Equality Act 2017¹ has recently been passed and the Isle of Man Government has started to prepare for the implementation phase of this legislation. The Isle of Man Government will reconsider the withdrawal of certain reservations for the Isle of Man during this period.

Overarching statement C

The Prime Minister announced on 8 July 2016 that the exemption on women serving in ground close combat

roles would be lifted. Roles that were previously excluded to women were the Royal Marines General Service, the Household Cavalry and Royal Armoured Corps, the Infantry and the Royal Air Force Regiment. From November 2016 women were able to join the Royal Armoured Corps, both Regular and Reserve. The remaining ground close combat roles will open to women in late 2018, once additional health mitigations are in place. Until such time, the reservation is still required. The Armed Forces are exempt from elements of the employment provisions of the Equality Act 2010 for reasons of combat effectiveness.

Article 9 Reservation

The British Nationality Act 1981 allows for the transmission and acquisition of citizenship by women in the same way as men, since its commencement on 1 January 1983.

Since 1 January 1983, women who are British citizens have been able to pass on their nationality status in exactly the same way as men. This reversed a long-standing policy of only allowing the transmission of British nationality through the male line to those born outside British territory.

The possibility of making the change retrospective was closely examined at the time of drafting the current legislation. It was felt, however, that to confer British citizenship automatically on all children of British mothers born before 1983 would cause difficulties in some cases, especially if the citizenship were back-dated to the time of birth. Some might not have wanted British citizenship; others may have lost the citizenship of their country of birth as a result of acquiring British citizenship. It was also considered to be contrary to the scheme of the 1981 Act by increasing the number of British citizens overseas who had spent their whole lives abroad. Of those who had come to live in the United Kingdom, a number would have already acquired, or would have the option of acquiring, British citizenship by naturalisation or registration.

¹ https://www.legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/2017/2017-0005/EqualityAct2017_1.pdf

From 7 February 1979 the children of United Kingdom born mothers were able to acquire citizenship by making an application for registration. This applied to children under the age of eighteen and so affected those born after 7 February 1961. This was continued within the British Nationality Act 1981 for those children under eighteen who had been born before the change in the law.

In April 2003 a new section was added to the British Nationality Act 1981 which provided for the registration of those born after 7 February 1961 and before 1 January 1983, who would have become British had women been able to pass on their citizenship in the same way as men. The date of 7 February 1961 was chosen as anyone born after that date would have been under 18 when the above concession was introduced.

This provision was amended within the Borders, Citizenship and Immigration Act 2009 to extend this provision to those born before 1961. This means that all children of British mothers can register as British citizens, if they would have acquired that status had women been able to pass on citizenship in the same way as men.

Unlike other applications for British citizenship, there is no fee for applications under this provision. The only prohibition is the requirement to be of good character.

This reservation remains as there is a route to citizenship for those who wish acquire it.

Article 11 Reservation

The reservation to article 11 relates to the State Pension Adult Dependency Increase, which is a benefit paid to a pensioner for an adult who is dependent on them. It applies different conditions depending on the gender of the pensioner and dependent.

As part of the wider Pensions Act 2007 reforms the UK Government ended new claims for State Pension Adult Dependency Increases from 6 April 2010. Transitional arrangements were put in place for any existing entitlement to an Adult Dependency Increase established before 6 April 2010 for ten years until 5 April 2020 (subject to the conditions of entitlement continuing to be satisfied).

Therefore the reservation to article 11 is still required because of the difference in treatment between men and women when applying the legislative requirements in relation to State Pension Adult Dependency Increases. It is needed to protect the current position and for the period up to 5 April 2020. From 6 April 2020, entitlement to an adult dependency increase will cease in State Pensions and the reservation will no longer be required.

Article 15 Reservation

The UK Government believes that its interpretation of Article 15 is in keeping with the intention behind the Article and therefore, on grounds of contract law policy, wishes to retain the interpretative declaration.

Article 16 Reservation

The UK Government wishes to maintain its reservation to this Article.

