



Women's equality in the UK – A health check

Shadow report from the UK CEDAW Working Group assessing the United Kingdom Government's progress in implementing the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

April 2013

Understanding and supporting
women and their organisations



About the Women's Resource Centre

WRC is a unique charity which supports women's organisations to be more effective and sustainable. We provide training, information, resources and one-to-one support on a range of organisational development issues. We also lobby decision makers on behalf of the women's not-for-profit sector for improved representation and funding.

Our members work in a wide range of fields including health, violence against women, employment, education, rights and equality, the criminal justice system and the environment. They deliver services to and campaign on behalf of some of the most marginalised communities of women.

There are over ten thousand people working or volunteering for our members who support almost half a million individuals each year.

For more information on our work, please contact:

Vivienne Hayes

Chief Executive

Email: admin@wrc.org.uk

Tel: 020 7324 3030

About the UK CEDAW Working Group

Following WRC's Seizing the Opportunities of CEDAW conference in London in March 2009, a UK CEDAW Working Group was established, made up of women's sector and human rights organisations from across the UK covering a variety of areas of work and expertise, and including the women who attended and were involved in the CEDAW 2008 examination. This group has met regularly since then to work towards producing the report as well as other work and support around CEDAW in the UK for the women's and voluntary sectors. This has included capacity-building training and events on CEDAW and its Optional Protocol across the UK, media work to raise the profile and understanding of international human rights instruments, and attending the CEDAW Pre-Session Working Group meeting in Geneva in October 2012.

More information on the work of the UK CEDAW Working Group can be found at:

<http://thewomensresource.tumblr.com>

Become a fan on facebook: www.facebook.com/TheWomensResourceUsingCEDAWToReachEquality

Follow on Twitter: twitter.com/womnsresource

Women's equality in the UK – A health check

**Shadow report from the UK CEDAW Working Group
assessing the United Kingdom Government's progress
in implementing the United Nations Convention on
the Elimination of All Forms of Discrimination Against
Women (CEDAW)**

April 2013

Published by the Women's Resource Centre

Women's Resource Centre

Ground Floor East, 33-41 Dallington Street, London, EC1V 0BB

Tel: 020 7324 3030 **Email:** info@wrc.org.uk **Web:** www.wrc.org.uk

Become a fan on facebook: www.facebook.com/whywomen

Follow us on Twitter: www.twitter.com/whywomen

Join the Women's Café: <http://thewomenscafe.ning.com/>

This report is available in other formats.
Contact the Women's Resource Centre on
020 7324 3030 or email info@wrc.org.uk

Contents

Page 6	Executive summary
Page 19	Introduction
Page 23	Article 1 - Overarching approach to the elimination of discrimination
Page 28	Article 2 - Legislative approach to obligations to eliminate discrimination
Page 36	Article 3 - The development and advancement of women
Page 44	Article 4 - Temporary special measures to accelerate equality
Page 46	Article 5 - Sex roles and stereotyping
Page 51	Article 6 - Exploitation of women
Page 61	Article 7 - Political and public life
Page 68	Article 8 - Women as international representatives
Page 69	Article 9 - Nationality
Page 84	Article 10 - Education and skills
Page 97	Article 11 - Employment and economic rights
Page 110	Article 12 - Healthcare and women's health
Page 129	Article 13 - Social and economic benefits
Page 148	Article 14 - Rural women
Page 152	Article 15 - Equality before the law and civil matters
Page 162	Article 16 - Equality in marriage and family law
Page 170	General Recommendation 19 - Violence against women and girls
Page 195	Annex 1 - The Devolved Administrations
Page 199	Annex 2 - The UK's relationship with the Crown Dependencies and Overseas Territories
Page 201	Annex 3 - UK reservations and declarations under CEDAW
Page 202	Annex 4 - Glossary of acronyms
Page 205	Annex 5 - Acknowledgements

Appendices (online only)

- Appendix 1:** Impact of the economic crisis on women's equality
- Appendix 2:** Gender analysis of HM Treasury and tax revenue
- Appendix 3:** National women's machinery
- Appendix 4:** UK women's voluntary and community sector
- Appendix 5:** Funding for specialist violence against women and girls services
- Appendix 6:** Cuts to the Equality and Human Rights Commission
- Appendix 7:** Health of migrant, refugee and asylum seeking women
- Appendix 8:** Women with 'no recourse to public funds'
- Appendix 9:** Lesbian and bisexual women in the asylum system
- Appendix 10:** Women migrant workers
- Appendix 11:** Abortion and contraception education
- Appendix 12:** English for Speakers of Other Languages
- Appendix 13:** Women's participation in the labour market
- Appendix 14:** Women's unemployment
- Appendix 15:** Lone parents
- Appendix 16:** Equal pay
- Appendix 17:** Work and maternity
- Appendix 18:** Childcare
- Appendix 19:** Women and pensions
- Appendix 20:** NHS reforms
- Appendix 21:** Violence against women and girls and health
- Appendix 22:** Women's mental health
- Appendix 23:** Cancer screening
- Appendix 24:** Women living with HIV/AIDS
- Appendix 25:** Women and sport
- Appendix 26:** Housing and homelessness
- Appendix 27:** Women in the criminal justice system
- Appendix 28:** Legal aid
- Appendix 29:** Forced marriage
- Appendix 30:** Post separation abuse
- Appendix 31:** Faith based organisations and legal arbitration
- Appendix 32:** Violence against women and girls and the law
- Appendix 33:** Female Genital Mutilation
- Appendix 34:** Non-state torture
- Appendix 35:** International work to address violence against women and girls overseas
- Appendix 36:** General Recommendation 18 – Disabled women
- Appendix 37:** Jersey Community Relations Trust Contribution to the Women's Resource Centre, CEDAW Shadow Report

Annex 6 - Recommendations

Annex 7 – Bibliography

Available at: <http://thewomensresourcecentre.org.uk/our-work/cedaw/cedaw-shadow-report/>

Executive summary

During the last reporting period, 2008-2013, the United Kingdom Government's equality policy has yielded only partial results. Many of the crucial issues raised by the CEDAW Committee in the 2008 examination remain unmet and there has been regression in some key areas. The Government has made declarations supporting equality and human rights but has reduced the UK's national women's and equality machinery, (P36) as well as reducing the department with this responsibility. Equally as concerning is the current threat to UK human rights protections offered to women via the Human Rights Act,¹ which Government ministers have threatened to repeal. Although there has been welcome legislation, often the implementation has been inadequate or there have been reservations about it in terms of the impact on women's rights in practice. In general policy changes have been regressive for women's rights. The Government has done little to promote public awareness of CEDAW or to mainstream gender equality across Government and inequality remains in many areas of society.

As the Government admit themselves in their 7th Periodic Report,² progress does not go far enough in terms of realising substantive gender equality. In 2010, the Government undertook a comprehensive spending review which has resulted in severe reductions in public spending which impacts disproportionately on women.³ (P33 para 2.20) The Government's policies have had a negative impact on many women through the loss of jobs, income and services. Additional measures announced will intensify those losses for all but the richest women and fail to understand the immediate substantive impacts on women's lives.⁴

Gender stereotypes abound in all areas of society and intersectional discrimination against women who have diverse and intersecting identities under a number of 'protected characteristics'⁵ is also commonplace. There still is a frustrating lack of continuous monitoring and periodical evaluation of the implementation of laws and measures, and in the collection and evaluation of disaggregated data to ensure that these are meeting women's diverse needs. (P40 para 3.21)

The lack of implementation of a gender-sensitive framework of equality and non-discrimination in the UK continues to impact negatively on women's lives. The material effects of this include:

- the continued failure to address the high level of violence against women and girls (VAWG), and the embedded causes of this, and to sustainably fund specialist dedicated women-only services for these women (P182 para 19.46)
- the reduction in legal support and access to justice for women suffering discrimination and violence (P156 para 15.17)
- welfare reforms which are pushing more women into poverty and insecurity (P133 para 13.17)
- the inadequacies of healthcare support and provision for women (P113 para 12.15)
- the incomplete support for women with 'no recourse to public funds' (P76 para 9.25) and refugee and asylum seeking women (P69 para 9.7)

1. Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>

2. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

3. The Fawcett Society (2011) The Impact of Austerity on Women. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

4. Women's Budget Group (2012) The Impact on Women of the Autumn Financial Statement 2011. WBG: London <http://wbg.org.uk/pdfs/The-Impact-on-Women-of-the-AFS-2011.pdf> and Women's Budget Group (2013) The impact on women of Budget 2013: A Budget for inequality and recession. WBG: London http://wbg.org.uk/pdfs/WBG_Budget-Analysis_2013.pdf

5. Under the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

- the continued discrimination against women in the labour market in terms of opportunities and equal pay (P101 para 11.14)
- the continued under-representation of women in politics and decision making positions and the lack of success of measures attempting to address this. (P61 para 7.1)

In their report and response to the first list of issues and questions from the CEDAW Committee,⁶ the Government focus on efforts rather than results. These responses also include information about international achievements which although welcome, have no impact on their responsibilities in the UK and have not been replicated domestically. The UK may be seen as providing an example of achievement in terms of the laws and regulations supporting women's human rights and equality in general. However, the reality for women living in the UK is that there is incomplete realisation of these rights and serious attitudinal and behavioural barriers to substantive equality for all women.

The following is a list of critical issues based on concerns raised in the UK NGO CEDAW Shadow Report 2013 *Women's equality in the UK – A health check*. This list has been adapted from the list provided to the CEDAW Committee by NGOs⁷ at the CEDAW Committee's Pre-session Working Group meeting in October 2012. Many of these issues unfortunately remain relevant. We also endorse the other shadow reports produced by our sister organisations in the UK and from the Devolved Administrations.⁸ We link to these in the report to avoid duplication. Questions and recommendations to the UK Government appear below and throughout the report.

Article 1 – Elimination of discrimination:

The reservation to Article 1 undermines CEDAW's implementation in the UK⁹ and shows a lack of commitment to substantive equality for women. The Government rarely acknowledges the Convention in its consultations, legislation and policies. The Equality Act 2010¹⁰ is an example of a significant piece of legislation in which there is no mention of the Government's commitment to, or obligations under, the Convention.

Achievements in gender equality are being eroded in many cases by regressive policies which disproportionately affect women. For example, a report evidencing the impacts of the UK Government's austerity measures upon women in the North East of England highlights the devastating impacts of austerity measures and welfare reforms upon already unacceptable levels of gender inequality.¹¹ Although some services have been funded nationally, the devolution of power to Local Authorities and cuts to their budgets has meant that many of the

6. CEDAW 55th session (2013) List of issues and questions with regard to the consideration of periodic reports: United Kingdom of Great Britain and Northern Ireland. Addendum: Replies of United Kingdom of Great Britain and Northern Ireland to the list of issues to be taken up in connection with the consideration of its seventh periodic report, 5th February 2013 <http://www2.ohchr.org/English/bodies/cedaw/docs/CEDAW.C.GBR.Q.7.Add.1.pdf>

7. UK CEDAW Working Group (2012) First list of critical issues facing women in the United Kingdom, Submitted to the Committee on the Elimination of Discrimination Against Women and prepared by the CEDAW Working Group UK. Women's Resource Centre: London

8. See Women's Equality Network Wales (2012) Submission to the Committee on the Convention for the Elimination of all Forms of Discrimination against Women, WEN Wales response. WEN Wales: Burry Port <http://wenwales.org/wp-content/uploads/Submission-to-the-Committee-on-CEDAW-formatted-version-final.pdf> as well as reports from Engender, the Scottish Women's Convention, Northern Ireland Women's European Platform, the Jersey Community Relations Trust (Appendix: 37), the Equality and Human Rights Commission, Equality Commission Northern Ireland, Northern Ireland Human Rights Commission and Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

9. This also includes the Crown Dependencies and Overseas Territories of the United Kingdom.

10. Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

11. North East Women's Network (2012) Findings and recommendations from interim case study: The impact of austerity measures upon women in the North East of England, October 2012 and updated April 2013. NEWomen's Network and Women's Resource Centre <http://www.newomens.net/index.php/research-leftmenu-56>

organisations that are needed to support women and improve equality¹² have had to close or their funding has been severely cut at the local level¹³ as demand for these services increases. (P39 para 3.15)

How is the Government “taking action in key areas where there are persistent inequalities compared to the experiences of men” as described in their report, ¹⁴ when many policies are disproportionately impacting on women?

Recommendations:

- **Remove reservation to Article 1**
- **Ensure that that all levels of government are compliant with the UK’s CEDAW obligations, and the principles of sex equality and non-discrimination¹⁵ and that devolution and localism does not reduce progress**
- **Ensure that there is a resourced infrastructure that enables women to come together across the UK to discuss issues relating to gender equality, to develop policy and, setting its own agenda, to bring an independent voice to government**

Article 2 – Obligations to eliminate discrimination:

Legislation, such as the Equality Act, is not routinely monitored for its impact and protection in law across the UK is inconsistent. The new Public Sector Equality Duty¹⁶ is already being reviewed with the possibility of abolition. Legislation to improve gender equality, such as the Equal Pay Act¹⁷ and laws on crimes against women, is often difficult to uphold and does not result in substantive change. The mainstreaming of gender equality, despite the Equality Act, is still insufficient.¹⁸ There are significant differences in legal protection for women in different parts of the UK.¹⁹ There have also been severe cuts to the Equality and Human Rights Commission, an A-rated National Human Rights Institution, which has compromised its capacity to monitor, enforce and promote women’s equality. (P38 para 3.14)

How does the Government’s decision not to produce statutory guidance covering the whole of the UK, and to cut the budget of the Equality and Human Rights Commission, support compliance with the Equality Act?

Recommendations:

- **A gender equality impact assessment of the programme of public funding cuts should be carried out alongside an assessment of economic strategy from a gender equality perspective**

12. Women’s Resource Centre (2011) Hidden Value: Demonstrating the extraordinary impact of women’s voluntary and community organisations. WRC: London http://thewomensresourcecentre.org.uk/wp-content/uploads/hidden_value_wrc_sroi_report_2011_22.pdf

13. Towers, J. and Walby, S. (2012) Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls. Trust for London: London <http://www.trustforlondon.org.uk/FullVAWGReport.pdf>

14. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom’s Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

15. CEDAW General Recommendation No. 28 The Core Obligations of States Parties under Article 2 of CEDAW (forty-seventh session, 2010) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>

16. Equality and Human Rights Commission (2012) The Essential Guide to the Public Sector Equality Duty. EHRC: London http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/essential_guide_update.pdf

17. Equal Pay Act 1970 <http://www.legislation.gov.uk/ukpga/1970/41>

18. Equality and Human Rights Commission (2012) Making Fair Financial Decisions Final Report. EHRC: London <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/section-31-assessment-of-hm-treasury/the-assessment-final-report/>

19. For example, in the Public Sector Equality Duty: see Equality Act 2010: Guidance <https://www.gov.uk/equality-act-2010-guidance> Accessed: 25/03/13

- **Develop a common model of analysis, for national and local government, and public bodies, to predict the likely equality effects of policy including gender responsive budgeting**

Article 3 – Development and advancement of women:

The Government's austerity programme is producing cuts which are reducing women's access to rights, justice and support.²⁰

The lack of disaggregated data and a reduction in the collection of information, such as the census, means that the true picture of women's inequality is not known and so cannot be addressed appropriately now or in the future. (P41 para 3.23)

What impact will the reduction in data collection have on the ability to analyse the impact of government policies on women and on intersectional inequality including ethnicity, migration status, disability, sexuality and age?

Recommendations:

- **The needs of women within a particular locality need to be assessed in order to develop local strategies to address discrimination and enable appropriate provision of services**
- **Given the negative rhetoric around human rights, the UK Government must ensure that the vital rights and mechanisms contained in the Human Rights Act, which provide important protections for women and girls, will remain in force**

Article 4 – Special measures to accelerate equality:

The CEDAW principles on temporary special measures and General Recommendation 25 have not been fully utilised. Several of these measures have officially been announced but not made compulsory. Our analysis shows that the Government is not prepared to introduce binding temporary measures.²¹ (P44 para 4.6 and P65 para 7.16)

Article 5 – Sex roles and stereotyping:

Recent government policies reinforce gender stereotypes, such as the introduction of Universal Credit, which will increase incentives for the primary rather than the secondary earner within a couple.²² (P134 para 13.21)

Despite an inquiry²³ into the culture, practices and ethics of the media which highlighted the way women continue to be objectified and sexualised,²⁴ the Government has failed to provide guidelines to establish a regulatory regime for ethical media.

What measures will the Government take in order to challenge gender based stereotyping in the media? How will it combat sexist advertising and media representation and include private industry in these efforts?

20. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

21. For example Fontanella-Khan, J. (2012) 'UK fights Brussels on female board quotas', Financial Times, 4th September 2012 <http://www.ft.com/cms/s/0/b4146a14-f6b6-11e1-827f-00144feabdc0.html#axzz20Bj6nD7B>

22. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

23. The Leveson Inquiry <http://www.levesoninquiry.org.uk/> Accessed: 21/03/13

24. End Violence Against Women Coalition (2012) Final submission to the Leveson Inquiry. EVAW: London <http://www.endviolenceagainstwomen.org.uk/preventing-violence-against-women-media-152>

Article 6 – Trafficking and sexual exploitation of women:

The Government lacks a clear position on the status of prostitution. This results in fragmented and sometimes contradictory responses. A criminal, policing and immigration focus predominates over the provision of exiting strategies that support women, or the effective tackling of demand.²⁵ (P56 para 6.22)

The Government remains focused on immigration and border control in its strategy to combat trafficking, at the expense of the women it claims it is trying to protect.²⁶ (P51 para 6.3)

Migrant domestic workers are particularly vulnerable to exploitation, trafficking and abuses of their human rights; however the UK Government has introduced regressive immigration measures that will make domestic workers far more vulnerable to this kind of abuse.²⁷ (P59 para 6.31)

Recommendations:

- **Review trafficking legislation and policy to ensure victims are identified and adequately supported and to ensure that a consistent and rights-based approach to women who have been trafficked is adopted**
- **Sign and ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families²⁸**

Article 7/8 – Public life and leadership:

Women's equal participation in public, political and cultural institutions is pivotal in the advancement of women. However, the presence of women in political and public life is still not sufficient and needs to be addressed further. The UK continues to be run largely by men²⁹ with the key top positions in public life within the political parties, government, public bodies, regional and Local Authorities, the judiciary, police, private and public sectors held by men.³⁰

The poor presence of women in key decision making bodies is in part due to practical barriers such as difficulties in balancing work and family life, and the costs of standing for election. However, these are often compounded by cultural barriers such as discrimination that women routinely face, for example within the world of politics from the selection stage to their opportunities to progress within parliament. The most recent Westminster Cabinet reshuffle has exacerbated this.³¹ (P61 para 7.2)

What steps will the Government take to ensure an increase in women's representation at all levels of decision making? What pace and level of change does it expect the voluntary approach to improving women's representation to achieve, and what action will it take should this be insufficient?

25. Eaves for women and London South bank University (2012) PE:ER Project Prostitution exiting: Engaging through research. (Funded by Big Lottery) forthcoming

26. Anti Trafficking Monitoring Group (ATMG) (2010) Wrong kind of victim? One year on: An analysis of UK measures to protect trafficked persons. http://www.antislavery.org/includes/documents/cm_docs/2010/a/1_atmg_report_for_web.pdf

27. Lalani, M. (2011) Ending the Abuse: Policies that work to protect migrant domestic workers. Kalayaan: London <http://www.kalayaan.org.uk/documents/Kalayaan%20Report%20final.pdf>

28. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-13&chapter=4&lang=en

29. Centre for Women and Democracy (2013) Sex and Power 2013: Who runs Britain? Counting Women In Coalition: London http://www.countingwomenin.org/wp-content/uploads/2013/02/Sex-and-Power-2013-FINALv2.-pdf.pdf?utm_medium=email&utm_source=WRC&utm_campaign=2282094_WRC+March+e-news&dm_i=4DW,1CWVI,BQJQT,4LVG0,1

30. Cracknell, R. (2012) Women in Public Life, the Professions and the Boardroom. House of Commons Library <http://www.parliament.uk/briefing-papers/SN05170>

31. Martinson, J. (2012) 'Cabinet reshuffle: a good day for Maria Miller but a bad day for women', The Guardian, 4th September 2012 <http://www.guardian.co.uk/politics/the-womens-blog-with-jane-martinson/2012/sep/04/cabinet-reshuffle-maria-miller-women>

Article 9 – Nationality:

One third of people applying for asylum in the UK each year are women. Despite what the Government has highlighted in its report, evidence shows that gender issues are not fully considered in the asylum system. The failure of the UK Border Agency to reach fair, sustainable decisions has a disproportionate effect on women,³² many of whom are left isolated and vulnerable by an unfair asylum system.³³ (P70 para 9.8) Despite positive work on VAWG internationally, it is contradictory that the UK's own asylum policies place at risk those women who have fled such violence overseas to find safety in the UK.³⁴

More women are likely to enter the UK in an irregular way and there are fewer channels for women to migrate independently, therefore they are placed in a position of dependency and are vulnerable to violence and sexual abuse. Recent changes to family migration policy will make it significantly harder for women to enter the country lawfully, or, once here, to escape violent and exploitative situations.³⁵ (P77 para 9.28) The withdrawal of legal aid from immigration will also make it harder for women to challenge negative decisions. The issues affecting specific categories of migrants, including women with 'no recourse to public funds' who are not covered by the new Destitution Domestic Violence Concession,³⁶ also need to be addressed.³⁷ (P76 para 9.25) No woman should be made destitute as a result of government policy.

Recommendations:

- **Integrate gender equality and the protection of women's rights in all aspects of the asylum process and immigration policy, including in relation to cuts in funding for immigration cases**
- **Ensure that Immigration Judges have appropriate guidance for making decisions on women's asylum cases including those involving gender-based persecution**
- **Extend the Destitution Domestic Violence Concession to all women who are subjected to domestic violence or abuse and immigration control so that they are exempt from the restriction on access to public funds and health and social care services**

Article 10 – Education and skills:

Human rights, and particularly women's and children's human rights, are not included in the core curriculum and there is no compulsory sexual health and relationships education.³⁸ (P88 para 10.18) There is also no coherent, nationwide plan to address sex discrimination and VAWG through the school curriculum.

Cuts to education budgets have led to cuts in services in schools for children with special needs

32. Asylum Aid (2011) *Unsustainable: The quality of initial decision making in women's asylum claims*. <http://www.asylumaid.org.uk/data/files/publications/151/UnsustainableWEB.pdf>; UK Border Agency (2011) *Quality and Efficiency Report: Thematic Review of Gender Issues in Asylum Claims*; UNHCR (2008) *Quality Initiative Project Fifth Report to the Minister*. UNHCR: London http://www.unhcr.org.uk/fileadmin/user_upload/pdf/QL_Fifth_Report.pdf

33. Dorling, K. et al (2012) *Refused: the experiences of women denied asylum in the UK*. Women for Refugee Women: London <http://www.refugeewomen.com/images/refused.pdf>

34. Crawley, Heaven et al. (2011) *Coping with destitution, survival and livelihood strategies of refused asylum seekers living in the UK*. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/coping-with-destitution-survival-and-livelihood-strategies-of-refused-asylum-se-121667>

35. See *Rights of Women* (2011) *Silenced voices speak: strategies for protecting migrant women from violence and abuse*. http://www.rightsofwomen.org.uk/pdfs/Policy/Silenced_voices_speak-strategies_for_protecting_migrant_women_from_violence_and_abuse.pdf

36. Campaign to Abolish No Recourse to Public Funds (2012), *Press Release: Campaign to Abolish No Recourse to Public Funds Celebrates Victory; Home Office Concession for Destitute Victims of Domestic Violence*. <http://www.southallblackisters.org.uk/campaign-celebrates-victory-for-victims-of-domestic-violence/>

37. See *Women's Resource Centre*, *No recourse to public funds* <http://thewomensresourcecentre.org.uk/our-work/no-recourse-to-public-funds/> Accessed: 16/04/13

38. Paton, G. (2011) 'Coalition shelves Labour plan for compulsory sex education', *The Telegraph*, 16th September 2011 <http://www.telegraph.co.uk/education/educationnews/8768980/Coalition-shelves-Labour-plan-for-compulsory-sex-education.html>

or mental health problems which has impacted on women as primary carers.³⁹ (P84 para 10.2)

Many of the cuts to Further and Higher Education have had a disproportionate impact on women, preventing particularly ethnic minority women, those who have children, are from poorer backgrounds and/or are mature students, from gaining educational qualifications.⁴⁰ (P91 para 10.31 and P94 para 10.43) These women may see their earning potential and job prospects reduced as a result. Cuts to English for Speakers of Other Languages (ESOL) classes also have a large impact on women.⁴¹ (P95 para 10.47)

Recommendation:

Take measures to mitigate the disproportionate effect of education cuts on women and to mainstream gender equality curricula across all levels of education

Article 11 – Employment and economic rights:

The Government claims that there are “historically high numbers of women in employment”,⁴² however, this must be taken in the context of more women of ‘working age’ in the UK than ever before – due to increasing population and an increase in State pension age for women. Furthermore, evidence shows that women’s unemployment is at a 25 year high⁴³ and public sector cuts are seeing women out of work in their thousands. (P99 para 11.8) Barriers to work are increasing for women as childcare costs are among the highest in the European Union and welfare payments are reduced creating a working poor.⁴⁴ (P108 para 11.39)

There are still high rates of pregnancy discrimination which leave many women without access to maternity leave and pay, and render laws designed to protect the health and wellbeing of pregnant workers ineffective.⁴⁵ (P105 para 11.32) Changes to employment rights are also reducing women’s access to redress.⁴⁶ (P106 para 11.36)

The gender pay gap remains significantly larger in the private sector than in the public sector. The percentage of women in business management positions has also remained unchanged and marginal.⁴⁷ (P65 para 7.13) The Government has limited itself to voluntary agreements with private industry which are clearly ineffective.

Recommendations:

- **Introduce measures to promote women’s equal opportunities in employment and pay in the provision of physical infrastructure (roads, rail and digital) including**

39. BBC News (2011) ‘Special needs support promises more parent power’, BBC News Education and Family, 10th March 2011 <http://www.bbc.co.uk/news/education-12677259>
40. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>
41. Moore, K. (2011) “Women affected most” by English language funding cuts’, BBC News London, 18th May 2011 <http://www.bbc.co.uk/news/uk-england-london-13412811>
42. CEDAW 55th session (2013) List of issues and questions with regard to the consideration of periodic reports: United Kingdom of Great Britain and Northern Ireland. Addendum: Replies of United Kingdom of Great Britain and Northern Ireland to the list of issues to be taken up in connection with the consideration of its seventh periodic report, 5th February 2013 <http://www2.ohchr.org/English/bodies/cedaw/docs/CEDAW.C.GBR.Q.7.Add.1.pdf>
43. Saner, E. (2012) ‘Female unemployment crisis’, The Guardian, 20th February 2012 <http://www.guardian.co.uk/society/2012/feb/20/female-unemployment-crisis-women>
44. O’Connell, J. (2012) ‘Soaring childcare costs see parents working for nothing’, The Guardian, 1st September 2012 <http://www.guardian.co.uk/money/2012/sep/01/soaring-childcare-costs-work-nothing>
45. Ward, R. (2011) Health and equality impacts of well paid parental leave. Women’s Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave20111.pdf>
46. XpertHR, Settlement provisions and employment tribunal system to be reformed <http://www.xporthr.co.uk/article/107972/employment-tribunal-system-to-be-reformed.aspx?mid=35,35> Accessed: 16/04/13
47. Sealy, R. and Vinnicombe, S. (2013) The Female FTSE Board Report 2013: False dawn of progress for women on boards? Cranfield International Centre for Women Leaders <http://www.som.cranfield.ac.uk/som/dinamic-content/media/Research/Research%20Centres/CICWL/FTSEReport2013.pdf>

investment in social infrastructure (education, care and health services) as this generates jobs for women

- **Introduce mandatory equal pay audits for all employers and measures to guarantee a living wage**
- **Explore investing in a national system of universal childcare to create jobs (in a sector in which women are over-represented), which would help to make employment financially worthwhile for second earners and single parents (both more likely to be women). This would also address in-work poverty and ensure that women are not discouraged from entering employment because of the high cost of childcare**

Article 12 – Healthcare and family planning:

Women's health issues are still not adequately addressed.⁴⁸ Issues such as mental health and VAWG⁴⁹ are not understood and the long-term impacts of these are not dealt with. The changes to the National Health Service (NHS) will have a significant impact on women who rely on these services most, for example the cuts in maternity and care services.⁵⁰ (P124 para 12.54)

The health issues affecting certain groups of women because of their immigration status,⁵¹ (P114 para 12.18) ethnicity,⁵² (P113) women in prison⁵³ (P126 para 12.59) or those living in poverty,⁵⁴ are acute and cannot be ignored.

How will the Government address the current inadequacies of provision and support for women in healthcare and ensure that women have access to rights-based, patient-centred and quality healthcare when changes are made to the NHS?

Recommendations:

- **For the Government to effectively tackle the health issues women and girls face, it must consider the diverse experiences of women's lives, including poverty, sexual violence and abuse, reproduction etc. and understand how these experiences impact on women's health and wellbeing. This must include a cross-government approach which gathers and analyses data on women from different equalities groups**
- **VAWG needs to be a Department of Health strategic priority, integrated into strategies such as the national Sexual Health Programme⁵⁵**
- **Women's health and social care needs must form an integral part of the Department of Health's strategic framework through statutory guidance to Clinical Commissioning Groups on how to proactively fund and commission from the women's voluntary sector**

48. Women's Health and Equality Consortium (2011) Why women's health? WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>

49. Women's National Commission (2010) A Bitter Pill To Swallow: Report from WNC Focus Groups to inform the Department of Health Taskforce on the Health Aspects of Violence Against Women and Girls. WNC: London <http://wnc.equalities.gov.uk/work-of-the-wnc/violence-against-women/news-and-updates/309-a-bitter-pill-to-swallow-report-from-the-wnc-focus-groups.html>

50. Bragg, R. (2012) 'How cuts to maternity services are threatening health and care' False Economy, 20th July 2012 <http://falseeconomy.org.uk/blog/how-cuts-to-maternity-services-are-threatening-care>

51. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

52. Southall Black Sisters (2011) Safe and Sane: A Model of Intervention on Domestic Violence and Mental Health, Suicide and Self-harm Amongst Black and Minority Ethnic Women. SBS: London <http://www.southallblacksisters.org.uk/reports/safe-and-sane-report/> and

Vale, S. (2012) 'Gypsy and Traveller women in the UK – Ethnic minority women', The Women's Resource blog, 8th December 2012 <http://thewomensresource.tumblr.com/post/37466483604/gypsy-and-traveller-women-in-the-uk-ethnic-minority>

53. Prison Reform Trust (2011) Bromley Briefing Prison Factfile, December 2011. PRT: London <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefing%20December%202011.pdf>

54. UCL Institute of Health Equity (2010) Fair Society, Healthy Lives: Strategic Review of Health Inequalities in England Post-2010 (The Marmot Review). UCL: London <http://www.instituteoftheequity.org/projects/fair-society-healthy-lives-the-marmot-review>

55. Public Health England, Sexual Health Programme <http://www.hpa.org.uk/web/HPAweb&Page&HPAwebAutoListName/Page/1201094614842> Accessed: 16/04/13

Article 13 – Social and economic benefits:

The changes to the welfare system will have hugely disproportionate impacts on women and force many into financial insecurity, poverty and even homelessness.⁵⁶ (P140 para 13.40) £14.9bn worth of cuts per year have been made to welfare payments: 74% from women's incomes.⁵⁷ A survey in 2012 found that, as a result of reduced incomes, one in five mothers miss meals so that their children can eat.⁵⁸

The impact on certain groups of women is particularly acute; single mothers, disabled, older and ethnic minority women see their incomes and services reduced as the cost of living increases. The introduction of Universal Credit in particular threatens to significantly reduce the incomes of 150,000 of the UK's poorest single working mothers and actively discourage mothers in couples from seeking paid employment where their partner is already in work/is seeking work.⁵⁹ (P134 para 13.23)

How will the Government ensure that the disproportionate impact of its welfare policies on women, in particular single mothers, is mitigated? Will it conduct full gender equality impact assessments of the cuts to welfare and other measures in future spending announcements?

Recommendations:

- **Ensure that the introduction of Universal Credit does not increase gender inequality and trap women in poverty and violence by reducing their economic independence**
- **The Treasury must adhere to the requirements of domestic equality law to assess both the individual and cumulative impact of all future tax and benefit changes on equality between women and men and seek to continually improve its data collection and models of analysis so the impacts of policies are fully understood and appropriately addressed**

Article 14 – Rural women:

Rural women face a lack of services exacerbated by cuts to transport services which leave many women isolated. (P148 para 14.4)

Gypsy, Traveller and Roma women are a specifically marginalised group particularly in terms of education, employment, housing, healthcare and gender based violence.⁶⁰ (P117 para 12.26) This issue has been raised internationally with various recommendations made to the Government which have been largely ignored and the Ministerial Working Group in this area has so far taken a gender neutral approach.

Recommendations:

- **Ensure that cuts to public services, such as cuts to public transport, and lack of internet access in rural areas do not restrict women's access to essential services**

56. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

57. The Fawcett Society (2011) The Impact of Austerity on Women. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

58. Netmums (2012) Feeling the Squeeze survey results http://www.netmums.com/files/Feeling_the_Squeeze_Survey_Summary.pdf

59. Save the Children (2012) Ending Child Poverty: Ensuring Universal Credit supports working mums. <http://www.savethechildren.org.uk/resources/online-library/ending-child-poverty-ensuring-universal-credit-supports-working-mums>

60. See Irish Traveller Movement in Britain (2011) Traveller Women's Community Development Programme: A social return on investment (SROI) evaluation. ITMB: London http://irishtraveller.org.uk/wp-content/uploads/2012/02/Irish_Traveller_movement_SROI_-_Evaluation21.pdf

and increase the marginalisation of certain groups

- **Introduce policy measures to effectively address the housing crisis which disproportionately affects Gypsy and Traveller women**

Article 15 – Equality before the law and civil matters:

There are various barriers⁶¹ to women reporting crime and accessing the criminal justice system and this is exacerbated for particular groups of women, such as disabled, migrant and lesbian and bisexual women.

Access to legal aid is a vital lifesaving resource for many women. Even with some concessions made, the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012⁶² disproportionately affects the most marginalised women and lays waste to access to justice in the UK. (P157 para 15.21) This fundamentally breaches CEDAW and other international convention obligations, and makes the Optional Protocol inaccessible, by reducing redress for women suffering discrimination and violence.⁶³

The 2007 Corston report⁶⁴ called for strategic progress on the women’s criminal justice agenda, eliminating discrimination and addressing the multiple and complex needs of women offenders and those at risk of offending, as recognised by CEDAW in 2008. However, these are yet to be realised, and disadvantaged women are doubly victimised by being left without access to justice. (P160 para 15.32)

How does the Government justify the increasing numbers of women jailed for minor offences, and lack of diversion of women with mental health problems from prison into therapeutic care?

Recommendations:

- **Monitor and mitigate the impact on women’s access to justice of the deepening crisis in publicly funded legal work and the cost of applying to an employment tribunal⁶⁵ or taking legal action**
- **Prioritise the continuing improvement of victim experiences in the criminal justice system. Train frontline professionals and adopt special mechanisms to improve the support provided to women throughout the criminal and civil law processes to increase women’s confidence in those processes**
- **Adopt a national action plan on women in the criminal justice system building on the Corston report and bringing together different government departments to coordinate a holistic response. The causes of women’s offending must be targeted and gender-sensitive policies, strategies and programmes for women in prisons developed**

61. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

62. Legal Aid, Sentencing and Punishment of Offenders Act 2012 <http://www.legislation.gov.uk/ukpga/2012/10/schedule/1/part/1/enacted>

63. National Federation of Women’s Institutes (2011) Legal Aid is a Lifeline: Women speak out on the legal aid reforms. NFWI: London <http://thewi.org.uk/campaigns/current-campaigns-and-initiatives/no-more-violence-against-women/take-action>

64. Corston, J. (2007) A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the Criminal Justice System. Home Office: London <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

65. Para 34 of CEDAW General Recommendation 28 requires States Parties to ensure that women can complain of discrimination and “have recourse to affordable, accessible and timely remedies, with legal aid and assistance as necessary...” etc. CEDAW General Recommendation No. 28 The Core Obligations of States Parties under Article 2 of CEDAW (forty-seventh session, 2010) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>

Article 16 – Family life:

Various measures are threatening the equality of women in terms of marriage and family law e.g. Universal Credit, cuts to legal aid, lack of affordable childcare, changes to family courts.⁶⁶ (P167 para 16.22)

Forced marriage has been criminalised. This decision was taken against the advice of many women's rights experts, out of concern that it may lead to lower reporting rates rather than the support of at-risk women.⁶⁷ (P162 para 16.4)

What will the Government do to address the significant gaps in specialist minority ethnic and refugee support services including crisis-based accommodation, ongoing and consistent case-work support, outreach, resettlement and therapeutic support needs of women and girls who experience forced marriage? How will it ensure that Local Authorities include forced marriage as a strategic priority within local VAWG/ domestic violence strategies?

Recommendations:

- **Women must have access to public funding (legal aid) to obtain justice and protection in the family courts**
- **Sure Start Children's Centre services must be protected by reinstating the ring-fence to the Sure Start grant**

General Recommendation 19 – Violence against women and girls:

VAWG is a persistent and pervasive problem in the UK which leads to high costs to women and their families and to the Government.⁶⁸ (P170 para 19.5) Despite various strategies and commitments there has been insufficient effective action to prevent and reduce VAWG and new policies have put women in further danger and, with a few exceptions,⁶⁹ reduced what little support is available. Without addressing the underlying causes of VAWG, the wide ranging consequences cannot be dealt with. There is a need for more comprehensive implementation and resourcing for the VAWG *Action Plan*⁷⁰ that is government-wide and reflects women's intersectional identities. New localised commissioning structures are forcing the specialist women's VAWG sector into competition with generic services leading to the loss of women-only spaces and expertise in the gendered dynamics of sexual violence. (P182 para 19.47)

Government action on female genital mutilation (FGM) is inadequate, piecemeal and fails to include clearly resourced targets on prevention, provision and prosecution. Despite evidence of the extent of the practice⁷¹ (P186 para 19.61) which is illegal under the FGM Act 2003,⁷² there

66. Ministry of Justice (2012) Family Justice Review: Government Response. <https://www.gov.uk/government/publications/family-justice-review-government-response>

67. Carter, H. (2012) 'Criminalisation of forced marriage 'will push issue underground', The Guardian, 8th June 2012 <http://www.guardian.co.uk/world/2012/jun/08/criminalisation-forced-marriage-push-issue-underground>

68. Hirsch, A. (2008) 'Domestic violence 'costs £5.8bn'', The Guardian, 25th November 2008 <http://www.guardian.co.uk/lifeandstyle/2008/nov/25/gender-economy-domestic-violence-women>

69. Rape Crisis (England and Wales) (2011) 'Press release: Government funding announced', Rape Crisis website, 28th January 2011 http://www.rapecrisis.org.uk/news_show.php?id=51

70. Home Office (2013) Call to End Violence against Women and Girls: Action Plan 2013. HM Government <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan-2013?view=Binary>

71. For example in 2012 it was found that more than 2,100 women and girls in London had sought hospital treatment for FGM over the last six years - Woodhouse, C. and Clayton, J. (2012) '2,100 women seek treatment for mutilation', London Evening Standard, 16th February 2012 <http://www.standard.co.uk/news/health/2100-women-seek-treatment-for-mutilation-7443780.html> The figures were obtained by Freedom of Information Act requests to London NHS hospitals. The figures showed that 2,167 women accessed hospital treatment for female genital mutilation since 2006, with 708 of those needing to be admitted or have surgery.

72. Female Genital Mutilation Act 2003 <http://www.legislation.gov.uk/ukpga/2003/31/contents>

have been no prosecutions in England or Wales.⁷³

VAWG directly affects one in three women globally, and all women indirectly. The UK has appointed a Ministerial Champion on Violence Against Women and Girls Internationally, but there appear to be no resourced objectives for this role. Work by the Department for International Development on VAWG is ambitious, but is currently siloed within the department and is not integrated with work across government. (P194 para 19.87)

How will the Government measure the achievement of its substantive CEDAW commitments on VAWG? In particular how it is addressing the impact of VAWG on older, lesbian and bisexual, ethnic minority, disabled, asylum seeking, migrant and other minority women.

