

WOMEN'S RESOURCE CENTRE

CEDAW SHADOW REPORT ENGLAND

Shadow Report submitted to the UN CEDAW Committee by the Women's Resource Centre (England) for the examination of the United Kingdom of Great Britain and Northern Ireland, 2019

The Equality & Human Rights Commission, a UK NHRI, funded this independent report; it does not necessarily reflect the Commission's views.

Executive Summary

1. This Report is the product of consultation online and via six regional workshops, with women and women's organisations across England.
2. **UK State Report (UKSR): quality of evidence**
The UKSR¹ focuses largely on future initiatives rather than an assessment of the impact of Government's work since the last examination in 2013. It includes very few statistics showing trends; this reflects a longstanding deficit in the collection of statistics disaggregated by sex, and other intersecting inequalities. The systematic loss of such statistics means that impacts have become less visible, and are only identified through specific research or the collation of data from women's organisations. The UKSR includes weak evidence, such as that Black, Asian, Minority Ethnic and Refugee (BAMER) women are supported into the labour market through the efforts of Job Centre staff: the reduction in the gap is .6% and the claim of a causal link was not evidenced, nor endorsed by the BAMER women's organisations we consulted.
3. The UKSR was not produced in partnership with women's organisations, as required by CEDAW guidance,² thus omitting much data; this is at least partly because there is no longer any standing platform for consulting women across the UK, as the UK Women's National Commission was abolished in 2010.³ The UKSR admits that no platform is funded in England (where around 85% of UK women⁴ live). In contrast, Scotland and Wales fund women's organisations to ensure that decision-makers hear the voices of women and girls. The UKSR does not therefore offer the Committee a comprehensive picture of progress over the last four years.

Capacity in Women's Organisations

4. The capacity of women's organisations to develop informed policy positions and campaign is seriously limited, by regulation and the funding landscape.
5. The Charity Commission, which regulates most women's organisations, has stringent rules to limit campaigning.⁵ A majority of charities say that they have been inhibited in campaigning

¹ http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/CEDAW_C_GBR_8_7322_E.pdf

² The Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties sets out the following requirements for State Reporting to the CEDAW Committee: D.2.6. The report should describe the situation of non-governmental organizations and women's associations and their participation in the implementation of the Convention and the preparation of the report
https://digitallibrary.un.org/record/600446/files/HRI_GEN_2_Rev.4-EN.pdf

³ Engagement with Women across the UK Next steps, December 2010, Women's National Commission,
http://webarchive.nationalarchives.gov.uk/20110818090901/http://wnc.equalities.gov.uk/publications/doc_details/475-wnclegacydocumentdec10.html

⁴ <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates>

⁵ 'legal requirement: a charity cannot exist for a political purpose, which is any purpose directed at ... securing or opposing a change in the law, policy or decisions either in this country or abroad.' Guidance, Campaigning and political activity guidance for charities March 2008 <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9/speaking-out-guidance-on-campaigning-and-political-activity-by-charities>

because of the Lobbying Act.⁶ Women's organisations are chronically underfunded⁷ and will be seriously impacted by lost EU funds if Brexit goes ahead. It is estimated that the UK charitable sector will lose £250 million a year without EU funding - £230 million of which goes to England.⁸ The Government has a policy of co-opting the charitable sector, including women's organisations, to deliver frontline services at the price of signing up to gagging clauses (recently made standard in all government contracts)⁹ preventing them from campaigning against Government policy or to change laws.

6. Women's organisations in the UK have traditionally been the main, usually the only, providers of women-centred, direct services to women, particularly the provision of specialist support services in the area of violence against women and girls (the most extreme manifestation of women's inequality). Central and local government increasingly fund these services. However, they have moved from grant-funding to a competitive marketplace for inadequate short term contracts (characterised by shortages and waiting lists) that is structured to favour large, generic businesses, excluding smaller women-led community-based organisations. This has led to specialist women-led service providers like Apna Haq¹⁰ losing contracts, despite 89% of BAMER women wanting support from a BAMER women's organisation.¹¹

Public Sector Equality Duty (PSED)

7. Government does not routinely undertake sex-equality impact assessments¹² despite the PSED¹³ that requires them to consider the need to promote sex and other equality in their policies. Both the Scottish and Welsh governments have set more stringent requirements but the Westminster government removed the requirement for equality impact assessments in England some years ago. The weakened guidance in England is a serious dilution. **We echo** the Committee's call in 2013 to strengthen gender in the PSED, to apply the same statutory guidelines for England, Scotland and Wales, and implement the duty on socio-economic inequalities; disappointingly the UKSR does not address this recommendation.

⁶ <https://www.theguardian.com/environment/2017/may/21/charities-may-face-criminal-sanctions-as-gagging-law-backdated-before-election>

⁷ A Women's Resource Centre survey 2016 showed 42% had less than three months of their annual income in reserve and 33% had under 6 months. The impact of austerity measures on women's voluntary community organisations and the response of the women's sector, Robson, 2016, <https://thewomensresourcecentre.org.uk/wp-content/uploads/State-of-the-womens-sector-survey-reportMay2016-FINAL.pdf>

⁸ What does Brexit mean for UK charities' European Union funding? Directory of Social Change, 2017 <https://www.dsc.org.uk/wp-content/uploads/2017/11/here.pdf>

⁹ Government Grants Minimum Standards, Cabinet Office, last updated 21/11/2016 routinely exclude 'using grant funds to fund lobbying (via an external firm or in-house staff) in order to undertake activities intended to influence or attempt to influence Parliament, Government or political activity; or attempting to influence legislative or regulatory action' https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/573795/minimum_grant_standard_6_grant_agreements_16_11_2016.pdf

¹⁰ 'In London, 40.2% of the population is BAMER..In the 12 months ending March 2015 there were 733 referrals of BAMER women to refuges and only 154 were successful.' Capital Losses: the state of the specialist BAMER ending violence against women and girls' sector in London, Imkaan, 2016 https://drive.google.com/file/d/0B_MKSoEcCvQwdjXQm5GVDBISmM/view

¹¹ State of the Sector: contextualising the current experiences of BAMER ending violence against women and girls organisations, Imkaan, 2015, page 8, <https://www.dropbox.com/s/c3n2gjs4g2g37s2/IMKAAN%20-%20STATE%20OF%20THE%20SECTOR%20%5BFINAL%5D.pdf?dl=0>

¹² 'The Equality Act 2010 does not require public authorities to carry out EIAs' para 3.1 House of Commons Library BRIEFING PAPER Number 06591, 15 December 2017, The Public Sector Equality Duty and Equality Impact Assessments <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06591#fullreport>

¹³ <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

Intersectionality¹⁴

8. The lack of data makes minority women even more invisible. There are references to BAME women throughout the UKSR, but these are add-ons, not a thorough, intersectional analysis. The UKSR offers a fragmented commentary on Government's initiatives. We note the comments of UN CERD that:

*data are neither collected systematically in all fields where racial discrimination exists... [nor] uniformly across the [UK's] jurisdiction... lack of systematic and effective use of data to develop policies to tackle racial discrimination ... initiatives such as "2020 Vision" are not based on objective baseline assessment... a shift of the State party's policies away from special measures that are targeted specifically towards vulnerable groups may... exacerbate the existing inequalities on the grounds of race...*¹⁵

We agree; for example, the NHS National Data Dictionary does not collect data on Gypsies and Irish Travellers.¹⁶

9. We note the obligations in UN CERD, CEDAW General Recommendation 18 (Disabled Women (DW)) and the Convention on the Rights of Persons with Disabilities feature sparingly in the UKSR. The UKSR notes that the employment rate for DW in the UK is 48%, but reports no progress, beyond *an intention to decide on next steps*. A reference to women in relation to other forms of discrimination perversely asserts the need to *limit* women's CEDAW rights in domestic law:

Noting the Committee's recommendation, UK Government does not agree that the Equality Act 2010 should incorporate all the provisions of the Convention. This would make it disproportionate in terms of gender, giving women more rights than others, eg disabled people or people from different BAME groups.