Annex 2

Glossary of Acronyms

BAME	Black Asian and Minority Ethnic
BOTs	British Overseas Territories
CD	Crown Dependencies
CO	Concluding Observations and Recommendations of the Committee on the Elimination of Discrimination against Women
CoE	Council of Europe
CSO	Civil Society Organisations
CSW	UN Commission on the Status of Women
DAs	Devolved Administrations
EA	Equality Act 2010
EHRC	Equality and Human Rights Commission
EFM	Early and Forced Marriage
ETJ	Extra-territorial jurisdiction
FGMPOs	Female Genital Mutilation Protection Orders
FTSE	Financial Times Stock Exchange
GEO	Government Equalities Office
GPG	Gender Pay Gap
HLP	UN High Level Panel
LASPO	Legal Aid, Sentencing and Punishment of Offenders Act 2012
MACA	Men as change agents
MfW	Minister(s) for Women
MDGs	Millennium Development Goals
NAP	National Action Plan
NICE	National Institute for Health and Care Excellence
NLW	National Living Wage
NMW	National Machinery for Women
NDPB	Non-Departmental Public Body
NHRI	National Human Rights Institutes
NHS	National Health Service
NI	Northern Ireland
NIE	Northern Ireland Executive
NRPF	No Recourse to Public Funds
OTs	Overseas Territories
PSED	Public Sector Equality Duty
PSHE	Personal, Social and Health Education
PHE	Public Health England
SDGs	Sustainable Development Goals

SG	Scottish Government
SRHR	Sexual and Reproductive Health Rights
SRE	Sexual and Relationships Education
UC	Universal Credits
WESC	Women and Equalities Select Committee
WOB	Women on Boards
WG	Welsh Government

Annex 3

Summary of outcome of consultations with women's organisations

In preparing this report, the UK Government Equalities Office (GEO) with support from the Welsh and Scottish Governments conducted a 'light-touch' engagement exercise with a small cross-section of women's organisations. The consultation process was largely based on the following stakeholder roundtables: in Wales on 19 June 2017, in London on 26 June 2017 and in Scotland on 14 July 2017. A summary of the key issues raised under Articles 1 to 16 are listed below. However, it is important to note that the list is not an exhaustive representation of the concerns of UK civil society.

Articles 1-4

- UK's withdrawal from EU and equalities
- Strengthening women's engagement and supporting NGOs
- Article 5
- Perpetuating gender stereotypes in the media
- Article 6
- Tackling prostitution including criminalising demand
- Support for trafficking survivors
- Article 7
- Representation of BAME women in political and public life
- 50:50 target for all public appointments
- Article 8
- UK representative on UN CEDAW Committee
- NGO representatives on UK delegation to CSW
- Article 9
- Access to legal aid for asylum seeking women
- Refugee and asylum seeking women access to health
- Support for refugee and asylum seeking service providers
- Domestic violence and the no recourse to public funds policy
- Article 10
- Increasing girls' participation in STEM subjects
- Better career guidance
- Compulsory SRE in schools
- Article 11
- Affordable and quality childcare provision
- BAME and disabled women's access to employment
- Zero-hours contract² and its impact on women
- Article 12
- Support for Gypsies and Travellers and access to healthcare

² Zero-hours contracts: https://en.wikipedia.org/wiki/Zero-hour_contract

- De-criminalising abortion in Northern Ireland
- Rural, disabled and BAME women's access to healthcare
- Mixed-sex wards
- Article 13
- Welfare reform including Universal credit
- Limit to Child Tax Credits
- Allocation of sport funding to women's sports
- Article 14
- Women's access to transport and healthcare
- Access to Broadband
- Safety on public transport
- Article 15
- women's access to justice and legal aid
- women's under-representation in the judiciary
- Employment tribunal fees
- Future human rights protections – 'Bill of Rights'
- Supporting women offenders- Corston Report
- Article 16
- Closure of family law courts
- Eliminating violence against women and girls
- UK Ratification of the Istanbul Convention
- Closure of VAWG service provision

Participating organisations: British Institute of Human Rights ; National Alliance of Women's Organisations; Women's Resource Centre; Girlguiding UK; North East CEDAW Working Group; Women Equality Network Wales; Wales Assembly of Women; National Federation of Women's Institutes (Wales); Disability Wales; Oxfam Cymru; Women Connect First; Engender; Scottish Women's Convention; Close the Gap; Zero Tolerance; and Article 12.

A representative from the Equality and Human Rights Commission, the A-status national human rights institution for Great Britain, was present in an observer capacity at each of the three roundtables.