Recommendations:

- **A 4 nations Independent Taskforce should be established, reporting to relevant Ministerial Groups on VAWG, to examine the relationship between VAWG and mental health, suicide and self-harm; access to education and other services; and the impact of cuts in public spending and legal aid on women and girls. It should also examine legal and statutory responses, including that of the police and social services**
- **It is crucial that there is a minimum standards framework on VAWG based on equality and human rights principles and mandatory training, distributed evenly throughout the UK, for all statutory bodies and others working with women and on VAWG**
- **Ensure that commissioning and funding structures deliver sufficient sustainable, accessible and high-quality local specialised women-only support services on VAWG. Particular attention needs to be paid to the funding of service provision for groups of women who face additional barriers, such as ethnic minority, disabled, transgender women and women with an insecure immigration status**
- **Training for all statutory professionals on the identification, management and support of those at risk and affected by sexual and domestic violence and FGM in particular should be conducted routinely. This will form the foundation for identifying cases through routine inquiry, increased reporting and prosecutions**
- **Ensure policy coherence, prioritisation and resourcing in tackling VAWG, including prevention interventions, so that work domestically and internationally is aligned, that each supports and reinforces the other, and delivers. This includes monitoring and evaluating the impact of the Ministerial Champion on Violence Against Women and Girls and how this work is related to other international policies**

General Recommendation 18 – Disabled women:

Disabled women are disproportionately disadvantaged by the Government's austerity measures.⁷⁴ Cuts to health and social care, public services and welfare benefits have led to disabled people taking their own lives rather than live with the impact of these cuts increasing

73. Ellison, J. (2011) Child Protection System in England, Written evidence submitted by Jane Ellison MP to the Education Select Committee, Session 2010-12, 11/11/11 <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmeduc/writev/1514/cp60.htm> Contrast the situation in France where there have been about 100 convictions relating to FGM, many of them resulting in parents and FGM practitioners being sent to prison. See BBC News (2012) 'FGM reconstructive surgery made me 'complete'', BBC NEWS World, 24th July 2012 <http://www.bbc.co.uk/news/world-18976217>

74. Disability Benefits Consortium (2011) Benefiting Disabled People? A report by the Disability benefits Consortium looking at the support offered to disabled people and people with a health condition by the benefits system and how this support could be improved. www.lcdisability.org/download.php?id=1647

the barriers they face on a daily basis.⁷⁵ ([Appendix: 36](#))

Recommendation:

Create a fair simplified system which assesses disabled women’s gender and disability specific needs for benefits, accessible employment opportunities and support. The system must assess disability, housing and income benefit entitlement on a case by case basis, rather than impose a ‘one size fits’ all model on disabled women

General Recommendation 27 - Older women:

The Government has done little to address the specific inequalities experienced by the ageing population of women in the UK. Recent policies have made this group even more vulnerable.⁷⁶

We support and endorse the submission on older women’s rights which the Committee has received.⁷⁷

75. Butler, P. (2011) ‘Do Cuts Kill?’, The Guardian, 16th November 2011 <http://www.guardian.co.uk/society/patrick-butler-cuts-blog/2011/nov/16/do-public-spending-cuts-kill> and Benefitsclaimantsfightback (2012) ‘Disabled activists and UK Uncut join to oppose ‘cruel and unnecessary’ welfare bill’, National Protest Against Benefits Cuts blog, 25th January 2012 <http://benefitclaimantsfightback.wordpress.com/2012/01/25/disabled-activists-and-uk-uncut-join-to-oppose-cruel-and-unnecessary-welfare-bill-2/>

76. Women’s Budget Group (2010) The Impact on Women of the Coalition Spending Review 2010. WBG: London http://wbg.org.uk/RRB_Reports_4_1653541019.pdf

77. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women’s Rights in the United Kingdom. Older Women’s Network, Europe and National Alliance of Women’s Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

Introduction

- 1 This is a United Kingdom (UK) shadow report submitted to the United Nations Committee on the Elimination of Discrimination Against Women by the CEDAW Working Group UK.
- 2 The report has been informed by consultation events with non-governmental organisations (NGOs) from across the UK throughout 2011 - 2012, submissions of information and research collected from 2008-2013, original qualitative research carried out with focus groups across England, discussions with academics, advocacy groups and NGO service providers from across the UK. Significant differences in policy and outcomes across UK jurisdictions are identified in [Annex 1](#). In gathering evidence, every effort has been made to reference published research, quantitative and qualitative data. However it should be noted that the lack of data disaggregated by gender and other equality characteristics in some areas means that sometimes we were unable to provide the depth we would have liked. Specific references to articles in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) are noted, as are areas of particular concern and policy recommendations are included throughout. The structure and headings in the report respond directly to the Government's 7th Periodic Report.¹
- 3 This report is the collective effort of various writers and submissions which have been incorporated, a full list of acknowledgements is in [Annex 6](#). The scope of the report is necessarily limited but we have tried to include information about different groups of women under each article and have extensive online appendices to provide more detailed information. The report includes analysis of progress made on the 2008 recommendations,² persistent inequality issues and human rights and equality issues emerging as a result of policy changes around austerity measures and reform of social protection and particularly how these have impacted on women's rights and health.
- 4 We have focused on women over the age of 18 as the Convention on the Rights of the Child (CRC)³ covers under 18s and this is not the remit of CEDAW, therefore throughout the report 'young women' refers to over 18s but under Article 10 there is some information on girls in school and education policies for under 18s, as this has been included by the Government and has an impact on women in later life. There is also information on corporal punishment under Article 16.
- 5 This report endorses and supports the other shadow reports from the UK, namely the report on older women,⁴ and reports from Engender,⁵ the Scottish Women's Convention,⁶ Northern Ireland Women's European Platform⁷ and the Women's Equality Network Wales⁸ covering the devolved administrations as well as a report from the Jersey Community Relations Trust ([See](#)

1. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

2. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement>

3. Convention on the Rights of the Child (CRC) www.unicef.org/crc/

4. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

5. Engender, CEDAW <http://www.engender.org.uk/our-work/european-international/cedaw/>

6. Scottish Women's Convention, CEDAW <http://www.scottishwomensconvention.org/activities/cedaw>

7. Northern Ireland Women's European Platform <http://www.niwep.org/default.asp>

8. Women's Equality Network Wales (2012) Submission to the Committee on the Convention for the Elimination of all Forms of Discrimination against Women, WEN Wales response. WEN Wales: Burry Port <http://wenwales.org/wp-content/uploads/Submission-to-the-Committee-on-CEDAW-formatted-version-final.pdf>

[Appendix: 37](#)) on women in Jersey which is a UK Crown Dependency; and from the UK National Human Rights Institutions, the Equality and Human Rights Commission,⁹ Equality Commission Northern Ireland and Northern Ireland Human Rights Commission. We will link to these submissions in this report and the appendices to avoid duplication, although the reports aim to complement each other and some similar issues may be reinforced with further information.

- 6 Since the last UK examination the CEDAW Committee has adopted three new General Recommendations¹⁰ on women migrant workers, older women, and core obligations of signatory states under CEDAW. However, the UK Government has hardly mentioned these in their report and have not addressed their obligations under these.
- 7 The UK Government's 7th Periodic Report comprises descriptive policy narrative but the report includes little specific data on the impact of policies and initiatives on women's substantive equality. Also, the report ends on 31st May 2011 but there have been many changes further rolling back women's rights in the UK since then. A considerable amount of the report is devoted to the Government's work promoting gender equality in other countries and therefore is not relevant to its compliance with its domestic obligations under CEDAW. For example, the role of the International Violence Against Women Champion is only focussed on addressing violence against women and girls (VAWG) overseas when this is also an urgent area of work in the UK. The CEDAW Committee's 2008 recommendations are not adequately addressed in the report and many of the concluding observations are yet to have any action taken.
- 8 The Government did give further information in their response in February 2013 to the first list of issues and questions from the CEDAW Committee.¹¹ However, this still neglected to provide detailed information on all the questions asked and the information did not give the full picture of the current situation for women in the UK as this report will explain.

Impact of the economic crisis on women's equality

- 9 This report has been produced at a time of severe economic pressure. It is important that the Committee is aware of, and takes into consideration, the context of economic downturn and austerity measures in the UK and the way in which these are negatively impacting on women's rights. In many respects the full impact of these is not known as policies are just being implemented. However, as evidenced in this report, predictions of impact suggest that women will bear the brunt of public spending and welfare reform cuts. Since May 2010, the Coalition Government has introduced 'Reform of Welfare Provisions', a large-scale comprehensive spending review which has resulted in an unprecedented austerity package of cuts to public spending in order to tackle a national deficit of over £120bn. Within a context of global and acute European financial crisis, many people in the UK are facing unemployment, cuts to benefits, and financial hardship. Areas of the UK that were previously struggling, such as the North East, have fallen further into poverty and deprivation. The media is increasingly reporting news of a

9. Equality and Human Rights Commission, UN Convention on the Elimination of Discrimination against Women <http://www.equalityhumanrights.com/human-rights/our-human-rights-work/international-framework/un-convention-on-the-elimination-of-discrimination-against-women/>

10. CEDAW General Recommendation No. 26 Women Migrant Workers (forty-second session, 2008) http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf; CEDAW General Recommendation No. 27 Older women and protection of their human rights (forty-seventh session, 2010) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/53/PDF/G1047253.pdf?OpenElement>; CEDAW General Recommendation No. 28 The Core Obligations of States Parties under Article 2 of CEDAW (forty-seventh session, 2010) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>

11. CEDAW 55th session (2013) List of issues and questions with regard to the consideration of periodic reports: United Kingdom of Great Britain and Northern Ireland. Addendum: Replies of United Kingdom of Great Britain and Northern Ireland to the list of issues to be taken up in connection with the consideration of its seventh periodic report, 5th February 2013 <http://www2.ohchr.org/English/bodies/cedaw/docs/CEDAW.C.GBR.Q.7.Add.1.pdf>

housing crisis, a 'lost' generation of young and long-term unemployed and the potential return of a 1920's era Great Depression.¹²

- 10 Throughout the consultation process for this report, great concern was expressed about the impact of current and impending public sector cuts imposed by the Government due to the national and global financial crisis. Whilst it is recognised that some action has to be taken, the current approach by the Government is generally accepted as impacting disproportionately on women.¹³ The Government's policies have already had a negative impact on most women through the loss of jobs, income and services. Additional measures announced in further Statements will only intensify those losses for all but the richest women.¹⁴ (See Appendix: 1 for further information)

Question:

We would like to know how the Government are "taking action in key areas where there are persistent inequalities compared to the experiences of men", as stated in their report, when many policies are disproportionately impacting on women?

Women's health

- 11 Women's health issues are still not adequately addressed and provided for in the UK.¹⁵ Issues such as mental health and VAWG¹⁶ are not understood and the long-term impacts of these are not dealt with. Radical changes to the National Health Service (NHS) introduced in April 2013 will have a significant impact on women who rely on these services most and throughout their lifetime, for example the cuts in maternity and care services.¹⁷
- 12 Women and girls have greater health and social care needs than men across their lives¹⁸ and face significant barriers to both good mental and physical health.¹⁹ The health issues affecting certain groups of women due to, for example, their immigration status,²⁰ ethnicity,²¹ being in prison²² or living in poverty,²³ are also acute and cannot be ignored.
- 13 Women and girls across the UK face poorer health, not only as a result of a poor response to the physiological differences between them and men, but because of social experiences

12. Women's Resource Centre (2012) Factsheet: Women and the cuts 2012. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/women-and-the-cuts.pdf>

13. Fawcett Society (2011) The Impact of Austerity on Women. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

14. Women's Budget Group (2012) The Impact on Women of the Autumn Financial Statement 2011. WBG: London <http://wbg.org.uk/pdfs/The-Impact-on-Women-of-the-AFS-2011.pdf>

15. Women's Health and Equality Consortium (2011) Why women's health? WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>

16. Women's National Commission (2010) A Bitter Pill To Swallow: Report from WNC Focus Groups to inform the Department of Health Taskforce on the Health Aspects of Violence Against Women and Girls. WNC: London <http://wnc.equalities.gov.uk/work-of-the-wnc/violence-against-women/news-and-updates/309-a-bitter-pill-to-swallow-report-from-the-wnc-focus-groups.html>

17. Bragg, R. (2012) 'How cuts to maternity services are threatening health and care', False Economy, 20th July 2012 <http://falseeconomy.org.uk/blog/how-cuts-to-maternity-services-are-threatening-care>

18. As a result of longer life expectancy and longer durations of poor health - Office of National Statistics (2010) Health Statistics Quarterly, 45 Spring 2010 <http://www.ons.gov.uk/ons/rel/hsq/health-statistics-quarterly/no--45--spring-2010/index.html>

19. Women's Health and Equality Consortium (2011) Why women's health? WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>

20. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

21. Southall Black Sisters (2011) Safe and Sane: A Model of Intervention on Domestic Violence and Mental Health, Suicide and Self-harm Amongst Black and Minority Ethnic Women. SBS: London <http://www.southallblacksisters.org.uk/reports/safe-and-sane-report/>

22. Prison Reform Trust (2011) Bromley Briefing Prison Factfile, December 2011. PRT: London <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefing%20December%202011.pdf>

23. UCL Institute of Health Equity (2010) Fair Society, Healthy Lives: Strategic Review of Health Inequalities in England Post-2010 (The Marmot Review). UCL: London <http://www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review>

that negatively impact on their physical and mental health, including poverty and economic disadvantage, women's reproductive and caring roles, experiencing violence and abuse, and age. An increase in women's disadvantage, combined with current health reforms in the UK, could exacerbate existing health inequality between men and women.²⁴ (See Article: 12 for further information)

Institutional mechanisms

- 14 The Government report states that the Government Equalities Office (GEO) fulfils the function of the UK's National Women's Machinery and is "*responsible for overseeing and promoting the delivery of UK commitments under CEDAW*". But their powers and access have been severely diminished since the closure of the Women's National Commission (WNC) in December 2010 which previously undertook this function as an independent body. Despite a consultation on *Strengthening Women's Voices in Government* in 2011 we have seen nothing to replace the function of the WNC and the Government's response to this²⁵ did not take into consideration many of the concerns raised by NGOs and women across the UK. There has been a general lack of consultation around current policies and issues or engagement with women and NGOs, something that the CEDAW Committee raised in 2008, and these avenues are now being restricted even further. We are also seeing increasing moves towards e-Government with communication only available online which raises issues of access for those who are unable to engage. (See Article 3 and Appendix: 3 for more information)
- 15 There have also been severe cuts to the Equality and Human Rights Commission (EHRC), an A-rated National Human Rights Institution, which has compromised its capacity to monitor, enforce and promote women's equality. (See Appendix: 6 for more information)

Reservations to CEDAW

- 16 The UK Government maintains a number of reservations on the CEDAW Convention. However, none of these reservations reflects a genuine conflict with the principles of the Convention and should be removed. (See Article 1 and Annex 5 for further information)

24. Women's Resource Centre (2012) Factsheet: Women and the cuts 2012. WRC: London http://www.wrc.org.uk/includes/documents/cm_docs/2012/ff1_factsheet_women_and_the_cuts_2012_finaleditv2_omnes.pdf

25. Home Office (2011) Response to the public consultation 'Strengthening Women's Voices in Government' <http://www.homeoffice.gov.uk/publications/equalities/womens-equality/strengthening-womens-voices>

Article 1 – Overarching approach to the elimination of discrimination

- 1.1 Despite recommendations from the CEDAW Committee in 1999 and 2008 there is still no unified national strategy to implement CEDAW in the UK. At the same time uncertainty surrounds the future of the domestic human rights framework (laws such as the Human Rights Act¹ and the Equality Act 2010² and the Equality and Human Rights Commission). In the absence of incorporation of CEDAW this domestic framework provides important protection for women's human rights. We are concerned that across the UK there may not be sufficiently developed commitment and leadership, co-ordination of strategies, and systematic monitoring of outcomes to ensure that CEDAW obligations are implemented, and these geographical inconsistencies could hamper overall national progress on the realisation of rights guaranteed by CEDAW. There may be laws to address equality and human rights but they do not always include specific information prohibiting discrimination against women. The emphasis on localism means that funding for many programmes is determined by local government but this decentralization of power and decision making should not detract from the responsibility of central government to fulfil its obligations to all women within its jurisdiction, including those in the devolved administrations, Overseas Territories and Crown Dependencies.³ (See Annex 2)

Recommendation: Remove reservation to Article 1

- 1.2 Very few of the Government's strategies mention CEDAW or what their obligations are under the Convention therefore the concluding observation to "*raise awareness among women of their rights under the convention and the communications and inquiry procedure under the Optional Protocol*"⁴ has not been advanced. There has also been no integration of the strategies, objectives and activities recommended in the Beijing Platform for Action⁵ under the relevant articles of the Convention. Few steps have been taken by the Government to ensure that women are informed about their rights and the limited education on human rights currently provided in schools as part of Citizenship education risks being lost by proposed changes to the curriculum⁶ which removes reference to human rights and does not explicitly refer to gender inequality or discrimination. The avenues for recourse to justice are also being removed (e.g. cuts to legal aid support and advice services [See Article 15 and Appendix: 28 for more information](#)).

Recommendations:

- **Develop a national CEDAW Action Plan and report on this in one year**
- **CEDAW should be compulsorily taught in schools along with other international human rights mechanisms and domestic human rights legislation so that the population understand their rights and how to access them**

- 1.3 At the 2012 Universal Periodic Review (UPR) examination the Government admitted that there

1. Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>

2. Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

3. CEDAW General Recommendation No. 28 The Core Obligations of States Parties under Article 2 of CEDAW (forty-seventh session, 2010) <http://www2.ohchr.org/english/bodies/cedaw/comments.htm> Paragraph 39

4. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement>

5. Beijing Platform for Action <http://www.un.org/womenwatch/daw/beijing/platform/>

6. British Institute of Human Rights (2013) Human rights education in schools: Time to make your voice heard. BIHR: London <http://www.bihhr.org.uk/sites/default/files/BIHRBrief%20HR%20Ed%20April2013.doc>

was room for improvement in its human rights record and reaffirmed their long-standing commitment to advancing human rights both at home and internationally. However, human rights protections offered to women are currently under threat in the UK as government ministers aim to repeal the Human Rights Act.⁷ As part of the UPR process, various countries raised women's rights issues that need to be addressed further, including the impact of the financial crisis on women. In their response to this and also to CEDAW's first list of issues and questions⁸ the Government stated that in order to reduce the deficit and restore economic stability some very difficult decisions had to be made to reduce public spending but that these will be made fairly and the most vulnerable will be protected. However, this commitment has not been seen in their actions to date, as this report will show.

Progress on women's equality

- 1.4 The Government produced an equality strategy *Building a Fairer Britain* in 2010,⁹ which states that "equality is at the heart of government" and "it is fundamental to building a strong economy and a fair society" and that tackling the deficit must be done "fairly, protecting the most vulnerable and prioritising equal opportunities for all". However, we have not seen equality underpinning "this coalition's guiding principles of freedom, fairness and responsibility",¹⁰ especially in relation to women's equality and that of the most vulnerable and marginalised. In fact the equality strategies do not address gender in much detail and focus on only a few areas of discrimination. The measures that the Government has taken to ensure the practical realisation of the principles of equality and non-discrimination enshrined in the Convention are piecemeal and ineffective.
- 1.5 In the *Equality Strategy Progress Report*,¹¹ published in 2012, where women are mentioned, the focus is on women's position in the labour market, women entrepreneurs and supporting women to be on the boards of top financial companies. For the vast majority of women living in the UK today these aspirations are far beyond what they experience in their everyday lives. (See [Article 11](#))
- 1.6 As a result of devolution there are also different equality provisions within the UK. For example, in Northern Ireland, while the Government did introduce a ten year *Gender Equality Strategy*,¹² which is linked to the international conventions, weak departmental action plans and the lack of implementation of key measures has meant that the potential impact has not been achieved. The Welsh Government also have Equality Objectives and a *Strategic Equality Plan*¹³ alongside some positive developments regarding women's equality while in Scotland the Scottish Government has had Ministerial Priorities around gender equality¹⁴ although these have not been updated recently. (See [Annex 1](#))

7. Sayal, R. (2013) 'Tory Ministers plot Human Rights Act repeal', The Guardian, 3rd March 2013 <http://www.guardian.co.uk/politics/2013/mar/03/tory-ministers-human-rights-act>

8. CEDAW 55th session (2013) List of issues and questions with regard to the consideration of periodic reports: United Kingdom of Great Britain and Northern Ireland. Addendum: Replies of United Kingdom of Great Britain and Northern Ireland to the list of issues to be taken up in connection with the consideration of its seventh periodic report, 5th February 2013 <http://www2.ohchr.org/English/bodies/cedaw/docs/CEDAW.C.GBR.Q.7.Add.1.pdf>

9. Government Equalities Office (2010) *The Equality Strategy – Building a Fairer Britain*. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

10. Government Equalities Office (2010) *The Equality Strategy – Building a Fairer Britain*. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

11. Government Equalities Office (2012) *The Equality Strategy – Building a Fairer Britain: Progress report*. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/progress-report?view=Binary>

12. Office of the First Minister and Deputy First Minister (2006) *Gender Matters: A strategic framework for action to promote gender equality for women and men 2006-2016* <http://www.ofmdfmi.gov.uk/genderequalitystrategy2006-2016.pdf>

13. Welsh Assembly Government, *The Equality Objectives and Strategic Equality Plan 2012-2016* <http://wales.gov.uk/topics/equality/equalityactatwork/?jsessionid=C32863FCADA93901CA4C4DD2676A89F9?lang=en> Accessed: 01/05/13

14. The Scottish Government, *Gender Equality* <http://www.scotland.gov.uk/Topics/People/Equality/18500> Accessed: 01/05/13

- 1.7 Women's participation in public and community activities is also encouraged yet there is no acknowledgement that women already volunteer within the community¹⁵ through caring roles etc. and so are unable to take up further public positions because they do not have the capacity and these roles do not fit into their busy lives. (See Article 7)
- 1.8 The Government wants to promote work on body image for young women and girls yet does nothing to sanction the advertising and media companies who create these unattainable ideals. (See Article 5 for more information) Compulsory Sex and Relationships Education has also been removed from education and there is no coherent, nationwide plan to address sex discrimination and VAWG through the school curriculum which can have a considerable impact on women's life chances. (See Article 10)
- 1.9 The 2011 *Violence Against Women and Girls Action Plan*¹⁶ watered down a lot of the strategy and actions already created in the previous Government's *Together we can End Violence Against Women and Girls: A Strategy*¹⁷ and there is still not a national strategy that is addressing VAWG in the UK. (See General Recommendation 19 for more information)

International work

- 1.10 In March 2011, the Government launched a strategic vision for girls and women on the centenary of International Women's Day. The *Strategic Vision*¹⁸ focuses on key development priorities.¹⁹ The 7th Periodic Report²⁰ also highlights in detail their work on gender equality abroad. However, CEDAW covers the Government's domestic obligations which have not been adequately addressed and we have not seen similar actions and commitments made to also address inequalities for women in the UK.

Measures to eliminate discrimination targeting specific groups – Disabled women

- 1.11 The Government may have protected funding for the Disabled Facilities Grant²¹ but the effects of the current public spending cuts will have further negative impacts on disabled women's human rights. Restricting eligibility to 'care' and closing the Independent Living Fund, removing financial support for those who leave work because of a health condition or impairment, and removing financial support for disabled people seeking legal aid, infringes on fundamental articles in the Convention on the Rights of Persons with Disabilities (CRPD)²² as well as under CEDAW. (See Article 13)
- 1.12 75% of disabled women are already at the bottom end of Britain's income distribution scale,

15. James, S. (2010) 'The Tory 'big society' relies on women replacing welfare', *The Guardian*, 21st October 2010 <http://www.guardian.co.uk/commentisfree/2010/oct/21/spending-review-taxandspending>

16. Home Office (2011) *Call to End Violence against Woman and Girls: Action Plan*. HM Government <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan?view=Binary>

17. Home Office (2009) *Together We Can End Violence Against Woman and Girls Strategy*. HM Government <http://webarchive.nationalarchives.gov.uk/20100419081706/homeoffice.gov.uk/about-us/news/violence-against-women-and-girls.html>

18. Department for International Development (2011) *A New Strategic Vision for Girls and Women: Stopping Poverty Before it Starts*. UKAID <http://www.dfid.gov.uk/Documents/publications1/strategic-vision-girls-women.pdf>

19. Government Equalities Office (2012) *The Equality Strategy – Building a Fairer Britain: Progress report*. GEO: London <https://www.gov.uk/government/publications/the-equality-strategy-building-a-fairer-britain-progress-report>

20. Government Equalities Office (2011) *CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report*. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

21. Government Equalities Office (2010) *The Equality Strategy – Building a Fairer Britain*. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary> Page 5

22. Bush, M. (2012) 'Double think on disabled people's rights', *Disability Now*, March 2012 <http://www.disabilitynow.org.uk/article/double-think-disabled-peoples-rights>

left to live in poverty.²³ Disabled women experience dual discrimination because of their status as ‘disabled’ and ‘women’ and often remain invisible in mainstream legislation and policy for women. The situation is even worse for disabled women from certain groups such as older women and those belonging to minority ethnic groups. Disabled women’s issues are still under-researched, and their needs are often excluded in the mainstream Disability Movement as well as the Women’s Movement,²⁴ which explains the lack of both qualitative and quantitative data specifically about disabled women. Therefore, their concerns are also overlooked in government policy.

- 1.13 The Government made commitments to fund The National Valuing Families Forum²⁵ and The National Forum of People with Learning Disabilities²⁶ until 2012 but it is unclear what will happen to these services after this and what continued support there will be for disabled women. (See Appendix: 36 for further information)

LGB&T equality

- 1.14 In 2008 it was estimated that there were 1.8 million lesbian women in Britain²⁷ however, there is still not comprehensive data that enables this population to receive the services and support that they need. Lesbian and bisexual (LB) women continue to be discriminated against in various areas of life including in the provision of health services, (See Article 12) within the asylum system, (See Appendix: 9) and in the law. (See Article 15)
- 1.15 Organisations working specifically with and for LB women are particularly marginalised in terms of funding and political influence.²⁸ Both within and outside the LGB&T sector, organisations that support lesbian, bisexual and trans women, and those supporting LGB&T people belonging to additional equality groups are even more under-resourced and marginalised.²⁹ There is a lack of specific support available locally for young LB women across the UK and a lack of awareness of their needs, which must be addressed.³⁰

Women offenders

- 1.16 The 2007 Corston report³¹ called for strategic and structural changes to drive progress on the women’s criminal justice agenda, eliminating discrimination and addressing the multiple and complex needs of women offenders and those at risk of offending, as recognised by CEDAW in 2008. However, although the Government may have “*broadly accepted*” the conclusions, the outcomes are yet to be realised. (See Article 15 and Appendix: 27 for more information)

23. Disabled People Against the Cuts (2010) ‘Disabled people feel their lives are under threat’ www.l-r-c.org.uk/files/DPAC_cuts1.pdf Accessed on: 15/02/2012

24. Keogh, M. (2012) ‘International Women’s Day: Women with disabilities a dichotomy in protection’, Disability and Human Rights, 8th March 2012 <http://disabilityandhumanrights.com/2012/03/08/international-women%E2%80%99s-day-women-with-disabilities-a-dichotomy-in-protection/>

25. Carers Trust, The National Valuing Families Forum <http://professionals.carers.org/health/the-national-valuing-families-forum,7028,PR.html> Accessed: 21/03/2013

26. National Forum of People with Learning Disabilities <http://www.nationalforum.co.uk/> Accessed: 21/03/2013

27. Hunt, R. and Dr. Fish, J. (2008) Prescription for Change: Lesbian and bisexual women’s health check. Stonewall: London http://www.stonewall.org.uk/documents/prescription_for_change.pdf

28. Women’s Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women’s services in the UK. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/IAOC.pdf>

29. Nea, B. and Cox, D. (2008) Gaps and Solutions: Supporting London’s Equality Sectors. HEAR/ROTA: London

30. Women’s Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women’s services in the UK. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/IAOC.pdf>

31. Corston, J. (2007) A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the Criminal Justice System. Home Office: London <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

Young women

- 1.17 We are also concerned about the impact of current government policies on young women over 18 as many of the cuts to Further and Higher Education have had a disproportionate impact on women, particularly ethnic minority women, those who have children, are from poorer backgrounds and/or are mature students, preventing them from gaining educational qualifications.³² These women may see their earning potential and job prospects reduced as a result. Cuts to English for Speakers of Other Languages (ESOL) classes also have a large impact on women.³³ ([See Article 10 and Appendix: 12](#))
- 1.18 Youth unemployment in the UK is over 21% compare to an overall employment rate of just over 7%.³⁴ Research has shown that young women with no qualifications are the group most impacted by increasing young unemployment rates and most vulnerable to being categorised as not in employment, education or training (NEET).³⁵ Government strategies to tackle this are insufficient.³⁶ The policy focus on vocational education and apprenticeships is to be welcomed but does not tackle gender stereotyping in terms of vocational training opportunities offered to young women and in employment opportunities. The loss of government funding to organisations such as The UKRC³⁷ (which supports gender equality and diversity in science, engineering, technology and the built environment) only exacerbates this trend. ([See Article 11 for more information](#))
- 1.19 We are also concerned that cuts and government attitudes to reproductive health will leave young women without access to appropriate sexual and reproductive health services such as abortion provision and sexual health counselling support.³⁸ ([See Article 12](#))

32. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

33. Moore, K. (2011) "Women affected most" by English language funding cuts', BBC News London, 18th May 2011 <http://www.bbc.co.uk/news/uk-england-london-13412811>

34. Office for National Statistics (2013) Labour Market Statistics, March 2013 <http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/march-2013/index.html>

35. Institute for Public Policy Research (2010) Youth Tracker, Issue 4. IPPR: London http://lx.iriss.org.uk/sites/default/files/resources/youth_tracker_issue_4.pdf

36. BBC News (2012) 'Youth contract 'insufficient' to tackle youth unemployment, MPs say', BBC News Politics, 19th September 2012 <http://www.bbc.co.uk/news/uk-politics-19638255>

37. The UKRC <http://www.theukrc.org/> Accessed: 21/03/13

38. Williams, R. (2012) 'Sexual health services hit by cuts', The Guardian, 23rd April 2012 <http://www.guardian.co.uk/society/2012/apr/23/sexual-health-services-cuts>

Article 2 – Legislative approach to obligations to eliminate discrimination

- 2.1 It should be noted that as a result of devolution different legislative provision applies within the UK. In its 2008 Concluding Observations the Committee expressed concern that “*public bodies, including Government ministries, have faced difficulties in developing results-based and action-oriented equality schemes and in mainstreaming gender equality into all policies and processes*”.¹ There has been no improvement in this situation. Legislation, such as the Equality Act 2010,² is not routinely monitored for its impact, and protection in law across the UK is not consistent. In its concluding recommendations the Committee also repeated its previous recommendation for all rights under CEDAW to be incorporated into domestic law and asked for the Public Sector Equality Duty (PSED), which forms part of the Act, to be brought into law right across the UK (para 265). However, this has yet to be achieved and the new PSED, which came into existence in April 2011, is already being reviewed with the possibility of its abolition.³ Legislation to improve gender equality, such as the Equal Pay Act⁴ and laws on crimes against women, does not result in substantive change as detailed later in the report. The mainstreaming of gender equality, despite the Equality Act, is still insufficient.⁵ There are also significant differences in legal protection for women in different parts of the UK⁶ and this is not always acknowledged when policy is set. (See Annex 1)
- 2.2 The Government see their role as “*moving beyond simply introducing more legislation, to promoting equality through transparency and behaviour change*”.⁷ There is considerable evidence that the Government views legislation to promote women’s equality as a barrier to economic growth which constitutes a serious potential limitation to the full implementation of CEDAW. The Government’s *Plan for Growth*⁸ (its blueprint for the UK’s economic strategy), states: “*Our economy needs to become much more dynamic, less burdened by pointless barriers*”. Elsewhere in the report they say: “*government needs to be pro-active in ensuring policy acts in a way that supports growth rather than hampers it. This requires tough choices and putting economic growth ahead of other priorities.*”
- 2.3 In this context, the Government goes on to state: “*to minimise regulatory burdens, the Government will scrap proposals for specific regulations which would have cost business over £350m a year. This includes not extending the right to request time to train to businesses with less than 250 employees and not bringing forward the dual discrimination rule*”. They further announced that they will repeal the right to request flexible working to parents of 17 year olds that was planned, which would have had an ‘administrative burden’ costing £0.5m; and would

1. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement>
2. Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
3. Crowther, N. (2013) ‘Will the Public Sector Equality Duty survive the Red Tape Challenge?’, UK Human Rights Blog, 22nd March 2013 <http://ukhumanrightsblog.com/2013/03/22/will-the-public-sector-equality-duty-survive-the-red-tape-challenge-neil-crowther/>
4. Equal Pay Act 1970 <http://www.legislation.gov.uk/ukpga/1970/41>
5. Equality and Human Rights Commission (2012) Making Fair Financial Decisions Final Report. EHRC: London <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/section-31-assessment-of-hm-treasury/the-assessment-final-report/>
6. For example, in the Public Sector Equality Duty: see <http://www.homeoffice.gov.uk/equalities/equality-act/equality-duty/>
7. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary> and CEDAW 55th session (2013) List of issues and questions with regard to the consideration of periodic reports: United Kingdom of Great Britain and Northern Ireland. Addendum: Replies of United Kingdom of Great Britain and Northern Ireland to the list of issues to be taken up in connection with the consideration of its seventh periodic report, 5th February 2013 <http://www2.ohchr.org/English/bodies/cedaw/docs/CEDAW.C.GBR.Q.7.Add.1.pdf>
8. HM Treasury and Department for Business Innovation and Skills (2011) Plan for Growth http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf

consult to “remove the unworkable requirement in the Equality Act [2010] for businesses to take reasonable steps to prevent persistent harassment of their staff by third parties as they have no direct control over it, which would save £0.3m”.

- 2.4 We are further concerned by the following statement: “The Government will seek to revise numerous EU regulations and directives. The Government has identified specific areas where improvements can be made [on] EU maternity and paternity rights. The European Parliament’s position on the Pregnant Workers directive would give 20 weeks’ maternity leave and two weeks’ paternity leave, in principle on full pay, which would cost UK businesses in excess of an extra £2bn a year, with most benefits going to the highest paid women. The Government will seek to prevent costly and regressive changes to maternity rights.” What the Government calls ‘red tape’ for businesses are the rights of millions of women (and men). Improved employment rights have helped huge numbers of women – old, young and mothers - to enter the workforce. These rights remain indispensable to the large numbers of women who are now required to enter the workforce or are moving into employment in the private sector. (See Article 11 for further information)

Legislation

- 2.5 Since 2008 there have been positive legislative changes that impact on women’s rights. This is obviously good news, however, although there has been welcome legislation, often the implementation has been inadequate or there have been reservations about it in terms of the impact on women’s rights in practice.
- 2.6 For example, the 2006 Equality Act⁹ brought in the Public Sector Duty to promote gender equality and develop gender equality schemes which required public bodies to identify gender equality objectives and set out how the organisation would achieve them. At the last examination the Committee praised the introduction of the Gender Equality Duty (GED), which only became law in 2007, this required public bodies to take action on their most important gender equality issues across their functions and acknowledged that many services and policies have been designed in a ‘gender-neutral’ way which fails to take account of the different needs of women and men and therefore had a limited understanding of substantive equality. In fact the GED was often misinterpreted by public bodies that used it to argue against women-only services but with the introduction of the Equality Act 2010 the GED was amalgamated into the Act and lost many of its specific obligations and understanding of substantive equality. The PSED also removes the need to demonstrate ‘due regard’.¹⁰
- 2.7 We are concerned that changes to legislation have in fact reduced women’s rights and increased their inequality. For example Public Service Agreements (PSAs) were highlighted

9. Equality Act 2006 <http://www.legislation.gov.uk/ukpga/2006/3>

10. Equality Act 2010, Section 149 <http://www.legislation.gov.uk/ukpga/2010/15/section/149> states that a public authority must, in carrying out its functions, have ‘due regard’ to the need to: eliminate all forms of discrimination, harassment and victimisation that are prohibited by the Equality Act; and advance equality of opportunity; and foster good relations. The duty will be properly discharged only when each of the above requirements is properly taken into account. Having ‘due regard’ to the need to advance equality of opportunity is further defined in s.149 as having ‘due regard’ to the need to: remove or minimise disadvantages connected with a relevant ‘protected characteristic’ (e.g. address the problems that women have in accessing senior positions in the workplace); take steps to meet the different needs of persons who share a relevant ‘protected characteristic’ (e.g. ensure the particular needs of BME women fleeing domestic violence are met); encourage persons who share a relevant ‘protected characteristic’ to participate in public life or any other activity in which they are under-represented (e.g. take steps to encourage more disabled people to apply for senior posts in the civil service). Having ‘due regard’ to the need to foster good relations is further defined in S.149 as having ‘due regard’ to the need to: tackle prejudice (e.g. tackle homophobic bullying in schools); promote understanding (e.g. promote understanding of different faiths). Organisations that are not ‘public authorities’ are also required to have ‘due regard’ to the needs listed above whenever they carry out ‘public functions’. This could include, for example, a private company with a contract to provide certain public services. In Trades Union Congress (2011) Equality Duty Toolkit. TUC: London <http://www.tuc.org.uk/equality/tuc-20159-f0.pdf>

in the 7th Periodic Report as examples of useful mechanisms to drive and monitor equality objectives. However, the Government has now terminated PSAs, including the Equality PSA.¹¹

- 2.8 We do not feel that all relevant government officers in all sectors, as well as the judiciary and relevant legal personnel and parliamentarians, have been trained to carry out their obligations under the CEDAW Convention, which was a 2008 concluding observation, and this lack of understanding has led to continued gender discrimination by these bodies which must be addressed.

Equality Act 2010

- 2.9 The Equality Act 2010 has introduced a new, integrated PSED which covers nine 'protected characteristics' including gender. The new duty, which took effect in April 2011, may act as a stimulus for public authorities to consider the impact of their policies and decisions on women. The Act claims to replace, harmonise and extend¹² the existing anti-discrimination laws for race, disability and gender and allows "*measures to be targeted at women, for example to enable them to gain employment or access health services*".¹³
- 2.10 The Equality Act applies to England, Wales and Scotland but does not apply to Northern Ireland (NI). (See Annex 1) In England, unlike in Scotland and Wales, the specific duty requirements of the PSED also have no explicit gender component,¹⁴ which represents a regression in the framework for monitoring and compliance of promoting gender equality for women in England. We are pleased that the Equality Act 2010 includes both direct and indirect discrimination under the 'protected characteristics' and that it brings together for the first time all the legal requirements on equality that the private, public and voluntary sectors need to follow. However, it is disappointing that although the original 2006 Act had a provision allowing for 'combined' (dual) discrimination claims to be made this was not brought into force and so the final 2010 Act does not outline and address intersectional discrimination which many women experience. We are also concerned that due to the public expenditure cuts there may be a regression in the full realisation of the rights under the Equality Act and other equality legislation in the UK.

Recommendations:

- **Review the decision not to implement the dual discrimination section of the Equality Act 2010**
- **Carry out a gender equality impact assessment of the programme of public funding cuts**

- 2.11 Although during the 2012 UPR there was a recommendation to "*strengthen measures aimed at reducing serious inequalities in access to health, education and employment, which still exist despite the adoption of the Equality Act*" the Government refuted that there were any issues with its implementation, and consider it provides "*sufficient, extensive protection from*

11. The Equality PSA which was adopted by the Government in 2008 set the following key objectives to achieve greater equality by 2011: a reduction in the pay gap for women; improved choice and control for disabled people; greater participation in public life for disadvantaged groups; a reduction in workplace discrimination and a better understanding of and ability to measure fair treatment in the delivery of public services. See Government Equalities Office (2008) Delivering the Equality PSA 2008-11. GEO: London http://sta.geo.useconnect.co.uk/PDF/7877-TSO-PSA_Delivery_Plan.pdf

12. Government Equalities Office and Equality and Diversity Forum (2010) Equality Act 2010: What do I need to know? Disability quick start guide https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85011/disability.pdf

13. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

14. Equality and Human Rights Commission (2012) The Essential Guide to the Public Sector Equality Duty. EHRC: London http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/essential_guide_update.pdf

discrimination". However, the Government scrapped the socio-economic duty in the Equality Act as too 'bureaucratic'¹⁵ stating that the proposed specific duties in the PSED "would have imposed burdens on public bodies which were at odds with Government's new approach".¹⁶ There is an ongoing equality 'Red Tape Challenge'¹⁷ review which has led to the Government scrapping "weak and inefficient measures like the Socio Economic Duty and Third Party Harassment [and reducing] unnecessary bureaucracy and burden on the public sector and the private sector".¹⁸ Equality Impact Assessments, judicial reviews and consultations on policy decisions are also under attack¹⁹ which removes all the mechanisms for holding public bodies to account and ensuring that they meet their obligations under the Equality Act. A review of the Equality Duty should have been completed by April 2013. In their Equality Strategy the Government has acknowledged that "new legislation and increased regulation has produced diminishing returns, and in recent years the progress on equality has stalled and in some areas begun to reverse".²⁰ However, the focus on reducing bureaucracy is worrying as it connects this with practices to ensure equalities issues are recognised and upheld along with health and safety practices which should be improved rather than reduced. We believe this demonstrates a lack of commitment to equalities and a dilution of existing legislation and obligations on public bodies which can only lead to more inequality as they are not held to account.

- 2.12 Under the Equality Strategy 'principles of change', transparency is seen as giving people the "tools and information they need to challenge organisations that are not offering fair opportunities, and public services that are not delivering effectively for all the people they serve".²¹ However, the tools which formed part of previous legislation have been removed and there are only voluntary obligations for public bodies, although the Government could lay codes and statutory guidance on the PSED before Parliament it has declined to do so in this instance.
- 2.13 Equality Impact Assessments are a key part of implementing the Equality Act and although they are no longer a requirement of the Act and may well be removed altogether, they are the best method to ensure the obligations of the Act are being enacted. Research by the Centre for Human Rights in Practice at the University of Warwick found that many impact assessments carried out by public bodies were poorly resourced, lacked analysis and seemed like a justification for a decision already taken.²² This is being used as a justification for their removal rather than as a reason to improve these processes.

Recommendation:

There need to be authoritative sources of advice and support for government departments on equality impact analysis and a common model of analysis to predict the likely equality effects of policy should be developed

15. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>
16. Government Equalities Office (2012) The Equality Strategy – Building and Fairer Britain: Progress report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/progress-report?view=Binary>
17. Red Tape Challenge <http://www.redtapechallenge.cabinetoffice.gov.uk/home/index/> Accessed: 18/04/13
18. Government Equalities Office (2012) The Equality Strategy – Building and Fairer Britain: Progress report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/progress-report?view=Binary>
19. Mulholland, H. (2012) 'David Cameron axes equality assessments in war on 'red tape'', The Guardian, 19th November 2012 <http://www.guardian.co.uk/politics/2012/nov/19/cameron-axe-equality-assessments>
20. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>
21. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>
22. Stephenson, M. and Harrison, J. (2011) Unravelling Equality: A Human Rights and Equality Impact Assessment of the Spending Cuts on Women in Coventry. A Joint Report of the Centre for Human Rights in Practice, University of Warwick and Coventry Women's Voices <http://www2.warwick.ac.uk/fac/soc/law/chrp/projects/humanrightsimpactassessments/cwv/>

Disability Living Allowance

- 2.14 Another example of changes to legislation that could have a devastating impact upon women are the proposed changes to the Disability Living Allowance (DLA). The Government's aim in introducing the Personal Independence Payment (PIP) is to cut 20% of DLA costs by 2015-16, a saving of £2.1bn. To do so, the Government intends to pay £675m for a new assessment process to ensure the PIP is not accessed by as many people as DLA. Yet, the DLA fraud rate is reported to be less than 0.5%.²³ In nearly all of those cases, the 'fraud' is actually that the Department for Work and Pensions (DWP) considers that someone has had, and failed to report, a significant change in circumstances e.g. recovering from a physical injury. Ministers also planned to stop paying out cash in the form of an Independent Living Fund (ILF) to help more than 21,000 severely disabled people, who live in their own homes. The fund, set up in 1988, pays (maximum £475 per week) for carers, the majority of whom are women, and other help so that severely disabled people can live at home rather than moving into care homes. It was announced in June 2011 that the fund was refusing all new claims and will close in 2015. The effects of losing ILF are devastating for many disabled women (and men). (See Article 13 and Appendix: 36 for further information)

Case study from a disabled woman:²⁴

"As half my care package is ILF I would first have no control over my toilet needs, this may result in me being catheterised... I need support in all personal care needs, including keeping clean etc. I would not be able to attend any meetings when various government and NGOs ask me to be part of their various consultation plans. I would have no control over what time I got up or what time I went to bed therefore I would have no social life whatsoever."

Case study from a disabled woman:²⁵

"I will have to make my PA's [personal assistant] redundant, relying on goodwill of friends or volunteers would not be feasible. I would lose control of my life."

Need for gender budgeting and analysis

- 2.15 New legislation has not introduced gender-responsive budgeting, which is needed to ensure that the allocation of public resources benefits women and men equally, including gender analysis, gender budgeting, and use of sex disaggregated data for more gender responsive public policy and budgets. This approach emphasizes the importance of bringing together advocates, parliamentarians and other stakeholders into the budgeting process.²⁶
- 2.16 In order to comply with UK equality law, the Government is required to pay 'due regard' to the impact of their policies and functions on equality between women and men.²⁷ Public authorities - including central government departments - must assess the impact of their current and proposed policies and practices on gender equality in order to reveal any impacts that may

23. Birch, I. (2011) 'Disabled people are not workshy, lazy, scroungers or cheats', Benefits, Work and Stigma Blog, 18th April 2011 <http://www.benefitsworkandstigma.co.uk/2011/04/disabled-people-are-not-workshy-lazy.html>

24. Disabled People Against the Cuts (2012) 'DPAC ILF Letter updated with added signatures – please sign and share' <http://www.dpac.uk.net/2012/01/dpac-ilf-letter/> Accessed on: 21/03/2013

25. Disabled People Against the Cuts (2012) 'DPAC ILF Letter updated with added signatures – please sign and share' <http://www.dpac.uk.net/2012/01/dpac-ilf-letter/> Accessed on: 21/03/2013

26. Bachelet, M. (2012) The Time is Now: A letter to UN partners from UN Women Executive Director Michelle Bachelet, March 2012 http://www.unwomen.org/wp-content/uploads/2012/03/EN-UNW-LetterToPartners_2012-REV_3-9-12.pdf

27. Equality Act 2010, Section 149 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

worsen gender inequality, thus enabling them to consider where mitigating action may be taken to remove or lessen any negative impact.