Promoting women's rights in the courts

10. The Government resists women's human rights domestically (in contrast to their advice to other Governments): it has a track record of fighting women through the courts, eg defending a challenge to its 'two-child rule'¹⁷ as breaching fundamental human rights to private and family life and to non-discrimination (currently being appealed); punishing women for protesting their conditions in Yarl's Wood¹⁸; while three women forced into prostitution as teenagers, with multiple convictions for soliciting under the Street Offences Act, had to apply to the Courts for a ruling that forcing them to reveal past convictions was unlawful.¹⁹

¹⁴ Intersectionality as developed by Kimberlé Williams Crenshaw examines the overlapping discrimination that women are subject to due to their ethnicity, sexuality and economic background.

¹⁵ para 13, Concluding observations on the periodic reports of United Kingdom, August 2016, CERD/C/GBR/CO/21-23

¹⁶ Hidden Needs: Identifying Key Vulnerable Groups in Data Collections, Aspinall, Centre for Health Services Studies, University of Kent, 2014, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287805/vulnerable_groups_data_collections.pdf

¹⁷ The 'two-child limit' for child tax credit and universal credit came into force on 6 April 2017. Families who claim tax credits or universal credit, which have a third or subsequent child born after 6 April 2017, will no longer be able to claim a child element for this child or any future children. The child element is worth up to £2,780 per year (£232 per month) and until the policy came into effect was payable for all children in low-income families to help protect them from poverty. Families who make a new claim for universal credit from 1st February 2019 will only receive the child element for two children per family, even if the children were born before April 2017. <http://cpag.org.uk/content/high-court-finds-two-child-rule-exception-perverse>

¹⁸ <https://www.jrsuk.net/news/concern-at-home-offices-punitive-use-of-the-immigration-and-asylum-process/>

¹⁹ The women argued they were stigmatised by the law, which requires disclosure of past convictions when applying for a range of jobs or volunteering <https://www.theguardian.com/society/2018/mar/02/former-prostitutes-win-legal-challenge-against-uk-government>

11. **We recommend** that the UK provide a more intersectional and joined up progress UKSR; and reconsider its refusal to incorporate the provisions of CEDAW into domestic law.

Cumulative impact

12. Throughout this Report we highlight not just the effect of individual policies but the cumulative impact these have, taken together. We draw attention to the impact of intersectionality.
13. If the cumulative impact of government's initiatives were analysed in the UKSR it would show a disproportionate effect on BAMER women, who are more likely²⁰
 - to live in poverty and experience structural barriers in accessing the labour market, so the freeze in benefits²¹ is more likely to affect them;
 - to suffer from poor health, so cuts to National Health Service (NHS) budgets have a disproportionate impact;
 - to be employed in the public-sector, where jobs and working conditions have been cut.
14. Women's specialist services, especially black- and minority-led services²² are impacted by the Government's construction of a competitive commissioning market for frontline public services, which slashed local women-led, community-based specialist services across the board,²³ leading to cuts and closures of refuges and Rape Crisis centres. BAMER women have less access to specialist help for forms of violence that disproportionately affect them – e.g., forced marriage, FGM, so-called honour-based violence. The Government's punitive migration and asylum system has exacerbated the existing hostile environment²⁴ for anyone who looks like a migrant, particularly post the referendum on the UK's membership of the EU, which saw a serious increase in hate crime.²⁵ Tell Mama recorded a 47% rise in incidents in 2016, with the greatest impact on visible Muslim women. 69% of identifiable perpetrators are white males. Women were abused for their sex and religion.²⁶
15. The Scottish and Welsh governments have strategies to mitigate this hostile environment, but the Westminster government has promoted the narrative set out in the UKSR: migrants should not be a cost to the taxpayer (ignoring evidence that migrants are a net contributor to

²⁰ Intersecting inequalities: The impact of austerity on Black and Minority Ethnic women in the UK, UK Women's Budget Group, 2017

<https://wbg.org.uk/wp-content/uploads/2017/10/Executive-Summary-Intersecting-Inequalities-October-2017.pdf>

²¹ <http://www.cpag.org.uk/content/revise-benefit-cap-cpag-ds-and-others-v-secretary-state-work-and-pensions>

²² Imkaan, The State of the Sector, 2015, [https://www.dropbox.com/s/c3n2gjs4g2g37s2/IMKAAN%20-%20STATE%20OF%20THE%20SECTOR%20\[FINAL\].pdf?dl=0](https://www.dropbox.com/s/c3n2gjs4g2g37s2/IMKAAN%20-%20STATE%20OF%20THE%20SECTOR%20[FINAL].pdf?dl=0)

²³ 'Women's refuge budgets slashed by nearly a quarter over past seven years'

<https://www.independent.co.uk/news/uk/politics/women-refuge-budget-cut-quarter-domestic-violence-victims-children-support-a8003066.html>

²⁴ <https://www.independent.co.uk/news/uk/politics/theresa-may-uk-immigration-nazi-germany-home-office-civil-service-lord-kerslake-a8311701.html>

²⁵ National Police Chiefs' Council figures show a record weekly 58% increase in recorded incidents aggravated by religious or racial hatred, compared with the previous year, in the post referendum period. Some areas were much worse: for example, reported hate crime increased by 400% in the Northumbria Police area²⁵

²⁶ <https://tellmamauk.org/wp-content/uploads/2017/11/A-Constructed-Threat-Identity-Intolerance-and-the-Impact-of-Anti-Muslim-Hatred-Web.pdf>

the public purse, being largely of working age and paying taxes, in contrast to the ageing indigenous population).²⁷

Brexit

16. In 2016 the then-Government called a referendum on the UK's membership of the EU. The vote to leave ('Brexit') was by the narrow margin of 52% to 48%. The economic impact of Brexit will be damaging to women, because of estimates of lower GDP by 2030 compared to remaining in the EU.²⁸ There will be impacts on women across the full range of CEDAW rights - as migrants, residents, citizens, workers, students, users of public services and consumers, due to women's and men's different economic positions, reproductive/caring responsibilities, and power. 75% of young women aged 17-21 worry about what Brexit means for their future.²⁹ No assessment of the effect on women was undertaken by the Government before the referendum, nor since, and there is but a single reference in the UKSR on this, making this commitment:

The UK is preparing to leave the EU in the best possible way for the UK's national interest and is committed to ensuring the UK emerges from this period of change stronger, fairer, more united and more outward looking than ever before.

17. EU law does not allow members to reduce equalities rights, whereas under UK law, these could be lost. The loss of these equality guarantees and their rights of EU citizenship³⁰ roll back women's rights in the UK.

Equality Strategy

18. The UK has no Equality Strategy to promote women's rights or monitor progress under CEDAW. The implementation of the Strategic Development Goals (SDGs) is led by the Department for International Development,³¹ which, as its name suggests, has no domestic locus; its Secretary of State is also UK Minister for Women. By contrast, Scotland's National Performance Framework is its mechanism to implement the SDGs. UK equality machinery has been weakened by major cuts to the Equality and Human Rights Commission. Agenda 2030

²⁷ 'we find that higher net inward migration is likely to improve the long-term fiscal position' Office for Budget Responsibility Fiscal Sustainability Report 2014 <http://obr.uk/box/migration-and-fiscal-sustainability/>

This is repeated in the Fiscal Sustainability Report 2017, para 3.120 offers a range of estimates of fiscal benefit, showing the if net inward migration was in line with the average flows seen over the past decade this would reduce the primary deficit by 0.6% of GDP and net debt by 26% by 2066-67 http://cdn.obr.uk/FSR_Jan17.pdf

²⁸ Exploring the Economic Impact of Brexit on Women, UK Women's Budget Group, 2018, <https://wbg.org.uk/wp-content/uploads/2018/03/Economic-Impact-of-Brexit-on-women-briefing-FINAL.pdf>

²⁹ Girls' Attitudes Survey of over 1,900 girls and young women aged 7 to 21, 2017 <https://www.girlguiding.org.uk/social-action-advocacy-and-campaigns/research/girls-attitudes-survey/>

³⁰ The Equality and Human Rights Commission notes "the loss of the guarantee for equality rights provided by EU law. As a result of Brexit a future government could seek to pass laws which repeal or weaken our current rights below the standard of EU law rights" <https://www.equalityhumanrights.com/en/our-human-rights-work/what-does-brexit-mean-equality-and-human-rights-uk>

³¹ 'The primary purpose of the Goals is to eradicate extreme global poverty; therefore the Department for International Development (DFID) retains the policy oversight for the Goals.' Agenda 2030, The UK Government's approach to delivering the Global Goals for Sustainable Development -at home and around the world https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/603500/Agenda-2030-Report4.pdf

centres 'Leaving No One Behind'³² and defines social inclusion as the “process of improving the terms of participation in society, particularly for people who are disadvantaged on the basis of age, sex, disability, race, ethnicity, economic and migrant status”. An Equality Strategy would address these issues.

