



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org – cedaw@ohchr.org

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland at the Committee's fifty-fifth session, held in July 2013. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/GBR/CO/7). You may recall that in the concluding observations, the Committee requested the United Kingdom of Great Britain and Northern Ireland to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 23 of the concluding observations.

The Committee welcomes the follow-up report received on time in November 2015 (CEDAW/C/GBR/CO/7/Add.1) under the CEDAW follow-up procedure. At its sixty-fourth session, held in July 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 23** of the concluding observations that the State party “ensure effective access by women, in particular women victims of violence, to courts and tribunals”: The State party reported that it has removed the court application fee for obtaining protective injunctions. It added that, in 2014, it made a number of changes to the evidence requirements of domestic violence, extending the forms of evidence accepted and taking measures to make them easier to attain. It also amended the legislation to ensure that, once a particular form of legal aid has been granted, no further application is needed in order to receive legal representation for that case. It also indicated that it published, in 2015, revised guidance on applying for exceptional case funding, taking into account “recent court judgments which clarify the extent to which legal aid is required under the ECHR”. It further mentioned that, in a Parliamentary session in 2015, it proposed a residence test for applicants to civil legal aid in certain circumstances for victims of domestic violence and forced marriage. Moreover, it commenced, in June 2015, a post-implementation review of the introduction of employment tribunal fees, also examining the disproportionate impact on women, and made further changes including operational improvements and the addition of new offences to the list of domestic violence and child abuse offences. Finally, it indicated that it allocated significant funding to

His Excellency
Mr. Julian Braithwaite
Permanent Representative of the United Kingdom of Great Britain
and Northern Ireland to the United Nations Office at Geneva
Avenue Louis Casai 58
1216 Cointrin

E-mail: geneva_un@fco.gov.uk

provide support for female victims of violence, including rape, in 2015-2016. However, information before the Committee indicates that domestic violence victims may still be unable to provide proof of their experiences in the prescribed form and timeframe, due to the costs associated with particular forms of proof. The Committee has further received information that the Exceptional Cases Funding scheme is not functioning as intended because of its demanding application process and the strict interpretation of its eligibility criteria, and that there is no right of appeal against refusal of such Exceptional Cases Funding. It has also been informed of the decision of the Supreme Court, dated 19 April 2016, finding the State party's proposed residence test for receipt of legal aid to be unlawful. Moreover, alternative sources of information indicated that there have been no revisions to the Legal Aid, Sentencing and Punishment of Offenders Act of 2012, with regard to ensuring provision of legal aid for litigation concerning, among others, divorce, property disputes, housing and immigration matters, and that fees for employment tribunals are still in effect, which has resulted in a significant drop in the number of applications. The Committee welcomes the numerous initiatives taken by the State party to improve access by women, in particular women victims of violence, to courts and tribunals, including the repeal of court application fees for obtaining protective injunctions, the loosening of the evidentiary requirements for domestic violence victims to receive legal aid, the elimination of the residency requirement for victims of domestic violence and trafficking to receive legal aid, and the allocation of significant funding to provide support for women victims of violence. However, the Committee notes the persistence of serious obstacles that still hamper effective access to justice by all women. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “continuously assess the impact of the reforms of legal aid on the protection of women’s rights”: The State party reported that in October 2014, it announced significant funding to support separating couples and parents. It reiterated its expansion of the list of evidence that can be provided when applying for legal aid in cases of domestic violence, as well as having amended the criteria to receive exceptional case funding, in accordance with case law from the ECHR. The Committee welcomes the increased funding to support separating couples and parents, as well as the expansion of the list of evidence that can be provided when applying for legal aid in cases of domestic violence. However, the Committee notes that the State party neglected to provide details on any efforts made to continuously assess the impact of the legal aid reforms on the protection of women’s rights. The Committee considers that **it did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “protect women from informal community arbitration systems, especially those that violate their rights under the Convention”: The State party reported that it is undertaking a wide range of initiatives to facilitate and support equality for all women, to raise awareness of their rights, and to achieve more integrated communities. In this regard, it cited its programme to develop English language skills of “the most isolated in our communities”, the Near Neighbours Programme, which aims at supporting local projects that bring different faith and ethnic groups together, and the Muslim Marriage Working Group, which has been established to specifically consider what can be done to help address the issue of Muslim women who are left without legal protection by having non-legally valid religious marriage. The Committee welcomes the initiatives undertaken by the State party to provide English language training and offer an information-exchange platform for local communities. However, the Committee notes that the State party did not provide details on specific measures taken to protect women from informal community arbitration systems, especially those that violate their rights under the Convention. The Committee considers that **it did not receive sufficient information** to assess whether the recommendation has been implemented.

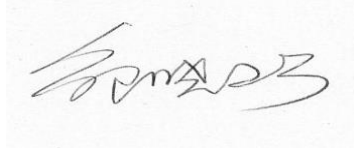
The Committee recommends that, in relation to paragraph 23 of the concluding observations, the State party provide, **in its next periodic report due in July 2017**, information on further actions taken to:

- 1) Ensure effective access by women, in particular women victims of violence, to courts and tribunals;
- 2) Continuously assess the impact of the reforms of legal aid on the protection of women's rights; and
- 3) Protect women from informal community arbitration systems, especially those that violate their rights under the Convention.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the United Kingdom of Great Britain and Northern Ireland on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women