- 2.17 Budgets and the wider resources allocated to policy initiatives are crucial in determining the differential impact on women and men, and how CEDAW rights are realised for women in the UK. Therefore gender analysis of budgets, and gender responsive budgeting, must constitute an integral part of state policy-making if State governments are to comply with their obligations under CEDAW.
- 2.18 Some assessment has been provided on the gender equality impact of some of the measures in successive government budgets, these assessments are far from adequate and do not address the rights in CEDAW. In 2011 the main budget document²⁸ contained no gender equality impact assessment. It followed the pattern of the document for the June 2010 Budget in providing, in Annex A, a comprehensive analysis of the impact on household income of changes in taxes, tax credits, benefits and spending on public services. We are disappointed that no attempt was made to include a comparable analysis on gender equality impacts, distinguishing households by their gender characteristics.²⁹
- 2.19 In an application for judicial review of the 2010 Emergency Budget by the Fawcett Society,³⁰ the presiding judge ruled that the preparation and presentation of measures outlined in national budgets are subject to equality law. The judge further recognised that there is a need for improved data collection and analysis in order to adequately assess the impact of budget measures on equality between women and men, and recommended that the EHRC carry out an analysis of the Government's spending plans. We welcome that recognition has been granted at the highest level of the need to assess the impact of economic policy on equality between women and men. Each measure in the budget has the potential to further the progress of equality, produce no change in existing levels of inequality, or further entrench inequality.
- 2.20 Analysis³¹ of individual measures contained in successive government budgets and the Government's *Plan for Growth*³² shows that, while the impact of individual measures may seem negligible, what emerges from the whole is a cumulative failure to address the inequalities that exist between women and men and to mitigate the austerity measures that threaten to further widen inequality. We believe that there is a genuine threat of regression in gender equality, both in terms of income, and of jobs, and of ability to reconcile employment with caring responsibilities. (See Article 11)
- 2.21 The expenditure cuts will hit women, especially lone mothers and female lone pensioners, harder than men.³³ By 2014/5 the average household will lose public services worth 6.8% of their income. But female single pensioners will lose 11.7 % and lone mothers 18.5%. The Government has done very little to mitigate the effects of this. Women also paid for 72% of the savings made by the Government through changes in personal taxes and cuts in benefits in its June 2010

28. HM Treasury (2011) 2011 Budget <http://www.hm-treasury.gov.uk/2011budget.htm>

29. Women's Budget Group, in partnership with Howard Reed of Landman Economics, pioneered this type of analysis in its response to the 2010 Comprehensive Spending Review. See Women's Budget Group (2010) *The Impact on Women of the Coalition Spending Review 2010*. WBG: London http://wbg.org.uk/RRB_Reports_4_1653541019.pdf

30. (Fawcett Society) v. Chancellor of the Exchequer [2010] EWHC 3522

31. See for example Women's Budget Group reports and responses http://www.wbg.org.uk/RRB_Reports.htm Accessed: 21/03/13

32. HM Treasury and Department for Business Innovation and Skills (2011) *Plan for Growth* http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf

33. See Women's Budget Group (2010) *The Impact on Women of the Coalition Spending Review 2010*. WBG: London http://wbg.org.uk/RRB_Reports_4_1653541019.pdf

Budget.³⁴ The subsequent budgets have done nothing to redress that imbalance. (See Article 13 for more information)

2.22 We welcome the fact that the Government published for the first time, an equalities overview document, alongside the Spending Review 2010.³⁵ However, the Government lacks the common datasets across all departments to allow them to model the impact of policy proposals on different groups for every area of policy, and there continues to be an absence of gender disaggregated data in key areas of expenditure.³⁶

Recommendations:

- **We call upon the Government to improve its capacity to conduct gender impact assessments; and to go beyond piecemeal analysis of each measure, and assess economic strategy as a whole from a gender equality perspective**
- **Gender responsive budgeting should be mandatory for all national and local Government departments and public bodies**

Gender analysis in HM Treasury and tax revenue

2.23 There is no equality impact statement in the HM Treasury and Department for Business, Innovation and Skills joint document *Plan for Growth*,³⁷ published alongside the Budget.

2.24 In evidence under the EHRC's Section 31 assessment³⁸ the Women's Budget Group³⁹ noted that the methods used by the Treasury to conduct its distributional impact analysis, differentiating households by levels of income, could have been used to differentiate households by their gendered characteristics. This would have alerted the Treasury to the fact that the households hardest hit (proportionate to their incomes) by the expenditure cuts, were lone parents (95% of whom are women) and single female pensioners, two groups that are already subject to multiple disadvantages.

2.25 The Government is providing millions in tax reductions and tax breaks for business, but men stand to gain more from these measures than women, as they outnumber women in ownership of shares and businesses. (See Appendix: 2 for further information)

Recommendation:

There should be a single point of government responsible for monitoring and assessing the cumulative impact of future Spending Reviews and Budgets alongside independent and authoritative equality analysis of public spending

34. See Stratton, A. (2010) 'Women will bear brunt of budget cuts, says Yvette Cooper', The Guardian, 4th July 2010 <http://www.guardian.co.uk/politics/2010/jul/04/women-budget-cuts-yvette-cooper>

35. HM Treasury (2010) Spending Review October 2010 http://cdn.hm-treasury.gov.uk/sr2010_completereport.pdf

36. Equality and Human Rights Commission (2012) Making Fair Financial Decisions Final Report. EHRC: London <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/section-31-assessment-of-hm-treasury/the-assessment-final-report/>

37. HM Treasury and Department for Business Innovation and Skills (2011) Plan for Growth http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf

38. Equality and Human Rights Commission (2012) Making Fair Financial Decisions Final Report. EHRC: London <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/section-31-assessment-of-hm-treasury/the-assessment-final-report/>

39. Women's Budget Group <http://www.wbg.org.uk/> Accessed: 21/03/13

CEDAW and the law

- 2.26 CEDAW is infrequently cited in case law before courts in England and Wales and we have found no evidence to suggest that CEDAW has been used in the courts in Scotland or Northern Ireland. Of the three cases we have been able to find which have cited CEDAW, the most recent was in 2006.⁴⁰ Therefore, we are concerned about the lack of awareness of CEDAW within the legal system which is needed so that lawyers and advocates are able to directly cite the Convention in court, and judges can refer to it or other international human rights principles in their decisions.
- 2.27 We are unaware of any existing national laws that conflict directly with the CEDAW Convention; however, there is a conflict between the Convention and national laws and policies as much legislation in the UK directly discriminates against women in practice.

Recommendation:

There should be a comprehensive review of discriminatory legislation and a plan developed for legal reform to include the possibility of direct incorporation of CEDAW into domestic legislation

- 2.28 We do not feel that adequate sanctions are in place for discrimination against women by public and private actors and the remedies available to women who experience discrimination from the public or private sector are being systematically removed. For example, the legal remedies and legal aid support available to women who have been discriminated against or have had their rights violated has been cut. ([See Article 15 and Appendix: 28 for more information](#))
- 2.29 There are few competent and sensitised tribunals to hear cases on discrimination and inequality which include procedures for women to claim their right to equality and non-discrimination. Where specific institutions did exist with procedures for women to be able to make complaints, these are being reduced or it will be harder for women to access support. For example, plans to remove employment tribunals' power to make wider recommendations in discrimination cases and the removal of the procedure for obtaining information will impact on equal pay and sexual harassment cases, weaken these processes and lead to increased discrimination and breaches of equalities legislation which is a regression of UK and international discrimination law and human rights.⁴¹

40. Women's UN Report Network, Legal tools – CEDAW case bank http://www.wunrn.com/news/2007/10_07/10_15_07/101507_cedaw.htm
Accessed: 16/04/13

41. Equality and Diversity Forum (2010) 'EDF and other responses to consultation on repeal of two enforcement provisions', 10th August 2012
<http://www.edf.org.uk/blog/?p=18722>

Article 3 – The development and advancement of women

- 3.1 The Government has pledged to “set a good example through our domestic implementation of these conventions and through the periodic reporting system” for the UN CEDAW, CRPD¹ and Convention on the Elimination of All Forms of Racial Discrimination (CERD)² conventions.³ However, the monitoring and implementation of equalities obligations has been hampered by a lack of structures and national machinery to do this.
- 3.2 There is no plan for implementation of the CEDAW Convention that sets out benchmarks for progress or specific commitments and institutional arrangements for implementation of the Beijing Platform for Action⁴ or the Millennium Development Goals⁵ that includes accountability to NGOs.

National machinery

- 3.3 The national machinery to promote women’s equality has been subject to sustained attack since the last report. The main UK level government body dealing with women’s equality, the GEO, previously a dedicated government Department, has been downgraded to become a unit of the Home Office and more recently moved to the Department of Culture, Media and Sport. The GEO does not have jurisdiction across the UK, for example in Northern Ireland, and there are insufficient mechanisms at government level which take account of devolution and ensure a coordinated approach to CEDAW across the UK.
- 3.4 The UK Women’s National Commission (WNC), the only UK-wide machinery dedicated to women’s equality, which was responsible for coordinating the UK’s independent shadow report to CEDAW, was abolished in 2010. The Welsh Women’s National Commission, which fulfilled a similar advisory function in Wales, lost its funding from the Wales Assembly and also closed down in 2010. Although the Welsh Government has shown more of a commitment to gender equality, funding various organisations and schemes that contribute to women’s equality. (See Annex 1)
- 3.5 These changes are part of a repeated and disruptive pattern of uprooting, reorganising and weakening equality machinery, particularly in central government. The GEO has been moved eight times in the last 16 years,⁶ requiring it to realign its objectives and working methods to new Departments and new Ministers on each occasion, with a consequent loss of continuity and focus. Most significantly, it is difficult for such a unit to attract the necessary investment of resources within a department if it is viewed as a temporary addition to their long-term duties.
- 3.6 In May 2010 the WNC was reviewed and a consultation conducted by online questionnaire.⁷ The decision was made to abolish the body, taking its tasks ‘back’ into government claiming this

1. Convention on the Rights of Persons with Disabilities (CRPD) <http://www.un.org/disabilities/default.asp?id=150>

2. Convention on the Elimination of All Forms of Racial Discrimination (CERD) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

3. Government Equalities office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

4. Beijing Platform for Action <http://www.un.org/womenwatch/daw/beijing/platform/>

5. United Nations Millennium Development Goals <http://www.un.org/millenniumgoals/> Accessed: 18/04/13

6. Department for Education and Employment, 1996; Department of Work and Pensions, 1997; Cabinet Office, 1999; Department of Trade and Industry, 2002; Department of Communities and Local Government, 2005; Government Equalities Office, 2007; Home Office, 2010.

7. Government Equalities Office (2010) Strengthening Women’s Voices in Government Consultation http://sta.geo.useconnect.co.uk/news/launch_of_consultation_-_stren.aspx Accessed: 21/03/13

would “increase accountability and reduce the cost of government funded bodies”.⁸ Given the intention was to ‘strengthen engagement with women’ it is contradictory that women consider such engagement to have been weakened.

- 3.7 The present situation in which the GEO has taken over the role of an independent infrastructure for women and their organisations, however, means that there is no independent national body open to all women and their organisations which can be brought together, data collated and views developed in discussion, learning and expertise grown within a unique and structured way, and the outcome taken to government. Women’s organisations are now hamstrung by the loss of funding and infrastructure. (See Appendix: 4 for further information)

Recommendation:

The Government must encourage alternative models to be resourced for an independent, collective voice from women for the whole of the UK and should consider setting up a temporary resourced structure for a new ‘women’s national machinery’ to include an independent body for women and their organisations coordinated for the whole of the UK with assessment

Inter-Ministerial Group on Equalities

- 3.8 The Inter-Ministerial Group on Equalities was set up to ensure that the Government continues to drive work to support the *Equality Strategy* across government, working closely with all those involved.⁹ The group is there to address common issues, oversee the implementation of this strategy and report annually on progress. However, the Gender Director’s Network and Inter-Ministerial Group on Equalities are not transparent or accessible and there is no way for NGOs or gender equality experts to feed in or engage with this process.
- 3.9 The Government has also set up a Ministerial Group looking at Gypsy and Traveller communities and published a progress report¹⁰ in April 2012, but this only mentioned women once and did not include any specific commitments about women.

Consultation

- 3.10 There are issues with the methods of consultation and also the outcomes of this process. For example, with the *Strengthening Women’s Voices Consultation*¹¹ in 2011 which sought views on how government engages with and listens to women after the closure of the WNC, NGOs reported feeling that they had already been ‘consulted to death.’ There was considerable doubt about whether the Government’s desire to engage was genuine or whether it merely constituted a tick-box exercise to demonstrate grassroots consultation and engagement in a democratic process. Most women felt that the Government was failing to explain clearly why consultations took place, how any views gathered were considered, what impact they made on decision making and what benefit could be derived from planned policy. This meant there was little incentive for them to take part. They also felt that government departments had their

8. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom’s Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 30

9. Government Equalities office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

10. Department for Communities and Local Government (2012) Reducing Inequalities for Gypsies and Travellers: Progress report. DCLG: London <http://www.communities.gov.uk/publications/planningandbuilding/mwgreporttravellers>

11. Home Office (2011) Response to the public consultation ‘Strengthening Women’s Voices in Government’ <http://www.homeoffice.gov.uk/publications/equalities/womens-equality/strengthening-womens-voices>

'favourite consultees,' so the same views were sought time and again to justify new initiatives and policy proposals.¹²

- 3.11 With the consultation for the *Call to End Violence Against Women and Girls Strategy*,¹³ NGOs had just been involved in a detailed consultation with the previous government which led to a strategy and so did not have the capacity to engage again when the information was the same and the strategy it had led to was appropriate.
- 3.12 The Government's methods of consultation are also not inclusive. For example, for Muslim women with homes, families and jobs it is too difficult to find time to deal with much of the output from government, let alone have a prolonged meaningful discussion with them.¹⁴ There are also issues with the focus on online communication which excludes women who are not computer literate, do not have internet access, those with disabilities as well as other issues outlined in the case study below which are relevant for many women.

Case Study:¹⁵

Muslim women have said that they would only engage in online dialogue with the Government if they were sure of being afforded privacy, anonymity and secure storage of information. Communicating via IT would be a challenge for many Muslim women due to access and not being able to use such tools. This was either because: they were from disadvantaged families and communities who could not afford IT; they are part of an older generation unwilling or unable to understand their use; they were from families who disapproved of social media; they could not communicate well enough in English.

Recommendation:

Communication is needed between government/public bodies and the women's NGO sector. Women's organisations need access to greater participation in government policy and processes including involvement in consultations, however, consultation with women and NGOs must be sustainable, accessible and confidential for those involved and recognise and value their knowledge and involvement

- 3.13 In 2012 there were further attacks¹⁶ on the process of consultation with the Government removing the statutory 12 week minimum consultation period, which forms part of the Compact¹⁷ agreement between government and the voluntary sector, and saying that consultation is not even needed in many circumstances. This removes the ability for women to be involved in the decisions that affect their lives and to ensure that these decisions do not go against CEDAW principles and reduce equal engagement.

Non-Departmental Public Bodies

- 3.14 The EHRC is the National Human Rights Institution (NHRI) for England and Wales and plays a vital role in the national machinery to promote women's equality. An independent, transparent

12. Muslim Women's Network UK (2011) *Muslim Women: Political and Civic Engagement in the UK*. MWNUK, University of Warwick and The Economic Social Research Council http://mw nuk.co.uk/go_files/downloads/MWNUK-Booklet-website.pdf

13. Home Office (2010) *Call to End Violence against Woman and Girls*. HM Government <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-paper?view=Binary>

14. Muslim Women's Network UK (2011) *Muslim Women: Political and Civic Engagement in the UK*. MWNUK, University of Warwick and The Economic Social Research Council http://mw nuk.co.uk/go_files/downloads/MWNUK-Booklet-website.pdf

15. Muslim Women's Network UK (2011) *Muslim Women: Political and Civic Engagement in the UK*. MWNUK, University of Warwick and The Economic Social Research Council http://mw nuk.co.uk/go_files/downloads/MWNUK-Booklet-website.pdf

16. Compact Voice (2012) 'Initial statement on Prime Minister's comments at CBI conference', 21st November 2012 <http://www.compactvoice.org.uk/news/2012/11/21/initial-statement-prime-ministers-comments-cbi-conference>

17. See Compact Voice (2012) <http://www.compactvoice.org.uk/about-compact> Accessed: 21/03/13

and accountable EHRC that is able to hold government to account when women's rights are not being respected is essential for the advancement of women's equality; however the position of the EHRC is currently under threat. The EHRC is the subject of continuing review and severe cuts and many of these monitoring functions will be reduced. For example, the EHRC has closed its grants programme that funded civil society in the area of gender equality and women's human rights, supporting organisations to engage with international human rights mechanisms. For example, in the UK's 7th Periodic Report it is noted that the EHRC provided funding to the Women's Resource Centre to run training programmes around England on CEDAW, which was only indirectly government funding. The Government is proposing to remove the General Duty of the EHRC, which sets out its vision and mission, and is therefore important for guiding work on women's rights. This issue is currently being considered by Parliament. (See Appendix: 6 for further information)

Non-Governmental Organisations

- 3.15 The women's NGO sector has been a leader in bringing about positive changes to women's (and men's) lives and improving gender equality in the UK, yet it is facing the worst funding crisis in recent history and its sustainability is being seriously undermined while demand for services is increasing.¹⁸
- 3.16 A lack of recognition of the role and value of the women's sector within policy and commissioning frameworks has resulted in a trend across central government whereby specialist services are being overlooked for funding and investment in favour of large, generic providers who are being awarded contracts for the delivery of specialist women's services. The failure to adequately support the women's sector to undertake policy work threatens the ability of the sector to hold government to account in terms of how its policies impact on women, to influence positive policy development and to interact with international policy bodies.

Case study:¹⁹

"Gender specific work is proving to be increasingly difficult, with the limitations on funding they are fighting for single sex services. Funders tend not to be responsive to need and think of this type of work as discriminatory. Gender equality legislation seems to be used by more men than women."

- 3.17 Despite the denial of this in the Government's report, research in 2012 has found that about one in three Rape Crisis Centres in England and Wales have been challenged by funders about the fact that they provided women-only services.²⁰ However, these organisations are the only ones that can meaningfully engage isolated communities of women and bring them to a position where they can take part in, and shape wider public and social life. Women-only services are also value for money and can have a huge impact on public spending particularly in the areas of healthcare and benefits.²¹ Losing specialist services can have a detrimental impact on the health and wellbeing of the particular population which that service served, with a loss of

18. See for example North East Women's Network (2013) The Health of the Women's Sector in the North East of England: Findings from annual online surveys from 2009 to 2012 http://www.newwomens.net/images/stories/January_2013_-_Health_of_the_Womens_Sector_in_the_North_East_report.doc.pdf

19. Research participant from a voluntary sector organisation in Northumberland, June 2012, in North East Women's Network (2012) Findings and recommendations from interim case study: The impact of austerity measures upon women in the North East of England, October 2012 and updated April 2013. NEWomen's Network and Women's Resource Centre <http://www.newwomens.net/index.php/research-leftmenu-56>

20. Coates, S., Eggleston, L. and Regan, L. (2012) Impact Of Rape Support Fund On Existing Rape Crisis Centres. Rape Crisis (England and Wales) (forthcoming)

21. Women's Resource Centre (2011) Hidden Value: Demonstrating the extraordinary impact of women's voluntary and community organisations. WRC: London http://thewomensresourcecentre.org.uk/wp-content/uploads/hidden_value_wrc_sroi_report_2011_22.pdf

expertise in language, cultural understanding, or understanding of the distinct circumstances for particular groups.²²

- 3.18 Ring-fencing funding is the only way to make sure that women, and other equalities groups, will receive money. Political will is needed to prioritise the needs of women and their support services. There is an assumption that sustainability can be achieved through non-government money, which is not a reality for many small organisations.
- 3.19 The Government's report has failed to address the critical role of women's NGOs as key institutions in promoting gender equality. Neither has the Government reported on the crisis facing the women's NGO sector which they have not publicly acknowledged or indeed made any plans to intervene in to halt the imminent closure of organisations. (See Appendix: 4 for further information)

Recommendations:

- **There is a need for ring-fenced funding for women-only services**
- **The needs of women within a particular locality need to be assessed in order to enable appropriate provision of services and address discrimination, including within existing services; local strategies should also be developed to address local needs**

Lack of disaggregated data

- 3.20 CEDAW General Recommendation 28²³ highlights States parties' responsibility to "create and continuously improve statistical databases and the analysis of all forms of discrimination against women in general and against women belonging to specific vulnerable groups in particular... Mechanisms that collect relevant sex-disaggregated data, enable effective monitoring, facilitate continuing evaluation and allow for the revision or supplementation of existing measures and the identification of any new measures that may be appropriate." During the 2012 UPR there was also a recommendation to the UK to strengthen data collection and maintain disaggregated data to better understand the scale and severity of hate crimes towards women and other groups.
- 3.21 However, data is not being collected at all under some of the Equality Act 2010 'protected characteristics'. For example, the UK has no reliable baseline estimate of how many women identify themselves as lesbian, bisexual or transgender²⁴ which is a major obstacle in tackling discrimination and inequality and in measuring specific needs of this population in the UK. The lack of socio-economic data about the LGB&T community is also a barrier to both funding and greater influence.²⁵ There is also a lack of data disaggregated by gender and older age in some areas,²⁶ as well as a general lack of statistics disaggregated by multiple aspects of identity, such as disability and gender. Statistics also fail to recognise that disabled people are not a homogenous group and include disabled women as well as men. During the research for this

22. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

23. CEDAW General Recommendation No. 28 The Core Obligations of States Parties under Article 2 of CEDAW (forty-seventh session, 2010) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>

24. Equality and Human Rights Commission (2009) Beyond Tolerance: Making Sexual Orientation a Public Matter. EHRC: London http://www.equalityhumanrights.com/uploaded_files/research/beyond_tolerance.pdf

25. Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/IAOC.pdf>

26. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

report is was particularly difficult to find any data on disabled women. There are also gaps in basic information about women who are institutionalised, and women, such as Gypsy, Traveller and Roma women, who do not live in fixed locations.²⁷ Knowing the migrant population and its needs is also a complex task because migrant populations often change over time for many reasons. This has an impact on policy, for example, new health Clinical Commissioning Groups are responsible for the health of everyone in their area, not just for the patients registered at GP practices. (See Article 12) Communities are frequently internally divided and heterogeneous, and not all community organisations or ‘community leaders’ speak for everyone. This is particularly true in relation to women. It is important to recognise that communities may be differentiated by language and dialect, religion, gender and age, as well as the length of time people have been in the UK.²⁸

- 3.22 Recent cancellations of official surveys will reduce the ability of the EHRC, government and other public bodies to understand the effect of policies and practices on equality groups as required by the PSED, and measure progress towards equality. (The *Wealth and Assets Survey* measures assets, debt and savings by employment status and in 2010 it showed a high degree of inequality.²⁹ However, no further waves of this survey are planned. The Citizenship Survey was cancelled in 2011.³⁰ The Tellus survey³¹ was discontinued by the Department for Education in 2010. The Census may also be discontinued.³²) The EHRC are dependent on the Government and other bodies collecting data and without this will not be able to monitor progress on equality.
- 3.23 This will also reduce the Government’s ability to report on its compliance with CEDAW. Appropriate, high-quality data is not currently available to allow public bodies to target resources well, to deliver services effectively and to publish information on outcomes as required by the PSED. It is important that these are available to the public, given that the Government has determined that public accountability through transparency shall become a key lever in delivering equality in the public sector, rather than relying on regulation. Local Authorities need such information to prioritise how resources should be spent as part of the Government’s ‘localism agenda’. Information, analysis and regulatory scrutiny of public authorities in England has been further reduced by the abolition of the Audit Commission and changes to the role of the Care Quality Commission in respect of Local Authorities.
- 3.24 A lack of evidence and data about a community can impact on funding for services, for example needing to provide ‘proof’ of need which is prohibitive for small groups who are unable to collect data themselves without funding.³³

27. Equality and Human Rights Commission (2012) Submission of the Equality and Human Rights Commission, A status National Human Rights Institution for the United Kingdom of Great Britain and Northern Ireland on the list of issues for the Convention on the Elimination of Discrimination against Women (CEDAW) Committee pre-sessional working group meeting. EHRC: London http://www2.ohchr.org/english/bodies/cedaw/docs/55/EHRC-UK-PSWG_55.pdf

28. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

29. The wealthiest half of British households have 91% of total wealth, with the least wealthy half accounting for only 9% of wealth, according to Office of National Statistics (2011) Wealth in Great Britain Wave 2 2008-10 (Part 1) <http://www.ons.gov.uk/ons/rel/was/wealth-in-great-britain-wave-2/2008-2010--part-1-/index.html>

30. Tarran, B. (2011) ‘Citizenship Survey axed to save £4m despite opposition’, Research, 21st March 2011 <http://www.research-live.com/news/government/citizenship-survey-axed-to-save-%C2%A34m-despite-opposition/4004812.article>

31. The Tellus survey was developed by Ofsted and the Department for Education and gathered the views of children and young people and was used by inspectors to identify potential aspects to investigate.

32. BBC News (2010) ‘National census in 2011 could be last of its kind’, BBC News UK, 10th July 2010 <http://www.bbc.co.uk/news/10584385>

33. Women’s Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women’s services in the UK. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/IAOC.pdf>

Case study:³⁴

“They turned us down because we could not prove that no-one else was doing the work. They said if we did a survey [to prove] that nobody else was doing the work [they would be more likely to fund it].”

Recommendations:

- **The methods to collect equalities data should be improved and developed rather than cancelled. It is important that when government considers reducing its data collection that it shows ‘due regard’ to equality so that it can effectively monitor the effect on women of all policies**
- **There must be greater transparency, including clear guidance on data and analytical requirements, for the whole of government and common rules to allow easier sharing of equality data within government, such as standardised data collection**

Human rights and women

- 3.25 The passing of the Human Rights Act 1998 (HRA), which entered into force in 2000, marked a significant shift in the protection of human rights in the UK. Understanding the nature and role of the HRA is fundamental to any attempt to assess the UK’s human rights performance, including compliance with CEDAW. Under the terms of the HRA, all public authorities in the UK are required to observe the HRA rights in all that they do and in all decisions that they make (the Section 6 Public Duty). For example women, girls and their advocates have used the Section 6 Duty to achieve various human rights outcomes without litigation such as:
- securing safe accommodation from state services for a woman fleeing domestic violence and preventing her children being removed from her care on the basis of her homelessness
 - gaining extra support from state health services for a woman with suicidal tendencies to protect her right to life
 - challenging the state seeking to evict a woman whose asylum application had failed whilst she was in hospital giving birth.
- 3.26 There are pockets of good practice of complying with the HRA and using this to ensure women’s rights are protected, although it remains under-used in policy and practice. This together with lack of incorporation of CEDAW presents a significant gap between law and practice with serious risks to the rights of women and girls.
- 3.27 We also believe the strong and effective protections contained in the HRA are now at substantial risk of being diluted. In 2011 the Coalition Government established a Commission to investigate the creation of a UK Bill of Rights which on the surface could appear to be a positive human rights development. However, the Commission, which is poorly resourced and highly unrepresentative,³⁵ is carrying out its work during a period when the HRA and the concept of human rights are under sustained attack by some sections of the UK media and some political leaders, including the Home Secretary and the Prime Minister. There are repeated misrepresentations and misreporting of judicial decisions made under the HRA, especially when these concern marginalised or unpopular groups, including those from lower socio-economic

34. Women’s Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women’s services in the UK. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/IAOC.pdf>

35. The Commission has undertaken very limited consultation given such a weighty matter (a handful of seminars and two consultation papers), the Commissioners are not full-time, all are lawyers, white and there is only one woman Commissioner. See Commission on the Bill of Rights (2012-13) <http://www.justice.gov.uk/about/cbr> Accessed: 21/03/13

classes, migrants, and Gypsy, Traveller and Roma communities. Various government ministers have openly criticised³⁶ the HRA and the European Convention on Human Rights (ECHR)³⁷ calling for the repeal of the HRA and for the UK to pull out of the ECHR altogether. This represents an extremely regressive step in our human rights protections, which will have a significant detrimental impact on the rights of women and girls in the UK.

Recommendation:

Given the negative rhetoric around human rights, often propagated by UK political leaders, the UK Government must ensure that the vital rights and mechanisms contained in the Human Rights Act, which provide important protections for women and girls, will remain part of UK law

36. Sayal, R. (2013) 'Tory Ministers plot Human Rights Act repeal', The Guardian, 3rd March 2013 <http://www.guardian.co.uk/politics/2013/mar/03/tory-ministers-human-rights-act>

37. European Convention on Human Rights http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf

Article 4 (General Recommendation 5, 25) - Temporary special measures to accelerate equality

Special measures to accelerate equality

- 4.1 In their 7th Periodic Report the Government (GEO) state that “*the UK Government has introduced a number of special measures to improve equality between women and men and to facilitate gender mainstreaming during the reporting period through legislative and other measures.*”
- 4.2 However, we are not convinced that these include temporary special measures that result in substantive equality for women. The CEDAW principles on temporary special measures and General Recommendation 25¹ have not fully been utilised. Several of these measures have officially been announced but not made compulsory and our analysis shows that the Government is not prepared to introduce binding temporary measures.²
- 4.3 For example the Government has introduced agreements with private industry to combat the gender pay gap but these are voluntary and ineffective.³ (See Article 11 for more information) Temporary special measures such as women-only services and ring-fenced or special funding for women’s rights work would be a positive step towards realising CEDAW in the UK and should be explored.
- 4.4 The monitoring of special measures that have been introduced is also not adequate and there are limited mechanisms in place to monitor their implementation or to measure their progress in accelerating equality for women.

Recommendation:

The Government must introduce further temporary special measures to address discrimination against women after recommendations from the UN and others, and the success of this in other countries

- 4.5 Proportionate action needs to be taken to address the discrimination faced by women from the most marginalised and minority groups such as disabled women, Gypsy, Traveller and Roma women and migrant women, as this is where the largest impact can take place. However, very few temporary special measures have been introduced that focus on specific groups of women or affirmative action policies that have impacted on their rights.

Women-only shortlists

- 4.6 The Government has extended the ability for political parties to use women-only shortlists until 2030⁴ alongside other voluntary action and encouragement. However, this does not constitute binding temporary special measures that will lead to substantive change and does not address

1. CEDAW General Recommendation No. 25 on article 4, paragraph 1, on temporary special measures (twentieth session, 1999) <http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20%28English%29.pdf>

2. For example Fontanella-Khan, J. (2012) ‘UK fights Brussels on female board quotas’, Financial Times, 4th September 2012 <http://www.ft.com/cms/s/0/b4146a14-f6b6-11e1-827f-00144feabdc0.html#axzz2OBj6nD7B>

3. Bird, A. (2012) ‘Gender pay gap is still too big’, The Guardian, 16th June 2012 <http://www.guardian.co.uk/commentisfree/2012/jun/16/gender-pay-gap-audits>

4. CEDAW 55th session (2013) List of issues and questions with regard to the consideration of periodic reports: United Kingdom of Great Britain and Northern Ireland. Addendum: Replies of United Kingdom of Great Britain and Northern Ireland to the list of issues to be taken up in connection with the consideration of its seventh periodic report, 5th February 2013 <http://www2.ohchr.org/English/bodies/cedaw/docs/CEDAW.C.GBR.Q.7.Add.1.pdf>

the institutional discrimination and barriers to women's participation and progression. Positive discrimination against women through the use of quotas has been discussed by the European Commission.⁵ However, the UK Government has been vocal⁶ about its objection to introducing binding temporary measures to promote women's equality even though they have proved successful elsewhere and are supported by UN Women.⁷ ([See Article 7 for more information](#))

5. BBC News (2012) 'EU defends women-on-boards plans', BBC News Business, 14th November 2012 <http://www.bbc.co.uk/news/business-20322317>
6. Mason, R. (2012) 'Female quotas 'negatively affect' business, says minister', The Telegraph, 17th October 2012 <http://www.telegraph.co.uk/news/politics/9615292/Female-quotas-negatively-affect-business-says-minister.html>
7. The Indian Express (2012) 'Enacting women's quota bill will send a strong message: UN', 3rd October 2012 <http://www.indianexpress.com/news/enacting-womens-quota-bill-will-send-a-strong-message-un/1011423>

Article 5 - Sex roles and stereotyping

- 5.1 Gender stereotypes abound in all areas of society in the UK. Rhetoric from the Government often reinforces gender stereotypes, for example the expectation that women's primary responsibilities are in the home. The perpetuation of gender stereotypes creates a negative and disempowering environment of conformity for women and openly encourages discrimination against women. Among the material consequences of these stereotypes are, for example, the continued low level of women in leadership positions (See Article 7) and the acceptability of violence against women and girls. (See General Recommendation 19) We would like to know what the Government's plan of action is to end the perpetuation of gender stereotypes and to create change around this?

Women in Science, Technology, Engineering and Maths (STEM) education and work

- 5.2 The number of unemployed men has begun to fall, but the number of women who are unemployed is rising.¹ Investment in apprenticeships, technical training and science is welcome. But it is disappointing that the Government is combining this investment with a withdrawal of funding from initiatives to combat entrenched gender occupational segregation, which results in a concentration of young women in training for jobs that pay far less than those in sectors such as science and engineering.² For example the withdrawal of funding to the UK Resource Centre for Women in Science, Engineering and Technology³ shows a lack of commitment to supporting women to enter these professions and to end gender segregation in employment. (See Articles 10 and 11 for further information)

Portrayal of women in the media

- 5.3 Women's groups remain concerned that the UK Government has done little so far to address the recommendations of the CEDAW Committee in 2008 regarding the stereotyping of women in the media and lack of positive images of women, including ethnic and minority women, elderly women and women with disabilities.
- 5.4 In particular positive representations of disabled women tend to be missing.⁴ (See Appendix: 36) Disabled people in general are portrayed in the media as social burdens who are unable to contribute to society in any meaningful way.⁵ Incidents of negative language about disabled people like 'burden', 'scrounger' and 'cheat' in print media has increased, whilst sympathetic accounts of disability discrimination had almost disappeared in the tabloid press.⁶ People living in poverty also have to face stigma and prejudice, and a lack of recognition for the positive, non-financial contributions they make to society.⁷ (See Article 13)

1. Saner, E. (2012) 'Female unemployment crisis', The Guardian, 20th February 2012 <http://www.guardian.co.uk/society/2012/feb/20/female-unemployment-crisis-women>
2. WISE (2012) 'Cuts to the UKRC questioned in UK parliament', 11th January 2012 <http://www.theukrc.org/news/2012/01/cuts-to-the-ukrc-questioned-in-uk-parliament>
3. The UKRC <http://www.theukrc.org/> Accessed: 21/03/13
4. Scarlet, M. (2012) 'Shooting Beauty' Disability Now, April 2012 http://archive.disabilitynow.org.uk/search/z12_04_Ap/style.shtml
5. Boffey, D. (2011) 'Welfare to Work policy "casts the disabled as cheats"' The Observer, 24th July 2011 <http://www.guardian.co.uk/society/2011/jul/24/welfare-policy-incites-hatred-disabled>
6. Jolly, D. (2011) 'Scapegoats, Sinners and Political Strategies: the media and disability cuts -Debbie Jolly' Disabled People Against Cuts <http://www.dpac.uk.net/2011/12/scapegoats-sinners-and-political-strategies-the-media-and-disability-cuts-debbie-jolly/>
7. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

Case study:⁸

Sandra lives in Salford, and since losing her job has been on benefits. She feels that her self-esteem has been severely affected by her situation. *“What worries me, and scares me sometimes, is that there are so many programmes about benefit cheats and scroungers, and the labelling you get because you are someone on benefits. I think there’s a massive link between poverty, stress, and mental health, and you can’t get away from it. I felt I was relatively safe. I had a mortgage, I had a job, I had a good career; now I’ve been reduced to a set of labels. The confidence I used to have is gone. What rules most of the time is my electric meter, constantly going, and I worry about how many showers can I have in a week? How much television can I watch?”*

Recommendation:

Media images of disabled women and women from diverse backgrounds in positive roles should be increased. Black and minority ethnic women’s representation in the media should also be improved, in particular challenging the connection between Islam, Muslims and violent extremism

- 5.5 As stated in the Government’s report,⁹ there are a wide range of regulatory controls on the media and advertising which set out rules on discriminatory treatment in relation to the portrayal of women. In relation to the sexual objectification of women in the media, these rules are not always consistent and they are not always upheld. Within broadcast media for example, nudity before the 9pm watershed, or material that may cause offence at any time of the day, must be justified by the context. This acts to prevent only more overt forms of objectification.
- 5.6 Government-backed reports have also made clear recommendations around gender stereotyping and women’s representation. Dr Papadopoulos’ 2010 report¹⁰ made a number of recommendations including the need for educational programmes to inform young people about healthy relationships and gender stereotyping. (See Article 10 for more information) The Government disseminated the report but this has not yet led to the creation of particular Government actions. The *Stern Review*¹¹ also focused on the need to launch publicity campaigns in relation to rape which highlight the role of the perpetrator and tackle their responsibility rather than placing responsibility on the victims to keep themselves safe.
- 5.7 However, within certain aspects of the print-based media, it is commonplace for stereotyped and objectifying images of naked or semi-naked women to accompany the news, and indeed to be printed on the front page. These images are more often than not accompanied by derogatory language referring to the female body parts, and advertisements for the sex and pornography industries within such newspapers further serve to commodify women as sex objects.¹²

8. Oxfam (2012) *The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty*. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

9. Government Equalities Office (2011) *CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report*. United Kingdom’s Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 50

10. Papadopoulos, L. (2010) *Sexualisation of Young People Review*. Home Office: London <http://webarchive.nationalarchives.gov.uk/20100418065544/http://homeoffice.gov.uk/documents/Sexualisation-of-young-people.html>

11. Government Equalities Office (2010) *The Stern Review: A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales*. GEO: London http://webarchive.nationalarchives.gov.uk/20100418065537/equalities.gov.uk/stern_review.aspx

12. See OBJECT and Turn Your Back on Page 3 (2011) *Joint Submission to the Leveson Inquiry* <http://www.OBJECT.org.uk/files/The%20Leveson%20Inquiry%20-%20OBJECT%20and%20Turn%20Your%20Back%20on%20Page%203%20Joint%20Submission.pdf>

- 5.8 This persistent portrayal of women as sexualised objects in the print based media is clearly discriminatory in nature, it is un-paralleled for men, and it exists without context. Indeed, such images would be prohibited for adults in the workplace under equality legislation, because they are considered a form of sexual harassment, and when the campaign group OBJECT¹³ submitted evidence to the Leveson Inquiry¹⁴ on the harms associated with this persistent portrayal of women as sex objects in the UK press, their exhibits were censored.¹⁵ Yet, as OBJECT highlighted, such portrayals of women form a staple part of mainstream tabloids which are sold in ordinary newsagents and supermarkets without any form of age-restriction. This lack of press regulation on the issue is inconsistent with other forms of media, and equality legislation, and it allows for the sexual objectification of women in mainstream media to continue unchecked.
- 5.9 In relation to advertising, the Advertising Standards Authority¹⁶ (ASA) background briefing paper on the issue of the portrayal of women (last updated in December 2011¹⁷) is entitled *Taste and Decency: Depiction of Women*, and refers to the 'subjectivity' of what it describes as 'taste and decency' issues. It states the rules as: "*ads should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability.*" And it explains that: "*Compliance is judged on the context, medium, audience, product and prevailing standards of decency.*" As well as these general rules, further guidelines have been issued in relation to sexualised advertising in outdoor settings, largely in response to the *Bailey Review*¹⁸ referred to in the Government's report.¹⁹
- 5.10 These attempts to address the increased hyper-sexualisation, mainly of women, are welcomed as an important first step to counter the sexual objectification of women in mainstream society. However, there are fundamental weaknesses in the ASA approach to sexualised imagery. Firstly, to define the sexual objectification of women and girls as an issue of 'taste and decency', as opposed to an aspect of discrimination, is to trivialise the issue by rendering it subjective. Secondly, attempts to judge complaints on the basis of 'prevailing standards of decency' is problematic. It relies upon interpretation of what would be considered to cause widespread offence within a culture which is itself influenced by media and advertising; and it allows for a form of discrimination to become so normalised that it no longer stands out as 'indecent', even though the harms associated with the discrimination remain.
- 5.11 There is much research into the harms associated with the objectification process in relation to male-female relations and gender roles.²⁰ This has been shown to impact upon the health and wellbeing of girls and women, and to play a role in reinforcing discrimination. In the light of such evidence, it is wholly inadequate and inappropriate to regulate sexually objectifying imagery in relation to subjective notions of 'taste and decency', which actually serve to trivialise the

13. OBJECT <http://www.object.org.uk/> Accessed: 21/03/13

14. The Leveson Inquiry <http://www.levesoninquiry.org.uk/> Accessed: 21/03/13

15. See OBJECT's witness statement to the Leveson Inquiry <http://www.OBJECT.org.uk/files/Witness%20statement%20for%20the%20website.pdf>

16. Advertising Standards Authority <http://www.asa.org.uk/> Accessed: 21/03/13

17. See Committees of Advertising Practice, Taste and Decency: Sex, sexual orientation and sexism <http://www.cap.org.uk/Advice-Training-on-the-rules/Advice-Online-Database/Taste-and-Decency-Sex-Sexual-Orientation-and-Sexism.aspx> Accessed: 16/04/13

18. Advertising Standards Authority (2011) Statement on outdoor advertising: No. 10 summit on Bailey Report <http://www.asa.org.uk/Media-Centre/2011/-/media/Files/ASA/Misc/ASA%20Chief%20Executive%20statement%20to%20No10.ashx> also see Bailey, R. (2011) Letting Children be Children – Report of an Independent Review of the Commercialisation and Sexualisation of Childhood. Department for Education <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208078>

19. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=BinaryParagraph54>

20. See OBJECT (2012) Speech for July 2012 debate against the Advertising Standards Authority in Parliament <http://www.object.org.uk/files/Sexualised%20imagery%20in%20advertising%20needs%20to%20be%20controlled%20by%20statutory%20regulation.pdf>

issue. A more appropriate guide for regulation would be to use and to build upon criteria which addresses objectification and, in particular, sexual objectification.