19. Taken together, the absence of a Strategy, the cumulative effect of these linked public policies, the differences in women's rights across England, Scotland, Wales and Northern Ireland highlighted throughout the UKSR, and the loss of rights under Brexit, means that the UK cannot claim to be compliant with the requirement for “progressive implementation of human rights”³³ required under the UN Conventions to which it is signatory.

2/3 Discrimination, Advancement of Women

20. Much of the legislation protecting equality and workplace rights originated in, or was strengthened through, the EU. EU law prevents countries from reducing protections; if the UK leaves the EU, this guarantee could be lost. EU law contains important protections: for example, EU members must comply with the Victims' Directive which contains minimum standards ensuring rights, protection, and support to all victims of crime, regardless of residency status.³⁴

Persons who are particularly vulnerable or...persons subjected to repeat violence in close relationships, victims of gender-based violence...should be provided with specialist support and legal protection. Specialist support services should be based on an integrated and targeted approach which should...take into account the specific needs of victims...

(EU Victims Directive, 2012: Paragraph 38).

21. The Government's EU Withdrawal Bill allows ministers 'effectively unlimited powers' (known as Henry VIII clauses) to determine which laws stay post-Brexit and which bypass parliamentary scrutiny.³⁵ The Government plans to remove the Charter of Fundamental Rights,³⁶ a directly regressive move.

³² Leaving no one behind: the imperative of inclusive development, Report on the World Social Situation 2016 Executive Summary, United Nations, <http://www.un.org/esa/socdev/rwss/2016/executive-summary.pdf>

³³ The concept of “progressive realization” describes...the obligation to take appropriate measures towards the full realization of economic, social and cultural rights to the maximum of their available resources (Frequently Asked Questions on Economic, Social and Cultural Rights, Fact Sheet No. 33, Office of the United Nations High Commissioner for Human Rights, 2008, <http://www.ohchr.org/Documents/Publications/FactSheet33en.pdf>)

³⁴ Survivors' Rights: The UK's new legal responsibilities to provide specialist support for women and girls who have experienced violence EAW Coalition Briefing Paper, 2015 <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Survivors-Rights-EAW-Coalition-September-2015-1.pdf>

³⁵ “the number, range and overlapping nature of the broad delegated powers would create what is, in effect, an unprecedented and extraordinary portmanteau of effectively unlimited powers upon which the Government could draw. They would fundamentally challenge the constitutional balance of powers between Parliament and Government and would represent a significant—and unacceptable—transfer of legal competence. We stress the need for an appropriate balance between the urgency required to ensure legal continuity and stability, and meaningful parliamentary scrutiny and control of the executive.” - House of Lords Constitution Committee, European Union (Withdrawal) Bill: interim report (3rd Report, Session 2017–19, HL Paper 19), para 44

³⁶ House of Commons Briefing Paper Number 8140, 17 November 2017 EU (Withdrawal) Bill: The Charter, General Principles of EU Law, and 'Francovich' Damages, Chapter 2, The Government's position: Clause 5(4) of the Bill says “The Charter of

22. Austerity has had a disproportionate impact on women, especially in BAMER households and households on lower incomes, because these vulnerable groups tend to rely more on public services and benefits for their income.
23. Women are affected by a 'triple whammy':³⁷
- Women use more public services and are the majority of welfare recipients, because women are more likely to be poor, because of a looser attachment to the labour market due to longer life expectancy, and because they often take sole caring responsibility for children, elderly, sick and disabled people.
 - Women are a majority of public-sector workers. Cuts to public spending and to public-sector jobs have made many women unemployed or moved them to low-paid, temporary jobs.
 - Women are more likely to increase their unpaid care work because of cuts.
24. CEDAW states that policies must not be discriminatory in effect. The disproportionality of austerity measures impacting women and minority groups is a clear violation of CEDAW and the right to protection from discrimination (Article 26 of the International Covenant on Civil and Political Rights). The heavier burden of unpaid care work performed by women due to cuts to public services impacts on women's right to participate in public life (Article 25 of the ICCPR). Cuts to the safety net of women violate their economic and social rights, such as the right to work (Article 6 of the International Covenant on Economic, Social and Cultural Rights), right to social security (Article 9 of ICESCR), protection and assistance to the family (Article 10 of ICESCR), and adequate standard of living (Article 11 of ICESCR).
25. UN human rights covenants highlight the importance of fiscal policy in mobilising the maximum resources to fulfil human rights. **We support** the UK Women's Budget Group recommendation that the UK should: end tax and spending cuts that affect the fulfilment of socio-economic rights; ensure that current legal rights cannot be changed without scrutiny by Parliaments, citizens and civil society; ensure that equality impact assessments of trade agreements inform negotiations.

6 Trafficking, Prostitution

26. The UKSR recognises the need to gather evidence on prostitution in England and Wales and has assigned £150,000 for research.³⁸ This is unacceptable as an account of progress over the last four years. By contrast, Northern Ireland has adopted the Nordic model.³⁹
27. The Government's unclear prostitution policy means huge local variations, short-termism, contradictions, and in a climate of austerity, a 'hands-off' approach. The Government

Fundamental Rights is not part of domestic law on or after exit day". The Government considers that the Charter would not be "relevant" after Brexit, because it applies to the UK only when the UK is acting "within the scope" of EU law.

<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8140>

³⁷ This section reproduces the extensive analysis of the UK Women's Budget Group 2018
<http://www.ohchr.org/Documents/Issues/Development/IEDebt/WomenAusterity/WBG.pdf>

³⁸ Ratification of the Council of Europe Convention on Combating Violence Against Women and Domestic Violence (Istanbul Convention)—Report on Progress, Home Office, November 2017
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656561/CCS207_CCS1017309396-1_HO_Istanbul_Convention_report_WEB_ACCESSIBLE.PDF

³⁹ <https://morningstaronline.co.uk/a-d93d-lessons-from-irelands-new-prostitution-laws-1>

acknowledges the need for exiting support⁴⁰ despite very little challenge of demand or understanding of what good exiting support means. Artificial distinctions like “forced” prostitution, “on-street” and “off-street” prostitution do not reflect the sex industry.⁴¹ Homeless, unemployed, women with no recourse to public funds and beggars are targeted for exploitation.⁴² Austerity, insecure work, and benefits caps make women vulnerable to sexual exploitation by private landlords and loan sharks.⁴³ Eastern European women cannot exit prostitution because they cannot access the public funds for accommodation and subsistence to which, as EU members, they are entitled, because they cannot show they have “exercised their treaty rights”⁴⁴ (eg through tenancy agreements, which women subject to exploitation, trafficking, or organised crime rarely control). Government prioritises immigration control over women’s safety, apparently supported by homelessness charities.⁴⁵

28. The Modern Slavery Act 2015⁴⁶ largely reflects the Council of Europe Convention on Action Against Trafficking in Human Beings. The Anti-Trafficking Commissioner⁴⁷ has highlighted pressing concerns:⁴⁸ drops in legal cases⁴⁹ following cuts to legal aid and rights of appeal, discriminatory decision-making,⁵⁰ inadequate protection for child victims,⁵¹ insufficient funding for specialist services, poor identification of victims, enforcement prioritised over protection by police and immigration.
29. **We recommend:** that the Government recognise prostitution as a form of violence against women and girls, rather than legitimising the purchase of access to women’s bodies as a form of commerce; and in order to support their exiting prostitution, decriminalise women and expunge their police records;⁵² more specialist, sex-specific services for trafficking victims, especially exiting services; enhanced access to legal aid for issues which render women vulnerable to exploitation (employment, maternity, housing and immigration); remove the ‘no recourse to public funds’ condition – including for EEA Nationals unable to show, due to exploitation, that they have “exercised their treaty rights”.