- 5.12 There is no reason why a self-regulatory system could not devise and impose such guidelines. However, it is clear that thus far no such system has done so effectively. Therefore, considering the inability of the industry to impose these restrictions on itself, and given the harms associated with this persistent stereotyped portrayal of women, it becomes clear that further action is required.
- 5.13 This action could take many forms, including one of self-regulation, and it should not undermine principles of freedom of expression. In Spain, for example, a 2004 law against violence against women effectively bans advertising which uses women's image in a humiliating or discriminatory way. This does not challenge the principle of self-regulation; rather it provides a clear framework for the industry to operate within. In 2007, further legislation was introduced to include measures to combat advertising with discriminatory content.²¹ Indeed, although a self-regulatory regime is generally preferred, the European Council Committee Members stated that *"the Committee of Ministers does not deem it indispensable that incitement to discrimination in advertising be classed as a criminal offence in the member states' domestic law."*²² This further demonstrates the possibility for legislation against sexually objectifying imagery as a means of complementing and supporting self-regulation.

The Leveson Inquiry

- 5.14 Four UK NGOs²³ with broad membership bases were invited to give oral evidence to the Leveson Inquiry into the culture, practices and ethics of the media in January 2012. They spoke about the way women continue to be objectified, sexualised and discriminated against in the media to their detriment and harm. There is evidence that the media provides a conducive context in which VAWG (See General Recommendation 19) flourishes, by reinforcing myths and stereotypes about VAWG and condoning perpetrators' actions for example. It was noted how violence in some newspapers is eroticised by juxtaposing stories of VAWG with semi-naked or scantily clad women. Moreover, there is a failure to situate incidents of violence in the broader context of women's inequality by use of statistics, analysis and questions and that this contrasts with media coverage of other serious issues. This creates an overall misleading understanding of VAWG.²⁴ A recent survey²⁵ found that many women feel unable to come forward to report sexual violence for fear of being disbelieved and that the media has played a significant role in this. In referring to this and the low level of actual rape convictions, Alison Saunders, Chief Crown Prosecutor for London, said that the treatment of women in the media has an impact on the justice system and jurors' attitudes.²⁶ While pornographic and sexualised images are subject to regulation in the broadcast media, such images are reproduced daily in several of the print media without restriction.

21. European Advertising Standards Alliance (2008) Portrayal of Gender: Report on advertising self regulation across Europe <http://www.asa.org.uk/Resource-Centre/-/media/Files/ASA/Reports/2008EASAReportportrayalofgender1.ashx>

22. European Advertising Standards Alliance (2008) Portrayal of Gender: Report on advertising self regulation across Europe <http://www.asa.org.uk/Resource-Centre/-/media/Files/ASA/Reports/2008EASAReportportrayalofgender1.ashx>

23. Eaves, End Violence Against Women Coalition, Equality Now and OBJECT. For full submissions see: <http://www.levesoninquiry.org.uk/evidence/> Accessed: 21/03/13

24. Eaves (2008) Just representation? Press reporting and the reality of rape. Eaves: London <http://www.eavesforwomen.org.uk/campaigns-research/our-research/just-representation>

25. Mumsnet (2012) Rape and sexual assault survey results <http://www.mumsnet.com/campaigns/we-believe-you-campaign-survey-on-rape-and-sexual-assault> Accessed: 21/03/13

26. Crown Prosecution Service (2012) Speech on the prosecution of rape and serious sexual offences by Alison Saunders, Chief Crown Prosecutor for London, 30th January 2012 http://www.cps.gov.uk/news/articles/speech_on_the_prosecution_of_rape_and_serious_sexual_offences_by_alison_saunders_chief_crown_prosecutor_for_london/

- 5.15 The response from the inquiry drew heavily on this evidence.²⁷ Lord Leveson said there is evidence to show that the “*Page 3 tabloid press often failed to show consistent respect for the dignity and equality of women generally, and that there was a tendency to sexualise and demean women*”. He agreed with the key recommendation of the women’s groups that “*what is clearly required is that any such [new] regulator has the power to take complaints from representative women’s groups*”. Lord Leveson also said that consideration should be given to Code amendments which would give the new body power to intervene in cases of allegedly discriminatory reporting and reflect the spirit of equalities legislation.²⁸

Recommendation:

While taking care to protect proper freedom of expression, the Government must ensure that women’s voices are not silenced in and by the media and that stereotypes of women, which include the persistent and de-contextualised sexualisation and objectification of women in the media, are eliminated so that the media does not contribute to legitimising or promoting discrimination and violence against women

Question:

What steps has the Government taken in response to the Committee’s 2008 recommendation to promote the value of gender equality for society as a whole, which would provide the essential basis for proper treatment of women in and by the media?

Action on the ‘size zero’ debate and body confidence

- 5.16 We are pleased to see the Government taking some action on the representation of women through the body image debate²⁹ and acknowledging the links between this, VAWG, and discrimination against women more broadly. Research indicates that physically abused girls are more likely to develop eating disorders and 61% of girls with eating disorders have reported sexual abuse while 85% have reported physical abuse.³⁰ (See Article 12 and General Recommendation 19 for further information)
- 5.17 However, the resources devoted to this campaign could have been used to support existing work by women’s organisations on these issues. We are also concerned that following change of personnel, with Lynne Featherstone MP no longer leading on this work, there will be no continuity or further action around this and it will not be linked to other Government strategies addressed above.

Recommendation:

Body image should be included as a subject within Personal, Social and Health Education including resources aimed at boosting young people’s body confidence and self-esteem, along with materials to help pupils think critically about the images they see on screen and in print media³¹

27. Eaves, EVAW, Equality Now and OBJECT (2012) Just the Women: An evaluation of eleven British national newspapers’ portrayal of women over a two week period in September 2012, including recommendations on press regulation reform in order to reduce harm to, and discrimination against, women <http://www.endviolenceagainstwomen.org.uk/data/files/resources/51/Just-the-Women-Nov-2012.pdf>

28. Leveson, Lord Justice. (2012) An Inquiry into the Culture, Practices and Ethics of the Press: Report <http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780.asp>

29. Smithers, R. (2012) ‘Girls aged five worry about their body image, say MPs’, The Guardian, 30th May 2012 <http://www.guardian.co.uk/society/2012/may/30/girls-aged-five-worried-about-body-image>

30. Women’s Resource Centre (2008) Briefing: Violence Against Women, Health and the Women’s Voluntary and Community Sector. WRC: London http://www.wrc.org.uk/includes/documents/cm_docs/2008/v/vaw_and_health_briefing_sept_08.pdf

31. Hannah, V. (2012) ‘How to teach...Positive body image’, The Guardian, 11th June 2012 <http://www.guardian.co.uk/education/2012/jun/11/teaching-resources-body-image-report>

Article 6 - Exploitation of women

- 6.1 Sexual exploitation, in the form of trafficking and the exploitation of prostitution, poses a significant threat to women's equality in the UK. Trafficking for other forms of exploitation, such as domestic servitude, labour exploitation and for the purposes of obtaining welfare benefits have all been identified in the UK.¹

Combating human trafficking

- 6.2 In the UK's examination under the UPR in 2012,² the Government was given five recommendations from five different countries on combating human trafficking. These included *"increase efforts to combat trafficking in persons, particularly to protect women and children"* and *"take all measures to ensure that all trafficked people are able to access the support and services they are entitled to, including free legal aid and access to their right to compensation"*.³ These recommendations have not been met, however it has been noted that, *"the Government has no way of knowing how many women are trafficked, or how. Until greater information is known, any policy and provision can only be limited."*⁴
- 6.3 The Government's legal response to trafficking has been problematic, as trafficking is consistently viewed as an immigration problem rather than a human rights violation. The strategy the Government published on combating human trafficking, as mentioned in the 7th Periodic Report,⁵ focuses on 'up-stream' measures; relating to immigration and borders as a means to either discourage travel to the UK, or to identify traffickers and trafficked people before they enter the UK. While there is of course a role for this, there are many weaknesses in such an approach, not least being that at this stage in their journey most victims of trafficking are not yet aware that they are to be exploited. An over-reliance on these 'up-stream' and immigration-led measures cannot address the issue effectively and holistically. More meaningful prevention and better identification, protection and support for victims would be welcome, and would be in line with the spirit and intention of the international legislation the UK has ratified and purports to implement.⁶
- 6.4 It is also the case that those who are represented on the strategic group, working with the Inter-Departmental Ministerial Group on Human Trafficking, seem to be largely limited to those with 'first responder' status. For instance, the Poppy Project,⁷ which had been operating services for trafficked women for the last nine years, was not on this group. Yet 24% of referrals to this project concern women being held in immigration removal centres or prisons and whom the system has therefore failed to identify. Not only does this underline the weaknesses in identification by the National Referral Mechanism (NRM)⁸ but it highlights that there may be a very significant amount of information, intelligence and cases that are not featuring in strategic responses.

1. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf
2. Ministry of Justice, Universal Periodic Review <http://www.justice.gov.uk/human-rights/universal-periodic-review> Accessed: 21/04/13
3. Human Rights Council (2012) Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/150/31/PDF/G1215031.pdf?OpenElement>
4. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf
5. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 62
6. Anti Trafficking Monitoring Group (ATMG) (2012) All Change: Preventing trafficking in the UK. <http://tinyurl.com/c6k2uyx>
7. Poppy Project <http://www.eavesforwomen.org.uk/about-eaves/our-projects/the-poppy-project> Accessed: 21/03/13
8. Anti Trafficking Monitoring Group (ATMG) (2010) Wrong kind of victim? One year on: An analysis of UK measures to protect trafficked persons http://www.antislavery.org/includes/documents/cm_docs/2010/a/1_atmg_report_for_web.pdf

- 6.5 Similarly it was disappointing that on entering office the Home Secretary re-issued her *Call to End Violence Against Women and Girls* strategy⁹ and removed both trafficking and prostitution. (See [General Recommendation 19](#)) This results in misrepresenting the reality, extent and methods of traffickers. Trafficking and prostitution are inextricably linked to unacceptable levels of vulnerability, coercion, exploitation, violence and abuse, and we believe that VAWG can only be tackled effectively if policies, including trafficking and prostitution, are brought together in a single overarching strategy based on the principles of equality and human rights.
- 6.6 In addressing trafficking only as organised crime, the Government does not reflect the common picture of individual exploitative relationships which still amount to trafficking and so can result in victims being missed. It also results in conflicting, disproportionate and inappropriate policy measures from other government departments, particularly the UK Border Agency (UKBA), which is recognised as increasing the vulnerability of victims.¹⁰ We are especially concerned that the role of the UKBA in the NRM may compromise the equal treatment of trafficked women.¹¹
- 6.7 A significant proportion of trafficking can be internal and even where it does cross international borders it is not necessarily the case that it raises any immigration offences, so this portrayal and approach is misleading and risks failing to address the reality and entirety of the abuse. As Dave Stamp from the Asylum Support and Immigration Resource Team in Birmingham has commented: *“We see a lot of women who are themselves destitute in the UK being severely exploited. It happens in a lot of ways; partners abuse women and they are being forced to remain with their partners. There is not much law they can rely on without their partner. We see women here who have trafficked not just into the sex industry but also into factories and domestic work. They often also experience sexual violence during this process.”*¹²
- 6.8 We welcome the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (CoE Convention).¹³ However the current strategy and implementation¹⁴ of the Convention do not adequately reflect its intention, as it falls short of any meaningful prevention other than a focus on borders.¹⁵ There is considerable concern from expert bodies such as human rights agencies and the Group of Experts on Action against Trafficking in Human Beings (GRETA),¹⁶ overseeing the implementation of the Convention, that an over reliance on an immigration framework increases the vulnerability of victims to exploitation and abuse.¹⁷ Similarly, the failures of the NRM¹⁸ to adequately identify victims means many victims are not receiving the protection this Convention affords them. The Convention is clear that it seeks a gendered approach¹⁹ in recognition of the gendered nature of the abuse and that it is dedicated

9. Home Office (2011) *Call to End Violence against Women and Girls: Action Plan*. HM Government <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan?view=Binary>

10. Opinion No. 6/2010 of the Group of Experts on Trafficking in Human Beings of the European Commission On the Decision of the European Court of Human Rights in the Case of *Rantsev v Cyprus and Russia*, para. 8.

11. *Rights of Women* (2010) *Measuring up? UK compliance with international commitments on violence against women in England and Wales*. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

12. Geddie, E. and LeVoy, M. (2012) *Strategies to End Double Violence Against Undocumented Women: Protecting Rights and Ensuring Justice*. PICUM: Brussels <http://picum.org/picum.org/uploads/publication/Double%20Violence%20Against%20Undocumented%20Women%20-%20Protecting%20Rights%20and%20Ensuring%20Justice.pdf>

13. Council of Europe Convention on Action against Trafficking in Human Beings <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=1&CL=ENG>

14. *Rights of Women* (2010) *Measuring up? UK compliance with international commitments on violence against women in England and Wales*. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

15. Anti Trafficking Monitoring Group (ATMG) (2010) *Wrong kind of victim? One year on: An analysis of UK measures to protect trafficked persons* http://www.antislavery.org/includes/documents/cm_docs/2010/a/1_atmg_report_for_web.pdf

16. Group of Experts on Action against Trafficking in Human Beings (GRETA) http://www.coe.int/t/dghl/monitoring/trafficking/default_en.asp Accessed: 21/03/13

17. Opinion No. 6/2010 of the Group of Experts on Trafficking in Human Beings of the European Commission On the Decision of the European Court of Human Rights in the Case of *Rantsev v Cyprus and Russia*, para. 8.

18. Anti Trafficking Monitoring Group (ATMG) (2012) *All Change: Preventing trafficking in the UK* <http://tinyurl.com/c6k2uyx>

19. Council of Europe (2005) Council of Europe Convention on Action Against Trafficking in Human Beings: Explanatory note, articles 1a and 17 http://www.coe.int/t/e/human_rights/trafficking/PDF_conv_197_trafficking_e.pdf

to the protection and enforcement of victims' rights.²⁰ That a significant proportion of victims fail to be identified, are held in immigration detention, or are criminalized and held in prison, is quite contrary to the spirit and intention of the Convention.²¹

- 6.9 Much of the positive potential and effect of the Convention is diminished by the weaknesses of the NRM and the fact that there is no appeals process. The only option for victims of trafficking is to pursue a complex and costly judicial review of their negative grounds decision or seek asylum. Moreover, it would appear that a vast majority of these negative decisions by the Competent Authority, when reconsidered, are changed to positive outcomes prior to the commencement of judicial review hearings, suggesting that the initial decisions were of poor quality.²² In relation to the quality of decision making, the UKBA has developed specific guidance on gender and trafficking to assist decision makers. However, research²³ on the quality of decision making in trafficked women's asylum claims found that despite these policies and other improvements made in relation to the asylum determination process, no improvements in decision making were identified and women were routinely refused protection by the UKBA only to be recognised as needing it on appeal. (See Article 9 for more information) A further finding of the Anti Trafficking Monitoring Group report,²⁴ which has continued to be borne out over subsequent years, was that there appeared to be a disproportionate number of conclusive grounds decisions for victims of European origin. This disproportionality is exacerbated when in fact the highest proportion of actual cases are from countries such as Nigeria and Vietnam.
- 6.10 Accessing protection and justice as envisaged by the CoE Convention was already difficult, stressful and time-consuming, but cuts to legal aid (See Appendix: 28 for further information) are on such a scale that it is no longer viable for most lawyers to offer legal aid at all. Those few that still do offer legal aid are heavily over-burdened, resulting in victims receiving a reduced service and delays that such a time sensitive process cannot afford. Although compensation is available to trafficked women under the Criminal Injuries Compensation (CIC) Scheme, very few trafficked women have been able to apply for or receive compensation because legal aid is not available, even in these complex cases. Moreover there is an increasing tendency to deter CIC cases by awarding costs against the claimant if they fail to win their claim for compensation. Prostituted women who are victims of crime can also apply under the Scheme; however, their compensation will be reduced because of their involvement in prostitution. Lack of knowledge about these remedies and limited access to legal aid result in them being significantly under used.²⁵
- 6.11 The Government's report explains that the UK Human Trafficking Centre has become part of the Serious Crime Agency.²⁶ While trafficking must be taken seriously, as indicated above this approach to address it all as 'organised crime' does not represent the range of trafficking and traffickers' methods. Merging specialist trafficking interventions with other organised crime has lost some of the dedicated focus that was beneficial. Another consequence of the focus on crime is that it is all too common to see victims of trafficking who have been involved in

20. Council of Europe (2005) Council of Europe Convention on Action Against Trafficking in Human Beings: Explanatory note, article 1b http://www.coe.int/t/e/human_rights/trafficking/PDF_conv_197_trafficking_e.pdf

21. Council of Europe (2005) Council of Europe Convention on Action Against Trafficking in Human Beings: Explanatory note, article 26 http://www.coe.int/t/e/human_rights/trafficking/PDF_conv_197_trafficking_e.pdf

22. Hove, S. and Montier, S. (2011) 'Safety and Support of Victims of Trafficking for Sexual Exploitation in England and Wales', p.186 in Chandran, P. (eds) (2011) Human Trafficking Handbook: Recognising Trafficking and Modern-Day Slavery in the UK. London: Lexis Nexis

23. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

24. Anti Trafficking Monitoring Group (ATMG) (2012) All Change: Preventing trafficking in the UK <http://tinyurl.com/c6k2uyx>

25. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

26. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary Paragraph 64>

criminality due to their trafficking experience being criminalised as well. The CoE Convention highlights that victims should not be criminalised except in the most extreme cases. However, we see increasing numbers of female victims forced to commit crimes and then criminalised in the dock with their traffickers.²⁷ What organisations working in trafficking have pressed for is a dedicated centre like a Rapporteur or Ombudsman that has extensive, independent powers.²⁸

6.12 While we support the Government's claimed aim to *"try and curb the level of advertising of sexual services in newspapers"*²⁹ (See Article 5) we find the statement that *"the UK has seen a dramatic reduction in advertisements for sexual services from non-UK women"* deeply problematic. The assumption that all non-UK women advertising sexual services have been trafficked is wrong, and the curb on their advertising alone is xenophobic, and completely ignores the fact that women are trafficked for sexual exploitation in and around Britain as well as internationally. The 7th Periodic Report demonstrates that the Government remains focused on immigration and border control in its strategy to combat trafficking, at the expense of the women it claims it is trying to protect.

Recommendations:

- **Review trafficking legislation and policy to ensure victims are identified and adequately supported and to ensure that a consistent and rights-based approach to women who have been trafficked is adopted**
- **Authorities need to be better equipped to recognise people who may have been trafficked and avoid their criminalisation**
- **Specialist knowledge and expertise, such as that developed by the Metropolitan Police, needs to be disseminated nationally if the UK is to become an unattractive and hostile environment for the organised crime networks that profit from sexual exploitation**
- **Standardise anti-trafficking responses across the UK insofar as possible given the devolution of law enforcement powers, and appoint a Rapporteur or Ombudsman in each devolved authority to make critical assessments and improve the UK's overall anti-trafficking response**

Support for victims of trafficking

6.13 We welcome the Government going beyond the minimum requirement in the CoE Convention for the minimum reflection period for identified victims. However, as indicated above there are major concerns that the strategic approach is driven by an immigration and crime framework, which means that victims are going unidentified and the NRM is failing in its role. This clearly does not deliver the Convention fully, as all of these unidentified victims are receiving no support.

6.14 As the Government's report says, the Salvation Army has been given £2m a year funding to provide support services for identified victims of trafficking in the UK.³⁰ The same amount was previously provided to the Poppy Project for its limited capacity of 55 cases. Given the Home

27. See for example Grant, H. (2013) 'Human trafficking victims tell of drug factory ordeal', The Guardian, 7th April 2013 <http://www.guardian.co.uk/law/2013/apr/07/human-traffic-victims-drug-factories>

28. Anti Trafficking Monitoring Group (ATMG) (2010) Wrong kind of victim? One year on: An analysis of UK measures to protect trafficked persons http://www.antislavery.org/includes/documents/cm_docs/2010/a/1_atmg_report_for_web.pdf

29. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 65

30. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 68

Office's own figures for those that enter the NRM, which is already not the entirety of trafficking victims, this would seem to represent a cut of around 60% per head in funding, suggesting that quality will be reduced.

- 6.15 It is also a matter of some concern that the prime contractors of these support services and their sub contractors for the most part have little or no expertise or track record in trafficking and do not operate from a gendered or human rights framework, though they may have on occasions accommodated some victims of trafficking for a short time. Of greater concern is the fact that the contractor and sub contractees are for the most part Christian and/or evangelical religious groups. While of itself this should not necessarily be problematic, victims of trafficking come from all religions and none. Many will be self-blaming and already feel that they have transgressed against their own culture and religion. Some will want an abortion or have had abortions. Some will be lesbians. Many will have complex drug and alcohol and other challenging and non-conformist behaviours. The danger in having such overwhelmingly Christian and/or evangelical religious providers is that, whether or not the organisations actually promote their religion, there is a perception among many women that this is a judgmental and exclusive service provision that could deter women or in some cases not offer appropriate support. Finally, there seems to be a lack of transparency with scant information as to what their service is, what standards they apply, and how the system is working. (See Appendix: 31 for more information) The Anti Trafficking Legal Project (ATLeP)³¹ reports a massive drop in the number of cases being referred to it, which raises the concern that there is less capacity to proactively promote victims' access, enforceability and rights including legal challenges.
- 6.16 There are some useful, if rather piecemeal, measures around trafficking in the devolved nations though again often delivered through a religious framework. (See Annex 1)

Recommendation:

Undertake research on the extent to which religious delivery can be beneficial or damaging to the access to, uptake and quality of services provided to women involved in trafficking and prostitution

Combating human trafficking internationally

- 6.17 International measures still tend to focus on attempting to discourage individuals from coming to the UK, despite there being little or no evaluation of such campaigns or whether this is the most appropriate support for developing countries seeking to address trafficking. To the contrary, in fact there is ample evidence³² to suggest that the factors that make an individual most likely to risk all in an attempt for a better life overseas are factors such as inequality and VAWG, lack of access to education and employment, and extreme poverty. These factors significantly outweigh the potential scaremongering effect of attempting to deter travel.

Prostitution

- 6.18 Women involved in prostitution suffer a range of complex issues that can lead to high levels of drug misuse,³³ poor mental health³⁴ and many have a significant history of sexual and domestic

31. Anti Trafficking Legal Project <http://www.atlep.org.uk/> Accessed: 21/03/13

32. See United Nations Office on Drugs and Crime (UNODC) website <http://www.unodc.org/nigeria/en/t18-traffickingip.html> Accessed: 21/03/13

33. Home Office (2004) Paying the price: A consultation paper on prostitution http://webarchive.nationalarchives.gov.uk/+http://www.homeoffice.gov.uk/documents/paying_the_price.pdf?view=Binary

34. Department of Health (2002) Women's mental health: into the mainstream, Strategic development of mental healthcare for women. DoH: London <http://www.nmhd.org.uk/silo/files/into-the-mainstream.pdf>

violence – 85% reporting sexual abuse in the family and domestic violence.³⁵ (See Article 12 and General Recommendation 19)

- 6.19 Due to the hidden nature of prostitution and the increasing normalisation of the sex industry in the UK, we do not feel able or that it is appropriate to cite statistics for the scale and extent of involvement of women in prostitution in the UK.
- 6.20 However, we do provide some statistics concerning the abusive context of prostitution from Eaves' forthcoming report³⁶ of a sample (which is not claimed to be representative) of 117 women involved in prostitution – off-street, on-street and trafficked:
- 83% disclosed current or former problematic drug or alcohol use
 - 79% suffered physical and or mental health problems
 - 32% had entered prostitution before the age of 18 years and 72% had suffered childhood violence
 - 84% of the whole sample reported experiencing violence (physical, sexual or emotional).
- 6.21 The Home Office's Review of *Effective Practice in Responding to Prostitution*,³⁷ cited in the Government's report, was welcome, and it was pleasing that the steering group incorporated representatives of both prostitution as choice and prostitution as VAWG perspectives. However it is disappointing that to date the Government has not followed CEDAW's clear and unequivocal position that prostitution is symbolic of inequality, exploitation and discrimination against women and counter to women's dignity and equality.³⁸
- 6.22 The lack of a clear position from the Government on the status of prostitution means that there is no clear strategic direction in their policies. This results in fragmented and sometimes contradictory responses. However, the predominant focus remains a criminal, policing and immigration lens rather than one supporting women to have viable alternative lifestyles, nor does it seek to effectively tackle demand. On the contrary, in the run up to the 2012 Olympics police and Local Authorities launched a 'crackdown' on 'anti-social behaviour' in the Olympic boroughs³⁹ which has resulted in huge increases in arrests and anti-social behaviour orders against women involved in prostitution.⁴⁰
- 6.23 The 'Engagement and Support' order has useful potential to direct women into support services⁴¹ and to that extent is a welcome development. However, it still relies on an arrest. Research commissioned by the Government to inform its own policy response⁴² and other research, has consistently highlighted that the criminalisation of women in prostitution can result in distancing women from their sources of formal and informal support and can entrap

35. Women's Health and Equality Consortium (2011) *Why women's health?* WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>

36. Eaves for women and London South bank University (2012) *PE:ER Project Prostitution exiting: Engaging through research*. (Funded by Big Lottery) forthcoming

37. Home Office (2010) *A Review of Effective Practice in Responding to Prostitution* <http://www.homeoffice.gov.uk/publications/crime/responding-to-prostitution?view=Binary>

38. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm> Article 6 and General Recommendation No. 19 Violence against women (eleventh session, 1992) <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

39. BBC News (2012) 'East London pre-Olympic arrests 'worrying'', BBC News London, 2nd April 2012 <http://www.bbc.co.uk/news/uk-england-london-17588665> also see Hall, R. (2012) 'Sex workers feeling threatened by crackdown on prostitution near Olympic site', *The Independent*, 3rd April 2012 <http://www.independent.co.uk/sport/olympics/sex-workers-feeling-threatened-by-crackdown-on-prostitution-near-olympic-site-7609024.html>

40. Furness, H (2012) 'Prostitutes 'cleaned off the streets ahead of the Olympics'', *The Telegraph*, 2nd April 2012 <http://www.telegraph.co.uk/news/uknews/law-and-order/9180739/Prostitutes-cleaned-off-the-streets-ahead-of-the-Olympics.html>

41. Rice, B. (2010) *Independent evaluation of the Safe Exit Diversion Scheme*. Accendo. London Toynbee Hall <http://tinyurl.com/bsc8kpv>

42. Hester, M. and Westmarland, N. (2004) *Tackling Street Prostitution: Towards an holistic approach*. Home Office research study 279. Home Office: London <http://dro.dur.ac.uk/2557/1/2557.pdf>

women and increase the obstacles they face should they seek to exit prostitution.⁴³ Offences specific to prostitution are classified as sexual offences and so remain on a woman's record for life and have to be disclosed in criminal records checks prior to employment, which can prevent women from obtaining gainful employment, particularly in caring professions. In addition, such diversion schemes, to be effective, rely on women engaging consistently and effectively with the service. While it is intended that diversion schemes are accommodating and flexible in recognition of the chaotic lifestyles of women in prostitution, pressure on resources means that this is not always the case practice in. Missed appointments can result in women incurring fines and/or facing imprisonment.

- 6.24 Section 14 of the Policing and Crime Act 2009,⁴⁴ which introduced a new offence of paying for the sexual services of a prostitute subjected to exploitative conduct, is a welcome, if rather isolated, focus on tackling demand. At the time of writing, the most up to date published figures showed that some 43 convictions have been obtained but police and the Crown Prosecution Service have expressed reservations about how workable this legislation is.⁴⁵ In a climate with reduced resources, it is foreseeable that there will be a diminished focus on this area resulting in little or no work going forward to address demand.
- 6.25 The Scottish approach to prostitution is one that we would welcome across the UK in that it clearly situates prostitution as VAWG,⁴⁶ discrimination, inequality and exploitation, and consequently encourages responses that address demand and can also support women who wish to exit. The Welsh Government has funded projects around sexual exploitation but have failed to include this in their violence against women strategy, *The Right to be Safe*.⁴⁷ (See Annex 1)

Recommendations:

- **Take whatever steps necessary to ensure that where possible women in prostitution are not criminalised and that prostitution related offences can be wiped from a woman's record**
- **Take all measures, legislative and other, to address the demand for women in prostitution and promote support services for women in prostitution including specialist support for women wishing to exit**

Legislating against extreme pornography

- 6.26 The inclusion of 'legislation against extreme pornography'⁴⁸ in the Government's report is perplexing. There has been much criticism around the new legislation,⁴⁹ which, unlike the Obscene Publications Act 1959⁵⁰ that covers distribution, criminalises individuals in possession of pornography.⁵¹ While we welcome steps to legislate against VAWG, this legislation is

43. Mayhew, P. and Mossman, E. (2007) *Exiting Prostitution: Models of best practice*. New Zealand Ministry of Justice. Crime and research Centre <http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-review-committee/publications/exiting-prostitution-models>

44. Policing and Crime Act 2009 <http://www.legislation.gov.uk/ukpga/2009/26/contents>

45. Ministry of Justice Justice Statistics Analytical Services- Ref: 411-11 PO Contribution HL 11419. Accurate as of October 2011.

46. The Scottish Government, key facts about violence against women <http://www.scotland.gov.uk/Topics/People/Equality/violence-women/Key-Facts>

47. Welsh Assembly Government (2010) *The Right to be Safe*. Cardiff: WAG <http://wales.gov.uk/topics/housingandcommunity/safety/domesticabuse/publications/besafe/?lang=en>

48. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 83

49. See Backlash http://www.backlash-uk.org.uk/wp/?page_id=63 Accessed: 21/03/13

50. Obscene Publications Act 1959 <http://www.legislation.gov.uk/ukpga/Eli2/7-8/66/contents>

51. Jackman, M. (2012) 'Extreme porn trial: consensual sex and the state', *The Guardian*, 8th August 2012 <http://www.guardian.co.uk/law/2012/aug/08/extreme-porn-trial-simon-walsh>

impracticably vague (particularly in the lack of clarification of the term ‘extreme’; a judge presiding over a case in 2012 said in his directions to the jury: *“I don’t pretend for a moment that these parts of the legislation are easily understandable”*⁵²) and is missing a gendered analysis. We believe there is a need for greater consistency in the regulation of and approach to pornographic and sexist images based on the principles of women’s equality and child protection. Sadly the Criminal Justice and Immigration Act 2008⁵³ fails to do this.

Lap dancing licensing

- 6.27 The introduction of the Sexual Entertainment Venue (SEV) licensing regime, as part of the Policing and Crime Act 2009, has provided councils with the tools to regulate lap dancing clubs as part of the sex industry and to set conditions to control them opening. This is important because of the ways in which lap dancing clubs market women as sexual objects and promote working practices that implicitly encourage men to expect and seek sexual services.⁵⁴ As well as the commercial sexual exploitation which often takes place within the clubs, lap dancing clubs normalise what would in any other context be considered sexual harassment, and they create ‘no go zones’ for women and girls who often feel threatened to walk past them at night.⁵⁵
- 6.28 It is for these reasons that organisations which work to end VAWG have welcomed the SEV licensing regime, which facilitates the views of local residents to be taken into account in the licensing process, and allows for gender impact assessments to be carried out in relation to the impact that clubs have on women and girls in the surrounding areas.⁵⁶ It is noticeable that this is not mentioned in the Government’s report.
- 6.29 The SEV licensing regime gives councils the powers to control the advertising of lap dancing clubs on the establishment itself. Indeed standard conditions require that the nature of the business should not be apparent to anybody who walks past a venue unless they are over 18 and actively choose to pay to enter. What is less clear is the issue of billboard advertising for SEVs. Experts have suggested that to protect children and non-users, conditions of licenses should include controls on billboard advertising as well as controls on exterior advertising and signage, and on leafleting and solicitation.⁵⁷ However, from work with councils, and also from meetings with the Advertising Association,⁵⁸ Credos⁵⁹ and women’s NGO OBJECT,⁶⁰ it is clear that the guidelines and scope for councils is not entirely clear in relation to restricting the advertising of lap dancing clubs. We therefore call on the Department of Communities and Local Government for greater clarification and guidance on the matter.
- 6.30 A loophole also exists in the current legislation which means that venues which host lap dancing events less than 12 times in a year can do so without an SEV licence. Venues hosting infrequent lap dancing events are even less likely to have in place the necessary facilities and security measures to safeguard performers. This is why women’s organisations strongly opposed

52. Dymock, A. (2012) ‘Extreme porn trial: well, thank you for that interesting anatomical lesson’, *The Guardian*, 9th August 2012 <http://www.guardian.co.uk/commentisfree/2012/aug/09/extreme-porn-trial-anatomical-lesson>

53. Criminal Justice and Immigration Act 2008 <http://www.legislation.gov.uk/ukpga/2008/4/contents>

54. See report of testimonies OBJECT (2011) *Stripping the Illusion – Lap Dancing Exposing the reality of the lap dancing industry* [http://www.object.org.uk/files/OBJECT%20Lap%20Dancing%20Report%202011\(1\).pdf](http://www.object.org.uk/files/OBJECT%20Lap%20Dancing%20Report%202011(1).pdf)

55. See OBJECT (2011) *Fact sheet on lap dancing: Why strong regulation is needed* [http://www.object.org.uk/files/Fact%20Sheet%20on%20Lap%20Dancing\(1\).pdf](http://www.object.org.uk/files/Fact%20Sheet%20on%20Lap%20Dancing(1).pdf)

56. OBJECT (2010) *Joint statement of support for councils to set a nil limit on SEVs* [http://www.object.org.uk/files/Joint%20Statement%20of%20support%20for%20councils%20to%20set%20a%20nil%20limit%20on%20SEVs\(9\).pdf](http://www.object.org.uk/files/Joint%20Statement%20of%20support%20for%20councils%20to%20set%20a%20nil%20limit%20on%20SEVs(9).pdf)

57. Kolvin, P. (2010) *Sex Licensing*. The Institute of Licensing <http://www.instituteoflicensing.org/content.aspx?page=PUBLICATIONS%20SEX%20LICENSING>

58. Advertising Association <http://www.adassoc.org.uk/Home> Accessed: 21/03/13

59. Credos <http://www.credos.org.uk/Home> Accessed: 21/03/13

60. OBJECT <http://www.object.org.uk/> Accessed: 21/03/13

infrequent lap dancing events being made exempt from the new SEV licensing regime. As a result of lobbying on this issue, an option was put in place to repeal the frequency exemption if it is shown to be inappropriate. It is vital, therefore, that Local Authorities attempt to monitor and keep a record of infrequent lap dancing events, and for the Government to take a lead in reviewing the impact of the frequency exemption.

Recommendation:

Guidance should ensure that objectors are not required to ‘prove’ in tangible, statistical terms, the negative impact on their lives (i.e. incidents of assault or anti social behaviour) in order for objections to Sexual Entertainment Venues to be admitted. This undermines the grounds of refusal on the basis of locality, and is therefore inconsistent with the content of the Sexual Entertainment Venue licensing regime

Migrant Domestic Workers

- 6.31 Migrant domestic workers are peculiarly vulnerable to exploitation, trafficking and abuses of their human rights as recognised by the International Labour Organisation⁶¹ and many international experts,⁶² however this group is not mentioned in the Government’s 7th Periodic Report. In April 2012 the UK introduced retrogressive immigration measures that will make domestic workers far more vulnerable to this kind of abuse. Previously, in 1998, the UK granted migrant domestic workers certain rights for the express purpose of protecting them from exploitation and abuse. These include the right to change employer, renew their visas if in domestic work, and eligibility for settlement after five years. This system was working very well and the UK was cited as international best practice for these provisions. These rights have now all been removed, contrary to General Recommendation No. 26.⁶³ Migrant domestic workers will be tied to one employer, unable to escape abuse without losing their livelihood, their accommodation and their permission to remain in the UK.
- 6.32 Under the new rules, justice is denied because domestic workers are unable to stay in the UK to pursue employment claims. Criminal sanctions are wholly inadequate, with only one successful prosecution of trafficking an adult into domestic servitude thus far. Reports to the police are likely to drop if domestic workers are insecure about their immigration status.
- 6.33 Statistics from 2010 show that abuse and exploitation of domestic workers is still high. However, statistics from 1996 show that levels of abuse were far higher when there was no right to change employer. In terms of abuse, physical abuse dropped from 39% in 1996 to 18% in 2010, sexual abuse from 12% to 3%, and psychological abuse from 87% to 54%. In 1996 100% of domestic workers surveyed reported working an average 17 hours per day. In 2010 48% reported working 16 hours or more per day.⁶⁴
- 6.34 Evidence shows that trafficking is also higher when there is no right to change employer. Diplomatic domestic workers have never had the right to change their employer, whereas those

61. International Labour Organisation (2010) Decent Work for Domestic Workers: Report IV(1). International Labour Office: Geneva http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_104700.pdf

62. See for example Human Rights Council (2010) Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian http://www2.ohchr.org/english/issues/slavery/rapporteur/docs/A.HRC.15.20_EN.pdf; and Human Rights Council (2010) Report of the Special Rapporteur on the human rights of migrants, Addendum : Mission to the United Kingdom of Great Britain and Northern Ireland <http://www.unhcr.org/refworld/docid/4c0623e92.html>

63. CEDAW General Recommendation No. 26 Women Migrant Workers (forty-second session, 2008) <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>

64. Lalani, M. (2011) Ending the Abuse: Policies that work to protect migrant domestic workers. Kalayaan: London <http://www.kalayaan.org.uk/documents/Kalayaan%20Report%20final.pdf>

in private households did under the old immigration rules. If the number of migrant domestic workers referred by NGO Kalayaan to the Government's NRM is compared with the number of individuals entering the UK, there is a 0.2% rate of trafficking on the private household route for domestic workers in comparison with a 3.8% rate on the diplomatic household route.⁶⁵ A third of the domestic worker trafficking cases referred by Kalayaan⁶⁶ to the pilot project Operation Tolerance, and the NRM between 1 April 2009 and 31 December 2010 had come to the UK to work with a diplomat.⁶⁷

- 6.35 The UKBA state that at the same time as removing the rights of domestic workers they have introduced measures against abuse, but these measures are neither new nor effective. The information letter they will give out to domestic workers has more information on the restrictions of the visa than the rights domestic workers are entitled to under law. Ensuring domestic workers have been employed for 12 months by their employer prior to entry will not ensure that the employment relationship is exploitation free. The contract of employment that the Government requires will be meaningless if domestic workers have no way of enforcing it because they lose their ability to work and stay in the UK as soon as they flee an employer. (See [Article 9 and Appendix: 10 for more information](#))

Recommendations:

- **Reinstate the rights of migrant domestic workers including the right to change employer; eligibility to renew a visa if in full-time domestic work; eligibility for settlement after five years; and eligibility to bring dependents to the UK**
- **Sign and ratify the International Labour Organisation Domestic Workers Convention⁶⁸**

65. Lalani, M. (2011) Ending the Abuse: Policies that work to protect migrant domestic workers. Kalayaan: London <http://www.kalayaan.org.uk/documents/Kalayaan%20Report%20final.pdf>

66. Kalayaan <http://www.kalayaan.org.uk/> Accessed: 21/03/13

67. Lalani, M. (2011) Ending the Abuse: Policies that work to protect migrant domestic workers. Kalayaan: London <http://www.kalayaan.org.uk/documents/Kalayaan%20Report%20final.pdf>

68. Domestic Workers Convention http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:2551460:NO

Article 7 - Political and public life

7.1 Women's equal participation in public, political and cultural institutions plays a pivotal role in the advancement of women. However, women are all too often missing from politically powerful positions in the UK and Britain is a country run largely by men.¹ If women are to achieve equal representation among Britain's 26,000 top positions of power, it is estimated that 5,400 'missing women' would rise through the ranks to positions of real influence.² Participation in decisions, including policy decisions, that affect our lives is a key human right. As the Government's report notes,³ women and women's organisations play a crucial role across the UK in bringing women's voices to Government, advocating on behalf of women, campaigning for change and delivering services. Yet in December 2010, the WNC was closed. (See Article 3 and Appendix: 3 for further information) Since then the Government has consulted on their new strategy for 'strengthening women's voices in government' which aims to "develop policies that challenge barriers and make a real difference to women's lives and where women's voices are brought into the heart of government".⁴ However, we have serious concerns that since the consultation and subsequent response⁵ was published in 2011, the Government has not yet communicated its next steps to implement this strategy and take on board recommendations put forward by the women's sector.

Recommendations:

- **We recommend that the Government announce its intentions to implement an engagement strategy for women as soon as possible**
- **The Government must clearly communicate a mandate/set of priorities for the Government Equalities Office's Gender Equality Policy and Inclusion (GEPI) team as it relates to progressing women's equality. Stakeholders must have a clear sense of the core work over the coming years and of how this has been decided upon with priorities established through thorough consultation with the women's sector**

Increasing the numbers of women in political life

7.2 Women remain starkly underrepresented in all walks of political life in the UK. 22.5% of all MPs are women,⁶ which is an increase from 19.7% at the General Election in 2005.⁷ However, the number of female members of the Cabinet was reduced by 20% in the 2012 reshuffle, with women now only comprising 17.4% of all Cabinet members.⁸ The level of women MPs has increased by only 3.9% since the year 2000, whilst the percentage of women in the Cabinet has

1. Centre for Women and Democracy (2013) Sex and Power 2013: Who runs Britain? Counting Women In Coalition: London http://www.countingwomenin.org/wp-content/uploads/2013/02/Sex-and-Power-2013-FINALv2.-pdf.pdf?utm_medium=email&utm_source=WRC&utm_campaign=2282094_WRC+March+e-news&dm_i=4DW,1CWVI,BQJQT,4LVG0,1
2. Equality and Human Rights Commission (2011) Sex and Power 2011. EHRC: London <http://www.equalityhumanrights.com/key-projects/sexandpower/>
3. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary Paragraph 87>
4. Home Office (2011) Response to the public consultation 'Strengthening Women's Voices in Government' <http://www.homeoffice.gov.uk/publications/equalities/womens-equality/strengthening-womens-voices>
5. Home Office (2011) Response to the public consultation 'Strengthening Women's Voices in Government' <http://www.homeoffice.gov.uk/publications/equalities/womens-equality/strengthening-womens-voices>
6. Centre for Women and Democracy (2013) Sex and Power 2013: Who runs Britain? Counting Women In Coalition: London http://www.countingwomenin.org/wp-content/uploads/2013/02/Sex-and-Power-2013-FINALv2.-pdf.pdf?utm_medium=email&utm_source=WRC&utm_campaign=2282094_WRC+March+e-news&dm_i=4DW,1CWVI,BQJQT,4LVG0,1
7. Inter-Parliamentary Union (2005) Women in National Parliaments. <http://www.ipu.org/wmn-e/arc/classif311005.htm>
8. Martinson, J. (2012) 'Cabinet reshuffle: a good day for Maria Miller but a bad day for women', The Guardian, 4th September 2012 <http://www.guardian.co.uk/politics/the-womens-blog-with-jane-martinson/2012/sep/04/cabinet-reshuffle-maria-miller-women>

decreased by 4.3%. All the political parties have improved to some degree but none will achieve 50:50 male/female representation in the near future. Currently 16% of Conservative MPs are women, 32% of Labour MPs and 12% of Liberal Democrats. In terms of women's representation at the local level, 35% of all local councillors were women,⁹ an increase from 30.6% in 2010,¹⁰ but only 12.3% of council leaders in England, 13.3% of elected mayors and 14.6% of Police and Crime Commissioners.¹¹

- 7.3 In 2012, 22% of all Peers in the House of Lords were women,¹² an increase from 19.7% in 2008 and 16.5% in 2003,¹³ and 35% of all the UK's elected Members of the European Parliament (MEPs) are women.¹⁴ The UK currently ranks joint 57th in terms of female representation worldwide.¹⁵
- 7.4 There are three main stages where parties can intervene to improve gender balance in the candidacy cycle: the supply pool of women candidates available for selection; the selection of candidates; and the election of candidates (for example, fielding candidates in 'strategic' seats). Parties have differed in their approach to increase women's representation within their parties. All main parties have robust women's networks that aim to grow the supply of women candidates and support them in selection and election. However, parties' interventions at selection and election stages differ. For example, equality and diversity training for selectorate boards does not exist across all parties, and only the Labour party has adopted women-only shortlists and proactively fielded women candidates in winnable seats.
- 7.5 Currently, women in parliament are a fairly homogenous group and there is an under-representation of women from diverse backgrounds within political life. LGB&T and Black, Asian and minority ethnic (BAME) women, women from lower socio-economic backgrounds, younger and older women, and disabled women, are hugely underrepresented in politics. Whilst parties have pioneered initiatives (for example, the Liberal Democratic party has launched its '*Leadership Programme*') progress is not happening fast enough and commitment and leadership is needed from Government and political parties to create the necessary traction for change.
- 7.6 The Government has adopted temporary special measures to increase the number of women in Parliament,¹⁶ (See Article 4) allowing political parties to adopt women-only shortlists for parliamentary candidates. However, few political parties are employing these provisions in proactively tackling the underrepresentation of women within their parties and in addressing issues of supply and election of women.

Recommendation:

The Government should actively ensure that all political parties adopt proactive equality guarantees (such as women-only shortlists, twinning etc.) to redress the gender imbalance within the supply pool of party candidates and the selection and election of party candidates

9. Centre for Women and Democracy (2012) Representing Change: Women in the 2012 Local Elections in England <http://www.cfdw.org.uk/uploads/Representing%20Change%202012%20Local%20Elections.pdf>
10. Centre for Women and Democracy (2011) Representative Democracy? Women in the 2011 Local Elections in England <http://www.cfdw.org.uk/uploads/pdfs/RepresentativeDemocracyFinal.pdf>
11. Centre for Women and Democracy (2013) Sex and Power 2013: Who runs Britain? Counting Women In Coalition: London http://www.countingwomenin.org/wp-content/uploads/2013/02/Sex-and-Power-2013-FINALv2.-pdf.pdf?utm_medium=email&utm_source=WRC&utm_campaign=2282094_WRC+March+e-news&dm_i=4DW,1CWVI,BQJQT,4LVG0,1
12. Hough, D. (2013) Women in Parliament and Government. www.parliament.uk/briefing-papers/SN01250.pdf
13. Kelly, R. and White, I. (2009) All-women Shortlists. www.parliament.uk/briefing-papers/SN05057.pdf
14. Centre for the Advancement of Women in Politics (2010) UK Women Members of the European Parliament <http://www.qub.ac.uk/cawp/UKhtmls/UKMEPs04.htm>
15. Inter-Parliamentary Union (2013) Women in National Parliaments. <http://www.ipu.org/wmn-e/classif.htm> Accessed: 22/03/13
16. S.104 & S.105 Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

7.7 The House of Lords Reform Bill provided an opportunity to bring about a step change in women's political representation and address the democratic deficit of the current gender imbalance in the House of Lords. Disappointingly this was withdrawn in September 2012.¹⁷ Another chance to increase women's representation was also missed when the Church of England voted against female bishops,¹⁸ thus banning them from having seats in the House of Lords and reducing the number of women who can have a voice within this structure.

Recommendations:

- **The Appointment Commission should be statutorily required to appoint equal numbers of women and men as peers in the House of Lords**
- **The Government must learn from best practice in the devolved assemblies and beyond, including initiatives such as: the recently passed Electoral Amendment (Political Funding) Bill 2011 in the Irish Dáil; and, the availability of crèche facilities and an emphasis on family-friendly working hours in the Scottish Assembly and Welsh National Assembly which has led to a greater representation of women in both assemblies, as is highlighted in the 7th Periodic Report¹⁹**

Increasing the number of BAME women in political and public life

7.8 As the Government's report notes, BAME women represent 5.8% of the UK population, but remain heavily under-represented in political and public life comprising less than 1% of councillors.²⁰ Prior to 2010, there were only two Black women Members, and no Asian woman had ever been elected. The 2010 General Election saw the first Asian women MPs. The total number of minority ethnic women MPs increased by seven in 2010 and, a subsequent by-election in Feltham and Heston, puts the current total of minority ethnic women MPs to ten.²¹

7.9 We welcome the Government's practical action²² in addressing this imbalance on the recommendation of the CEDAW Committee in 2008.²³ While the work of the Black, Asian and Minority Ethnic Women Councillors Taskforce was a positive step for improving representation, the conclusions from the GEO's own evaluation recognised that more support is needed to engage BAME women in party politics,²⁴ and we have found no evidence that this has been implemented.

7.10 Muslim women in particular face specific barriers in accessing political and public life. These issues include:

17. House of Lords Reform Bill Statement, 4th September 2012 <http://www.parliament.uk/business/news/2012/september/statement-on-house-of-lords-reform-bill/>

18. Davies, L. (2012) 'Female bishops and the Church of England: what happens next?', The Guardian, 21st November 2012 <http://www.guardian.co.uk/world/2012/nov/21/female-bishops-church-what-next>

19. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraphs 91 and 92

20. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 93

21. Cracknell, R. (2012) Ethnic Minorities in Politics, Government and Public Life (5th January 2012) Social and General Statistics Section, House of Commons Library. Standard Note: SN/SG/1156 (p.4)

22. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 93

23. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> – recommendation, Para. 46. b): "That the State party take effective measures to increase the participation of BME women in the labour market, and in political and public life – including through the use of temporary special measures."

24. Government Equalities Office (2010) Evaluation of the Black, Asian and Minority Ethnic Women Councillors Taskforce. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/research/ethnic-women-taskforce/summary-bame-women?view=Binary>

- intensification of Islamophobia
- patriarchal structures and attitudes within Muslim communities
- Government policies impacting on Muslim communities.

There is fear that Islamophobia is affecting entire Muslim communities and that some are becoming increasingly marginalised as ‘preventing violent extremism’ has become the sole basis for the Government to invite Muslim women into civic and political arenas.²⁵

Case study: ²⁶

“One of the greatest issues affecting me is the government’s constant admonishing of the Muslim community, for either being extremist or supporting extremism.”

- 7.11 Support mechanisms that do exist for Muslim women to gain confidence in undertaking employment, further/higher education, being active in civic and political life etc. are at risk of being dismantled. Where women do find positions of power and influence it is more likely to be in the public and voluntary sectors²⁷ which are facing cuts. The Government cannot rely on women being ‘changers of society’ through sheer good will. Those already at the front-line of providing services (voluntarily) that should really be within the Government’s remit, are constrained by capacity issues.²⁸ (See Appendix: 4 for further information)

Case study: ²⁹

“The issues affecting me and other Muslim women on a daily basis are Islamophobia, particularly around hijab and niqab, discrimination due to race, faith and gender, particularly when going for interviews for jobs.”

Recommendation:

Political parties should set diversity targets for increasing women’s representation and in particular increasing the representation of lesbian and bisexual women; BAME women; women from lower socio-economic backgrounds; younger and older women and disabled women by 2020

Speaker’s Conference

- 7.12 The Speaker’s Conference report,³⁰ published in January 2010, made a number of recommendations to improve the workings of Parliament and its effect on women’s representation. We have seen progress against some of these, specifically:
- the Government held a parliamentary debate on the issue of women’s representation in January 2012; and,
 - in July 2012, MPs voted to change current sitting hours in Westminster. MPs voted in favour of proceedings beginning earlier on Tuesdays and Thursdays, with business beginning at 11.30am and 9.30am respectively.

25. Muslim Women’s Network UK (2011) Muslim Women: Political and Civic Engagement in the UK. MWNUK, University of Warwick and The Economic Social Research Council http://mw nuk.co.uk/go_files/downloads/MWNUK-Booklet-website.pdf

26. Muslim Women’s Network UK (2011) Muslim Women: Political and Civic Engagement in the UK. MWNUK, University of Warwick and The Economic Social Research Council http://mw nuk.co.uk/go_files/downloads/MWNUK-Booklet-website.pdf

27. Equality and Human Rights Commission (2011) Sex and Power 2011. EHRC: London <http://www.equalityhumanrights.com/key-projects/sexandpower/>

28. Muslim Women’s Network UK (2011) Muslim Women: Political and Civic Engagement in the UK. MWNUK, University of Warwick and The Economic Social Research Council http://mw nuk.co.uk/go_files/downloads/MWNUK-Booklet-website.pdf

29. Muslim Women’s Network UK (2011) Muslim Women: Political and Civic Engagement in the UK. MWNUK, University of Warwick and The Economic Social Research Council http://mw nuk.co.uk/go_files/downloads/MWNUK-Booklet-website.pdf

30. House of Commons (2010) Speakers Conference (on Parliamentary Representation) <http://www.publications.parliament.uk/pa/spconf/239/239i.pdf>

Recommendation:

The Government should commit to implementing the full set of recommendations from the Speaker's Conference report and take action to ensure that all political parties implement the recommendations of the report within agreed timescales

Increasing the number of women in public and corporate life

- 7.13 It will take 70 years to achieve gender-balanced boardrooms in the UK. The 2011 Lord Davies Report *Women on Boards* calculated if one third of the FTSE 100 board appointments were given to women between 2011-2015, from a starting point of 12.5% female directors, a figure of 23.5% could be achieved across the FTSE 100 by 2015.³¹ (See Article 11 for more information)
- 7.14 The percentage of female held directorships on FTSE 100 boards in 2013 is 17.3 % and on FTSE 250 boards is 13.3 %.³² Latest data show between April 2012 – April 2013, in the first six months, a pace of change which was extremely encouraging with 44% of new appointments going to women on FTSE 100 companies and 36% on FTSE 250. However, those high levels were short-lived and over the last six months they dropped to 26% and 29% respectively, thus showing a considerable gap from the 33% required to reach 25% women on boards by 2015.³³
- 7.15 In terms of women's representation in positions of power in public life, 32% of the general UK workforce (managers, directors and senior officials) are female;³⁴ 36.4% public appointments are given to women; 14.2% vice chancellors are female.³⁵ Outdated working patterns and inflexible organisations continue to be major barriers to women's participation in positions of authority.³⁶
- 7.16 The Government is confident that the voluntary, business-led approach to increasing the representation of women is working so there is no need to follow the example of Norway³⁷ and others and legislate on this issue. The Davies Report noted however that Government may need to introduce more prescriptive alternatives if the voluntary approach does not achieve significant change. Although there is evidence that women's representation in the top levels of companies has improved since 2011, the latest Cranfield report³⁸ highlights that whilst the voluntary approach has delivered some improvements, progress on women's representation in the corporate sector is stalling.
- 7.17 The case for harnessing the power of female leadership in UK business is incontestable. The case for the economy is equally robust, given that the UK stands to gain £23bn by better

31. Davies, E. M (2011) *Women on Boards*. Department for Business, Innovation and Skills. <http://www.bis.gov.uk/assets/biscore/business-law/docs/w/11-745-women-on-boards.pdf>

32. Sealy, R. and Vinnicombe, S. (2013) *The Female FTSE Board Report 2013: False dawn of progress for women on boards?* Cranfield International Centre for Women Leaders <http://www.som.cranfield.ac.uk/som/dinamic-content/media/Research/Research%20Centres/CICWL/FTSEReport2013.pdf>

33. Macleod, M. (2013) 'FTSE 100 chiefs probed over lack of women on boards', *The Telegraph*, 21st January 2013 <http://www.telegraph.co.uk/women/womens-business/9815468/Women-on-boards-CEOs-probed-over-lack-of-female-executives.html>

34. Institute of Leadership and Management (2012) *Women in Banking*. http://www.i-l-m.com/downloads/Research_womeninbanking_march12.pdf

35. Holt, G. (2012) 'Women hold fewer than third of top jobs – BBC research', *BBC News UK*, 29th May 2012 <http://www.bbc.co.uk/news/uk-18187449>

36. Equality and Human Rights Commission (2011) *Sex and Power 2011*. EHRG: London <http://www.equalityhumanrights.com/key-projects/sexandpower/>

37. As a result of quota legislation, Norway has 37.9% women on boards and since January 2010 listed companies in Finland must have at least one woman on the board.

38. Sealy, R. and Vinnicombe, S. (2013) *The Female FTSE Board Report 2013: False dawn of progress for women on boards?* Cranfield International Centre for Women Leaders <http://www.som.cranfield.ac.uk/som/dinamic-content/media/Research/Research%20Centres/CICWL/FTSEReport2013.pdf>

harnessing women's skills.³⁹ Bold moves by other countries in recent years have overturned claims of any absence of female leadership potential, and demonstrated that a significant step-change in women's representation is achievable. As noted by UN Women, when women and men lead together, decisions better reflect and respond to the diverse needs of society.⁴⁰

Recommendation:

We recommend that Government introduce quotas for achieving gender parity on boards and in positions of power across public life, as a key mechanism in not only increasing the number of women in leadership roles and driving-through a step-change in women's representation, but in improving overall business performance of UK businesses and the economy

- 7.18 Research has also found that the Government's reform agenda will impact on women in public, decision making and scrutiny roles and women will slowly start to disappear from key areas such as policing, healthcare and economic development.⁴¹ ([See Articles 13 and 11 for more information](#))

Supporting disabled women to be represented as elected officials (Access to Public Life Fund)

- 7.19 The stereotyped image of disabled people in general, and disabled women in particular, ([See Article 5 for more on this](#)) does little to help their integration and equal participation in mainstream society, reducing their visibility as political actors in creating and maintaining human rights and equality. It also negates the gains in social acceptance won by the Disabled People's Movement over the last few decades.⁴²
- 7.20 There has been no evidence so far that the Access to Public Life Fund⁴³ set up in 2010 has had any impact on disabled women and the Government still needs to offer extra support for disabled women who want to become MPs, councillors or other elected officials to tackle their under-representation in public policy. ([See and Appendix: 36 for further information](#))

Recommendations:

- **Address the fact that disabled women are under-represented in democratic processes and decision making more generally, as well as in recreational activities, culture and sport. For example, develop specific rules on participation quotas to include disabled women**
- **Adopt measures to ensure the accessibility of polling stations, booths and voting material for women with disabilities, including permitting an individual an assistant of their own choice to help them to vote, without external surveillance. Information on elections and political campaigns must also be made accessible in the lead up to elections**

39. Wittenberg-Cox, A. and Maitland, A. (2008) *Why women mean business – Understanding the emergence of our next economic revolution*. John Wiley and Sons Ltd: Chichester

40. Bachelet, M. (2012) *The Time is Now: A letter to UN partners from UN Women Executive Director Michelle Bachelet*. March 2012 http://www.unwomen.org/wp-content/uploads/2012/03/EN-UNW-LetterToPartners_2012-REV_3-9-12.pdf

41. Centre for Women and Democracy (2011) *Unintended Consequences: The impact of the Government's legislative programme on women in public roles*. <http://www.cfwd.org.uk/uploads/pdfs/UnintendedConsequencesFinal.pdf>

42. Boffey, D. (2011) 'Welfare to Work policy "casts the disabled as cheats"', *The Observer*, 24th July 2011 <http://www.guardian.co.uk/society/2011/jul/24/welfare-policy-incites-hatred-disabled>

43. Curtis, P. (2010) 'Tories plan £1m fund to help disabled people become MPs', *The Guardian*, 14th January 2010 <http://www.guardian.co.uk/politics/2010/jan/14/tories-plan-fund-disabled-people>

Political representation overseas

- 7.21 The UK Government's commitment to promote women as international representatives is welcome, but should be extended to ministerial appointments. It is concerning that out of the 17 ministers currently responsible for leading international work to promote women's rights and gender equality, only one is a woman; this undermines the UK's credibility in promoting women's participation through its foreign policy and development work.
- 7.22 There has never been a nomination for a member of the CEDAW Committee from the UK and considering the wealth of experience and expertise on women's rights held by women here this seems to be a missed opportunity and unfortunately another example of the lack of attention given to CEDAW by the UK Government. This issue has been raised and the response⁴⁴ was that there were other international forums that took priority in terms of UK representation. There is also no State funding to support the representation of women's NGOs during international convention processes such as CEDAW.
- 7.23 It is also of concern that the UK has not taken stronger action to support women to take up senior positions within international peace and security structures. Security Council Resolution 1325⁴⁵ calls on member states to provide candidates to the UN Secretary General so there are more women as special representatives and envoys. It also urges member states to ensure increased representation of women in peace and security mechanisms and institutions. Of the 15 members of the UN Security Council only three members currently have a woman as their Permanent Representatives. The UK has never appointed a woman as the UK's Permanent Representative to the UN in New York.⁴⁶

Recommendations:

- **Ensure women are put forward for all levels of posts within international peace and security structures and set targets for the number of such posts filled by women. The Government should work to identify 'quick wins', posts which could be filled by well-qualified women in the immediate future, this would set a positive example and be a precedent for future recruitment⁴⁷**
- **The Government should promote the use of its considerable influence with other states to encourage women candidates to be put forward as well as to encourage requests for women Special Representatives to the UN Secretary General, letting mission host countries know that there is an option to ask for this specifically (as was done by President Johnson-Sirleaf in Liberia⁴⁸)**

44. Chalmers, L. (2009) 'British Government not backing UK Women for CEDAW Vacancies and the new UN Super-Agency For Women', The Downing Street Project, 8th December 2009 <http://thedowningstreetproject.ning.com/profiles/blogs/british-government-not-backing>

45. United Nations Security Council Resolution 1325 on Women, Peace and Security <http://www.un.org/womenwatch/osagi/wps/>

46. See Foreign and Commonwealth Office, UK Mission to the United Nations – former permanent representatives <http://ukun.fco.gov.uk/en/about-us/whos-who/former-permanent-representatives> Accessed 22/03/13

47. Associate Parliamentary Group on Women, Peace and Security and the Gender Action for Peace and Security Network (2011) The Participation Challenge: Narrative Report of the First Civil Society Focus Group on the UK National Action Plan on Women, Peace and Security. <http://www.gaps-uk.org/docs/FG1%20The%20Participation%20Challenge%20Narrative%20Report%20Final.pdf>

48. Associate Parliamentary Group on Women, Peace and Security and the Gender Action for Peace and Security Network (2011) The Participation Challenge: Narrative Report of the First Civil Society Focus Group on the UK National Action Plan on Women, Peace and Security. <http://www.gaps-uk.org/docs/FG1%20The%20Participation%20Challenge%20Narrative%20Report%20Final.pdf>

Article 8 - Women as international representatives

Women in the Foreign and Commonwealth Offices (FCO)

- 8.1 While we commend the improvement in the number of women in senior management positions at the FCO,¹ 25% is still too low. Temporary special measures should be put in place until substantive equality is achieved.

Women in DFID

- 8.2 We are pleased to note that DFID achieved GOLD standard for gender equality, diversity and inclusion in its 'Now' assessment.² We are concerned however, that with the loss of a number of female senior civil servants in 2012,³ the Department's target to increase the number of female civil servants by 3% in the next three years, to 39%,⁴ is too small a step to readdress the gender balance.

Women in the Armed Forces

- 8.3 It has been widely noted that *"the armed forces [are] lagging behind in terms of gender equality."*⁵ Ursula Brennan, the Ministry of Defence's permanent secretary and most senior civil servant announced: *"Most of the senior roles in the military are exclusively male. There are some notable exceptions... but it is not a place that is awash with senior women."*⁶ Brennan also drew attention to the fact that there are no women in service at the two-, three- and four-star level; which are the highest in the military.⁷

Recommendation:

Make simple adaptations to the Cabinet Office-led process which puts candidates forward for positions at the international level. A section should be added which specifically asks if women have been considered for the post. Simple adaptations to forms such as adding a tick box would encourage those undertaking recruitment exercises to proactively consider women candidates and make it easier for government to monitor progress and adherence ⁸

1. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> p.27
2. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> p.27
3. Thomas, A. (2012) 'More women in top jobs? It's in the pipeline', Public Service, 27th November 2012, http://www.publicservice.co.uk/news_story.asp?id=21562
4. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> p.27
5. Hopkins, N. (2011) 'MoD needs to put women in senior positions, says top civil servant', The Guardian, 2nd December 2011 <http://www.guardian.co.uk/uk/2011/dec/02/mod-needs-women-senior-positions>
6. Ursula Brennan, quoted in Hopkins, N. (2011) 'MoD needs to put women in senior positions, says top civil servant', The Guardian, 2nd December 2011 <http://www.guardian.co.uk/uk/2011/dec/02/mod-needs-women-senior-positions>
7. Ursula Brennan, quoted in Hopkins, N. (2011) 'MoD needs to put women in senior positions, says top civil servant', The Guardian, 2nd December 2011 <http://www.guardian.co.uk/uk/2011/dec/02/mod-needs-women-senior-positions>
8. Associate Parliamentary Group on Women, Peace and Security and the Gender Action for Peace and Security Network (2011) The Participation Challenge: Narrative Report of the First Civil Society Focus Group on the UK National Action Plan on Women, Peace and Security. <http://www.gaps-uk.org/docs/FG1%20The%20Participation%20Challenge%20Narrative%20Report%20Final.pdf>

Article 9 – Nationality

- 9.1 Migrant women, refugee women and asylum seeking women are amongst the most vulnerable groups in the UK. They are subjected to multiple discrimination on the grounds of their gender, race and migration status.
- 9.2 The Beijing Platform for Action recognises that “Some groups of women, such as...refugee women, women migrants, including women migrant workers... destitute women, women in institutions... are particularly vulnerable to violence”.¹ Migrant, refugee and asylum seeking women face additional barriers to accessing services. They find it harder to access health services, are more vulnerable to VAWG and lack access to social services and legal protection. This enhances their vulnerability and raises human rights concerns.
- 9.3 There is a gap in the Government’s 7th Periodic Report² under Article 9 as it only refers to asylum issues and women with ‘no recourse to public funds’, without making reference to all the other migration and nationality issues that affect hundreds of thousands of vulnerable women in the UK, including women migrant workers, undocumented women, foreign national prisoners or other groups of migrant women.³
- 9.4 In terms of asylum specific issues, we welcome the statement made by the CEDAW Committee on the 60th anniversary of the Refugee Convention, calling on all State parties to CEDAW to ensure that their laws, policies and practices do not discriminate against refugee women and girls.⁴
- 9.5 We welcome the focus on asylum in the updated *Call to End Violence against Woman and Girls: Action Plan 2013*,⁵ which commits to making the asylum system as gender-sensitive as possible by:
- improving the process for referring asylum seekers who are victims of sexual violence to appropriate services (point 46)
 - improving guidance and training within the asylum system (point 47)
 - monitoring how asylum interviewers and decision makers handle gender-related issues and address gender-related performance issues (point 48).
- 9.6 However, it is interesting to compare this section of the *Action Plan* with that on the Government’s work with women in other countries. From the differences in length and detail of the two sections it may be inferred that the Government is more comfortable responding to violence against women that occurs abroad rather than protecting the women who flee to the UK from it.⁶
- 9.7 One third of people applying for asylum in the UK each year are women.⁷ This proportion has

1. Beijing Platform for Action <http://www.un.org/womenwatch/daw/beijing/platform/>

2. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom’s Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

3. Migrant groups include dispersed asylum seekers, refugees, seasonal agricultural workers, students, ‘Tier 1’ (highly skilled) migrant workers, dependants joining already settled family members, people with irregular migration status such as those who have overstayed their visa or who are working in breach of their visa conditions, women who have left violent partners and have ‘no recourse to public funds’, and people from inside and outside the EU. Local areas vary according to the size and distribution of these groups in their population.

4. CEDAW Committee (2011) Statement on the Anniversaries of the 1951 Convention Relating to the Status of Refugees and the 1961 Convention on the Reduction of Statelessness. <http://www.unhcr.org/refworld/docid/4ea13f012.html>.

5. Home Office (2013) Call to End Violence against Woman and Girls: Action Plan 2013. HM Government <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan-2013?view=Binary>

6. Asylum Aid Charter <http://www.asylumaid.org.uk/charter> Accessed: 22/03/13

7. Refugee Council (2012) The experiences of refugee women in the UK: Briefing. http://www.refugeecouncil.org.uk/assets/0001/5837/Briefing_-_experiences_of_refugee_women_in_the_UK.pdf

remained constant since 2003. In 2011, 5,329 women claimed asylum in their own right and 14,460 men.⁸ Despite what the Government has highlighted in its report, evidence shows that gender issues are not fully considered in the asylum system. In particular, many women are refused asylum because their accounts of gender-based violence and sexual abuse are not believed, despite the volume of evidence that it is precisely these kinds of persecution which applicants find hard to reveal.⁹ There are also issues with the current system where evidence has shown that accelerated decision making procedures (the detained fast track (DFT)) are unsuitable for complex gender-based claims.¹⁰ More must be done to eliminate discrimination against refugee women, both in society at large and within their communities, as current measures taken are not effective and women who have fled to the UK in need of protection are too often caught in a system that compounds their trauma.¹¹

Case study:¹²

"It is considered reasonable to expect you to recall with consistency the years in which your family members were killed."

Refusal letter, UKBA London, June 2010

Recommendation:

Women should not be routed into the detained fast track whilst the risk remains so high that a woman who has experienced sexual violence will have her claim inappropriately dealt with

- 9.8 In terms of other migration issues there is a widening gap between the aims of the Government's *Call to End Violence against Women and Girls*¹³ and the effect on migrant women, whether documented or undocumented migrants from inside or outside the European Economic Area (EEA), of increasingly restrictive immigration rules, cuts in legal aid, and wider cuts in support services. In particular, the recent changes in the Immigration Rules on family migration, which purport to 'define' how Article 8 of the European Convention on Human Rights (ECHR) and the UN Convention on the Rights of the Child (CRC) duties will be applied, will make it significantly harder for women to enter the country lawfully, or, once here, to escape violent and exploitative situations. The withdrawal of legal aid from immigration will also make it harder for women to challenge negative decisions. (See Appendix: 28) In addition, further restrictions on legal avenues for migration into the UK, and the tightening of border controls by such means as biometric documentation, are having drastic results for the most vulnerable women. More women are likely to enter the country in an irregular way and there are fewer channels for women to migrate independently, therefore they are placed in a position of dependency and are vulnerable to violence and sexual abuse.¹⁴ (See General Recommendation 19)

8. Home Office, Immigration Statistics, April to June 2011: Asylum, Table as.03: Asylum applications from main applicants by age, sex and country of nationality <http://tinyurl.com/anh6qqr>

9. Walter, N. (2011) 'I am every woman', *New Statesman*, 10th March 2011 <http://www.newstatesman.com/society/2011/03/women-asylum-rights-saron>

10. Human Rights Watch (2010) *Fast-Tracked Unfairness: Detention and denial of women asylum seekers in the UK*. <http://www.hrw.org/reports/2010/02/24/fast-tracked-unfairness-0>

11. See for example Women for Refugee Women (2012) *Refused: The experiences of women denied asylum in the UK*. <http://www.refugeewomen.com/images/refused.pdf>

12. Asylum Aid (2011) *Unsustainable: the quality of initial decision making in women's asylum claims*. <http://www.asylumaid.org.uk/data/files/publications/151/UnsustainableWEB.pdf>

13. Home Office (2011) *Call to End Violence against Woman and Girls: Action Plan*. HM Government <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan?view=Binary>

14. Jolly, S. and Reeves, H. (2005) *Gender and Migration – Overview report*. BRIDGE: Brighton <http://www.bridge.ids.ac.uk/reports/CEP-Mig-OR.pdf>

Mainstreaming gender in the asylum system

- 9.9 The UK's 7th Periodic Report fails to mention key areas of progress even though this information was available at the time the report was drafted.¹⁵ For example, the appointment of a Gender Champion to take the strategic lead on gender issues at the UK Border Agency (UKBA).¹⁶ These omissions demonstrate a lack of a strategic approach by the UKBA. The lack of gender-sensitivity in the asylum system at a systemic level as well as the lack of follow-up with operational issues also show the failure of the UKBA to mainstream gender issues at all stages of the asylum system. For example:
- a) the UKBA fails to interpret the Refugee Convention¹⁷ in a gender-sensitive way or to implement its own gender guidelines¹⁸
 - b) complex gender cases, including women who have been trafficked, continue to be inappropriately referred to the DFT process¹⁹ despite it being unsuitable for complex cases such as gender-related claims²⁰
 - c) in some asylum and immigration cases the UKBA is separating children from their parents by holding parents in detention, despite this conflicting with the UKBA's duty to safeguard and promote children's welfare²¹
 - d) the UKBA fails to apply a gender-sensitive approach to the provision of material reception conditions, particularly in relation to supporting decision making,²² dispersal, support levels or accommodation standards²³

Case study:²⁴

Sanam, who suffered sexual abuse by her father as well as severe domestic violence after a forced marriage at 14 was interviewed for two hours 20 minutes. She was not offered words of sympathy nor a break. *"It was obvious that they accused me of lying though they did not actually say the words, it was obvious."*

- 9.10 The *Charter of Rights of Women Seeking Asylum*²⁵ has been endorsed by over 300 organisations from the refugee, women's and human rights sectors and from trade unions and faith groups in the UK. Since 2008, the Charter campaign has been lobbying the UKBA to make the asylum system gender-sensitive.

15. Asylum Aid (2011) *Unsustainable: the quality of initial decision making in women's asylum claims*. <http://www.asylumaid.org.uk/data/files/publications/151/UnsustainableWEB.pdf>

16. Asylum Aid (2010) *Charter of Rights of Women Seeking Asylum 2 years on: impacts and actions* <http://www.asylumaid.org.uk/data/files/publications/133/WomensAsylumCharter2Yearson.pdf>

17. Refugee Convention <http://www.unhcr.org/pages/49da0e466.html>

18. Asylum Aid (2011) *Unsustainable: the quality of initial decision making in women's asylum claims* <http://www.asylumaid.org.uk/data/files/publications/151/UnsustainableWEB.pdf>; UK Border Agency (2011) *Quality and Efficiency Report: Thematic Review of Gender Issues in Asylum Claims*; UNHCR (2008) *Quality Initiative Project Fifth Report to the Minister*. UNHCR: London http://www.unhcr.org/fileadmin/user_upload/pdf/QL_Fifth_Report.pdf

19. Vine, J (2012) *A thematic inspection of the detained fast track July – September 2011*, Independent Chief Inspector of the UK Border Agency http://icinspector.independent.gov.uk/wp-content/uploads/2012/02/Asylum_A-thematic-inspection-of-Detained-Fast-Track.pdf

20. UNHCR (2010) *Quality Integration Project, Key observations and recommendations* http://www.unhcr.org/fileadmin/user_upload/pdf/First_Quality_Integration_Project_Report_Key_Findings_and_Rec_01.pdf; Human Rights Watch (2010) *Fast-tracked unfairness: detention and denial of women asylum seekers in the UK* <http://www.hrw.org/sites/default/files/reports/uk0210webwcover.pdf>

21. UK Border Agency, *Criminality and detention* <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/criminality-and-detention/> Accessed: 17/04/13 also see for examples The Children's Society (2011) *What have I done? The experiences of children and families in UK immigration detention: Lessons to learn* http://www.childrenssociety.org.uk/sites/default/files/tcs/research_docs/immigration%20experiences_full%20report.pdf

22. Asylum Support Appeals Project (2011) *No credibility: UKBA decision making and Section 4 support*. <http://stillhumanstillhere.files.wordpress.com/2009/01/asap-no-credibility-report-high-res.pdf>

23. Querton, C. (2012) *"It feels like as a woman I'm not welcome": A gender analysis of UK law, policy and practice*. Asylum Aid: London http://www.asylumaid.org.uk/data/files/ifeelasawoman_reportv2.pdf

24. Asylum Aid (2011) *Unsustainable: the quality of initial decision making in women's asylum claims*. <http://www.asylumaid.org.uk/data/files/publications/151/UnsustainableWEB.pdf>

25. Asylum Aid Charter <http://www.asylumaid.org.uk/charter> Accessed: 22/03/13

Recommendation:

Gender issues should be mainstreamed so that they are considered strategically in all aspects of the asylum process, for example by linking work on the Equality Act 2010 and CEDAW, and by providing sufficient resources for the Gender Champion and stakeholder engagement on gender issues to ensure that this is effective and long-term. This should also include reviewing timescales in the asylum process to ensure that they are sufficiently flexible for women survivors of rape and sexual violence to be able to fully disclose their experiences in support of their asylum claims

Implementation of the Asylum Gender Guidelines

- 9.11 In relation to initial decision making, the UKBA's own gender audit has shown that their own comprehensive *Asylum Gender Guidelines* are still not being implemented.²⁶
- 9.12 Despite the CEDAW Committee's Concluding Recommendation 48.d)²⁷ that the Government should ensure full implementation of the *Asylum Gender Guidelines*, there continue to be no gender guidelines in the asylum appeals system. The Tribunal refers instead to the *Practice Direction: Child, vulnerable adult and sensitive witnesses*²⁸ which was extended to the Immigration and Appeals Chamber in October 2010 but this fails to take into account the nature of the claim for asylum.²⁹

Recommendation:

Ensure that Immigration Judges have appropriate guidance for making decisions on women's asylum cases, including those involving gender-based persecution

Access to the UK asylum process

- 9.13 Currently, asylum seekers can only register a claim for asylum in Croydon, South London (except for families with children or in very exceptional circumstances) creating an additional barrier for vulnerable women to claim asylum. The Scottish Refugee Council sees cases of the difficulties this causes daily.³⁰

Lesbian and bisexual women in the asylum system

- 9.14 Despite the introduction of the Sexual orientation and gender identity in the asylum claim policy instruction in 2010 there is evidence that this guidance is not being followed. LB asylum seekers face repression and institutional discrimination in the UK and are often marginalised within the asylum system. Although there has been some success in achieving recognition that homophobia and fear of persecution based on sexual orientation are legitimate grounds for asylum, the situation for LB asylum seekers is uncertain³¹ and many judges continue to have

26. UKBA (June 2011) Quality and efficiency report: thematic review of gender issues in asylum claims

27. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement>

28. See Tribunals Judiciary. The Practice Direction: First tier and upper tribunal – Child, vulnerable adult and sensitive witnesses <http://www.justice.gov.uk/downloads/tribunals/special-educational-needs-and-disability/Childvulnerableadultandsensitivewitnesses.pdf>

29. Querton, C. (2012) "It feels like as a woman I'm not welcome": A gender analysis of UK law, policy and practice. Asylum Aid: London http://www.asylumaid.org.uk/data/files/ifeelasawoman_reportv2.pdf

30. Gillespie, M. (2012) Trapped: Destitution and asylum in Scotland. Scottish Poverty Information Unit: Glasgow Caledonian University http://www.scottishrefugeecouncil.org.uk/assets/0000/5050/Trapped_destitution_and_asylum_final.pdf

31. Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. Briefing 4: Asylum seeker and refugee LBT women. Women's Resource Centre: London www.wrc.org.uk/lgbt

biased views towards LGB&T people.³² (See Appendix: 9 for more information)

Childcare during the asylum process

- 9.15 Childcare provision is referred to in the Government's report (para 116) but is not referred to in asylum seekers' invitation to interview letter, despite the UKBA being notified of this omission in June 2011.³³ Provision varies across the different regions of the UK and in some areas there is evidence of no provision.

Case study:

"In Liverpool there's an interview room with a glass partition and on the other side of the partition is a television showing cartoons that children can watch. One woman who used the 'childcare facility' said the older one was happy to watch the cartoon in the corner of the room but the younger two kept coming over to her. One of them sat on her knee crying throughout [her asylum interview]."

Denise McDowell, Director, Greater Manchester Immigration Aid Unit

Health of women with an insecure immigration status

- 9.16 Migrant, refugee and asylum seeking women face barriers to accessing healthcare services and experience poor health outcomes. Research shows that asylum seeking women in the UK have complex health needs.³⁴ For example, mental illness and mental distress is likely to be much more common among vulnerable migrants than among the general population,³⁵ with refugee and migrant women having very high rates of mental illness.³⁶ Black African women, including asylum seekers and refugees, have a mortality rate seven times that of white women.³⁷ Women face significant barriers to healthcare as a result of a lack of accessible information, language barriers, a lack of clarity of entitlement to services, low incomes and vulnerability to domestic violence (DV) and abuse.³⁸
- 9.17 In England and Northern Ireland, most refused asylum seekers will face charges for secondary healthcare and therefore, significant barriers to accessing appropriate care. The approach of devolved administrations in Wales and Scotland is welcomed, where all those who have made an application for asylum, whether their claims are pending or unsuccessful, are exempt from charges for all NHS services on the same basis as a UK resident.³⁹ Recent migrants and women with insecure immigration status are also subject to charges for NHS secondary care. This poses a significant barrier for vulnerable women to accessing healthcare. Confusion about entitlement is also resulting

32. Miles, N. (2010) No Going Back: Lesbian and Gay People and the Asylum System. Stonewall: London http://www.stonewall.org.uk/what_we_do/research_and_policy/2874.asp

33. Email from Asylum Aid to UKBA 11th May 2011

34. Scottish Refugee Council and London School of Hygiene and Tropical Medicine (2009) Asylum seeking women: Violence and health <http://genderviolence.lshtm.ac.uk/files/2009/10/Asylum-seeking-Women-Violence-and-Health.pdf>

35. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

36. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

37. Aspinall, P. and Watters, C. (2010) Research Report 52: Refugees and asylum seekers: A review from an equality and human rights perspective. EHRC: Manchester http://www.equalityhumanrights.com/uploaded_files/research/refugees_and_asylum_seekers_research_report.pdf

38. Ng, P. (2010) Dispelling myths, Speaking Truths. Focus Groups Findings on the Experiences, Needs and Aspirations of Young BAMER Women Living in the UK. Imkaan: London <https://www.dropbox.com/sh/4zq0jgk4xyez91i/OHBb9uELBr/Dispelling%20Myths%20Speaking%20Truths%20-%20Focus%20Group%20Findings.pdf>

39. Northern Ireland Law Centre (2010) Refused asylum seekers and access to free secondary healthcare: a comparison of England, Scotland, Wales & Northern Ireland. http://www.lawcentreni.org/component/content/article/63-policy-briefings/865-refused-asylum-seekers-and-access-to-free-secondary-healthcare.html#_edn2

in women entitled to care being wrongly refused care or deterred from seeking care.⁴⁰

- 9.18 UKBA policies on dispersal of pregnant asylum seekers do not recognise that this group of women have complex needs. Dispersal practices significantly reduce women's access to maternity services and the likelihood of a safe and healthy pregnancy.⁴¹ (See Article 12 and Appendix: 7 for further information)

Recommendations:

- **All asylum seekers, including those whose claims have been refused, and undocumented migrants should have access to free NHS healthcare on the basis of need across the UK until they are given permission to stay in the UK or return to their country of origin**
- **New migrants and migrants with insecure status should also have access to free NHS healthcare on the basis of need across the UK**
- **The UKBA should revise its policies on dispersal of pregnant asylum seekers to ensure compatibility with National Institute for Health and Clinical Excellence (NICE) guidance on maternity care for women with complex social factors**

Violence against women and girls in the context of nationality

- 9.19 Between half and three quarters of women asylum seekers have experienced VAWG either in their country of origin, during transit to the UK, or when in the UK.⁴² However, the Government's VAWG *Action Plan* only contains one paragraph on women seeking asylum and another on women with 'no recourse to public funds',⁴³ although following an NGO campaign the latest *Action Plan* now has three action points on women seeking asylum out of a total of 110.⁴⁴ In addition the strategy is not clearly placed within the UKBA's strategic plan, and the UKBA Gender Champion has not had any obvious responsibility for the sections in the *Action Plan* related to asylum or migration.
- 9.20 It is widely accepted that many refugee and asylum seeking women who have been subject to rape and abuse find it hard to talk about their experiences.⁴⁵ Despite the UKBA's own Gender Guidelines recognising this, 'late disclosure' of abuse often leads to refusal of an asylum claim on the grounds of poor credibility.⁴⁶ Despite the recommendations in the Gender Guidelines, UKBA decision makers often do not have access to, or do not refer to, information on the position of women in the applicant's country of origin, and so issues concerning gender-based persecution such as forced marriage, 'honour'-based violence (HBV), DV and marital rape and issues affecting LB women are not understood, or acknowledged to be relevant, especially to LB

40. Bragg R (2013) 'Vulnerable women and charging for maternity care in the UK – Advocating for Change' in F. Thomas & J Gideon (eds) *Migration health and inequality*, Zed Books: London

41. Maternity Action and Refugee Council (2013) *When Maternity Doesn't Matter: Dispersing pregnant women seeking asylum* http://www.refugeecouncil.org.uk/assets/0002/6402/When_Maternity_Doesn_t_Matter_-_Ref_Council_Maternity_Action_report_Feb2013.pdf

42. Scottish Refugee Council and London School of Hygiene and Tropical Medicine (2009) *Asylum Seeking Women, violence and health* <http://genderviolence.lshtm.ac.uk/files/2009/10/Asylum-seeking-Women-Violence-and-Health.pdf>; Refugee Council (2009) *The vulnerable women's project: refugee and asylum seeking women affected by rape or sexual violence – literature review*. http://www.refugeecouncil.org.uk/assets/0001/7039/RC_VWP-report-web.pdf

43. Home Office (2010) *Call to End Violence against Women and Girls*. HM Government <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-paper?view=Binary>

44. Home Office (2013) *Call to End Violence Against Women and Girls Action Plan 2013* <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan-2013?view=Binary>

45. Bogner, D. et al. (2007) 'Impact of sexual violence on disclosure during Home Office interviews', *The British Journal of Psychiatry*, 191: 75-81 <http://bjp.rcpsych.org/content/191/1/75.long>; Baillot, et al. (2012) 'Hearing the Right Gaps: Enabling and Responding to Disclosures of Sexual Violence within the UK Asylum Process', *Social and Legal Studies* <http://sls.sagepub.com/content/early/2012/05/18/0964663912444945.full.pdf>

46. Querton, C. (2012) 'It feels like as a woman I'm not welcome': A gender analysis of UK law, policy and practice. *Asylum Aid*: London http://www.asylumaid.org.uk/data/files/ifeelasawoman_reportv2.pdf p 41 - 44

women.⁴⁷ (See Appendix: 9)

Case study:⁴⁸

A young Chinese woman whose claim was based on having been trafficked was asked: “Did you attempt to stop this man from raping you?”