9 Nationality

⁴⁰ Government’s response to Home affairs Select Committee inquiry into prostitution https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/573937/57531_Cm_9361_Accessible.pdf accessed 19/02/2018

⁴¹ Matthews et al (2014) *Exiting prostitution: A study in female desistance* (Palgrave MacMillan, London 2014)

⁴² Buzz Feed News, February 2018, “Britain’s hidden homeless slaves”, https://www.buzzfeed.com/janebradley/britains-hidden-homeless-slaves?utm_term=.cb1emVD1z#.kux0xo3AV accessed 27/02/2018

⁴³ The Times, January 2018, 250,000 tenants were asked for sex” <https://www.thetimes.co.uk/article/250-000-tenants-were-asked-for-sex-hkb36glvc> accessed 27/02/2018

⁴⁴ No recourse to public funds coalition meeting, experience of frontline organisations (Nia), February 2018

⁴⁵ <https://corporatewatch.org/wp-content/uploads/2017/03/CW%20rough%20sleepers%20investigation.pdf>

⁴⁶ HM Government Modern Slavery Act 2015 <https://www.gov.uk/government/collections/modern-slavery-bill>

⁴⁷ http://www.antislaverycommissioner.co.uk/media/1164/iasc_annual-report-16-17-web.pdf accessed 19/02/2018

⁴⁸ Anti Slavery International, October 2017 <https://www.antislavery.org/changes-slavery-victims-identification/>

⁴⁹ ATLEU <http://atleu.org.uk/news/2017/2/27/charity-attacks-funding-of-legal-support-needed-by-victims-of-modern-slavery> accessed 19/02/2018

⁵⁰ Anti trafficking Monitoring Group, June 2013, In the Dock <https://www.antislavery.org/reports-and-resources/research-reports/human-trafficking-reports/> accessed 19/02/2018

⁵¹ Every Child Protected Against Trafficking (ECPAT) <https://www.ecpat.org.uk/news/reforms-to-the-nrm> accessed 19/02/2018

⁵² <http://www.niaendingviolence.org.uk/perch/resources/im-no-criminal-final-report.pdf>

30. There is a lack of protection and support for migrant women facing domestic abuse and their children, transnational marriage abandonment, and extra-territorial jurisdiction.⁵³

VAWG Survivors in immigration detention

31. Despite Government policy⁵⁴ preventing the immigration detention of vulnerable people, survivors of sexual and gender-based violence are still routinely detained.⁵⁵ **We recommend** proactive screening to exclude these survivors from detention.

Asylum Appeals

32. We recommend the Joint Presidential Guidance Note on Child, Vulnerable Adults and Sensitive Appellants⁵⁶ be reviewed to address lack of judicial awareness of gender-related harm and cultural norms in countries of origin and harsh questioning of women seeking asylum⁵⁷ (one being told by the judge: 'you don't look like a lesbian, you don't dress like a lesbian').⁵⁸

Childcare during asylum screening, interviews or appeals

33. Without childcare, women must choose between traumatising their children and not disclosing their full story.⁵⁹ We welcome the Home Office project to provide childcare at all asylum interviews. **We recommend** extending childcare to screening interviews in London. **We recommend** the Tribunal Service provide childcare at all First Tier Tribunals in the UK.

10 Education

Careers

34. The average wage for girls' chosen future occupations is 27% lower than boys'. Both want jobs where the workforce is dominated by their own sex, reflecting the longstanding sex-

⁵³ Evidence for CEDAW shadow report (2018) Southall Black Sisters <https://thewomensresourcecentre.org.uk/wp-content/uploads/CEDAW-evidence-2018-SBS.pdf>

⁵⁴ Home Office (2016) Immigration Act 2016: Guidance on Adults at Risk in immigration detention, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/547519/Adults_at_Risk_August_2016.pdf

⁵⁵ HM Inspectorate of Prisons (2017) Report on an unannounced inspection of Yarl's Wood, <https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2017/11/Yarls-Wood-Web-2017.pdf>; Cope, Sarah and Lousley, Gemma (2017) We are still here: the continued detention of women seeking asylum at Yarl's Wood Women for Refugee Women: London <http://www.refugeewomen.co.uk/2016/wp-content/uploads/2017/10/We-are-still-here-report-WEB.pdf>

⁵⁶ Tribunals Judiciary (2008) Practice Direction: First Tier and Upper Tribunal: Child, Vulnerable Adult and Sensitive Witnesses, Courts and Enforcement Act <https://www.judiciary.gov.uk/wp-content/uploads/2014/07/FTTPracticeDirectionChildVulnerableAdultandSensitiveWitnesses281008.pdf>

⁵⁷ Clayton, Gina et al (2017) Through her eyes: enabling women's best evidence in UK asylum appeals, Migrants Resource Centre and NatCen, London <https://www.asylumaid.org.uk/wp-content/uploads/2017/10/Through-Her-Eyes--Final-Report--Nov17.pdf>

⁵⁸ Ibid, p 31

⁵⁹ Ibid

segregation of the labour market.⁶⁰ **We recommend** that schools careers programmes are explicitly designed to challenge gender stereotypes.

Violence in Schools

35. The Women and Equality Parliamentary Select Committee Inquiry into sexual violence in schools⁶¹ took evidence that 5,500 sexual offences were recorded in UK schools over 3 years, including 600 rapes.
36. **We support** the Committee's recommendations that the Government should:
- Create a duty on schools to prevent and respond to sexual violence. National guidance must be developed through a 'whole school approach', involving specialist sector organisations.
 - Schools inspectors must assess schools' responses to sexual violence.
 - Invest in teacher training; work with sexual violence specialists to update guidance; ensure teachers have materials; and invest in local, third-sector specialist support.
37. Since 2010 most gender equality advisory posts have been cut, undermining capacity. The standards bodies across the four nations tasked with addressing SH in education lack specialist knowledge.
38. Mandatory RSE education must include healthy relationships and consent;⁶² faith schools must not be exempt.

Higher/Further Education

39. Funding to universities and colleges in England in 2017 to address sexual violence and harassment improved practice. **We recommend** that the Office for Students regulate and enforce minimum standards of prevention, monitoring, reporting and support specifically on VAWG.

11 Employment

40. Uncertainty about Brexit makes its gendered impact impossible to predict.⁶³ However, most economists predict a cut of up to 9.5% on GDP. The least damaging scenarios are those closest to EU membership; 'no deal' is the most damaging. The UK would have to negotiate a trade deal with the EU and separately with the 65 countries that have deals with the EU and is unlikely to get more favourable terms than those it currently enjoys as a member of the EU, with its greater negotiating power. Trade liberalisation does not automatically increase women's employment⁶⁴ and could give overseas companies the power to sue the UK

⁶⁰ Boys chose occupations with a 74% male workforce. Girls chose jobs with a 59% female workforce.

<http://www.ucl.ac.uk/ioe/news-events/news-pub/dec-2017/teenage-girls-lower-paying-jobs>

⁶¹ Sexual harassment and sexual violence in schools, 2016, Women and Equalities Committee

https://publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/91/9105.htm#_idTextAnchor009

⁶² https://www.bristol.gov.uk/en_US/web/bristol-healthy-schools/our-badges-and-awards/bristol-ideal-badge

⁶³ Most of this section is drawn from Exploring the Economic Impact of Brexit on Women, Mott et al, March 2018,

<https://wbg.org.uk/wp-content/uploads/2018/03/Economic-Impact-of-Brexit-on-women-briefing-FINAL.pdf>

⁶⁴ Fontana (2016) Ibid.

government if its policies damaged their profitability, such as increasing the national minimum wage or bringing privatised services back into public ownership.

41. A shrinking post-Brexit economy means job losses, particularly in sectors that depend on trade with the EU, such as clothing/textiles which mainly employ women. The Government should plan for the needs of women whose access to the resources and skills required to participate in the labour market is heavily limited by their sex and position in society.⁶⁵
42. Women account for 58% of the increase in insecure work since 2011.⁶⁶ Between 2011-2016, a third of employment growth for women has been insecure, but less than a quarter of men's. Insecurity disproportionately affects BAMER women; one in 12 BAMER women employed is in temporary work. Overall, numbers in zero-hour contracts has stabilised but numbers for women have increased by 22,000 over the year, affecting more BAMER women. Gypsy/Irish Travellers have the highest proportion with no qualifications for any ethnic group (60%) - against the England and Wales average (23%), affecting their employment prospects.⁶⁷
43. The UKSR highlights efforts to close the gender pay gap. Mandatory gender pay gap reporting in England for organisations with more than 250 employees is welcome, but most women are in smaller organisations; and there is no duty on employers in England to actually *reduce* the gap. By contrast in Scotland, all listed public-authorities with over 20 employees are covered; in Wales, all public-sector employers must report annually *and address the gap*. **We recommend** that the regulations are strengthened to bring England up to the highest standards in the UK.