- 9.21 Migrant women in the UK who are experiencing violence have an intensified experience of this because their immigration status often prevents them from accessing life-saving services.⁴⁹ Additionally women survivors of DV and who have an insecure immigration status also face many barriers to resolving their immigration status and accessing financial and other support.⁵⁰
- 9.22 Migrant women have been identified as a high risk group for being forced into sex work and information from law enforcement agencies in the UK suggests that migrant women and trafficked women make up a high proportion of sexually exploited women in the UK. According to research only 19% of women working as prostitutes in flats, parlours and saunas were originally from the UK.⁵¹ (See General Recommendation 19 and Article 6 for further information)

Recommendation:

The Government’s VAWG Action Plan should properly address the situation of migrant, refugee and asylum seeking women in the UK as one of the groups more vulnerable to VAWG. Appropriate measures need to be taken to protect these women from violence and abuse including a specific action plan and adequate weighting and relevance within the strategy as a whole

Victims of domestic violence and ‘no recourse to public funds’ policy

- 9.23 Vulnerable migrant women may find it more difficult to leave situations of violence and abuse than settled women because of problems of language, social isolation, patriarchal cultural expectations, fear of repercussions from family members and the wider community, inappropriate responses and/or racism from mainstream agencies, as well as the impact of the ‘no recourse to public funds’ rule. Women who are in the UK on a spousal or partner visa may fear that they cannot leave a violent relationship without jeopardizing their leave to remain here during the two year ‘probationary’ period (now extended to five years - see below).
- 9.24 A combination of immigration laws⁵² act to deny women with insecure immigration status access to public funds and other social services,⁵³ even if they have experienced DV. After extensive lobbying by the Campaign to Abolish No Recourse to Public Funds⁵⁴ and a recommendation from the CEDAW Committee in 2008, the Government introduced a pilot project in 2009 to support women on spousal visas in this position and committed to providing a long-term solution.⁵⁵

47. Miles, N. (2010) No Going Back: Lesbian and Gay People and the Asylum System. Stonewall: London http://www.stonewall.org.uk/what_we_do/research_and_policy/2874.asp

48. Asylum Aid (2011) Unsustainable: the quality of initial decision making in women’s asylum claims. <http://www.asylumaid.org.uk/data/files/publications/151/UnsustainableWEB.pdf>

49. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

50. Rights of Women (2011) Silenced voices speak: strategies for protecting migrant women from violence and abuse http://www.rightsofwomen.org.uk/pdfs/Policy/Silenced_voices_speak-strategies_for_protecting_migrant_women_from_violence_and_abuse.pdf

51. Refugee Council (2009) The vulnerable women’s project: refugee and asylum seeking women affected by rape or sexual violence – literature review. http://www.refugeecouncil.org.uk/assets/0001/7039/RC_VWP-report-web.pdf

52. Immigration and Asylum Act 1999 <http://www.legislation.gov.uk/ukpga/1999/33/contents> s115, s54 and Sch 3 Nationality, Immigration and Asylum Act 2002 <http://www.legislation.gov.uk/ukpga/2002/41/contents>

53. UK Border Agency, Public funds <http://www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/rightsandresponsibilities/publicfunds/> Accessed: 22/03/13

- 9.25 In April 2012, the Government launched the Destitution Domestic Violence (DDV) Concession, which allows women access to public funds if their last visa was a spouse/civil partner/ unmarried partner and if they are destitute, have experienced violence and are planning to apply for Indefinite Leave to Remain (ILR) in the UK under the Domestic Violence Rule.⁵⁶ Although the women’s sector has welcomed this permanent concession, they continue to campaign to extend the scheme to the many women currently excluded, including those on other types of visa, EEA citizens and non-EEA family members of EEA citizens, overstayers, overseas domestic workers and trafficked women not accepted into the National Referral Mechanism (NRM).⁵⁷
- 9.26 It is also important to note the differential treatment by different local authority Social Services Departments of destitute women with children, whether refused asylum seekers, overstayers or otherwise with ‘no recourse to public funds’, who are fleeing DV but are not eligible for the DDV concession. The UN CRC⁵⁸ and the UK Children Act 1989⁵⁹ require local authority Social Services Departments to consider the ‘best interests of the child’ and give the local authority power to provide accommodation and financial support not just to the children themselves but to their parents, even where the parent is an overstayer or otherwise not entitled to public funds. However, this is not widely understood, and destitute women with children often need to take legal proceedings to obtain accommodation and support.
- 9.27 Section 20 of the Children Act 1989 requires Local Authorities to “*provide accommodation for any child in need within their area*”, but this only explicitly imposes the duty to house the child.⁶⁰ So, the local authority’s duty is usually interpreted as an obligation to house the child, but not the family, and there have been cases where the child is separated from their family and put under the care of the Local Authorities. This is a breach of the right to family life and often contradicts the best interests of the child (there is sufficient case law establishing this⁶¹). However, when families do not have legal representation or know their rights, they are sometimes threatened with separation nonetheless since it is easier to accommodate separated children than whole families.⁶² (See Appendix: 8 for further information)

Recommendation:

Extend the Destitution Domestic Violence Concession to all women who are subjected to domestic violence or abuse and immigration control so that they are exempt from the restriction on access to public funds and health and social care services

54. See Campaign to Abolish No Recourse to Public Funds <http://thewomensresourcecentre.org.uk/our-work/no-recourse-to-public-funds/> Accessed: 18/04/13

55. Gower, M. (2012) Immigration: Domestic violence. London: House of Commons Library www.parliament.uk/briefing-papers/SN04644.pdf

56. DVILR, in Immigration Rules Part 8 Appendix Family Members <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part8/>

57. Campaign to Abolish No Recourse to Public Funds (2012), Press Release: Campaign to Abolish No Recourse to Public Funds Celebrates Victory; Home Office Concession for Destitute Victims of Domestic Violence

58. Convention on the Rights of the Child (CRC) www.unicef.org/crc/

59. Children Act 1989 <http://www.legislation.gov.uk/ukpga/1989/41/contents>

60. The House of Lords has ‘rejected the idea that it was unlawful for authorities to offer to provide for the children and not the parents in these circumstances’. At the same time Local Authorities do have the power to provide accommodation for the family under Section 17 of the Act, and the Lords have acknowledged the need to look specifically at the facts of the case regarding a possible breach of Article 8 if accommodation is not provided for the family to live together (Lukes, S. (2010) A manual for people advising undocumented migrants. Praxis, page 36 <http://www.praxis.org.uk/manual-for-undocumented-migrants-page-27.html>)

61. Examples of relevant case law include: Wallová and Walla v. Czech Republic, judgment of 26 October 2006 (Application no. 23848/04, para.74-75), Saviny v. the Ukraine, 18 December 2008 (39948/06, para. 57), Havelka and others v. Czech Republic, 21 June 2007 (23499/06, para. 61), Moser v. Austria, 21 September 2006 (12643/02, para. 70, 73).

62. PICUM (2011) Building Strategies to Protect Children in an Irregular Migration Situation. Country Brief: United Kingdom. PICUM: Brussels http://www.childmigration.net/files/PICUM_UK_Irregular_Child_Migra.pdf

New family migration Immigration Rules

- 9.28 Other changes in rules and policy will have a negative impact on women with 'no recourse to public funds' and undermine the benefits of the DDV Concession even for those who qualify for it. New Rules from July 2012 have introduced new family migration requirements which, especially in relation to income, will generally be far harder for women to meet than men considering women's reduced incomes and the feminisation of poverty. The new Rules disproportionately affect British women, whose wages are on average lower than men's, making them less able to marry someone from outside the EU. In addition⁶³ foreign-based spousal income isn't counted.
- 9.29 The increase in the 'probationary period' before which partners on partner visas must wait before applying for ILR has been increased from two years to five years, (See Appendix: 8) materially increasing the time during which many women will be prey to partners who use their insecure immigration status as a weapon of control. From April 2013 legal aid will be withdrawn for immigration cases⁶⁴ making it harder for these women to obtain advice.⁶⁵ (See Appendix: 28)

Recommendations:

- **Reform the Domestic Violence Rule so that all types of evidence of domestic violence are accepted, all women subject to immigration control are eligible, and provide adequate levels of legal aid so that there is access to good quality legal advice and assistance**
- **Properly assess and review the implications of the new family migration Immigration Rules to ensure they do not disproportionately affect women**

Support and accommodation

- 9.30 In March 2011 the Home Office cut funding for advice for newly arrived asylum seekers by more than 60%. This advice covers applying for asylum, accessing support and housing and also helps those suffering from harassment or DV.⁶⁶ There is also limited State support for safe housing and many groups of migrant women do not qualify for housing support or funded shelter places. (See Appendix: 8)
- 9.31 Asylum seeking women, women with 'no recourse to public funds' and other vulnerable groups of migrants such as undocumented migrant women, face serious barriers to accessing adequate housing. Those who do not qualify for UKBA accommodation are often dependent on the informal housing market; they occupy poor quality and overcrowded housing, and are often charged disproportionate rents. Emergency housing projects are only short-term and it is extremely difficult for those unable to apply for the DDV Concession to access women's shelters as the State refuses to reimburse the organisations that provide this support. Only 8.5% of women with 'no recourse to public funds' who request a refuge place in London obtain

63. Magnanti, B. (2012) 'Britains migration rules are tearing families apart', The Telegraph, 20th November 2012 <http://www.telegraph.co.uk/women/mother-tongue/9688898/Britains-migration-rules-are-tearing-families-apart.html#>

64. Hynes, S. (2012) 'Legal aid for domestic violence victims should not be decided on luck', The Guardian, 27th April 2012 <http://www.guardian.co.uk/law/2012/apr/27/legal-aid-lords-domestic-violence-luck>

65. This is because, even though legal aid is being formally retained for domestic violence cases, the way the legal aid scheme operates is likely to make it financially unviable for more than a few providers to offer this service. (At the time of writing, the tendering process has just commenced, and it is too soon to say whether or to what extent this is happening).

66. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

67. Fellas, O. (2008) Victims of Domestic violence with no recourse to public funds. No Recourse to Public Funds Network and Islington Council https://www.islington.gov.uk/publicrecords/documents/HealthandSocialCare/Pdf/nrpf_victims_dv_nrpf.pdf

one.⁶⁷ Fearing contact with the police and without a safety net, women can be exploited by unscrupulous landlords who can abuse these women with impunity.⁶⁸ For example, 11% of Latin Americans work for less than the minimum wage and face high levels of labour exploitation. Almost half of Latin Americans live in inadequate housing with almost one third sharing their house with other family, indicating overcrowding.⁶⁹

- 9.32 Local Authorities have an obligation to provide support (including accommodation) to avoid a breach of human rights.⁷⁰ Most of the families who receive such support are those who have overstayed their visa and are waiting for a decision from the UKBA on an application for ILR on human rights grounds, or women with children fleeing violence who are waiting for a decision from the UKBA on an application for ILR under the Domestic Violence Rule.⁷¹ There is a shortage of emergency accommodation and the shelters or hotels offered are usually inappropriate housing for children. Local Authorities do not receive any central government funding for providing support and accommodation to these families. Therefore, areas with a high number of undocumented migrants struggle to reallocate the necessary funds and may not be able to meet their responsibilities in all cases. In practice, this means turning away families despite urgent need. There is a high level of discretion and divergence in whether support is provided.⁷² Furthermore, if there is no pending application to regularise the person's stay, the local authority has the duty to inform the Home Office, so although temporary shelter can be provided to avoid a breach of human rights, it usually results in the speeding up of immigration removal processes (detention and deportation).⁷³ Therefore, for families without an application in process, applying for local authority assistance is a last resort.
- 9.33 Destitute asylum seeking women specifically may qualify for 'Section 95'⁷⁴ UKBA support and/or accommodation and just over 50% of mainstream benefits.⁷⁵ Access to accommodation usually involves dispersal away from existing support networks and services into deprived areas and poor quality accommodation.⁷⁶ Fortunately, UKBA has introduced the provision of a 'protected period' of four weeks either side of delivery, during which a pregnant woman or new mother should not be dispersed. However, perversely, there is a risk that some women will be held in inappropriate initial accommodation during the protected period despite wishing to be dispersed to more suitable housing.⁷⁷
- 9.34 Sexual harassment is frequently reported by women in initial accommodation provided by

68. Geddie, E. and LeVoy, M. (2012) Strategies to End Double Violence Against Undocumented Women: Protecting Rights and Ensuring Justice. PICUM: Brussels <http://picum.org/uploads/publication/Double%20Violence%20Against%20Undocumented%20Women%20-%20Protecting%20Rights%20and%20Ensuring%20Justice.pdf>

69. McIlwaine, C. (2011) No Longer Invisible: The Latin American community in London. Queen Mary University of London, Latin American Women's Rights Service and Trust for London. <http://www.trustforlondon.org.uk/No%20Longer%20Invisible%20report.pdf>

70. As enshrined in the European Convention on Human Rights http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf / Human Rights Act 1998 [http://www.legislation.gov.uk/ukpga/1998/42/](http://www.legislation.gov.uk/ukpga/1998/42/contents) contents and relevant caselaw. Local Authorities do not receive funding from the Government for the provision of such services.

71. No Recourse to Public Funds Network (2011) Social Services Support to People with No Recourse to Public Funds: A National Picture. http://www.nrpfnetwork.org.uk/policy/Documents/NRPF_national_picture_final.pdf page 4.

72. Contributions from participants during PICUM and Praxis workshop 'Building Strategies to Protect Children in an Irregular Migration Situation in the UK', 6 October 2011, London

73. Lukes, S. (2010) A manual for people advising undocumented migrants. Praxis <http://www.praxis.org.uk/manual-for-undocumented-migrants-page-27.html> page 28-29.

74. UK Border Agency (2013) Allocating Section 95 support <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/asylum-support/section-95/allocating-section95?view=Binary>

75. Current support rates can be found on the UKBA website <http://www.ukba.homeoffice.gov.uk/asylum/support/cashsupport/currentsupportamounts/>

76. Report of the Parliamentary Inquiry into Asylum Support for Children and Young People, January 2013 http://www.childrenssociety.org.uk/sites/default/files/tcs/asylum_support_inquiry_report_final.pdf

77. Maternity Action and Refugee Council (2013) When Maternity Doesn't Matter: Dispersing pregnant women seeking asylum http://www.refugeecouncil.org.uk/assets/0002/6402/When_Maternity_Doesn_t_Matter_-_Ref_Council__Maternity_Action_report_Feb2013.pdf

UKBA, where men and women are often accommodated on the same corridor and with shared bathrooms.⁷⁸ Some women are forced to leave accommodation provided by UKBA because of bullying or homophobia from other tenants, neighbours and the failure of landlords to tackle this. This is then treated as ‘voluntary abandonment’ and they are denied access to further accommodation services.⁷⁹ Those who remain in UKBA accommodation endure unannounced visits and threats from the landlord, racial abuse and violence from neighbours and repeated re-dispersal.⁸⁰ Despite clear, detailed and adequate policies to protect those facing violence who are in asylum support accommodation,⁸¹ these policies are not widely known or always implemented and anti-bullying strategies are not being enforced in removal centres.

- 9.35 Vulnerable migrant women have high rates of destitution and poverty. Migrant and refugee women routinely lack access to social services and legal protection and are subjected to abuses such as harsh working and living conditions, low wages, illegal withholding of wages and premature termination of employment. The worst abuses force women into sexual slavery.⁸²

Case study:⁸³

A... client [on ‘Section 95’] explained that *“last week, my mum was not feeling well and we took her to the hospital. The hospital was far and we did not have enough money to pay for our transport to get back to our house. At the end we managed to get a bus home, but we had no money left for food.”*

Recommendations

- **Home Office to set asylum support levels at a rate of at least 70% of Income Support and provide it as cash. Annual increments to asylum support rates should be linked to those for Income Support or its equivalent**
- **The Home Office should grant permission to work to asylum seekers who have been waiting for six months or more for an initial decision or who have been refused asylum, but cannot be removed through no fault of their own**

‘Section 4’ support

- 9.36 Some women who have been refused asylum are able to access limited short-term ‘Section 4’ support that is reviewed every three months. Many women find it impossible to meet the ‘Section 4’ eligibility criteria; the requirement to take steps to facilitate voluntary return in order to access support is one that they are too frightened to comply with, and judicial review and human rights arguments remain out of the reach of many, given the limited legal advice and representation available to asylum seekers. Furthermore, the application process for ‘Section 4’ support is often delayed, leading to destitution for those awaiting a decision.⁸⁴ A recent

78. Querton, C. (2012) ‘It feels like as a woman I’m not welcome’: A gender analysis of UK law, policy and practice. Asylum Aid: London http://www.asylumaid.org.uk/data/files/ifeelasawoman_reportv2.pdf

79. Women’s Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women’s services in the UK. Briefing 4: Asylum seeker and refugee LBT women. WRC: London

80. Report of the Parliamentary Inquiry into Asylum Support for Children and Young People, January 2013 http://www.childrenssociety.org.uk/sites/default/files/tcs/asylum_support_inquiry_report_final.pdf

81. UK Border Agency (2004) Asylum support Policy Bulletin 70. Home Office <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylum-support-bulletins/access-to-support/pb70?view=Binary>

82. UN Women, Women Migrant Workers http://www.unifem.org/gender_issues/women_poverty_economics/women_migrant_workers.html Accessed: 22/03/13

83. Refugee Action (2013) Response to the Home Affairs Select Committee inquiry on asylum

84. British Red Cross (2010) Not gone, but forgotten: the urgent need for a more humane asylum system. British Red Cross: London <http://www.redcross.org.uk/About-us/News/2010/June/-/media/BritishRedCross/Documents/Archive/GeneralContent/N/Destitution%20report%20Not%20gone%20but%20forgotten.pdf>

Parliamentary Inquiry concluded that life on 'Section 4' support (with no cash and the 'Azure' card which can be spent in only a limited number of shops) does not ensure a dignified standard of living for women and their children.⁸⁵

- 9.37 UKBA guidelines specify that 'Section 4' support should not normally be granted to a pregnant woman on the basis of physical impediment to travel until six weeks before her expected date of delivery or the 34th week of pregnancy unless there are complications with the pregnancy but even in this situation 'Section 4' support can be difficult to obtain. (See Article 12)

Case study:⁸⁶

One of our pregnant clients [on 'Section 4'] explained that *"I am 7 months pregnant and I receive the same amount as a single person receives. I couldn't follow all the medical checks due to not having enough money to travel."*

Recommendations

- **'Section 4' support should be abolished and all destitute refused asylum seekers, especially pregnant women, should be maintained on 'Section 95' cash support until they are granted status or leave the country**
- **Accommodation provided under 'Section 4' support should be gender sensitive; safe for women; suitable for pregnancy related needs; and close to women's existing community support networks**

Women migrant workers

- 9.38 Migration bears great risks for women, many of whom end up at the lower end of the job market. Female migrants often work as domestic workers, sex workers or in unregulated informal sectors that do not fall under national labour laws. Migrant domestic workers are particularly vulnerable to exploitation, trafficking and abuses of their human rights as recognised by the International Labour Organisation⁸⁷ and many international experts.⁸⁸ (See Article 6) This results from migrant's socio-economic conditions, lack of information about their rights and entitlement to protection in the UK, their personal family and emotional circumstances, attitudes towards the police, the low availability of personal and professional networks, but, most of all, from their immigration legal status.⁸⁹ However, from April 2013 there will be no legal aid available for accessing redress for work based exploitation/abuse (except for trafficked persons). (See Appendix: 10, Article 11 and Appendix: 28 for further information)

Recommendations:

- **Monitor the situation of women migrant workers and ensure that they receive adequate protection**
- **Ensure that domestic workers can change employer and obtain permanent settlement after five years in the UK (as was the case before)**

85. Report of the Parliamentary Inquiry into Asylum Support for Children and Young People, January 2013 http://www.childrenssociety.org.uk/sites/default/files/tcs/asylum_support_inquiry_report_final.pdf

86. Refugee Action (2013) Response to the Home Affairs Select Committee inquiry on asylum

87. International Labour Organisation (2010) Decent Work for Domestic Workers: Report IV(1). International Labour Office: Geneva http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_104700.pdf

88. See for example Human Rights Council (2010) Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian http://www2.ohchr.org/english/issues/slavery/rapporteur/docs/A.HRC.15.20_EN.pdf and Human Rights Council (2010) Report of the Special Rapporteur on the human rights of migrants, Addendum: Mission to the United Kingdom of Great Britain and Northern Ireland <http://www.unhcr.org/refworld/docid/4c0623e92.html>

89. See Economic and Social Research Council, CSR Project with London Metropolitan University: Migrant workers in the UK Sex Industry <http://www.londonmet.ac.uk/research-units/iset/projects/esrc-migrant-workers.cfm#report> Accessed: 22/03/13

- **Do not reduce the regulations of temporary workers but actually ensure that critical sectors such as the catering, cleaning and food processing industries are covered by the regulations**

Undocumented women

- 9.39 General Recommendation 26⁹⁰ discusses the host country's responsibilities to undocumented migrant women, stating that "*regardless of the lack of immigration status... States parties have a duty to protect their basic human rights, including humane treatment and access to legal remedies*". Women are disproportionately subjected to abuse and sexual exploitation on their journey to the UK and many organisations have reported systematic abuse against women migrating through irregular channels by immigration guards, smugglers, and other migrants.⁹¹ This abuse is itself traumatising, and should form part of the woman's case for consideration once she is here. However, the experience of such women once arriving in the UK is often to be disbelieved, and they are subjected to detention and inappropriate fast track procedures to determine their claim.⁹²
- 9.40 There are also examples of extra-territorial border controls failing women's protection needs. For example, in 2009, the situation facing undocumented migrants gathering in Calais compelled the British Refugee Council and France Terre d'Asile to conduct a joint fact-finding mission to assess their conditions and access to protections.⁹³ They identified the notable lack of female interpreters in the area around Calais where makeshift camps had been constructed, and the migrant women they interviewed were unable to obtain any sanitary products, violence counselling or antenatal care. The risk of sexual violence against the women was also of grave concern.⁹⁴
- 9.41 Gender vulnerabilities increase the likelihood of migrant women to become undocumented, a status under which they are greatly exposed to systematic violence, abuse and discrimination. The majority of undocumented women arrive to Europe with a regular, but often highly dependent migration status and become undocumented for reasons outside of their own control.⁹⁵ The biggest barrier facing undocumented women in the UK is the refusal of the State to prioritise them as victims of violence rather than as immigration offenders. Their status is always at the forefront of their experiences. The structures exist in a way that reinforces the abuse of women, leaving women at risk of further violence and destitution.⁹⁶
- 9.42 Undocumented women are also unlikely to report being victims of violence or other crimes. For women who have irregular status and often are unable to speak English, seeking assistance

90. CEDAW General Recommendation No. 26 Women Migrant Workers (forty-second session, 2008) http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf

91. British Refugee Council and France Terre d'Asile (2009) Report of the British Refugee Council and France Terre d'Asile joint fact-finding mission to Calais, September 2009 http://www.refugeecouncil.org.uk/assets/0001/5916/Calais_report_BESSION-WOOLAS_final.pdf

92. Human Rights Watch (2010) Fast-Tracked Unfairness: Detention and denial of women asylum seekers in the UK. <http://www.hrw.org/reports/2010/02/24/fast-tracked-unfairness-0>

93. British Refugee Council and France Terre d'Asile (2009) Report of the British Refugee Council and France Terre d'Asile joint fact-finding mission to Calais, September 2009 http://www.refugeecouncil.org.uk/assets/0001/5916/Calais_report_BESSION-WOOLAS_final.pdf

94. Geddie, E. and LeVoy, M. (2012) Strategies to End Double Violence Against Undocumented Women: Protecting Rights and Ensuring Justice. PICUM: Brussels <http://picum.org/picum.org/uploads/publication/Double%20Violence%20Against%20Undocumented%20Women%20-%20Protecting%20Rights%20and%20Ensuring%20Justice.pdf>

95. Geddie, E. and LeVoy, M. (2012) Strategies to End Double Violence Against Undocumented Women: Protecting Rights and Ensuring Justice. PICUM: Brussels <http://picum.org/picum.org/uploads/publication/Double%20Violence%20Against%20Undocumented%20Women%20-%20Protecting%20Rights%20and%20Ensuring%20Justice.pdf>

96. Larasi, M (2012) Imkaan, quote from Geddie, E. and LeVoy, M. (2012) Strategies to End Double Violence Against Undocumented Women: Protecting Rights and Ensuring Justice. PICUM: Brussels <http://picum.org/picum.org/uploads/publication/Double%20Violence%20Against%20Undocumented%20Women%20-%20Protecting%20Rights%20and%20Ensuring%20Justice.pdf>

from the police or other public agencies is not an option due to fear and lack of information. Not all women are aware of their rights or are willing to report crimes.⁹⁷ They are scared of being deported or losing their children.

- 9.43 Undocumented women can also experience violence and discrimination in the workplace. Working in low-wage sectors where violations are more likely to occur, their gender, foreign status, fears about immigration control and isolation can make them more exposed to violence and abuse by employers or supervisors. However, very few women are willing to lodge a complaint against an employer because they fear losing their jobs and being arrested or deported.⁹⁸

Case Study:⁹⁹

Maria from Bolivia arrived in the UK with a tourism visa that she overstayed trying to find economic security and a way to send money to her children back in Bolivia where the family was very poor. She rented a room, sharing a house with the landlord. She was raped and when she attempted to denounce the crime, the landlord warned her against it saying that if she reported him, she was going to be deported. Maria stayed silent and changed accommodation.

Recommendations:

- **The Government through its immigration enforcement procedures must never undermine human dignity and human rights, or put women at an increased risk of violence and abuse. Service providers should not have to turn away women in need because they lack a residence permit**
- **Prevention, protection and investigation of violence against women should take precedence over any proceedings concerning the immigration status of the victim. The Government must take steps to protect victims when they report violence and also, facilitate the prosecution of perpetrators regardless of the status of their victim**

Foreign national prisoners

- 9.44 The Government's treatment of foreign national prisoners has no gender component at all. Yet denial of Home Detention Curfew may unlawfully keep women prisoners in prison, enforcing continued separation from their children.¹⁰⁰ Because of the loss of legal aid, many women foreign national prisoners will fail in challenging deportation (automatic or conducive) on meritorious Article 8 ECHR and/or 'best interests of the child' grounds. (For the same reason, the potentially meritorious cases of many male foreign national prisoners may fail, which will have an impact on their partners left looking after their children in the UK without them.¹⁰¹)
- 9.45 A high percentage of foreign female prisoners include women charged with offences such as deception and fraud in relation to their immigration status and related offences of use of false documentation to access work or benefits, or to pass through customs on entry or exit from the UK. Many of these women are victims of trafficking.¹⁰² (See Article 6)

97. McIlwaine, C. (2011) No Longer Invisible: The Latin American community in London. Queen Mary University of London, Latin American Women's Rights Service and Trust for London. <http://www.trustforlondon.org.uk/No%20Longer%20Invisible%20report.pdf>

98. Geddie, E. and LeVoy, M. (2012) Strategies to End Double Violence Against Undocumented Women: Protecting Rights and Ensuring Justice. PICUM: Brussels <http://picum.org/picum.org/uploads/publication/Double%20Violence%20Against%20Undocumented%20Women%20-%20Protecting%20Rights%20and%20Ensuring%20Justice.pdf>

99. From Latin American Women's Rights Service <http://www.lawrs.org.uk/> Accessed: 22/03/13

100. Francis, R (on the application of) v Secretary of State for Justice & Anor [2011] EWHC 1271 (Admin)

101. Sanade and others (British children - Zambrano - Dereci) [2012] UKUT 00048 (IAC)

102. Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women. Institute of Criminology, University of Cambridge http://www.crim.cam.ac.uk/people/academic_research/loraine_gelsthorpe/criminalreport29july12.pdf

9.46 Research on immigration case management of female foreign prisoner victims of trafficking indicates that they are viewed as illegal migrants, rather than victims of abuse by those who had brought them into the UK or by those who were working them in servitude conditions. As with all female asylum seekers in custody, they are disadvantaged in terms of the failure to receive advice, by the legal representative on their criminal matters, on the potential impact of their plea, and the resultant sentence on their immigration outcome. They face problems in accessing legal representation in custody for their immigration matters and they often have full immigration interviews in custody without advance warning.¹⁰³

103. Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women. Institute of Criminology, University of Cambridge http://www.crim.cam.ac.uk/people/academic_research/loraine_gelsthorpe/criminalreport29july12.pdf

Article 10: Education and skills

- 10.1 Throughout this report ‘young women’ refers to over 18s but under Article 10 there is information on girls in school and education policies for under 18s as this has been included by the Government and has impacts on women’s later life. However, cuts to education services also impact disproportionately on women as carers ([See Article 13 and Appendix: 18 for further information](#)) and depriving people of education is a way of marginalising minorities. For example, the loss of the Educational Maintenance Allowance (EMA) and student grants will further disadvantage already marginalised women.
- 10.2 More than half of schools in England are facing cuts to their budgets¹ with 60% of primary students and 87% of secondary students facing a real-terms cut in funding.² The cuts to education budgets have led to cuts in services in schools for children with special needs or mental health problems.³ These cuts have an impact on the women who are the mothers of these children, since mothers are more likely to be the primary carers and therefore be the parents responsible for trying to get additional help, taking children to appointments, appealing against decisions and so on. Women make up 73% of applications for legal aid in education-related cases.⁴
- 10.3 It is a commonly held belief that girls now outperform boys in education, and that it is boys’ underachievement and overrepresentation amongst official school exclusion statistics that should be the top educational priority. This picture does not reflect the reality of many girls’ and young women’s lives, however, many of whom do not achieve in school, are steered into gender-stereotyped careers with few prospects, disengage at a young age, or are allowed to drift out of education without appropriate support or alternative provision.⁵

The White Paper

- 10.4 The Government’s 7th Periodic Report⁶ references the fact that it has published ‘a radical reform programme’ for teachers and schools in its 2010 White Paper, *The Importance of Teaching*.⁷ The Government claims that this draws on evidence from the world’s best education systems, aiming to enable teachers to drive school improvement. In fact, the White Paper was entirely silent about gender and education. It contained no analysis about the role of education in challenging gender stereotypes and offered no solutions to discrimination against women in UK society. Beyond the omission of gender and education, the contents of the White Paper have required schools and teachers to focus on attainment and results to a degree which militates against time and space for a focus on other outcomes.

1. Richardson, H. (2011) ‘Half of schools see budget cuts, survey suggests’, BBC News Education and Family, 10th May 2011, <http://www.bbc.co.uk/news/education-13346238>
2. National Union of Teachers (2011) What Teachers Need to Know about the Cuts. NUT: London <http://www.teachers.org.uk/files/the-cuts-12pp-a5-7320.pdf>
3. BBC News (2011) ‘Special needs support promises more parent power’, BBC News Education and Family, 10th March 2011 <http://www.bbc.co.uk/news/education-12677259>
4. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>
5. For more on this please see the introductory chapter in Jackson, C. et al (2010) *Girls and Education: Continuing concerns, new agendas*. Open University Press: Maidenhead
6. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom’s Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>
7. Department for Education (2012) *The Importance of Teaching: Schools White Paper* <http://www.education.gov.uk/schools/toolsandinitiatives/schoolswhitepaper/b0068570/the-importance-of-teaching>

The Education Act 2011

- 10.5 In the 7th Periodic Report, it is acknowledged that the latest Education Act⁸ did not specifically legislate to implement gender equality policies. The Government fails to recognise that education can provide a crucial means of preventing the attitudes and behaviour that leads to discrimination against women in society.
- 10.6 The Government has, so far, failed to pay due regard to the impact of its education reforms on women and girls. The 2011 *Girls' Attitudes Survey* by the Girl Guides found that *"recent changes in education funding have had a major impact on girls' attitudes to Higher Education and careers. Concern about the cost of college or university, and being able to find a job, is placing increasing pressure on them at secondary school."*⁹

Careers advice and gender stereotypes

- 10.7 One of the key recommendations from the Women and Work Commission set up in 2004 to look at the wide-ranging influences on the gender pay gap, was that the Department for Education (DfE) and relevant Scotland, Wales and Northern Ireland departments should draw up national guidance for teachers and Early Years childcare workers on how to ensure that the horizons of children in the three to five age group are not limited by stereotypes of what boys and girls can do. (See Appendix: 25) There has been no progress made on this recommendation since the Women and Work Commission reported in 2006.¹⁰
- 10.8 The Commission further recommended that the DfE and relevant Scotland, Wales and Northern Ireland departments should ensure that teacher training emphasises the need to challenge gender stereotypes, both in delivery of careers education and in subject teaching, and that it allows for a work placement for all trainee teachers including observing workers in non-traditional occupations. Similarly, there has been no progress in relation to this recommendation.
- 10.9 As stated in the Government's report,¹¹ the Education Act places schools under a duty to secure access to independent careers guidance.¹² However neither the report nor the Act refers specifically to ensuring that gender stereotypes are actively challenged by this independent service. A narrow range of gender-stereotypical work placements tends to dominate young women's choices, and many have limited knowledge of how choices about courses and careers influence pay and progression routes.¹³ (See Article 11) It is essential that pupils are given full information about how the courses and careers they choose are likely to impact on their long-term earnings, and to do this, careers advisors must receive training on challenging gender stereotypes. (See Article 5 for more information)

8. Education Act 2011 <http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted>

9. Girlguiding (2011) 'Press release: Third Girl's Attitudes Survey highlights UK Girl's Views', 25th October 2011 http://www.girlguiding.org.uk/system_pages/small_navigation/press_office/latest_press_releases/third_girls_attitudes_survey.aspx

10. Women and Work Commission (2006) *Shaping a Fairer Future* http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/27_02_06_wwc_paygap.pdf

11. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 134

12. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 134

13. Ofsted (2011) *Girls' career aspirations* <http://www.ofsted.gov.uk/resources/girls-career-aspirations>; and Equality and Human Rights Commission (2011) *The Equality Duties and Schools: Lessons for the future*, Equality and Human Rights Commission Policy paper for England, June 2011. http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSSED/equality_duties_and_schools_policy_paper.pdf

Recommendations:

- **Follow the recommendations of the Women and Work Commission and draw up national guidance for teachers and Early Years childcare workers on how to ensure that the horizons of children are not limited by gender stereotypes**
- **All school staff should have training on gender equality and ensure that teacher training emphasises the need to challenge gender stereotypes, both in delivery of careers education and in subject teaching. Specialist training should be given to those who teach Personal, Social and Health Education and Citizenship**
- **Teacher training should include teachers self assessment and reflective practice on gender equality – specifically awareness, reduction and ultimately elimination of hostile and benevolent sexist teaching methods, practice and curricular content**

Bullying

- 10.10 Bullying is a major factor in girls' self-exclusion from education.¹⁴ Two-thirds (66%) of both boys and girls report being bullied,¹⁵ however girls are more likely than boys to cite bullying as a reason for absence.¹⁶ Girls miss as much as six months of their education because of severe bullying, and half of all those who suffer verbal, physical and online abuse stay away from school, some for up to 24 weeks.¹⁷ Yet teachers often turn a blind eye to bullying as they often consider girls friendship 'difficulties' as normal and not 'serious'.¹⁸ On average those who report being bullied do substantially worse in their GCSE exams than those who do not.¹⁹
- 10.11 In its report to CEDAW, the UK Government points to its action on behaviour and discipline policy in schools, which it claims will have an impact on reducing 'prejudiced based bullying' including that related to gender. This assertion does not recognise that sexist language and the attitudes which lead to sexual harassment and sexual bullying in schools and in society are deeply entrenched and must be tackled through preventative education.
- 10.12 Evidence from organisations such as the End Violence Against Women Coalition²⁰ reveals that sexual harassment and sexism are a significant issue in schools. Sexual bullying is a huge problem and comprises making threats or jokes about serious and frightening subjects like rape, gossiping about someone's sex life, and often includes the use of graffiti, texting, and physical contact that is unwanted or unwelcomed. There are a limited number of policies dealing with sexual/sexist bullying, and even where these policies exist, they are not always followed. It is important that teachers have training to recognise sexist and sexual bullying – and the difference between these two types of bullying. In 2010 it was found that one in three 16-18 year-old girls have experienced unwanted sexual touching at school in the UK, and one in two

14. Osler, A., Street, C., Lall, M. and Vincent, K. (2002) Girls and Exclusion from School. Joseph Rowntree Foundation <http://www.jrf.org.uk/publications/girls-and-exclusion-school>

15. Equality and Human Rights Commission (2010) How fair is Britain? The report of our first Triennial Review. Education, chapter 10 <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/>; and London School of Economics (2011) 'Girls as likely as boys to be among the few who bully other children online survey discovers' <http://www2.lse.ac.uk/newsAndMedia/news/archives/2011/07/eukidsonline.aspx>

16. Brown, V., Clery, E. and Ferguson, c. (2011) Estimating the prevalence of young people absent from school due to bullying. NatCen <http://www.natcen.ac.uk/media/695815/p3010%20red%20balloon%20weighted%20final%20+%20title%20page%20v2.pdf>

17. TES Connect (2010) 'Bullied girls opt out', TES Newspaper, 13th August 2010 <http://www.tes.co.uk/article.aspx?storycode=6054169>

18. George, R. (2011) 'Dancing through a minefield: The precariousness of young girls' friendships' the Inaugural Lecture of Professor Rosalyn George. Goldsmiths University of London

19. Department for Education and Office for National Statistics (2007) Youth Cohort Study and Longitudinal Study of Young People in England: The activities and experiences of 16 year olds: England 2007. DCSF/ONS: London http://data.gov.uk/dataset/youth_cohort_study_longitudinal_study_of_young_people_in_england

20. End Violence Against Women Coalition <http://www.endviolenceagainstwomen.org.uk/> Accessed: 25/03/13

boys and one in three girls think it is acceptable to sometimes hit a woman or force her to have sex.²¹ (See [General Recommendation 19](#))

- 10.13 It is clear that there is a huge task of communication to be achieved if teachers are to recognise that they have a role in challenging narrow constructions of gender and stereotypes of masculinity and femininity. Schools are pressured workplaces, and teachers are under constant scrutiny in relation to their pupils' attainment. Schools are required to be Ofsted inspection 'ready' and focus on the areas of school improvement in which Ofsted²² are demanding evidence but which is not setting an agenda which values or encourages activities to challenge gender stereotypes.
- 10.14 Homophobic/biphobic bullying and attitudes, against both pupils and teachers, must also be tackled in the education system as it can have enduring impacts on lesbian and bisexual women's lives.²³ There is a need for more education and support organisations for these women in the education system.²⁴
- 10.15 A 2011 report on prejudice based bullying revealed that bullying and harassment on the basis of body image and sexism are the most prevalent (16% and 13% respectively). Further, a 2008 survey found that female teachers were more likely to experience gender-based bullying (17% compared to 6% of male teachers).²⁵

Recommendations:

- **Overt statements stressing that sexism and sexual bullying are not tolerated must form schools visual vernacular alongside positive images of girls and women in schools**
- **There should be statutory guidance for schools on how to address issues relating to violence against women and girls (VAWG). The UK is obliged under international law²⁶ and CEDAW to train school staff on gender equality and VAWG**
- **There is a need for a clear route for identification, referral, and support of girls affected by VAWG**

The Equality Duty

- 10.16 The Government claims in its report that the Public Sector Equality Duty²⁷ will have an impact on schools. This is unfortunately unlikely to happen. The Government, and specifically the DfE, is providing absolutely no support or information for schools or for teachers about understanding the expectations for schools contained in the Equality Duty. In fact, the Government has prevented the Commission for Education and Human Rights from being able to lay a statutory code of practice in relation to the Equality Duty before Parliament. There will, therefore, be no statutory guidance for schools on using the Equality Duty to challenge sexism, sexual harassment and bullying, or gender stereotypes, and other kinds of inequality.

21. End Violence Against Women Coalition, Schools Safe 4 Girls <http://www.endviolenceagainstwomen.org.uk/schools-safe-4-girls> Accessed: 25/03/13

22. Ofsted <http://www.ofsted.gov.uk/> Accessed: 25/03/13

23. Guasp, A. (2012) The School Report: The experiences of gay young people in Britain's schools in 2012. Stonewall: London http://www.stonewall.org.uk/documents/school_report_2012%282%29.pdf

24. Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. Briefing 10: LBT women and health. WRC: London

25. NASUWT (2011) The Experience of Prejudice-Related Bullying and Harassment Amongst Teachers and Headteachers in Schools. <http://tinyurl.com/am4ydne>

26. Beijing Platform for Action <http://www.un.org/womenwatch/daw/beijing/platform/>

27. Equality Act 2010: Guidance <https://www.gov.uk/equality-act-2010-guidance> Accessed: 25/03/13

- 10.17 This is disappointing because research shows that teachers are not confident in understanding how to apply the Equality Duty to schools, or to education services, and do not understand the importance of doing so. In 2007, the Equal Opportunities Commission (now EHRC)²⁸ carried out research into levels of confidence in schools about understanding the Gender Equality Duty, which was then in force in relation to schools. The Commission found that schools did not know where to begin in setting gender equality objectives. Schools were under the impression that if they treated girls and boys 'equally' this was sufficient and would ensure gender equality is achieved. The spirit of the Gender Equality Duty (and now the new general Equality Duty) required schools to consider the impact of their policies and to consider ways to use education to prevent gender stereotypes and sexist attitudes. Without training, this was not understood in schools.