Employment rights

44. Employment rights for women are at risk after Brexit. Much legislation protecting women's employment rights in the UK originates in the EU or was strengthened by the European Court of Justice.^{68,69}
45. The UK Government has committed to convert current EU legislation into domestic law through the European Union (Withdrawal) Bill, but this grants Ministers wide-ranging powers to repeal or modify retained EU law and other domestic law, including primary legislation, the Equality Acts 2006 and 2010 and employment law.
46. These powers, as well as the loss of guarantees in EU law, mean a real risk that women's labour rights, (eg parental leave, equal treatment and paid holiday for part-timers)⁷⁰ could be lost under a highly deregulated⁷¹ labour market post-Brexit. This scenario is particularly likely

⁶⁵ Gender Equality in Trade Agreements Fontana (2016)

⁶⁶ <https://www.tuc.org.uk/research-analysis/reports/national/living-edge>

⁶⁷ <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/whatdoesthe2011censustellusaboutthecharacteristicsofgypsyoririshtravellersinenglandandwales/2014-01-21>

⁶⁸ O'Brien, C. (2016). Bonfires and Brexterity: What's next for women? <http://www.referendumanalysis.eu/eu-referendum-analysis-2016/section-8-voters/bonfires-and-brexterity-whats-next-for-women/>

⁶⁹ TUC (2016) UK employment rights and the EU.

<https://www.tuc.org.uk/sites/default/files/UK%20employment%20rights%20and%20the%20EU.pdf>

⁷⁰ TUC (2016) Ibid. at (16)

⁷¹ Ford, M. (2016) Workers' Rights from Europe: The Impact of Brexit. Legal opinion, TUC <https://www.tuc.org.uk/sites/default/files/Brexit%20Legal%20Opinion.pdf>

under a reversion to WTO rules. This might encourage a 'race to the bottom' where we compete for foreign direct investment (FDI) by relying on cheap labour and a roll-back on rights.⁷²

Women workers globally

47. The UK was a key partner in developing the SDGs to empower women.⁷³ Export competitiveness is often maintained by reducing working conditions,⁷⁴ harming women.⁷⁵ **We recommend** the Government undertake a gender impact analysis of new trade deals to ensure the equality and economic wellbeing of women in the UK and trading partner-nations.

Disabled Women (DW) workers

48. In its 2013 concluding observations the Committee repeated its previous concerns of 2008 (A/63/38, paras. 286 and 287) at high unemployment rates for DW.
49. Access to Work (ATW)⁷⁶ provides Government-funded support (including support workers) to disabled people to work. In 2015 a cap on support was introduced,⁷⁷ so for example, deaf women have had their interpreter hours limited⁷⁸ (another example of the UK's regressive approach to rights).
50. **We recommend:** the Government strengthen ATW, gather evidence on the intersectional employment discrimination women face, fund legal advice and Citizen's Advice Bureau so women can take action against employers.

12 Healthcare

51. The legal duties under the Health & Social Care Act to reduce inequalities in health services should be strengthened. This is especially important for implementing the SDGs for disadvantaged women, such as DW. **We recommend** that the Scottish policy, which permits anyone living in Scotland legally and for a specific purpose (including migrants, asylum seekers and refugees), to register for NHS medical services, be applied across the UK.
52. The Local Government and Public Involvement in Health Act 2007 requires local authorities and local health services to produce a 'Joint Strategic Needs Assessment' (JSNA) of the health and wellbeing of their community.
53. Women suffer greater mental ill-health and gender-based violence. The lifetime prevalence of domestic abuse among women with mental ill-health ranges between 30%-60%;⁷⁹ mental ill-

⁷² Andriescu, M. and Giles, L. (2017) *Ibid.*

⁷³ <http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>

⁷⁴ Fontana (2016) *ibid.* at (1)

⁷⁵ UNCTAD (2014) *Ibid.* at 19

⁷⁶ <https://www.gov.uk/government/publications/access-to-work-guide-for-employers/access-to-work-factsheet-for-employers>

⁷⁷ Access to Work grants awarded on or after 1 October 2015 are capped. Access to Work grants awarded will be capped from 1 April 2018. <https://www.gov.uk/government/publications/access-to-work-factsheet/access-to-work-factsheet-for-customers>

⁷⁸ Barriers to Work: A survey of Deaf and Disabled people's experiences of the Access to Work programme in 2015/2016 https://www.inclusionlondon.org.uk/wp-content/uploads/2017/10/Barriers-to-Work_InclusionLondon_Oct-2017-1.pdf

⁷⁹ Howard et al (2009). Domestic violence and severe psychiatric disorders: Prevalence and interventions. *Psychological Medicine*, 40(6), 881–893

health amongst women in England is increasing; one woman in five has a common mental disorder, compared with one man in eight; young women between 16-24 are at high risk, and almost three times as likely (26%) to experience common mental health problems as their male contemporaries (9%). 84% of those experiencing the most extensive physical and sexual abuse are women, and of those, over half have a common mental disorder.⁸⁰ Women with severe mental health problems are 10 times more likely to experience assault than those without.⁸¹ Between 45-74% of women rough sleepers⁸² report mental health issues.

54. **The Government must implement** the key recommendations from the Report of the Chief Medical Officer 2014, published 2015,⁸³ dealing specifically with women's health. Recommendation 4, that NHS Clinical Commissioning Groups ensure that integrated specialist health and social care services can meet referrals for sexual violence, domestic violence, FGM, 'honour'-based violence, forced marriages and modern slavery, should mean that women-led community-based specialist support services are funded.
55. Around 36% of the women's voluntary sector provide adult health and/or social care support services, saving the NHS (in monetary costs and long-term health outcomes) almost £.5bn per year.⁸⁴
56. **We recommend** ensuring equal access to healthcare for all women (e.g. transport, translation services) prioritising women with the poorest health outcomes, through JSNAs and commissioning women's specialist services.

Gypsies, Roma and Travellers (GRT)⁸⁵

57. Access to healthcare can be impossible for GRT women (health screening, family planning, healthcare by local doctors) because they do not have a postcode.
58. Romany Gypsies and Irish Travellers are legally recognised as ethnic groups, being added to the UK census in 2011. They are recognised as experiencing the poorest health outcomes of any group in the UK: the Department of Health's Inclusion Health Board⁸⁶ said

⁸⁰ Scott & McManus 2016, Hidden Hurt: Violence, abuse and disadvantage in the lives of women. DMSS research for Agenda <http://weareagenda.org/wp-content/uploads/2015/11/Hidden-Hurt-full-report1.pdf>

⁸¹ Pettitt et al, 2013, At risk, yet dismissed: The criminal victimisation of people with mental health problems. London: Victim Support <https://www.victimsupport.org.uk/sites/default/files/At%20risk%2C%20yet%20dismissed%20-%20full%20report.pdf>

⁸² Empowering Women Rough Sleepers (WRS) to Protect themselves from Violence on the Streets (Phase II) Moss & Singh University of Wolverhampton <https://ec.europa.eu/justice/grants/results/daphne-toolkit/en/file/3108/download?token=V7vFkq5T>

⁸³ Annual Report of the Chief Medical Officer, 2014 'The Health of the 51%: Women'

<https://www.gov.uk/government/publications/chief-medical-officer-annual-report-2014-womens-health>

⁸⁴ Value of the Women's Voluntary and Community Sector Delivering Health Services, Women's health and equality consortium, 2017, <https://www.whec.org.uk/wp-content/uploads/2011/04/EXECUTIVE-SUMMARY.pdf>

⁸⁵ This section draws on written evidence to the Women and Equalities Select Committee, 2016, by the National Alliance of Gypsy Traveller Roma Women

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/women-and-equalities-committee/tackling-inequalities-faced-by-the-gypsy-roma-and-traveller-communities/written/46101.html>

⁸⁶ Aspinall, 2014, Inclusion Health Board, Hidden Needs: Identifying Key Vulnerable Groups in Data Collection, p. 11 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287805/vulnerable_gro

The adoption of the 2011 Census ethnic category classification...across all current NHS ethnicity data collections...would have a transformative effect on the capture of Gypsies/Irish Travellers in routine data collection... there is strong evidence that Gypsies/Irish Travellers are strongly disadvantaged. ISD Scotland has adopted the 2011 classification in the Scotland Data Dictionary.'