Recommendation:

Deliver training to teachers and head teachers on how to apply the Equality Duty in schools and education services and provide on-going support for schools in setting and meeting gender equality education objectives

Equality in primary and secondary education

Personal, Social and Health Education

- 10.18 One of the only areas in the UK Government's report to CEDAW in which it recognises education as being relevant to discrimination against women is in the Personal, Social and Health Education (PSHE) curriculum. Although PSHE education is an important part of the curriculum, it is, as the report states, non-statutory and the Violence against Women and Girls Advisory Group, referred to in the UK's one year on report to CEDAW in 2009,²⁹ has been disbanded.
- 10.19 Good PSHE education supports young people to make safe and informed choices. It can help young people to have healthy respectful relationships, be informed about reproductive choices and help tackle social issues such as VAWG (See General Recommendation 19) or prejudice related bullying.
- 10.20 Taken alone PSHE will not provide a vehicle for challenging sexism and reducing discrimination against women, therefore a cross-curricular and whole school approach³⁰ is needed as gender stereotypes are reinforced by language, attitudes and behaviours across the whole life of a school. There needs to be room within educational institutions for an exploration of wider social issues that contribute to the wellbeing and engagement of all pupils.
- 10.21 Sex and Relationships Education (SRE) is a key part of PSHE. However, there are Christian and anti-choice groups across the country providing talks in schools, colleges and other educational settings which are misinforming young people about their sexual and reproductive health and may be discriminatory towards young people who have experienced pregnancy, who are LGB&T, or who are from single-parent or 'non-traditional' families.³¹ Educational establishments which

28. Equality and Human Rights Commission <http://www.equalityhumanrights.com/> Accessed 25/03/13

29. Government Equalities Office (2009) One Year on Report: Response by the United Kingdom (UK) and Northern Ireland (NI) to select recommendations of the United Nations Committee on the Elimination of all forms of Discrimination Against Women following the examination of the UK and NI's 5th and 6th periodic reports on July 10th 2008. GEO: London http://www.wrc.org.uk/includes/documents/cm_docs/2011/u/ukfollowupprep2009.pdf

30. Womankind Worldwide (2010) Freedom to achieve. Preventing violence, promoting equality: A whole school approach. http://www.womankind.org.uk/wp-content/uploads/2011/02/WKREPORT_web-24-NOV-2010.pdf

31. Education for Choice (2011) 'Safe at school? Abortion education', EFC blog, 28th October 2011 <http://educationforchoice.blogspot.co.uk/2011/10/safe-at-school-abortion-education.html>

allow speakers to promote misinformation to young people about subjects like abortion, or invite groups unchallenged who produce homophobic and sexist materials, should be held accountable to legislation (such as the Equality Act 2010) which seeks to protect young people and ensure that they feel safe and have access to reliable information and education. (See [Appendix: 11 for more information](#))

- 10.22 We are also concerned by the Government's approval of the newly established Sex and Relationships Education Council.³² This body is comprised of a number of organisations with strongly held opinions in opposition to women's existing reproductive and abortion rights.³³ Although this organisation was launched independently of the DfE at an event in Parliament hosted by Conservative MP, David Burrowes, it has received public support from Michael Gove, the Secretary of State for Education. It is a matter of significant concern that this group has been formed at all, and that it appears to have been offered the prospect of a sympathetic hearing from Ministers.
- 10.23 It is unclear what the long-term status of PSHE and SRE education will be in the growing number of academies and 'free' schools, given that they do not have the same requirements placed on them as maintained schools do with respect to the curriculum. As approximately one third of secondary schools are academies, and the number of alternative types of schools is increasing, due to the pressure on schools to convert to academy status and the introduction of a plethora of types of schools including 'free' schools, studio schools, and university technology colleges, the importance of the personal and social curriculum is being diluted. We are also concerned that the educational opportunities that are presented by 'free' schools may not be available to all. Similar policy initiatives in the United States and Sweden have led to ethnically and socio-economically segregated school systems in many local areas, with huge gaps in the quality of service provision.³⁴ We are concerned that this will exacerbate existing inequalities amongst communities that already face educational disadvantages. As these schools are increasingly exempt from legislation covering public bodies it will be harder to monitor and challenge discriminatory practices which may impact on equality.³⁵ (See [Article 5](#))

Recommendations:

- **Make Personal, Social and Health Education and Sex and Relationship Education a statutory requirement for all schools. We support Ofsted's recommendation³⁶ that "schools should ensure that their curriculum, including their Personal, Social and Health Education and citizenship curriculum systematically teaches pupils about all aspects of individual difference and diversity, including those related to appearance, religion, race, gender, sexuality, disability and ability"**
- **Regulate groups providing information on contraception and abortion to schools to ensure that misinformation is not given to children**
- **Primary schools should make specific reference to the influence of the media on body image and personal identity within a new programme of study on 'Understanding Physical Development, Health and Wellbeing'³⁷**

32. Care (2011) 'Press release: Sex and Relationships Education Council launched in Parliament this week', 20th May 2011 <http://www.care.org.uk/news/sex-and-relationships-education-council-launched-in-parliament-this-week>

33. Including LIFE, The Family Education Trust and Right To Life.

34. Race on the Agenda (2011) 'Press release: Coalition's free schools project spells disaster for many already facing acute educational disadvantage', ROTA, 5th September 2011 <http://www.rota.org.uk/content/coalition%E2%80%99s-free-schools-project-spells-disaster-many-already-facing-acute-educational-dis-0>

35. For example LGBT&T equality: Exall, M. (2011) 'Free schools and academies: A risk to LGBT equality gains?', Touchstone, 17th May 2011 <http://touchstoneblog.org.uk/2011/05/free-schools-and-academies-a-risk-to-lgbt-equality-gains/> and BAME equality: Race on the Agenda (2012) Inclusive Schools: The free schools monitoring project. ROTA: London http://www.rota.org.uk/webfm_send/180

36. Ofsted (2012) No Place for Bullying <http://www.ofsted.gov.uk/resources/no-place-for-bullying>

37. Hannah, V. (2012) 'How to teach...Positive body image', The Guardian, 11th June 2012 <http://www.guardian.co.uk/education/2012/jun/11/teaching-resources-body-image-report>

Young women not in education or training (NEET)

- 10.24 When girls experience problems either inside or outside school which make it difficult for them to stay engaged in learning, they often 'drift out' of the system rather than 'acting-out' in a way that results in their permanent exclusion. Young women who are NEET are more likely than NEET young men to self-harm and to report feeling suicidal, depressed, and desperate or hopeless about the future.³⁸ Lack of parental interest in girls' education is a factor in girls becoming NEET and dropping out of school,³⁹ as can be the low expectations of school teachers.⁴⁰
- 10.25 Anecdotal evidence from NGO Platform 51's⁴¹ services suggests that girls are frequently registered at a school and not attending, but the school continues to retain the funds aligned to that pupil and fails to provide appropriate alternative provision. We are concerned that many of these girls are not receiving the statutory 25 hours of education to which they are entitled, and can become lost in the system, falling between the gaps in services. We also know that many young pregnant women are unofficially excluded on the grounds of 'health and safety' or made to feel that they cannot, or are not welcome to, continue in education. Some girls remain in education but are 'really here in name only' and leave school with few or no qualifications.⁴²
- 10.26 Throughout their lives women who have disengaged can struggle to reengage with learning and many fall into a negative 'space' which can be extremely difficult to move out of without the appropriate support. When they do want to reengage, women face structural barriers including a lack of affordable and available quality childcare, (See Appendix: 18) the high costs associated with learning or training, and a lack of flexibility or appropriate provision on the part of education and training providers. They can also face the personal barriers of a lack of self-esteem or self-belief, education not being a cultural norm and a lack of role models.
- 10.27 Children of teenage parents have a 60% increased risk of being born into poverty compared to babies born to mothers in their 20's, and young mothers are 20% more likely to have no qualifications at age 30 than mothers who give birth over 24 years old. Female NEETs are 22 times more likely to be teenage mothers than the average.⁴³ The DfE Teenage Pregnancy Unit has recognised that supporting teenage parents to increase their employability through access to education, employment and training (EET) and reducing barriers to EET is key to reducing the risk of poverty.⁴⁴ (See Article 13)
- 10.28 A narrow range of gender-stereotypical work placements tends to dominate young women's choices and many have limited knowledge of how choices about courses and careers influence pay and progression routes.⁴⁵

38. FutureYou (2011) Waste: A FutureYou Report (no longer online) <http://www.thefutureyou.org.uk/>

39. Bynner, J. and Parsons, S. (2002) Social Exclusion and The transition from School to work: The case of Young People Not in Education, Employment or Training (NEET) in *Journal of Vocational Behaviour* (Vol 60, Issue 2, April 2002, pps 289-309 (Abstract) <http://www.ingentaconnect.com/content/ap/vb/2002/00000060/00000002/art01868>

40. The Scottish Government (2005) Literature Review of the NEET Group <http://www.scotland.gov.uk/Publications/2005/10/27175707/57078>

41. Platform 51 <http://platform51.org/> Accessed: 25/03/13

42. Collins, J. and Johnston-Wilder, S. (2005) 'I was never really there': Reflecting on girls' non-participation in school' in Lloyd, G. (2005) *Problem girls: understanding and supporting troubled and troublesome girls and young women*. RoutledgeFalmer: Oxon

43. Department for Education (2002) Literature review of the costs of being 'not in education, employment or training' at age 16-18. <http://dera.ioe.ac.uk/4619/1/RR347.pdf>

44. Department for Education Teenage Pregnancy Unit (2011) *Aspects of child poverty: Reducing teenage conceptions and supporting teenage parents*. (no longer online)

45. Ofsted (2011) *Girls' career aspirations* <http://www.ofsted.gov.uk/resources/girls-career-aspirations>; and Equality and Human Rights Commission (2011) *The Equality Duties and Schools: Lessons for the future*, Equality and Human Rights Commission Policy paper for England, June 2011. http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSSED/equality_duties_and_schools_policy_paper.pdf

Case study:⁴⁶

Community Links, based in East London, delivers training to NEET young people. In 2011 there were only three apprenticeships, one of them in childcare, one of the workers commented. *“three of the girls on my course applied for the place in childcare, so you can imagine what the competition for that was like. Do you know what that placement was for? It was to work with terminally ill kids. They wanted to pay a 16–18-year-old £100 a week to work full-time with terminally ill children.”*

- 10.29 A report in 2010⁴⁷ found that the apprenticeships system perpetuated existing patterns of occupational segregation and the gender pay gap with young women being encouraged into low-paid, shorter apprenticeships with fewer progression prospects such as hairdressing and young men being encouraged into well-paid, ‘traditional’ apprenticeships with the possibility of progression such as engineering. (See Article 11 for further information)

Equality in vocational education and Further Education

- 10.30 96% of Further Education (FE) and sixth form colleges faced a budget cut for 2011/12⁴⁸ and students aged 25 and older have to pay half fees for a GCSE equivalent qualification and full fees for an A-level equivalent qualification.⁴⁹ The Government changed its mind on rules that would have prevented colleges offering fully funded courses to people who were not on Job Seekers Allowance (JSA) or disability benefits that were looking for work. Colleges now have ‘local discretion’ to provide free courses to students on other benefits if the training would help them into work. However, there is no additional funding for these people and college leaders have warned that it will be difficult for colleges to provide courses to all of those who would benefit.⁵⁰
- 10.31 Women mature students are more likely to be affected by removing funding from GCSE equivalent or A-level equivalent courses. Women are 56% of learners at GCSE equivalent level⁵¹ and of the students on ‘inactive’ benefits, ranging from Income Support to Housing Benefit, 75% are female. In London, 67% are also from ethnic minorities. Although the Government has done a U-turn on its policy preventing colleges from providing free courses to these students, it has not provided any funding to support free courses.⁵²
- 10.32 FE courses⁵³ provide a crucial role in supporting social mobility and aiding women’s job and career prospects.⁵⁴ Currently many of these courses are subsidised by up to 50% for people over 24, but, in 2013, the Government plans to scrap financial support for this age group entirely and introduce loans to cover the cost of these courses. While the new arrangement means that students no longer have to find money upfront when they enrol on a course, research by the Government Department for Business, Innovation and Skills (BIS) has shown that two thirds of

46. Oxfam (2012) *The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty*. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

47. Trade Union Congress and YWCA (2010) *Apprenticeships and Gender*. http://www.tuc.org.uk/extras/Apprenticeships_and_Gender.pdf

48. EdExec (2011) ‘Further education devastated by budget cuts’, EdExec website, 26th March 2011 <http://www.edexec.co.uk/news/1578/further-education-devastated-by-budget-cuts/>

49. HM Treasury (2010) *Spending Review October 2010*. http://cdn.hm-treasury.gov.uk/sr2010_completereport.pdf

50. Lee, J. (2011) ‘Government u-turns on provision of free courses’, TES Newspaper, 12th August 2011 <http://www.tes.co.uk/article.aspx?storycode=6108140>

51. Department for Business, Innovation and Skills (2010) *Skills for Sustainable Growth and Investing in Skills for sustainable Growth – Equality Impact Assessment*. BIS: London <http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/10-1284-skills-for-sustainable-growth-investing-equality-impact>

52. Lee, J. (2011) ‘Government u-turns on provision of free courses’, TES Newspaper, 12th August 2011 <http://www.tes.co.uk/article.aspx?storycode=6108140>

53. At level-3 and -4 includes Access to Higher Education courses, A Levels, BTECs and Foundation Degrees and their equivalent, in addition to the courses running alongside higher level apprenticeships.

54. Marsden, G. (2012) ‘Further education loans are a gamble too far to adult learners’, The Guardian, 2nd April 2012 <http://www.guardian.co.uk/education/2012/apr/02/further-education-loans-gamble-adult-learners>

students aged 24 and above would not consider taking out a loan to study at this level;⁵⁵ and only 11% said they would 'definitely' do a course if it meant taking out a loan.⁵⁶

- 10.33 Research carried out by the National Union of Students (NUS)⁵⁷ and University and College Union suggests that women will be hardest hit by these changes. Their analysis of Government data on 231 FE colleges shows that over 60% of those currently doing level-3 and -4 courses are women.⁵⁸ Introducing fees for Access to Higher Education courses will have an even greater impact on women as 70% of students enrolled in Access courses in 2009-10 were female.⁵⁹
- 10.34 The Government's report states that apprenticeships are already an area in which "*there is gender segregation apparent ... with women under-represented in some higher paid and/or traditionally male dominated sectors such as construction and engineering.*"⁶⁰ These careers will become even less accessible to women over 24 years old, when, in 2013, they will be forced to take on loan responsibilities with their apprenticeships, of up to £4,000 a year, in addition to a reduced salary due to their training status.⁶¹
- 10.35 As has been noted by the NUS, the lack of subsidies for all of these courses will result in a 'double-blow' for women, who, in addition to being forced to take out loans to get educated, may take longer to pay them off due to the over-representation of women in the most poorly paid sectors and the longstanding gender pay gap that is still present in this country.⁶² (See Article 11 and Appendix: 16) Lifelong learning opportunities are also often accessed through the use of information technology (IT) platforms which can be a barrier to accessing education for older women, particularly those living in rural areas.⁶³ (See Article 14 for more information)
- 10.36 The Government has established a new £150m National Scholarship Programme to help students from poorer backgrounds go to university. Graduates on the lowest incomes will pay less and nobody will have to pay fees until they have graduated and are earning more than £21,000.⁶⁴ However, it is unclear if this has had any impact on low-income women.

Recommendations:

- **Carry out and publish full gender equality impact assessments on all proposed changes to education policy**
- **Reintroduce subsidies for Further Education courses, including for those over 24 years old**

55. National Union of Students (2012) Student Loans in Further Education. Toni Notes, Number 16, 12th March 2012 <http://www.westnottssu.co.uk/media/72335/toni.pdf>

56. Murray, J. (2012) 'Loans policy will discourage adults from further education', The Guardian, 4th June 2012 <http://www.guardian.co.uk/education/2012/jun/04/adult-further-education-loans-funding>

57. National Union of Students <http://www.nus.org.uk/> Accessed: 25/03/13

58. Murray, J. (2012) 'Loans policy will discourage adults from further education', The Guardian, 4th June 2012 <http://www.guardian.co.uk/education/2012/jun/04/adult-further-education-loans-funding>

59. Marsden, G. (2012) 'Further education loans are a gamble too far to adult learners', The Guardian, 2nd April 2012 <http://www.guardian.co.uk/education/2012/apr/02/further-education-loans-gamble-adult-learners>

60. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 43

61. Murray, J. (2012) 'Loans policy will discourage adults from further education', The Guardian, 4th June 2012 <http://www.guardian.co.uk/education/2012/jun/04/adult-further-education-loans-funding>

62. Murray, J. (2012) 'Loans policy will discourage adults from further education', The Guardian, 4th June 2012 <http://www.guardian.co.uk/education/2012/jun/04/adult-further-education-loans-funding>

63. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightskNGOthematic.pdf>

64. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

- **Many women re-enter education in adult life via the women's sector, therefore statutory funding should be provided to women's organisations to support women into education and training with clear but fair targets and progression routes**

Education Maintenance Allowance

- 10.37 Education Maintenance Allowances (EMAs) were payments of up to £30 a week given to students from low-income households to cover books, travel and so on. The aim of EMA was to encourage more young people to participate and progress in age 16-19 education. The 2010 Spending Review stated that "EMAs [were to be] with locally managed discretionary funds to target support."⁶⁵ However, from 2010 EMA has been replaced by a bursary scheme which colleges and schools will be able to distribute at their discretion and funding has been cut from £560m to £180m.⁶⁶
- 10.38 In its Section 31 assessment⁶⁷ of the Treasury's spending decisions, the EHRC found that the Government had not paid sufficient regard to equality when making the decision to cut EMA funding, ignoring earlier equality impact assessments carried out by the previous government.⁶⁸ An assessment by the DfE in 2009 showed that EMA was particularly important in helping teenage mothers and young people with special needs stay in education and had a positive impact for BME girls and young women.⁶⁹ Therefore, a thorough equality impact assessment of the decision to cut the EMA should have been undertaken.

Recommendation:

Consider reintroducing the Education Maintenance Allowance, or find an alternative measure to encourage and support teenage mothers and young women with special needs to participate in education from 16-19

- 10.39 A number of nurseries at universities and FE colleges are threatened with closure. This will have a particular impact on women who study or work in Further or Higher Education.⁷⁰
- 10.40 23% of disabled people have no qualifications compared with 9% of non-disabled people.⁷¹ Adults with impairments are twice as likely to say their education opportunities are limited (17%) compared with adults without impairments (9%).⁷² Cuts to Further and Higher Education may also prevent disabled women obtaining educational qualifications as increased fees for HE and reduced support for FE impact particularly on disabled women who have additional Higher Education (HE) support costs. ([See Appendix: 36 for further information](#))

65. HM Treasury (2010) Spending Review October 2010 http://cdn.hm-treasury.gov.uk/sr2010_completereport.pdf

66. Coughlan, S. (2011) '£180m bursary scheme replaces EMA', BBC News Education and Family, 28th March 2011 <http://www.bbc.co.uk/news/education-12881747>

67. Equality and Human Rights Commission (2012) Making Fair Financial Decisions Final Report. EHRC: London <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/section-31-assessment-of-hm-treasury/the-assessment-final-report/>

68. Department for Education (2009) Equality Impact Assessment. EMA Replacement Scheme: 16-19 Bursaries and associated transitional arrangements. <http://media.education.gov.uk/assets/files/pdf/1/ema%20replacement%20scheme%20%20%20equality%20impact%20assessment.pdf>

69. Department for Education (2009) Full Equality Impact Assessment. Education Maintenance Allowance <http://media.education.gov.uk/assets/files/pdf/e/equia%20education%20maintenance%20allowance.pdf>

70. NUS Connect (2010) 'Press release: NUS, UCU and UNISON launch joint campaign to save nurseries in colleges and universities', NUS Connect website, 4th May 2010 <http://www.nusconnect.org.uk/news/article/6108/141/>

71. Papworth Trust (2011) Disability in the United Kingdom 2011: Facts and Figures http://www.papworth.org.uk/downloads/factsandfigures_disabilityintheuk_july2011_110721132605.pdf

72. Office for National Statistics (2011) Life Opportunities Survey Wave 2 interim results 2010/11 <http://www.ons.gov.uk/ons/rel/life-opportunities-survey/wave-two-interim-results-2010-11/index.html>

Equality in Higher Education

- 10.41 Funding for teaching in universities is being cut by up to 80% and funding for arts, humanities and social science subjects will be cut completely. Women will be disproportionately affected by the changes to HE funding as there are more women than men studying the courses that have lost their funding (arts, humanities and social sciences).⁷³ Courses that are more likely to be studied by men (science, technology, engineering and mathematics –STEM courses) have had their funding protected. The cut to funding to the UKRC,⁷⁴ will also have an impact.⁷⁵ (See [Article 11 for more information](#))
- 10.42 Disabled students experience discrimination in HE, due to barriers such as inaccessible information and physical structures, as well as lack of funding and support.⁷⁶ Non-disabled people are twice as likely to have studied at HE as disabled people⁷⁷ and only 11% of working age disabled people hold a degree-level qualification, compared to 22% of working age non-disabled people.⁷⁸ In 2009-10, of the 959,060 people who entered into HE, only 7% were disabled learners.⁷⁹ (See [Appendix: 36 for further information](#))

Tuition fees

- 10.43 To replace the cuts in funding, from September 2012, universities in England have been able to increase tuition fees to up to £9,000 per year. This controversial policy, which led to student protests, is taking place in the context of deep and widespread budget cuts to institutions' teaching budgets. UCAS applicant numbers give an early indication of the impact of the fees on student numbers⁸⁰ and students from disadvantaged backgrounds were much more likely to be put off HE by increased fees, according to one poll.⁸¹
- 10.44 More than 40% of female students are over 25 years old compared to 36.7% of male students⁸² and the number of applications from mature students has fallen sharply. In October 2011, there was a 27.8% reduction in applications from the over-40s. Women with children are particularly likely to be affected as 60% of students with children have considered leaving their course as a result of difficulties to do with finances, childcare and inflexible course arrangements. Any further cuts to childcare funding, nursery provision, and support services at institutions, will lead to student parents leaving their courses as they struggle to cope.⁸³

73. Equality Challenge Unit (2010) Equality in Higher Education: Statistical report 2010, p.86. www.ecu.ac.uk/publications/equality-in-he-stats-10

74. Haines, E (2011) 'Funding for the UKRC for women in STEM', Vitae website, 13th February 2011 <http://www.vitae.ac.uk/researchers/502241-349561/Funding-for-the-UKRC-for-Women-in-STEM.html>

75. Women's Budget Group (2011) The Impact on Women of the Budget 2011. WBG: London http://wbg.org.uk/RRB_Reports_7_282363355.pdf

76. Collinson, C., Dunne, L. and Woolhouse, C. (2011) 'Re-visioning Disability and Dyslexia Down the Camera Lens: interpretations of representations on UK university websites and in a UK government guidance paper'. Studies in Higher Education, Vol. 1, No. 15, pp. 1 - 15.

77. Grewal, I., Joy, S., Lewis, J., Swales, K. and Woodfield, K. (2002) Disabled for Life: attitudes towards, and experiences of, disability in Britain, DWP Research Report, No. 173. <http://statistics.dwp.gov.uk/asd/asd5/173summ.asp>

78. Office for National Statistics (2008) Labour Force Survey, Quarter 2, 2008. <http://www.ons.gov.uk/ons/guide-method/method-quality/specific/labour-market/labour-market-statistics/index.html>

79. Papworth Trust (2011) Disability in the United Kingdom 2011: Facts and Figures http://www.papworth.org.uk/downloads/factsandfigures_disabilityintheuk_july2011_110721132605.pdf

80. Kershaw, A. (2012) 'New student numbers fall as fees rise', The Independent, 9th July 2012 <http://www.independent.co.uk/news/education/education-news/new-student-numbers-fall-as-fees-rise-7924586.html>

81. Million+ (2010) Fair, Progressive and Good Value? An assessment of the impact of the Coalition Government's proposals for the reform of higher education funding in England on graduates, the taxpayer and social mobility. p.7 www.londecon.co.uk/le/publications/pdf/Fair%20Progressive%20and%20Good%20Value%20Final%20Report.pdf

82. Equality Challenge Unit (2010) Equality in Higher Education: Statistical report 2010 www.ecu.ac.uk/publications/equality-in-he-stats-10-p.124.

83. NUS Women's Campaign <http://nussl.ukmsl.net/news/article/womens/809/> Accessed: 25/03/13

- 10.45 While the drop in women's applications has somewhat equalised with the drop in men's applications (figures in June 2012 showed women's applications down by 7.1% and men's applications down by 8.6%⁸⁴), it is worth noting that the October 2011 figures showed a marked drop in women's applications.⁸⁵ This is particularly significant as the applications submitted in October are overwhelmingly for Medicine, Veterinary Science, and Dentistry. These are all courses which have seen increasing female participation of recent decades, as the Government's report rightly noted,⁸⁶ but which are also some of the most expensive and lengthiest degree courses.
- 10.46 Analysis by London Economics suggests that 70-80% of women will never be able to repay their student loan (currently 20-30%) due to women's pay being lower than men's and women's career trajectories often incorporating periods out of the labour market for childbirth and caring responsibilities.⁸⁷ Women continue to earn less than men throughout their lives and female graduates earn less than male graduates. Three and a half years after graduating, 22% of men earn more than £30,000 compared to only 12% of women.⁸⁸ (See Article 11)

Recommendations:

- **Undertake a full equalities impact assessment of the increase in tuition fees**
- **In order for Higher Education to genuinely be equally accessible to all, Higher Education institutions must provide adequate childcare provision to both students and staff**

English for Speakers of Other Languages (ESOL)

- 10.47 Access to ESOL is particularly important for ethnic minority women, who may have limited opportunities to enter training and the labour market, and are more vulnerable to isolation and difficulties integrating within communities because of lack of English language skills, childcare and confidence, as well as familial responsibilities and domestic arrangements. Research shows that without free childcare and classes that take place at child friendly times, many women find it very difficult to access ESOL provision.⁸⁹
- 10.48 In November 2010 the Government announced that it would change the funding eligibility for all adult learners on so-called 'inactive' benefits.⁹⁰ This meant that up to 75% of students learning ESOL, mainly women from BME groups, would not have been able to afford to pay for English classes, as students on benefits such as Income Support would be asked to pay up to £1,200 for a course. These fees would have been unaffordable for the vast majority of ESOL students and would have had a devastating impact on ESOL students and women from all communities. According to the Association of Colleges, two thirds of ESOL learners are women⁹¹ and 74% of

84. UCAS website http://www.ucas.com/about_us/media_enquiries/media_releases/2012/20120709 Accessed: 25/03/13

85. Garner, R. (2011) 'Big drop in women's applications after university tuition fees increase', *The Independent*, 25th October 2011 <http://www.independent.co.uk/news/education/education-news/big-drop-in-womens-applications-after-university-tuition-fees-increase-2375537.html>

86. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Paragraph 151

87. Business, Innovation and Skills Select Committee (Session 201011) *The Future of Higher Education: Written submission from London Economics* <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmbis/writev/885/m16.htm>

88. Six months after graduating, the pay gap between graduate women and men is 7.5 points. Even when type of degree and employment is taken into account, there is a gap of 4.1%. This goes up to 6.5% three and a half years after graduating. National Equality Panel (2009) *Differences in Labour Market Gains from Higher Education Participation*, 25 September 2009. <http://sta.geo.useconnect.co.uk/pdf/Variation%20in%20gains%20from%20university%20education.pdf>

89. Aspinall, P. and Watters, C. (2010) *Research Report 52: Refugees and asylum seekers: A review from an equality and human rights perspective*. EHRG: Manchester http://www.equalityhumanrights.com/uploaded_files/research/refugees_and_asylum_seekers_research_report.pdf

90. Action for ESOL (2012) *The ESOL Manifesto: A statement of our beliefs and values* <http://actionforesol.org/wp-content/uploads/2012/02/ESOL-leaflet-v4b-online-interactive-Feb12.swf>

91. Moore, K. (2011) 'Women affected most' by English language funding cuts', *BBC News London*, 18th May 2011 <http://www.bbc.co.uk/news/uk-england-london-13412811>

the students who would not have been eligible for free ESOL places are women.⁹²

- 10.49 The Further Education Minister, John Hayes, admitted in July 2011 that “*British Asians, and British Asian women, will be disproportionately affected by the changes [to ESOL funding].*”⁹³ We are pleased that in August 2011 the Government announced that these plans are now on hold until 2013/14 but it is worrying that these issues were not considered sooner and have not yet been resolved. ESOL provision is key for many women moving to or already living in the UK, to enable them to take part in society and have their and their families’ needs met. New immigration rules also introduce tougher requirements on spouses and partners applying for settlement (permanent residence) in the UK, that they should be required to understand everyday English.⁹⁴ However, there is no support or ESOL provision for these people. (See [Appendix: 12 and Appendix: 8 for further information](#))

Recommendations:

- **Increase educational settlement programmes for women new to the UK and those who do not speak English and tackle the barriers to women’s ESOL learning by providing childcare options and community based learning provision, including measures to strengthen the provision of ESOL by voluntary sector community organisations that can reach the most vulnerable groups of women**
- **Continue to fund free ESOL provision for those on both active and non active benefits and ensure that fees do not make ESOL unaffordable for students in minimum wage employment**
- **Discontinue the new language requirements for family migration due to be enacted in 2013 and retain the option to take an ESOL with citizenship course for non European Union migrants with language levels below B1 who wish to settle in the UK**

Women teachers

- 10.50 Women account for the majority of full-time teachers across Great Britain but just over a third of secondary school head teachers,⁹⁵ therefore something must be done to support their career progression. It has also been found that women teachers are still faced with disadvantages such as a career structure not conducive to them taking breaks in service, which is still a very common aspiration for women.⁹⁶ (See [Article 11 for more information](#))

92. Association of Colleges (2011) ‘Government ESOL equality impact assessment – AoC comments’, 18th July 2011 http://www.aoc.co.uk/en/newsroom/aoc_news_releases.cfm/id/4FFEDF7E-67BD-4B3B-99A6F4B445AF23F7/page/9

93. Exley, S. (2011) ‘Ethnic minority women hit hardest by ESOL cuts’, TES Connect website, 22nd July 2011 <http://www.tes.co.uk/article.aspx?storycode=6105726>

94. UK Border Agency (2011) Family Migration – A Consultation, August 2011 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/family-migration>

95. Equality and Human Rights Commission (2011) Sex and Power 2011. EHRG: London <http://www.equalityhumanrights.com/key-projects/sexandpower/>

96. McNamara, O. (2008) Women Teachers’ Careers. NASUWT: London

Article 11 - Employment

- 11.1 The Government has assured us that “everyone who can work has real opportunities to work... equal pay and equal opportunities for progression”.¹ The Office of Budget Responsibility (OBR) has also made a number of forecasts of growth, employment levels, and earnings.² Unfortunately the OBR does not give any gender breakdown for employment in its forecast, so we do not have predictions for male and female unemployment although there is other information on this available. (See Appendix: 14)
- 11.2 Women have increasingly become a significant part of the workforce and given the opportunity, have the potential to bring at least £15bn of value to executive and managerial roles.³ However, many women are still struggling against inequality in the workplace, pay gaps and barriers to gaining positions of power. Women still do not hold key positions of power in the job sector, prominent in secretarial and administrative positions but significantly under-represented in managerial jobs and the top posts.⁴ Furthermore, rising unemployment caused by the public spending cuts has led to more women than men losing their jobs and taking on more temporary or part-time work. Black and minority ethnic (BME) and disabled women have been even further affected by the cuts and are more likely to be unemployed than white and non-disabled women.⁵
- 11.3 Cuts in jobs and pay are likely to lower rates of employment for women and increase the pay gap. This will increase inequality between women and men. The pay gap combined with caring responsibilities means that women are more likely to suffer poverty in old age because they are less able to save for their retirement.⁶ Poverty has a potentially serious impact on women’s human rights, including potentially on the right to life, right to health and right to food.⁷ (See Article 13)

Encouraging women’s participation in the labour market

- 11.4 Government schemes to encourage private enterprise, such as the five Local Enterprise Partnerships to support women to set up or grow their business,⁸ are unrealistic and out of reach for most women and there is a lack of specific targeted business start-up support, client-centred support and guidance in the initial three years.⁹ This is also no financial ‘bridge’ from benefits to self-employment which means that potential entrepreneurs are inhibited from moving off benefits.¹⁰ With women facing the brunt of job losses the ability to start a business is

1. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>
2. See Office for Budget Responsibility, (2011) Economic and Fiscal Outlook - March 2011 <http://budgetresponsibility.independent.gov.uk/economic-and-fiscal-outlook-march-2011/> Page 3
3. Equality and Human Rights Commission (2011) Sex and Power 2011. EHRC: London <http://www.equalityhumanrights.com/key-projects/sexandpower/>
4. Equality and Human Rights Commission (2011) Sex and Power 2011. EHRC: London <http://www.equalityhumanrights.com/key-projects/sexandpower/>
5. Women’s Resource Centre (2012) Factsheet: Women and the cuts 2012 WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/women-and-the-cuts.pdf>
6. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>
7. For example see British Institute of Human Rights, Poverty and Human Rights Project 2009-2011 <http://www.bih.org.uk/projects/poverty> Accessed: 13/04/13
8. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>
9. Farnworth, H. et al. (2007) Winning with ‘Olderpreneurs’: Women over 50 in Enterprise. London Metropolitan University <http://www.londonmet.ac.uk/fms/MRSite/acad/lmbs/RESEARCH%20CENTRES/CME/PAPERS/Winning%20with%20Olderpreneurs%20Working%20Paper.pdf>
10. Farnworth, H. et al. (2007) Winning with ‘Olderpreneurs’: Women over 50 in Enterprise. London Metropolitan University <http://www.londonmet.ac.uk/fms/MRSite/acad/lmbs/RESEARCH%20CENTRES/CME/PAPERS/Winning%20with%20Olderpreneurs%20Working%20Paper.pdf>

crucial for many women to maintain their financial independence but only 27% of businesses in the UK are majority owned by women.¹¹ (See Appendix: 13 for further information)

Recommendation:

Further support women in business by promoting alternative sources of finance and provide access to training and support as well as introducing more networking and mentoring opportunities

Women's employment in the public sector

- 11.5 Women's work is concentrated in jobs providing public services.¹² Therefore, public service cuts have a gendered impact. Women form the majority of public sector employees, and are particularly concentrated where the cuts are deepest, with women constituting 68% of those employed by Local Authorities.¹³ It is estimated that of the 500,000 public sector workers that are expected to be made unemployed due to the spending cuts, 325,000 will be women.¹⁴ In 19 councils in England and Wales women account for 100% of those losing their jobs.¹⁵ 73% of remaining positions in the public sector that are subject to a pay freeze are held by women.¹⁶ Those women who keep their public sector jobs are being expected to pay for them in lower wages.¹⁷ This will inevitably increase the gender pay gap.
- 11.6 There is a growing gap between the public and private sector in terms of opportunities for women. The private sector workforce is male dominated. Any growth in private sector employment may not therefore benefit women, either in terms of the number of jobs provided, nor their quality, and will not replace what they will lose from the public sector. Women in the public sector are more likely than those in the private sector to consider having or enlarging their family because of relative job security, more flexible working hours and more generous family-friendly policies that tend to be available there.¹⁸
- 11.7 Women remain far more likely than men to be in low-paid jobs. Around 17.2% of men in work are low-paid, compared with 28% of women workers, with those women who work part-time the most likely to be in low-paid employment.¹⁹ Those in lower skilled, lower paid jobs are more reliant on State benefits²⁰ and women are in the most precarious and vulnerable work.²¹ There

11. McRobie, H. (2012) 'Don't bank on gender equality from the UK high street' Open Democracy, 22nd June 2012 <http://www.opendemocracy.net/5050/heather-mcrobie/don%E2%80%99t-bank-on-gender-equality-from-uk-high-street>
12. In some regions this is particularly high, for example in the North East nearly half of women who are working are employed in the public sector (46%) and two in three of public sector jobs are done by women – in North East Women's Network (2012) Findings and recommendations from interim case study: The impact of austerity measures upon women in the North East of England, October 2012. NE Women's Network and Women's Resource Centre <http://www.newwomens.net/index.php/latest-news-leftmenu-50>
13. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>
14. Trades Union Congress (2010) The gender impact of the cuts. TUC: London <http://tinyurl.com/6j7ry7b>
15. Women's Resource Centre (2012) Factsheet: Women and the cuts 2012 WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/women-and-the-cuts.pdf>
16. Women's Budget Group (2011) The Impact on Women of the Budget 2011. WBG: London http://wbg.org.uk/RRB_Reports_7_282363355.pdf
17. Women's Budget Group (2010) The Impact on Women of the Coalition Spending Review 2010. WBG: London http://wbg.org.uk/RRB_Reports_4_1653541019.pdf Table 1, p. 13.
18. Equality and Human Rights Commission (2011) Sex and Power 2011. EHRC: London <http://www.equalityhumanrights.com/key-projects/sexandpower/>
19. Cooke and Lawton define low pay as 60% of full-time median hourly pay, excluding overtime in Cooke, G. and Lawton, K. (2008) Working Out Of Poverty. IPPR: London <http://www.ippr.org/publication/55/1616/working-out-of-poverty-a-study-of-the-low-paid-and-the-working-poor>. The TUC has updated their calculation using figures from ASHE 2011 Office of National Statistics (2011) Annual Survey of Hours and Earnings 2011 (ASHE). ONS: London <http://www.ons.gov.uk/ons/rel/ashe/annual-survey-of-hours-and-earnings/ashe-results-2011/ashe-statistical-bulletin-2011.html>.
20. Ward, R. (2011) Health and equality impacts of well paid parental leave. Women's Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave20111.pdf>
21. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

are 754,000 women working part-time as they cannot find full-time work – the highest level since comparable records began in 1992.²² Average pay for part-time workers in the public sector is £9.34 an hour compared to £6.78 in the private sector so women working part-time in the public sector who lose their jobs may have to take a significant pay cut if they take a part-time job in the private sector.²³ Women also account for 54% of the 1.4 million workers on temporary contracts, making them more vulnerable to unemployment.²⁴ The shortage of formal job opportunities is likely to force many people living in poverty into working informally. Workers in the informal economy lack the labour rights of those working formally, meaning that they are vulnerable to exploitation, including being paid below the National Minimum Wage.²⁵ (See Appendix: 13) We call upon the Government to reconsider the depth and speed of the expenditure cuts, and to recognise the role of public spending in supporting economic growth and employment creation.

Women's unemployment

- 11.8 Available evidence suggests that gender inequalities in the labour market will be worsened by the deficit reduction strategy. Despite the Government's claim that there are "*historically high numbers of women in employment*",²⁶ in March 2012, the unemployment rate for men stood almost exactly where it did at the end of the recession in 2009 at 1.54 million, an increase of only 0.32%, whereas female unemployment has increased by almost 20% to 1.13 million - the highest figure for 25 years.²⁷ In the final quarter of 2011, total unemployment had risen by 38,000, 21,000 of whom were women. This is a much higher number of unemployed women than a predicted 17,500 rise based on women's participation rate in the labour market.²⁸ For example, in the North East the labour market statistics for September 2011 revealed that the number of women made redundant had increased 72.3% in the previous quarter and unemployment amongst North East women was at its highest since records began.²⁹
- 11.9 40% of redundancies in 2012 were among women, up from just over 30%³⁰ and the number of women claiming Job Seekers Allowance (JSA) has been increasing month-on-month and in January 2013 stood at 537,900.³¹ In August 2011 282,000 women had been out of work for more than a year – the highest number since 1995.³² If current trends continue, we could expect unemployment rates for women to accelerate, owing to their concentration in the public sector.

22. Fawcett Society (2011) *The Impact of Austerity on Women*. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

23. Office for National Statistics (2009) *Annual Survey of Hours and Earnings 2009 Results*. Available at: <http://tinyurl.com/ca36277>

24. Women's Resource Centre (2012) *Factsheet: Women and the cuts 2012* WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/women-and-the-cuts.pdf>

25. Oxfam (2012) *The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty*. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

26. CEDAW 55th session (2013) *List of issues and questions with regard to the consideration of periodic reports: United Kingdom of Great Britain and Northern Ireland*. Addendum: *Replies of United Kingdom of Great Britain and Northern Ireland to the list of issues to be taken up in connection with the consideration of its seventh periodic report, 5th February 2013* <http://www2.ohchr.org/English/bodies/cedaw/docs/CEDAW.C.GBR.Q.7.Add1.pdf>

27. Fawcett Society (2011) *The Impact of Austerity on Women*. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

28. Equality and Human Rights Commission (2011) 'Press release: Sex and Power: 5,400 women missing from top jobs', 17th August 2011 <http://www.equalityhumanrights.com/news/2011/august/sex-and-power-5-400-women-missing-from-top-jobs/>

29. In North East Women's Network (2012) *Findings and recommendations from interim case study: The impact of austerity measures upon women in the North East of England, October 2012*. NEWomen's Network and Women's Resource Centre <http://www.newwomens.net/index.php/latest-news-leftmenu-50>

30. Equality and Human Rights Commission (2011) 'Press release: Sex and Power: 5,400 women missing from top jobs', 17th August 2011 <http://www.equalityhumanrights.com/news/2011/august/sex-and-power-5-400-women-missing-from-top-jobs/>

31. Office for National Statistics (2013) *Summary of Labour Market Statistics, January 2013* <http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/january-2013/summary.html>

32. Equality and Human Rights Commission (2011) 'Press release: Sex and Power: 5,400 women missing from top jobs', 17th August 2011 <http://www.equalityhumanrights.com/news/2011/august/sex-and-power-5-400-women-missing-from-top-jobs/>

11.10 As well as rising unemployment, increasing underemployment is also a concern for women. While there are still many more women than men who report that they do not want full-time work (854,000 men as opposed to 4,287,000 women at the last count), there has been a notable decrease in the number of women who do not want full-time work. This is matched by an increase in women who are working part-time because they can't find a full-time job. The number of under-employed women has increased by 74%.³³ (See Appendix: 14 for further information)

Skills and Training

- 11.11 Research³⁴ shows that while there has been an increase in female participation in apprenticeships, it has been primarily driven by new apprenticeships being created in sectors such as retail and business administration, rather than an influx of young women into traditionally better paid and male dominated sectors such as engineering. It is regrettable that 55,000 social care apprenticeships aimed at the young (under 25 years old) long-term unemployed announced only two years ago have already been abolished.
- 11.12 In 2008/9 there were 119,300 female apprenticeship starts out of a total of 239,900 (just under 50%). The *Apprenticeships and Gender* report³⁵ found that the apprenticeships system perpetuated existing patterns of occupational segregation and the gender pay gap with young women being encouraged into low-paid, shorter apprenticeships (typically less than one year, and in some cases only a few weeks) with fewer progression prospects, such as hairdressing. According to the most recent data on the gender pay gap in apprenticeships (2007), female apprentices earn, on average, 21% less than male apprentices. As low-paid workers, they would not be eligible for National Insurance-linked benefits such as Statutory Sick Pay or Statutory Maternity Pay. There are also few opportunities for apprentices to work part-time or flexibly, making it hard for young women to combine on-the-job training with caring responsibilities. Women apprentices are concentrated in the lower paying sectors, as is shown in the table below:
- 11.13 Proportion of women apprentice starts by sector (%) and average pay

Sector	Women apprentice starts	2007 average pay per week
Electro-technical	1%	£210
Engineering	3%	£189
Construction	1%	£174
Automotive Industry	0%	£170
Retail	69%	£168
Business Admin	81%	£168
Health and Social Care	92%	£157
Childcare	97%	£142
Hairdressing	92%	£109

Source: TUC and YWCA Table 3 using data from Statistical First Release 2007/8 and DIUS Apprentice Pay Survey 2007.³⁶

33. Klair, A. (2012) 'Record levels of under-employment show that the job crisis is far worse than the headline figures', Touchstone, 15th May 2012 <http://touchstoneblog.org.uk/2012/05/record-levels-of-under-employment-show-that-the-jobs-crisis-is-far-worse-than-the-headline-figures/>

34. Trade Union Congress and YWCA (2010) *Apprenticeships and Gender*. http://www.tuc.org.uk/extras/Apprenticeships_and_Gender.pdf

35. Trade Union Congress and YWCA (2010) *Apprenticeships and Gender*. http://www.tuc.org.uk/extras/Apprenticeships_and_Gender.pdf

36. Trade Union Congress and YWCA (2010) *Apprenticeships and Gender*. http://www.tuc.org.uk/extras/Apprenticeships_and_Gender.pdf

- 11.14 The gender pay gap amongst apprentices can to some extent be explained by entrenched patterns of occupational gender segregation. Young women are often unaware of the vast difference in pay between different sectors when they make career choices.³⁷

Occupational segregation

- 11.15 Only 5.3% of working women are employed in science, engineering and technology (SET) occupations, as compared to 31.3% of all working men. Women are only 12.3% of all people working in SET occupations, although they represent 45.1% of the UK workforce. Yet the Government no longer provides funding to The UKRC,³⁸ the leading body in the UK offering advice and services to address the under-representation of women in SET. Proposed policies to stimulate job creation in SET sectors will not improve employment for women unless additional measures are introduced. For example, the £5bn capital investment proposed as part of the *National Infrastructure Plan*³⁹ will mostly be spent on physical infrastructure: roads, rail and digital and any new jobs created in these fields are likely to go to men, unless specific measures are taken to address the under-representation of women in these industries. (See Appendix: 14 for more information)
- 11.16 In 2011 84% of Higher Education students in engineering and technology were men, in computer science it was 81% and in building and planning it was 69%. This is reflected in persistent gender patterns of occupational segregation, which is a key cause of the gender pay gap. Overall in 2011, women accounted for 77% of administrative and secretarial posts and 81% of personal services posts, but only 6% of professional engineers, 16% of information and communication technology (ICT) professionals and 10% of architects, planners and surveyors.⁴⁰ Women continue to be under-represented in better paying, higher status managerial and professional occupations. In 2012, women held 35% of managerial positions, 44% of professional jobs and 51% of associate professional jobs which support professionals with mainly administrative tasks.⁴¹

Women from marginalised groups in employment

- 11.17 Ethnic minority women are more likely to be unemployed than ethnic minority men and white women – 52.8% of ethnic minority women are unemployed.⁴² In February 2012, a survey found that BME women are being disproportionately hit by job losses in 12 London councils: for example, in one council BME women constituted 5% of the workforce but 23% of redundancies.⁴³
- 11.18 Nearly half of all Black Caribbean women, and 37% of Pakistani and Bangladeshi women, are employed in the public sector.⁴⁴ Research by The Fawcett Society has shown that BME women are also four times more likely than white women to be working in jobs for which they are overqualified and disproportionately represented in routine or semi-routine and insecure

37. Trade Union Congress and YWCA (2010) Apprenticeships and Gender. http://www.tuc.org.uk/extras/Apprenticeships_and_Gender.pdf

38. The UKRC <http://www.theukrc.org/> Accessed: 21/03/13

39. HM Treasury (2011) National Infrastructure Plan 2011 http://www.hm-treasury.gov.uk/national_infrastructure_plan2011.htm

40. Office for National Statistics (2011) Labour Force Survey Employment status by occupation, April-June 2011 <http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/july-2012/table-emp16.xls>

41. Office for National Statistics (2012) Reference table EMP08: All in employment by occupation, January-March 2012 <http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/july-2012/table-emp08.xls>

42. Women's Budget Group (2011) The Impact on Women of the Budget 2011. WBG: London http://wbg.org.uk/RRB_Reports_7_282363355.pdf

43. Fawcett Society (2011) The Impact of Austerity on Women. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

44. The Guardian (2010) 'Spending review: Economists and other experts respond', The Guardian Comment is Free, 20th October 2010 <http://www.guardian.co.uk/commentisfree/2010/oct/20/spending-review-economists-experts-respond>

temporary jobs.⁴⁵ Therefore there is a risk that BME women will suffer disproportionately as a result of public sector job cuts.