59. However, the new census category has not been included beyond Scotland.⁸⁷ **We recommend** that the Department of Health issue a national 'data change notice' to include GRT. **We recommend** including GRT women's health needs in JSNAs.⁸⁸
60. Under the NHS (Charges to Overseas Visitors) (Amendment) Regulations 2017, all secondary care services require payment in advance (unless for emergency treatment). Those supported by social services because they are destitute and have no recourse to public funds are *not* exempt.
61. Some migrant women do not register with a doctor because they are asked for documents to demonstrate eligibility (many do not have access to these) although doctors are **not** required to ask for proof. Women are asked for this evidence at Accident & Emergency (A&E), before accessing healthcare, despite A&E being exempt from charges.
62. NHS Digital and the Home Office share data on those suspected of immigration offences, deterring women from reporting violence and getting treatment. This prioritisation of immigration control over protection hinders migrant women from safely disclosing abuse in health settings. The Parliamentary Health Select Committee raised grave concerns about this.⁸⁹
63. **We recommend** that the Department of Health suspend charges for maternity care to overseas visitors to ensure vulnerable migrant women's access to maternity care, and develop cost-benefit analysis into charging, factoring in the longer-term health of women and their children.

Articles 15/16

64. Savage cuts to legal aid in England and Wales following the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) have had a devastating impact on women's access to justice. Women are significantly more reliant on legal aid than men. A full report is available here.⁹⁰

[ups_data_collections.pdf](#)

⁸⁷ Traveller Movement note on inclusion of Gypsies and Irish Travellers in the NHS data dictionary March 2014 <http://www.travellermovement.org.uk/wp-content/uploads/2014/11/Traveller-Movement-note-on-inclusion-of-Gypsies-and-Irish-Travellers-in-the-NHS-data-dictionary-March-2014.pdf>

⁸⁸ http://www.gypsy-traveller.org/wp-content/uploads/2015/03/FFT_Inclusion-of-Gypsy-Traveller-health-needs-in-JSNA_FINAL.pdf

⁸⁹ <https://www.parliament.uk/business/committees/committees-a-z/commons-select/health-committee/news-parliament-2017/mou-data-sharing-chairs-statement-17-19/>

⁹⁰ Appendix A (2018) Cris McCurley <https://thewomensresourcecentre.org.uk/wp-content/uploads/CEDAW-Articles-15-and-16-CM.pdf>

65. **We recommend** that court closures be halted; adequate court time must be available. Early advice under legal aid for housing and family and immigration cases must be reinstated to its pre LASPO⁹¹ levels, and cases involving abuse and children must be publicly funded. Victims of domestic abuse must not be required to pay an unreasonable contribution before grant of legal aid based on the (inaccessible) equity in a jointly-owned family home. Financial eligibility for legal aid must be realistically related to affordability.

Women in Prison

66. In its previous Concluding Observations the Committee recommended the UK should:

review the policy of commissioning services wherever this may undermine the provision of specialised services for women. (Para 21)

67. Her Majesty's Inspectorate of Probation⁹² notes that funding for specialised women's services has been severely cut under the Government's Transforming Rehabilitation criminal justice reforms, resulting in high rates of women's recall to prison. The Government has failed to fund women's services sustainably, especially women's centres and holistic, trauma-informed services.

68. Responding to Paras 54 and 55 of the Committee's Concluding Observations on women in prison, the UKSR claims significant progress in implementing the Corston report, but there has been a worsening of some outcomes, including women's deaths in custody. There were 30 deaths 2015–2016, two-thirds self-inflicted.⁹³

69. The UK has one of the highest rates of women's imprisonment in Western Europe, with high rates of self-harm. There are nearly 4,000 women in prison in England and Wales, against 2,000 in 1995. Around 45% are on remand.⁹⁴ BAMER women remain over-represented.⁹⁵ 84% of women in prison are non-violent offenders. Most are mothers.

70. The UK Government's 2016 White Paper on Prison Safety and Reform⁹⁶ promised a strategy "to reduce the number of women ...in custody, including through early and targeted interventions," now deferred to June 2018. These delays undermine confidence in commitment to reform, funding and governance.

⁹¹ Legal Aid, Sentencing and Punishment of Offenders Act 2012

⁹² <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/supplychain/> HMIP Thematic Inspection of Supply Chains, London April 2018

⁹³ Op cit, Why focus on reducing women's imprisonment, PRT 2017. Report on women's deaths in prison since 2007 by INQUEST is published on 1 May 2018.

⁹⁴ <http://www.prisonreformtrust.org.uk/Portals/0/Documents/why%20focus%20on%20reducing%20women%27s%20imprisonment%20BL.pdf> Prison Reform Trust (February 2017)

⁹⁵ <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Counted%20Out.pdf> (Counted Out, Prison Reform Trust, 2017)

⁹⁶ Prison Safety and Reform, Ministry of Justice, 2016, Para 28

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565012/cm-9350-prison-safety-and-reform-_print_.pdf

71. The Judicial College’s revised Equal Treatment Benchbook⁹⁷ includes guidance on substantive gender equality but it is unclear how widespread its use is.

Cross examination by perpetrators

72. **We support** the recommendations of the Vulnerable Witness Working Group, to recognise cross-examination of a victim by the perpetrator as detrimental to Art 15 rights and a continuation of abuse.⁹⁸
73. PD12J⁹⁹ must be fully implemented in family law proceedings to protect women and children from abusers.

Review of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)

74. **We recommend** that the review of LASPO take into account the damage it is inflicting on the most vulnerable.

Women in the Criminal Justice System

75. **We call** for the Corston¹⁰⁰ and Lammy¹⁰¹ reports to be fully implemented. Education must be undertaken at all levels of statutory services so that the impact of abuse is understood and victims not criminalised.
76. **We recommend** that the Istanbul Convention be immediately ratified and implemented, including securing adequate women’s specialist support services. Cuts to funding for women’s services must be abandoned and funding restored. Government must ensure that there are sufficient refuge places. Proposals to leave funding of refuges to local government (whose resources have been significantly cut) must be abandoned and payment via central government through benefit payments must continue. A sustainable funding model for Rape Crisis centres must be developed.

Yarl’s Wood Detention Centre¹⁰²

⁹⁷ <https://www.judiciary.gov.uk/wp-content/uploads/2018/02/equal-treatment-bench-book-february2018-v5-02mar18.pdf>

⁹⁸ Report of the Vulnerable Witnesses & Children Working Group, Judiciary of England and Wales, 2015, Para 14,

<https://www.judiciary.gov.uk/wp-content/uploads/2015/03/vwccwg-report-march-2015.pdf>

⁹⁹ PD12J is a legal practice direction on court orders for child contact with a parent or other family and there are allegations that a child or a party has experienced domestic abuse perpetrated by another party or that there is a risk of such abuse.

https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12j

¹⁰⁰ Building A Safe, Just and Tolerant Society: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in The Criminal Justice System, Home Office, 2007

<http://webarchive.nationalarchives.gov.uk/20130206102659/http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

¹⁰¹ <https://www.gov.uk/government/publications/lammy-review-final-report>

77. Yarl's Wood is a national disgrace; **we recommend** it be closed. Those with vulnerable immigration status must be monitored humanely in the community.^{103 104 105}

Supporting BAMER/Migrant women and Visa abuse

78. **We recommend** removing the current limitations on the Domestic Violence Discretionary Visa Concession (it is only available to those in the UK on spousal visas) to allow all women to access it, regardless of visa status; and women abroad be allowed to return to the UK to access justice, particularly in relation to their children.¹⁰⁶

Community Arbitration

79. The Marriage Act 1949 **must be** revised to deem Islamic marriages legal, for the purposes of the Matrimonial Causes Act 1973.¹⁰⁷

Care-leavers

80. Girls in state care are at increased risk of pregnancy¹⁰⁸ and of their child/ren being removed:¹⁰⁹ a quarter of mothers whose children who are placed for adoption grew up in state care. They are less likely to access legal help to prevent separation from their children.¹¹⁰ UK policy on child protection has become increasingly 'risk averse' and austerity has resulted in drastic cuts to support services that help to keep young mothers and children together.¹¹¹ Independent advocacy support is vital to access legal advice to protect their human rights, rather than

¹⁰² Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to the United Kingdom of Great Britain and Northern Ireland, 2015, Rashida Manjoo, Para 29: 'The Special Rapporteur regrets that, despite her repeated requests from the start of the mission, the Government did not permit a visit to Yarl's Wood Immigration Removal Centre. In compliance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council (Council resolution 5/2, annex) and the terms of reference for fact-finding missions by special rapporteurs/representatives of the Commission on Human Rights (E/CN.4/1998/45, appendix V) governing official country visits, she attempted to visit the Centre independently. However, she was denied entry and was informed by the Centre's director that instructions had been received to deny entry to the Special Rapporteur.' Report of the Special Rapporteur on violence against women www.ohchr.org/EN/HRBodies/HRC/.../Session29/.../A_HRC_29_27_Add_2_en.doc

¹⁰³ <https://www.channel4.com/news/yarls-wood-immigration-removal-detention-centre-investigation>

¹⁰⁴ Her Majesty's inspectorate of prisons HM Inspectorate of Prisons (2017) Report on an unannounced inspection of Yarl's Wood, <https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/11/Yarls-Wood-Web-2017.pdf>; Cope, Sarah and Lousley, Gemma (2017) We are still here: the continued detention of women seeking asylum at Yarl's Wood Women for Refugee Women: London <http://www.refugeewomen.co.uk/2016/wp-content/uploads/2017/10/We-are-still-here-report-WEB.pdf>

¹⁰⁵ <https://www.thelondoneconomic.com/news/women-notorious-yarls-wood-detention-centre-third-day-hunger-strike/23/02/>

¹⁰⁶ Southall Black Sister (2018) *ibid.*

¹⁰⁷ *ibid.*

¹⁰⁸ Haydon, D. (2003) Teenage pregnancy and looked after children/care leavers; Resource for teenage pregnancy coordinators. London: Barnardo's. Fallon, D. & Broadhurst, K. (2015) Preventing Unplanned Pregnancy and Improving Preparation for Parenthood for Care Experienced Young People. Coram, University of Manchester, Lancaster University

¹⁰⁹ *ibid.*; Jackson, S. & Simon, A. (2005). The costs and benefits of educating children in care. In E. Chase, A. Simon & S. Jackson (Eds.) *In care and after: A positive perspective* (pp.44–62). London: Routledge

¹¹⁰ Roberts, L., Meakings, S. et al (2017) Care Leavers and their children placed for adoption. *Children & Youth Services Review* Vol. 79 (355-361)

¹¹¹ <http://www.communitycare.co.uk/2018/02/07/clear-evidence-links-deprivation-expenditure-quality-childrens-services/>

accessing legal help only if child care proceedings in the family courts commence, when their rights could already be compromised.¹¹²

Violence against women and girls (VAWG)

81. In July 2015, the UN Human Rights Committee recommended that the UK strengthen measures to prevent VAWG.¹¹³

Incidence levels¹¹⁴

82. The Crime Survey for England and Wales (CSEW) is the preferred measure in the prevalence of violence, being unaffected by changes in police recording and victims reporting.

Domestic violence¹¹⁵

83. The CSEW estimates for year ending March 2017 that 26% of women and 15% of men aged 16 to 59 had experienced domestic abuse since the age of 16, equivalent to 4.3 million females and 2.4 million males. 7.5% of women (1.2 million) and 4.3% of men (713,000) experienced domestic abuse in the last year. The largest difference between men and women is in sexual assault (including attempts) by a partner. Five times more women than men have experienced this in the last year, and eight times more have experienced it since age 16 (6.4% compared with 0.8%).
84. Women experience more repeated physical violence, severe violence, sexual violence, coercive control, injuries and more fear of their partner, than men.¹¹⁶
85. BAMER women experience higher rates of domestic homicide than other women, and half of those experiencing domestic abuse do so from multiple perpetrators;¹¹⁷ however, they are likely to stay longer before seeking help, and face significant barriers accessing support.¹¹⁸

Sexual violence

86. The CSEW for year ending March 2017 shows that 20% of women and 4% of men have experienced sexual assault since 16 (3.4 million females and 631,000 males). An estimated 3.1% of women (510,000) and 0.8% of men (138,000) aged 16-59 experienced sexual assault in the last year.

¹¹²<http://www.communitycare.co.uk/2018/02/09/fostering-stocktake-brings-back-dangerous-ideas-exemption-clause/>

¹¹³ Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland 2015 International Covenant on Civil and Political Rights,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GBR/CO/7&Lang=En

¹¹⁴ This section draws on *Sexual offences in England and Wales: year ending March 2017*, Office of National Statistics <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesinenglandandwales/yearendingmarch2017#how-are-sexual-offences-defined-and-measured>

¹¹⁵<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusefindingsfromthecrimesurveyforenglandandwales/yearendingmarch2017#which-groups-of-people-are-most-likely-to-be-victims-of-domestic-abuse>

¹¹⁶ National Institute for Health and Care Excellence, Domestic violence and abuse: how health services, social care and the organisations they work with can respond effectively, 2014.

¹¹⁷ Unequal Regard, Unequal Protection, Sisters for Change, 2017, http://sistersforchange.org.uk/wp-content/uploads/2017/11/SistersForChange_UnequalRegardUnequalProtection_Nov2017_Web.pdf

¹¹⁸ Thiaria, R & Roy, S. Vital Statistics: The experiences of Black, Asian, Minority ethnic and Refugee women and children facing abuse and violence. Imkaan, 2010.

Trends

87. The prevalence of domestic abuse in the last year among women decreased for year-ending March 2017 (7.5%) compared with year-ending March 2012 (9.1%). There has been no significant change in the prevalence of sexual assault (around 2.0% in the year ending March 2017 survey). Around 83% of victims did not report to the police.
88. Child sexual abuse impacts girls more than boys and is increasing, particularly online: since 2009 there has been a 298% increase in the number of police-recorded indecent image offences in the UK.¹¹⁹

Femicide

89. In 2016 the Femicide Census¹²⁰ recorded 69% of murdered women killed by a current or former intimate partner, 7.1% by a male family member, 12.4% by a man they knew, and 7.9% by a stranger. 75.2% were killed at home. 77.4% of women killed by their ex-partner died within a year of separation.

Sexual history evidence in rape trials

90. Sections 41-43 of the Youth Justice and Criminal Evidence Act 1999 restricts sexual history evidence in rape trials, but irrelevant sexual history is still admitted,¹²¹ distorting justice. *R v Ched Evans* [2016] EWCA Crim 452 interpreted admissible 'similarity' evidence¹²² very broadly and is likely to increase use of sexual history evidence. Procedural safeguards are often not followed, permitting sexual history evidence without prior judicial approval; and sexual history evidence is permitted to both support a claim of consent and a defence of belief in consent, contrary to practice in other jurisdictions.
91. The Government refuses reform, arguing that the law balances the rights of defendants and complainants, based on reviewing a sample of cases.¹²³ Methodological flaws render this review unreliable.¹²⁴ **We recommend:**
- Prohibit the use of sexual history evidence to demonstrate consent/belief in consent;

¹¹⁹ How safe are our children? 2017 The most comprehensive overview of child protection in the UK, NSPCC, <https://www.nspcc.org.uk/services-and-resources/research-and-resources/2017/how-safe-are-our-children-2017/>

¹²⁰ The Femicide Census is a database of over one thousand women killed by men in England and Wales since 2009 <https://www.womensaid.org.uk/what-we-do/campaigning-and-influencing/femicide-census/>

¹²¹ McGlynn (2017). Rape Trials and Sexual History Evidence: reforming the law on third party evidence. *Journal of Criminal Law* 81(5): 367-392. <http://journals.sagepub.com/doi/full/10.1177/0022018317728824>

McGlynn (2018). Challenging the law on sexual history evidence: a response to Dent and Paul. *Criminal Law Review* 2018(3): 216-228. <https://claremcglynn.files.wordpress.com/2018/02/mcglynn-challenging-section-41-february-2018.pdf>

McGlynn, Rape Trials and Sexual History Evidence (Policy Briefing)

<https://claremcglynn.files.wordpress.com/2017/09/sexualhistoryevidence-briefing-mcglynn-august-2017.pdf>

¹²² Rape Trials and Sexual History Evidence Reforming the Law on Third-Party Evidence McGlynn *The Journal of Criminal Law* Volume 81 issue 5, pages: 367-392, September 2017 <http://journals.sagepub.com/doi/full/10.1177/0022018317728824>

¹²³ Ministry of Justice, Limiting the use of complainants' sexual history evidence in sexual offence trials, 14 December 2017, <https://www.gov.uk/government/publications/limiting-the-use-of-complainants-sexual-history-in-sexual-offence-cases>

¹²⁴ McGlynn 'Why laws on sexual history evidence still need reform', Huffington Post, 17 December 2017 (detailing problems with Government review) http://www.huffingtonpost.co.uk/entry/why-laws-on-sexual-history-evidence-still-need-reform_uk_5a33b187e4b0e1b4472ae56d

- Only admit evidence where it has significant probative value that is not substantially outweighed by the risk of prejudice;
- Grant legal representation to complainants where sexual history evidence is in issue.

Coercive Control

92. Evaluation¹²⁵ indicates that the offence of controlling/coercive behaviour (Section 76 of the Serious Crime Act) is inadequate: it excludes coercive control outside an ongoing intimate/family relationship, or where parties do not cohabit, such as ex-partners, despite extensive evidence of coercive control post-separation.
93. Home Office crime recording practice records coercive control (which is categorised as a crime involving 'violence against the person without injury') over crimes of serious violence. This practice (which determines police resources, and knowledge of domestic abuse) systematically conceals physical violence.
94. Use of the law is very low, indicating issues with police identification, understanding, recording and prioritisation. Police forces received no funding or training to implement the new law. **We recommend** extending the law to cover ex-intimate partner relationships (regardless of residential status), improve crime recording so that serious violence against women is no longer hidden, and extra financing and training to the police.

Secure provision of specialist, women-led support services

95. Demand for specialist support services for women who have suffered from violence far outstrips supply. On just one day last year, 94 women and 90 children were turned away from refuge, while 60% of referrals to refuges in 2016/17 were declined.¹²⁶ Rape Crisis England & Wales currently has more than 6,000 women and girls on waiting lists, lasting up to 12-months; waiting lists close when they cannot be cleared within the time-limits of funding contracts, meaning there is no service in that area.¹²⁷
96. **We recommend** funding for specialised services for women be ring-fenced nationally to meet the National Statement of Expectations,¹²⁸ proportionate to demand, including BAMER, disabled, and rural women.¹²⁹ Without this, cuts to services will continue. Funding for community empowerment work (e.g. on FGM), including community training,¹³⁰ and for local perpetrator and bystander work to reduce male VAWG,¹³¹ should be ring-fenced nationally.

¹²⁵ <http://whatworks.college.police.uk/Research/Research-Map/Pages/ResearchProject.aspx?projectId=608> is completed; full publication is forthcoming; preliminary findings are available here:

<https://n8prp.org.uk/researching-police-responses-to-coercive-control/> Forthcoming research: Barlow, Johnson, (2018) 'Counting Coercive Control: Concerns and implications for the representation of gender-based violence and abuse in police recorded crime data', Journal of Criminology and Criminal Justice. (Under review), Barlow, Johnson (2018) Police Responses to Coercive Control. (Policy Briefing)

¹²⁶ Women's Aid Federation England Annual Survey 2017 <https://www.womensaid.org.uk/refuges-send-sos-response-governments-proposed-supported-housing-funding-plans/>

¹²⁷ Evidence submitted by Rape Crisis England and Wales for this report

¹²⁸ <https://www.gov.uk/government/publications/violence-against-women-and-girls-national-statement-of-expectations>

¹²⁹ <https://www.thebureauinvestigates.com/stories/2017-10-16/a-system-at-breaking-point>

¹³⁰ <http://forwarduk.org.uk/wp-content/uploads/2017/03/Forward-Bristol-Community-Booklet-FINAL-Web.pdf>

¹³¹ <http://www.bristol.ac.uk/primaryhealthcare/researchthemes/reprovide/group-intervention-for-men/> and <https://www.nice.org.uk/news/blog/bystander-interventions-a-new-approach-to-reduce-domestic-violence-in-universities>

Sexual harassment (SH)

97. 40% of women have experienced SH at work,¹³² 64% in public.¹³³ 64% of girls aged 13 and over experienced SH at school in 2017.¹³⁴ UK Parliaments acknowledge their own serious problems of SH, the result of sexist institutional cultures that have failed to apply robust policies.¹³⁵
98. In 2012 Everyday Sexism¹³⁶ began documenting women and girls' experiences online. In 2017 the revival of #MeToo led to multiple allegations, publicising the extent to which men in the UK - especially powerful men - can sexually harass women with impunity. **We recommend** the development in workplaces of bystander training and reporting protocols that signpost victims to independent, trained support, and regulation to prevent non-disclosure agreements silencing victims.
99. Women in insecure jobs (zero-hours contracts or the so-called 'gig economy') are most likely to experience SH at work.¹³⁷ Legislation prohibits victimisation of those complaining of, but, without job security, few complain. Much workplace SH is perpetrated by third parties, but in 2013 the Government repealed Section 40 of the Equality Act, which held employers liable for third party harassment. **We support** the Fawcett Society Sex Discrimination Law Review recommendation¹³⁸ that this legislation be reintroduced and strengthened. Some police forces record misogyny as hate crime,¹³⁹ raising awareness of the seriousness of SH; **we recommend** that this be rolled out.

No recourse to public funds

100. Nearly 10% of women refused refuge spaces had no recourse to public funds.¹⁴⁰ There is very limited specialist BAMER provision (29 refuges in the whole country). Many refuges have been taken over by generic housing associations, and lack the skills to support women facing domestic violence. The demise and de-skilling of the refuge sector is serious.

Disabled Women (DW) and VAWG¹⁴¹

¹³² <http://www.comresglobal.com/polls/bbc-sexual-harassment-in-the-work-place-2017/>

¹³³ <http://www.stopstreetharassment.org/2016/03/uknationshstudy/>

¹³⁴ Girlguiding's Girls' Attitudes Survey 2017 found 64% of girls aged 13-21 had experienced sexual violence or sexual harassment at school or college in the past year <https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girls-attitudes-survey-2017.pdf>

¹³⁵ Cross-Party Working Group on an Independent Complaints and Grievance Policy, February 2018

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-02-08/HCWS460/>

¹³⁶ <https://everydaysexism.com/>

¹³⁷ http://www.comresglobal.com/wp-content/uploads/2017/12/BBC-sexual-harassment_FINAL_v3.pdf

¹³⁸ <https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=e473a103-28c1-4a6c-aa43-5099d34c0116>

¹³⁹ <http://www.itv.com/news/westcountry/2017-10-16/avon-somerset-police-to-officially-recognise-gender-based-hate-as-a-crime/>

¹⁴⁰ Nowhere to Turn, Women's Aid Federation England, 2017 <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2017/07/NWTA-Full-report.pdf>

¹⁴¹ Sexual offences in England and Wales: year ending March 2017

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesinenglandandwales/yearendingmarch2017#which-groups-of-people-are-most-likely-to-be-victims-of-sexual-assault>

101. DW are more likely to be victims of sexual assault in the last 12 months than others (5.3% against 2.7%). There was no difference among men (1.0% against 0.8%). DW are significantly more likely to experience domestic abuse (and more frequently, more severely) than disabled men.¹⁴²
102. There is little research on DW's experience of violence. **We recommend** annual surveys, comparing DW's experiences and needs to the adequacy of women's specialist support services.
103. Lack of accessible specialist domestic and sexual violence services for DW is particularly concerning, considering their greater need. Providing personal care-assistants is vital; fear of institutionalisation often stops DW seeking help. DW leaving their local area for refuge may lose locally-funded care-packages (and their personal care-assistants): these must be portable.¹⁴³

¹⁴² Disability and domestic abuse: Risk, impacts and response, Public-health England, 2015, page 4, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/480942/Disability_and_domestic_abuse_topic_overview_FINAL.pdf

¹⁴³ Hague et al Disabled Women, Domestic Violence and Social Care: The risk of isolation, vulnerability and neglect. British Journal of Social Work, 2010.