- 11.19 Employers also need to do more to support lesbian and bisexual women who continue to face harassment, discrimination and negative stereotypes in the workplace and are excluded from employee networks.⁴⁶
- 11.20 Disabled women are already less likely to be in employment and suffer widespread discrimination in the jobs market.⁴⁷ With unemployment increasing, there is a danger that this problem will get worse. For example, disabled women are four times more likely to report being bullied than other employees.⁴⁸ Despite the Government's claim to have introduced "*reforms to remove barriers to work*";⁴⁹ disabled women report experiencing extreme levels of exclusion from colleagues and employers. As is the case with many other areas, in theory disabled women are said to have equal opportunities in the labour market but in practise the situation is often very different: for instance, a tenth of disabled women have incomes below £31 per week compared with a tenth of disabled men, who have incomes below £59 per week.⁵⁰ At the same time as the Government claims to be helping disabled people back into work, the Access to Work⁵¹ funding scheme, which meets the costs to employers of any reasonable adjustments needed in a workplace, has been slashed.⁵² (See Appendix: 36 for more information)
- 11.21 Additionally, public sector job losses could disproportionately affect disabled women and this is where many disabled women work because of the focus on equality and anti-discrimination in the sector.

Recommendation:

Take steps to address the gender pay gap and high unemployment rates of women with disabilities, such as creating accessible employment opportunities and providing appropriate support and adaptation

Benefits and workfare/volunteering

- 11.22 The Government has introduced a number of policies that make entitlement to benefits more conditional on looking for work. This approach has a detrimental effect on women in several ways:
- 11.23 Cuts to tax credits for part-time workers will hit women hardest as nearly three times as many women as men work part-time in the UK. From April 2012 couples with children earning less than £17,000 a year will have to increase their working hours from a minimum of 16 to 24 hours

45. The Fawcett Society (2009) *Poverty Pathways: Ethnic minority women's livelihoods*. Fawcett and Oxfam: London http://www.womens.cusu.cam.ac.uk/campaigns/bem/fawcett_ethnicminoritywomen.pdf

46. Women's Resource Centre (2010) *In All Our Colours: Lesbian, bisexual and trans women's services in the UK*. Briefing 10: LBT women and health. WRC: London

47. Equality and Human Rights Commission (2010) *How fair is Britain? The report of our first Triennial Review*. <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain>

48. Equality and Human Rights Commission (2011) *Hidden in Plain Sight: Inquiry into disability-related harassment*. <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-disability-related-harassment/hidden-in-plain-sight-the-inquiry-final-report/>

49. Government Equalities Office (2011) *CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report*. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

50. Disabled People Against Cuts (2010) 'Disabled people fight back in protest – UK disability news', Disabled World website, 15th December 2010 <http://www.disabled-world.com/news/uk/fighting-back.php#ixzz19LVQRNp3>

51. Department for Work and Pensions, *Access to Work* <https://www.gov.uk/access-to-work/overview> Accessed: 13/04/13

52. Bott, S. (2011) 'Speech to Independent Living Festival', DPAC website 27th February 2011 <http://www.dpac.uk.net/2011/02/sue-bott-on-independent-living/> Accessed on: 13/04/2013

per week or they will lose their Working Tax Credits. This is worth £3,870 per year, or more than £70 per week, to families and government figures show that 212,000 households could be hit, including 470,000 children. Unemployment and job cuts will make it almost impossible for most part-time working women to get extra hours so they will lose out and some may be forced to leave work if the cuts mean they can no longer afford the increasingly high costs of childcare.⁵³ (See Appendix: 18)

Recommendation:

The National Minimum Wage should be increased automatically at least in line with inflation or average earnings, whichever is the higher

Lone parents

- 11.24 Measures introduced in the Welfare Reform Act 2012 mean that unemployed lone parents whose children are over five are now moved from Income Support to JSA and are therefore required to seek and be available for work. Failure to comply with the work-seeking requirements of JSA can result in removal of benefits. This measure disproportionately affects women as women head over 90% of lone parent households.⁵⁴ Despite this, there remain significant underlying structural barriers to women's entry in to the workforce that have not been addressed. There is evidence that the Government's latest initiative to get people back to work, the Work Programme,⁵⁵ gives only generic support about work-seeking and fails to tailor its services to the needs of lone parents.⁵⁶ Cuts to Childcare Tax Credits and the reduction in available childcare will also have a particular impact on lone parents who do not have another parent to share childcare.⁵⁷ (See Appendix: 18)
- 11.25 Another issue for lone mothers is that around 25% do not qualify for Statutory Maternity Pay.⁵⁸ Therefore, mothers who are lone parents are far more likely to take a short period of maternity leave, with 48% returning to work within three months, compared to 31% of partnered mothers.⁵⁹ This has impacts on their health and on the health of their children. (See Appendix: 15 and 17 for further information)

Working to reduce the gender pay gap

- 11.26 After continuous if slow improvement for the past 30 years, progress towards gender pay equality seems to have halted,⁶⁰ even though in 2008 the CEDAW Committee recommended that the UK take proactive and concrete measures to eliminate occupational segregation.⁶¹ The 2011 Annual Survey of Hours and Earnings⁶² revealed some improvement in women's

53. UNISON (2012) InFocus April 2012. UNISON: London <http://www.unison.org.uk/Acrobat/IF2012.04.pdf>

54. Rake, K. and Rotheroe, A. (2009) Are Women Bearing the Burden of the Recession? The Fawcett Society: London <http://tinyurl.com/cb4jo9w>

55. Department for Work and Pensions, The Work Programme <https://www.gov.uk/government/policies/helping-people-to-find-and-stay-in-work/supporting-pages/managing-the-work-programme> Accessed: 19/04/13

56. Dewar, L. (2012) Is the Work Programme Working for Single Parents? An Analysis of the Experience of Single Parents Moving onto the Work Programme. Single Parent Action Network <http://spanuk.files.wordpress.com/2012/07/final-work-prog-ib-1502-11.pdf>

57. Gingerbread, Statistics <http://www.gingerbread.org.uk/content/365/Gingerbread-Factfile> Accessed: 13/04/13

58. La Valle, I., Clery, E. and Huerta, M. (2008) Maternity rights and Mothers employment decisions. Department of Work and Pensions Research Report No. 496 <http://research.dwp.gov.uk/asd/asd5/rports2007-2008/rrep496.pdf>

59. Dex, S. and Ward, K. (2007) Parental Care and employment in early childhood. EOC working paper series No. 57 <http://www.fatherhoodinstitute.org/uploads/publications/257.pdf>

60. Equality and Human Rights Commission (2010) How fair is Britain? The report of our first Triennial Review. <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain>

61. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 40

62. Office for National Statistics (2011) Annual Survey of Hours and Earnings 2011 (ASHE). ONS: London <http://www.ons.gov.uk/ons/rel/ashes/annual-survey-of-hours-and-earnings/ashes-results-2011/ashes-statistical-bulletin-2011.html>

pay relative to men's. Between 2010 and 2011, the full-time gender pay gap reduced from 10.1% to 9.1% based on median hourly earnings (excluding overtime) as a result of women's full-time median hourly earnings increasing at more than twice the rate of men's (1.9% compared to 0.8%).

- 11.27 In the *Equality Strategy*⁶³ the Government introduced a voluntary scheme for gender pay reporting, the *Think, Act, Report Framework*.⁶⁴ They also insist that “*positive discrimination is not acceptable and is unlawful*”. At the 2012 UPR examination,⁶⁵ in response to various clear recommendations on addressing the gender pay gap, the Government said that they would be using a range of approaches to close the gap, including extending the right to request flexible working and promoting a new system of flexible parental leave.
- 11.28 However, the overall gender pay gap for all employees based on median hourly earnings decreased only marginally from 19.8% to 19.5%.⁶⁶ This is because women's part-time earnings did not improve as much as women's full-time earnings and it is still the case that a substantial part of the female workforce is employed on a part-time basis (43% of women compared to 13% of men).⁶⁷ The gender pay gap is also wider for women in their 50s.⁶⁸
- 11.29 The gender pay gap is also likely to increase as a result of pay freezes because more women work in the public sector so will be affected by these. Job cuts in the public sector, which is relatively well paid, will also see fewer women employed and the gender pay gap is twice as large in the private sector as it is in the public sector.⁶⁹ (See Appendix: 13)
- 11.30 Changes to parental leave that allow men more of a role in raising their children will lead to happier, healthier relationships and families. A fairer division of caring responsibilities will go a long way towards closing the gender pay gap – some 14% of the persistent gap in pay between women and men can be attributed to the ‘motherhood penalty’, which sees women discriminated against in the workplace because of their greater caring responsibilities. Mothers, particularly those that are higher earners than their partners, may feel under pressure to ‘earn’ rather than ‘care’ if earnings are not more fully compensated. Mother's earning levels clearly have an impact on return to work rates which in turn has an impact on a range of health and wellbeing measures including breastfeeding.⁷⁰ (See Appendix: 16 and 17 for further information)

Recommendation:

Adopt a national strategic approach to tackle the structural causes of the gender pay gap, including initiatives to widen educational and employment opportunities for girls and women as well as direct support to employers to improve job evaluation, pay transparency and flexible work options

63. Government Equalities Office (2010) *The Equality Strategy – Building a Fairer Britain*. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

64. Government Equalities Office (2011) *Think, Act, Report Framework* <https://www.gov.uk/government/publications/think-act-report-framework>

65. Ministry of Justice, *Universal Periodic Review* <http://www.justice.gov.uk/human-rights/universal-periodic-review> Accessed: 21/04/13

66. Office for National Statistics (2011) *Annual Survey of Hours and Earnings 2011 (ASHE)*. ONS: London <http://www.ons.gov.uk/ons/rel/ashe/annual-survey-of-hours-and-earnings/ashe-results-2011/ashe-statistical-bulletin-2011.html>

67. Office for National Statistics (2012) *Labour Market Statistics, February 2012* http://www.ons.gov.uk/ons/dcp171778_254579.pdf

68. The Age and Employment Network (2013) ‘Gender gap widest for women in their 50s’, TAEN website, 20th March 2013 <http://taen.org.uk/news/view/1370>

69. Stephenson, M. (2011) *TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women*. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

70. Ward, R. (2011) *Health and equality impacts of well paid parental leave*. Women's Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave20111.pdf>

Introducing more family-friendly employment policies

- 11.31 Failure to enable mothers, fathers and partners to access flexible working can result in parents, especially mothers, being unable to balance the demands of their work with the needs of their families. EHRC research into sex discrimination in the financial services industry found that one of the greatest barriers to women's greater participation, equal standing and equal pay was a culture of long working hours and 'presenteeism', the reluctance to provide flexible working arrangements, and pressure on women working flexibly to resume standard and long working hours.⁷¹ Full-time working is still seen as a prerequisite for promotion.⁷²
- 11.32 Policy development must acknowledge that there may be implications for maternal and infant health if women return to work too soon. Pregnant women already face discrimination at work and their health is put at risk where there is inadequate health and safety or well-paid parental leave. Health inequalities between social classes are also reinforced by low-paid maternity, paternity and parental leave policies.⁷³ Britain's policy of a long period of leave reserved for mothers, most of it at a low rate of pay, relatively weak parental leave and a very short period of paternity leave continue to make the assumption that it is women who are the main carer and men are the main breadwinner.⁷⁴ (See Appendix: 17 for further information)

Recommendations:

- **Current maternity, paternity and parental leave policy needs to be re-designed to enable parents to be able to meet their work and caring roles. There needs to be greater integration of parental leave policy and early years and childcare policy and infant and maternal/paternal wellbeing with communication between Government departments**
 - **When developing the shared parental leave policy the Government should build on the Marmot Review⁷⁵ recommendations including providing paid parental leave in the first year of life with a minimum income for healthy living**
 - **Extend the right to request flexible working to all workers**
- 11.33 Current maternity and pregnancy workplace provision along with low levels of maternity pay can have long-term consequences. Job loss as a result of pregnancy or maternity leave can jeopardise women's financial security for their whole lives. Women dismissed or otherwise discriminated against during pregnancy are less likely than other women to return to work after having a baby. If they do return to work, it has been estimated that their earnings will be reduced by 5%. The impact will also last into retirement through lower pension earnings.⁷⁶ (See Appendix: 19) Instead of the Government supporting the importance of maternity rights, in 2011 the then director of strategy for the Prime Minister, Steve Hilton, suggested that all maternity laws should be scrapped as they are a burden to employers.⁷⁷

71. Equality and Human Rights Commission (2010) Financial Services Inquiry: Sex discrimination and gender pay gap report of the Equality and Human Rights Commission. EHRC: London http://www.equalityhumanrights.com/uploaded_files/financial_services_inquiry_report.pdf

72. Guillame and Pochic (2009), MacInnes (2005), Linehan and Walsh (2000) cited in Campbell-Barr, V. and Garnham, A. (2010) Childcare: A review of what parents want. Equality And Human Rights Commission Research Report No. 66 http://www.equalityhumanrights.com/uploaded_files/research/childcare_what_parents_want.pdf

73. Ward, R. (2011) Health and equality impacts of well paid parental leave. Women's Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave20111.pdf>

74. Equality and Human Rights Commission (2009) Working Better Meeting the changing needs of families, workers and employers in the 21st century. EHRC: London http://www.equalityhumanrights.com/uploaded_files/working_better_final_pdf_250309.pdf

75. UCL Institute of Health Equity (2010) Fair Society, Healthy Lives: Strategic Review of Health Inequalities in England Post-2010 (The Marmot Review). UCL: London <http://www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review>

76. Alliance Against Pregnancy Discrimination in the Workplace (2009) Pregnant women and new mums at risk of redundancy <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/allianceagainstpregnancydiscrimination.pdf>

77. Peev, G. (2011) 'PM's aide attacked over call to axe maternity pay', The Daily Mail, 29th July 2011 <http://www.dailymail.co.uk/news/article-2019627/Steve-Hilton-Axe-maternity-leave-boost-economy-says-Cameron-guru.html>

11.34 There is growing concern that pregnancy discrimination is on the rise following the economic downturn. Research⁷⁸ has found that one in seven women are made redundant after maternity leave and UK national helplines, law firms and NGOs have reported increased numbers of complaints relating to pregnancy discrimination and redundancy.⁷⁹ For example, Maternity Action⁸⁰ found that demand for its web-based information about maternity rights grew 110% in 2011 and the number of women calling for advice more than doubled. However, the Government has cut funding to projects raising awareness about maternity rights, as well as to legal aid.⁸¹ (See [Appendix: 28](#))

Recommendations:

- **Maternity leave needs to be ring-fenced for mothers for at least the first six months with better pay arrangements to enable optimum health and wellbeing outcomes**
- **The Government should take urgent action to reduce the incidence of pregnancy discrimination. This requires awareness raising amongst employers about their legal obligations and amongst women about their rights. It is important that women have support to pursue legal action against employers who behave unlawfully**

Breastfeeding

11.35 The UK has no statutory right to breastfeed on return to work. This is inconsistent with World Health Organisation and Department of Health recommendations for exclusive breastfeeding for the first six months and stands in stark contrast with clear legal protection in the Equality Act for women who breastfeed in public places.

Recommendations:

- **Introduce a statutory right to paid breastfeeding breaks and the provision of facilities to support breastfeeding and expressing breast milk**
- **The Department of Health should implement the recommendations in the Public Health white paper Healthy Lives Healthy People to encourage employers to implement breastfeeding-friendly employment policies**

Access to employment rights

11.36 There are also concerns about women's access to employment rights as cuts to legal aid and changes to the employment tribunal process⁸² will limit women's ability to seek redress for discrimination in employment, although this continues to occur. (See [Appendix: 28 for further information](#))

78. Slater and Gordon (2013) 'Press Release: No Mother's Day celebration for women returning from maternity leave', Slater and Gordon website, 10th March 2013 <http://tinyurl.com/bnq5qyj>

79. Working Families (2009) Report of Working Families Helpline 2009 and Working Families (2010) Report of Working Families help line 2010 <http://www.workingfamilies.org.uk/shop> and Alliance Against Pregnancy Discrimination in the Workplace (2009) Pregnant women and new mums at risk of redundancy <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/allianceagainstpregnancydiscrimination.pdf>

80. Maternity Action <http://www.maternityaction.org.uk> Accessed: 13/04/13

81. Valuing Maternity <http://valuingmaternity.org/> Accessed: 13/04/13

82. XperthR, Settlement provisions and employment tribunal system to be reformed <http://www.xperthr.co.uk/article/107972/employment-tribunal-system-to-be-reformed.aspx?mid=35,35> Accessed: 16/04/13

Case study:⁸³

Jasmine is a single mother with three children, aged ten, seven, and 17 months. She has worked for five years as a night care assistant, working 12-hour shifts, looking after severely disabled children. The problems with her employer started with her recent pregnancy, which was deemed risky, causing Jasmine to go to hospital more often than normal. *“They [the employers] made me take my hospital ante-natal appointments as holiday. I looked on the internet to see what my legal rights were and I asked my employer about their maternity policies. They didn’t have any”*. Jasmine went on maternity leave, and when she returned to work she asked to reduce her hours, but her request was refused. Jasmine was told that if she wanted to come back to work she would have to sign a new contract of employment, working seven nights each fortnight. Jasmine works nights because she can’t afford childcare. Her nieces are able to stay overnight at her house to look after her children. When Jasmine needed to take emergency leave to care for a member of her family, her request was refused. *“When I phoned work they said: ‘Since you came back [from maternity leave] you have been causing a lot of trouble.’ They refused to let me even take the time as holiday.”*

Recommendations:

- **Protect rights at work: the weak labour market is adding to the power that employers have over workers, and so it is essential to maintain and enforce the vital protections that do exist for vulnerable workers**
- **Leave and pay arrangements should enable all women to have access to these and targeted awareness campaigns for employee rights and employer responsibilities must be prioritised, particularly in sectors identified by the EHRC formal investigations⁸⁴ and the TUC vulnerable workers commission report⁸⁵**
- **Protect access to justice by exempting low-income workers from employment tribunal fees. Consideration should be given to a fee system in which all unlawful discrimination claims would be exempt from fees**

Childcare

- 11.37 Changes to childcare under the tax system have been proposed in the Welfare Reform Bill. Low-income families now have to pay even more towards the already high cost of childcare, because the Government reduced the Childcare Tax Credit, the subsidy given for nursery costs, from 80% to 70%.⁸⁶ The cut in the level of Childcare Tax Credit will increase the cost of childcare to working parents. This will affect nearly half a million families with the average family losing £436 a year and some losing as much as £1,300 annually.⁸⁷
- 11.38 At the same time as rising childcare costs, the Government has reduced the number of available Sure Start Children’s Centres across the UK. One in four mothers has had to give up

83. Oxfam (2012) *The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty*. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

84. See for example Equality and Human Rights Commission (2010) *Inquiry into recruitment and employment in the meat and poultry processing industry*. EHRC: London <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-the-meat-and-poultry-processing-sectors/>

85. Trades Union Congress (2007) *Hard Work, Hidden Lives: The full report of the Commission on Vulnerable Employment*. TUC: London http://www.vulnerableworkers.org.uk/files/CoVE_full_report.pdf

86. Women’s Budget Group (2012) *The Impact on Women of the Autumn Financial Statement 2011*. WBG: London <http://wbg.org.uk/pdfs/The-Impact-on-Women-of-the-AFS-2011.pdf>

87. The Telegraph (2011) ‘Cuts to childcare will cost families £436’, 28th December 2010 <http://www.telegraph.co.uk/finance/personalfinance/consumertips/8228430/Cuts-to-childcare-will-cost-families-436.html>

work because of the rising costs of childcare.⁸⁸ Many women have calculated that it makes more financial sense to stay at home to look after their children; however, single parents, the majority of whom are women, are often unable to do this.⁸⁹ In 2010, 30% of working mothers depended on paid childcare. This included 56% of lone mothers with a child under five and 34% of mothers with partners.⁹⁰

- 11.39 Childcare in the UK is already amongst the most expensive in the world with 33% of the average net income going towards childcare.⁹¹ With rising unemployment, increased numbers of women affected by cuts in public sector spending and decreasing flexibility in the workplace,⁹² securing paid work that is compatible with childcare responsibilities will be harder and less financially rewarding.⁹³ (See Article 13)

Recommendation:

Explore investing in a national system of universal childcare. This would create employment (in a sector in which women are over-represented), and would help to make work pay for second earners and single parents (both of whom are more likely to be women)

- 11.40 63% of Sure Start Centres are facing changes, including cuts to staff and services.⁹⁴ Between April 2010 and November 2011, there was a net reduction of 124 Sure Start Centres in England.⁹⁵ In contrast to this approach, the Welsh Government has chosen to protect and expand its equivalent service, Flying Start, which demonstrates the potential for taking different approaches within the same spending context.⁹⁶ (See Annex 1) 35% of mothers using Sure Start Centres felt that the removal or reduction of services would leave them more socially isolated, and 32% felt it would be harder to see their midwife or health visitor.⁹⁷ (See Appendix: 18 for further information)

Recommendation:

Protect Sure Start services by reinstating the ring-fence to the Sure Start grant to Local Authorities in England while providing additional money to fund it so that other services are not affected

Supporting the rights of migrant workers in international development

- 11.41 As this is not really the remit of CEDAW, which focuses on domestic legislation and policies, we will look at migrant workers in the UK.

88. Beattie, J. (2011) 'One in four women forced to give up work as childcare cuts bite', The Daily Mirror Online, 16th August 2011 <http://www.mirror.co.uk/news/politics/2011/08/16/one-in-four-women-forced-to-give-up-work-as-childcare-cuts-bite-115875-23347671/>

89. Women's Resource Centre (2012) Factsheet: Women and the cuts 2012 WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/women-and-the-cuts.pdf>

90. Women's Budget Group (2012) Impact on Women of the Budget 2012 <http://wbg.org.uk/pdfs/The-Impact-on-Women-of-the-Budget-2012-FINAL.pdf>

91. Organisation for Economic Co-operation and Development (2010) Gender Brief. OECD Social Policy Division <http://www.oecd.org/dataoecd/23/31/44720649.pdf>

92. Helm, T. (2012) 'Four in 10 female police officers have considered quitting the force', The Guardian, 14th July 2012 <http://www.guardian.co.uk/uk/2012/jul/14/female-police-officers-force>

93. The Fawcett Society (2011) The Impact of Austerity on Women. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

94. The Fawcett Society (2011) The Impact of Austerity on Women. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

95. Hansard (2011) Written Answer, 14 November 2011. <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/111114-0001.htm>

96. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

97. Butler, P. (2011) 'Women and the coalition: Mother's and child benefits', The Guardian, 20th May 2011 <http://tinyurl.com/6z2j2m9>

- 11.42 At the 2012 UPR examination the Government refused to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families⁹⁸ because the rights of migrant workers are already protected in domestic legislation in the UK, including the Human Rights Act.⁹⁹ The Government believed they have struck the right balance between the need for a firm, fair and effective immigration system and protection of the interests and rights of migrant workers and their families. We disagree. (See Article 9 and Appendix: 10 for more information)
- 11.43 The situation in a time of financial crisis is worse for migrant women. Currently in the UK, the recession is causing a heightened sense of job insecurity for millions of migrant and ethnic minority women, and making migrants more vulnerable to abuse. Migrant women are increasingly providing the infrastructure that enables higher numbers of native-born women to enter paid employment. However, the unregulated, insecure, and privatised nature of many migrant women's work – as cleaners, housekeepers, hotel and tourism staff – leaves migrant women open to abuse and exploitation.¹⁰⁰
- 11.44 Migrant women are particularly at risk of poor health and safety at work and unfair dismissal. Knowledge of maternity rights amongst employees is variable and migrant workers face the additional barrier of language. Government information on entitlement to Maternity Allowance has significant gaps and inability to access maternity pay can prevent vulnerable migrant women from taking maternity leave.¹⁰¹
- 11.45 UK Government policy prohibits those in the asylum process from accessing the labour market.¹⁰² Women are disproportionately affected by this as evidence shows they wait longer than men for a conclusive decision on their claim and report less confidence in English language.¹⁰³ Additionally, research shows that when women are granted refugee status, they face gender-specific barriers to exercising their right to work.¹⁰⁴

Recommendation:

The Government must sign the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

98. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-13&chapter=4&lang=en

99. Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>

100. European Social Watch Report (2010) Women's Poverty and Social Exclusion in the European Union at a time of recession: An invisible crisis? Oxfam International and the European Women's Lobby http://www.socialwatch.eu/wcm/womens_poverty_and_social_exclusion.html

101. Ward, R. (2011) Health and equality impacts of well paid parental leave. Women's Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave2011.pdf>

102. If asylum seekers have waited longer than 12 months through no fault of their own for an initial decision on their asylum claim, they may apply for exceptional permission to work.

103. Mulvey, G. (2011) Refugee Integration in Scotland: Statistical findings from Stage 1. Scottish Refugee Council. www.scottishrefugeecouncil.org.uk/assets/0000/2285/Refugee_Integration_in_Scotland.pdf

104. Refugee Women's Strategy Group (2011) The Struggle to Contribute: A report identifying the barriers experienced by refugee women on their journey to employment in Scotland http://www.gla.ac.uk/media/media_231770_en.pdf

Article 12 – Women’s health

12.1 There are differences between men and women in the incidence and prevalence of most health conditions. Sometimes there are clear biological reasons for these differences – but often there are not. Gender is the most significant factor interacting with economic status to compound health inequalities.¹ Women and girls have greater health and social care needs than men across their lives² and face significant barriers to both good mental and physical health.³ Women and girls’ lives are shaped by physiological factors and social experiences that negatively impact on their physical and mental health, including poverty and economic disadvantage, women’s reproductive and caring roles, experiencing violence and abuse (See Appendix: 21) and age. Whilst women live longer than men, they spend more years in poor health and with a disability.⁴ This has a detrimental impact on them as individuals but women’s position in society as main care givers means their poor health will also have a detrimental impact on the lives of their families and their ability to function in wider society, in their community and in the labour market.⁵ According to research,⁶ young women leave school half as active as young men, while over 80% of women are not active enough to stay healthy.⁷ (See Appendix: 25) Women and girls across the UK face poorer health because of all these factors. An increase in women’s unemployment and poverty, (See Articles 11 and 13) combined with current health reforms in the UK, could exacerbate existing health inequality between men and women.⁸

Recommendations:

- **The UK Government should ensure that health professionals and commissioners receive education on CEDAW and other relevant international human rights obligations**
- **Greater public investment must be directed towards prevention to tackle the root causes of women’s poor mental and physical health and measures to improve gaps in health services**
- **Effectively tackling the health issues women and girls face must take into account the diverse experiences of women’s lives, including poverty, sexual violence and abuse and reproduction, and understand how these experiences impact on women’s health and wellbeing. This must include a cross-government approach and gendered analysis to address the issues that impact on women across their lives**

Meeting the Equality Duty

12.2 In 2008 the CEDAW Committee recommended that the UK Government monitor the delivery of health services in order that it may respond in a gender-sensitive manner to all health concerns

1. Department of Health (2008) The Gender and Access to Health Services Study: Final Report <http://www.sfh-tr.nhs.uk/attachments/article/41/The%20gender%20and%20access%20to%20health%20services%20study.pdf>
2. As a result of longer life expectancy and longer durations of poor health see Office for National Statistics (2010) ‘Health Statistics Quarterly’ 45 Spring 2010 <http://www.ons.gov.uk/ons/rel/hsq/health-statistics-quarterly/no--45--spring-2010/index.html>
3. Women’s Health and Equality Consortium (2011) Why women’s health? WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>
4. Office for National Statistics (2008) Focus on Gender, September 2008. ONS: London <http://www.ons.gov.uk/ons/rel/social-trends-rd/focus-on-gender/september-2008/index.html>
5. Women’s Health and Equality Consortium (2011) Why women’s health? WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>
6. Women’s Sport and Fitness Foundation (2012) Changing the Game for Girls <http://www.wsff.org.uk/resources/girls-and-education/changing-the-game-for-girls>
7. Women’s Sport and Fitness Foundation (2012) It’s Time: Future forecasts for women’s participation in sport and exercise http://www.wsff.org.uk/system/1/assets/files/000/000/249/249/1199520df/original/itstime_final.pdf
8. Women’s Resource Centre (2012) Factsheet: Women and the cuts 2012 WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/women-and-the-cuts.pdf>

of women and ensure that all health policies and programmes integrate a gender perspective.⁹ However, this has not been implemented and there continue to be wide disparities in terms of healthcare for particular groups of women which does not meet the Equality Act 2010.¹⁰

- 12.3 Health policies that take gender into consideration will improve outcomes for everyone¹¹ and provide an effective health system that is fit for purpose. It is central to the National Health Service (NHS) Constitution¹² and legal obligations (the Equality Act 2010 and Human Rights Act 1998¹³) of health organisations to ensure everyone receives quality care and that inequality and discrimination are eliminated. This must be done at national and local level. If cuts to healthcare budgets mean that patients do not get the treatment they require, this could impact on their right to life or right not to be subject to inhuman and degrading treatment.
- 12.4 The NHS in England has to make £15–20bn of savings by 2015. 50,000 jobs are expected to be lost in the NHS.¹⁴ The cuts to jobs and local health services vary around the country and waiting times have increased in many places.¹⁵
- 12.5 The move to more localised commissioning and the greater role of the private sector within health provision means it is uncertain whether human rights legislation will apply to health services commissioned from the private sector. This means that there is potentially reduced protection for those using health and social care services.¹⁶
- 12.6 Equal access to high quality services is needed to tackle the health inequalities women and girls face in relation to their mental, physical and sexual health. For example, high quality maternal healthcare for pregnant women and mothers is crucial for the life chances of women and future generations, but must respond to all women's needs and in particular target support to more vulnerable and disadvantaged families. Appropriate care that can meet the needs of all women must also include the women's voluntary and community sector, who are integral to the delivery of health and social care services and are able to provide the services women want and use (such as women-only services).¹⁷ (See Appendix: 20 for more information)

Recommendations:

- **Introduce models of enhanced primary care provision to reduce gender inequalities e.g. more flexible opening hours, provision of outreach services, inviting patients to attend 'health checks'**
- **Joint Strategic Needs Assessments and Health and Wellbeing Boards need to have a basic equalities framework, and an understanding of gendered issues, including violence against women and girls**

9. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 42

10. Equality Act 2010: Guidance <https://www.gov.uk/equality-act-2010-guidance> Accessed: 25/03/13

11. World Health Organisation (2004) Gender in mental health research. WHO: Geneva <http://libdoc.who.int/publications/2004/9241592532.pdf>

12. National Health Service (NHS), Constitution <http://www.nhs.uk/choiceintheNHS/Rightsandpledges/NHSConstitution/Pages/Overview.aspx> Accessed: 19/04/13

13. Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>

14. Ramesh, R. (2011) 'NHS to lose 50,000 jobs, including doctors and nurses', The Guardian, 23rd February 2011 <http://www.guardian.co.uk/society/2011/feb/23/nhs-to-lose-50000-jobs>

15. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

16. British Institute of Human Rights (2012) Health and Social Care Act 2012 briefing. BIHR: London <http://www.bih.org.uk/news/human-rights-implications-of-health-and-social-care-act>

17. 87% of women though it was important to see a female health professional and some would not use a service unless it was female-only. The consequence of which could be deteriorating health. Women's Resource Centre (2011) Women-only services: Making the case: a guide for women's organisations. WRC: London

Women's health sector

- 12.7 Women face many barriers to accessing health and social care, which can delay treatment and make health worse.¹⁸ Therefore services that do not build 'relational security' between workers and women may leave women isolated and unwilling to trust the service provider. This was acknowledged as important in the Department of Health (DoH) policy document, *Women's Mental Health: Into the mainstream*, published in 2002.¹⁹ Many women (in particular young, Black, minority ethnic and refugee (BMER) and/or women who are experiencing poverty) report being judged or having received inappropriate responses from healthcare professionals. Experiences of discrimination mean women do not receive the service they need and their health is put at risk.²⁰
- 12.8 The current model of health and social care does not meet the holistic needs of women. The gender-neutral policy coming out of central government masks the continued discrimination against women and undermines efforts to provide gender specific services that cater to women's often complex health needs. The DoH needs to tap into the women's voluntary sector to fulfil its obligations to women under the Equality Act 2010 by funding women's organisations appropriately and ensuring their engagement in the commissioning process. However, women's health and social care voluntary organisations are at risk of closure.²¹ (See Appendix: 4)
- 12.9 These closures increase the use of statutory health and social care services, as service users often have nowhere else to go or are forced to seek the services of hospitals because their (preventable) problems have escalated or become acute. This undermines the Government's wider health reform strategy to invest in preventative care, make health services more responsive to local need, and provide tailored care closer to home.²²
- 12.10 Women's organisations have specialist knowledge and expertise about women's lives, experiences and needs. As such, their engagement in decision making, needs assessment and service delivery is integral to the Government's aims to provide a patient-led NHS, improve public health and reform long-term and social care.²³
- 12.11 Health as a gender issue needs to be embedded in all DoH planning and policy work. In particular the DoH needs to recognise that the closure of violence against women and girls (VAWG) services has a direct impact on the numbers of women the State will eventually have to provide care for because of the serious health consequences of VAWG. (See Appendix: 21)

Recommendation:

Women's health and social care needs must form an integral part of the Department of Health's strategic framework and statutory guidance on how to proactively fund and 'intelligently' commission the women's sector should be developed

18. Women's Health and Equality Consortium (2011) *Why women's health?* WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>

19. Department of Health (2002) *Women's mental health: Into the mainstream*, Strategic development of mental healthcare for women. DoH: London <http://www.nmhdu.org.uk/silo/files/into-the-mainstream.pdf>

20. Ng, P. (2010) *Dispelling myths, speaking truths: Focus groups findings on the experiences, needs and aspirations of young BAME women living in the UK*. Imkaan: London <https://www.dropbox.com/sh/4zq0jgk4xyez91i/OHBb9uELBr/Dispelling%20Myths%20Speaking%20Truths%20-%20Focus%20Group%20Findings.pdf>

21. Women's Resource Centre (2009) *Not Just Bread, But Roses, Too: Funding to the women's voluntary and community sector in England 2004-07*. WRC: London

22. Department of Health (2010) *Healthy Lives, Healthy People: Our strategy for public health in England*. DoH: London <https://www.gov.uk/government/publications/healthy-lives-healthy-people-our-strategy-for-public-health-in-england>

23. Department of Health (2012) *Department of Health Corporate Plan 2012 to 2013*. DoH: London <https://www.gov.uk/government/publications/department-of-health-corporate-plan-2012-to-2013>

Translators

- 12.12 Women who are less proficient in English face language barriers and receive inadequate translation services that limit their ability to access care.²⁴ Little attention has been paid to gender needs in general guidance about language services but vulnerable migrant women, for example, are likely to require gender sensitive interpretation services, with continuity of the person providing interpretation wherever possible. It is not appropriate to use children or family members in medical consultations²⁵ yet this often is the practice for women accessing health services.

Recommendation:

Language services using professionally qualified interpreters need to be a key part of commissioning in primary care

Tackling health inequalities

- 12.13 Understanding the health inequalities women face demands an understanding of the ways in which different groups of women face specific barriers to good physical and mental health during their life course. Tackling health inequalities requires a focus on the disparities between men and women, boys and girls, but also amongst different groups of women, some of whom face significant disadvantage and marginalisation.²⁶ For example, Black women over 65 face higher risk of cervical cancer than white women. Additionally, women with 'no recourse to public funds' are doubly disadvantaged and are at particular risk of poor maternal and infant health.²⁷ Women from some South Asian communities face higher rates of cardiovascular disease²⁸ and significantly higher rates of cervical and mouth cancer²⁹ as well as disproportionate rates of suicide and self-harm linked to VAWG.³⁰
- 12.14 We have seen little evidence that the 2008 recommendations from the CEDAW Committee regarding intersectional discrimination against ethnic minority women, data collection and culturally-appropriate strategies and programmes³¹ have been carried out.
- 12.15 Women have been facing difficulties in accessing services, with some women facing triple discrimination in accessing healthcare, for example, being unable to access their GP as a result of their immigration status; being unable to have instant access to interpreters or being in poverty which causes barriers to them travelling to appointments. In addition, many women who have been in the care of social services do not have a GP at the age of 18; women in poverty

24. Bharj, K et al. (2008) Addressing ethnic inequalities in maternity service experiences and outcomes: Responding to women's needs and preferences. Race Equality Foundation: London <http://www.raceequalityfoundation.org.uk/publications/downloads/addressing-ethnic-inequalities-maternity-service-experiences-and-outcomes-res>

25. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

26. Women's Health and Equality Consortium (2011) Why women's health? WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>

27. Lewis, G. (2007) Saving mothers lives: Reviewing maternal deaths to make motherhood safer 2003-2005. The seventh report on confidential enquires into maternal deaths in the UK. The Confidential Enquiry into maternal and child health (CEMACH): London <http://www.publichealth.hscni.net/sites/default/files/Saving%20Mothers%27%20Lives%202003-05%20.pdf>

28. British Heart Foundation (2010) Factfile for GPs about Women and Heart Disease <http://www.bhf.org.uk/publications/view-publication.aspx?ps=1001365>

29. Cancer Research UK (2009) Cancer incidence and survival by major ethnic group, England, 2002 – 2006. Cancer Research UK and NCIN http://info.cancerresearchuk.org/prod_consump/groups/cr_common/@nre/@sta/documents/generalcontent/crukmig_1000ast-2749.pdf

30. Southall Black Sisters (2011) Safe and Sane: A Model of Intervention on Domestic Violence and Mental Health, Suicide and Self-harm Amongst Black and Minority Ethnic Women. SBS: London <http://www.southallblacksisters.org.uk/reports/safe-and-sane-report/>

31. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 46

also face barriers getting childcare to attend appointments.³²

- 12.16 BMER women are less likely to receive appropriate and useful information about services and experience less continuity of care as a result.³³ Another barrier to accessing care is some health professionals' lack of cultural competence and effective engagement in terms of responding to the health needs of BMER communities. For example, a lack of competence can include making cultural assumptions or being over sensitive about culture which can lead to professionals not knowing how to intervene appropriately or not intervening at all. Women may also find it difficult to disclose some health problems, for example those associated with female genital mutilation (FGM), due to fears of being judged and embarrassment.³⁴ (See Appendix: 33)
- 12.17 The health consequences of forced marriage have also not been adequately addressed. Women and girls may experience self-harm, panic attacks, depression, psychosis and trauma and where there are gaps in responses this can result in an exacerbation of perceived or hidden mental health needs and issues. Health professionals have been identified as being less engaged with forced marriage yet should play a key role in identifying girls at risk. The recently published review of multi-agency guidelines found that "*health services do not engage or work proactively to ensure staff are able to identify cases of forced marriage*".³⁵ (See Appendix: 29)

Recommendations:

- **Healthcare professional communication training should include cultural awareness skills and diversity issues including better signposting to services for women from BME groups. Statutory and voluntary sector service providers should also consult with women from BME groups regarding future service developments**
- **Through work with its voluntary sector Strategic Partners, the Department of Health should ensure that any inequalities and barriers that women experience in accessing healthcare should be monitored and reviewed to include good and bad practice. The data should then be communicated to local Health and Wellbeing Boards to encourage shared learning and promote good practice**

Asylum seeking women and women with irregular status

- 12.18 For some years mainstream research and policy has recognised ethnicity as a key element of social inequality, and there have been increasing (and welcome) interventions to address ethnic inequalities in most areas of social policy including health. However, changes in patterns of immigration and immigration policies have created many different types of migrants who have differing health needs and differing entitlements to access healthcare that are not simply reducible to their ethnicity.³⁶

32. 'Engaging and Influencing the New Health Landscape; An event for the women's voluntary and community sector in Bristol', Friday 20th March 2012 <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2012/05/Report-from-WHEC-Bristol-event-30-March-2012.pdf> see also Women's Health and Equality Consortium (2011) Why women's health? WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>

33. Bharj, K et al. (2008) Addressing ethnic inequalities in maternity service experiences and outcomes: Responding to women's needs and preferences. Race Equality Foundation: London <http://www.raceequalityfoundation.org.uk/publications/downloads/addressing-ethnic-inequalities-maternity-service-experiences-and-outcomes-res>

34. FORWARD (2009) FGM is Always with Us: Experiences, Perceptions and Beliefs of Women Affected by Female Genital Mutilation in London. FORWARD: London <http://www.forwarduk.org.uk/news/news/563>

35. Forced Marriage Unit (2012) Report on the Implementation of the Multi-Agency Statutory Guidance for Dealing with Forced Marriage (2008). Foreign and Commonwealth Office and Home Office: London https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136371/Guidance_for_dealing_with_forced_marriage_A4_v1.6_WEB.PDF

36. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

- 12.19 Barriers to accessing care for irregular migrants and those with uncertain immigration status (including visa overstayers,³⁷ refused asylum seekers, victims of trafficking and women on dependant visas escaping domestic violence) are common. According to current rules governing access to healthcare these categories are not entitled to some services, for instance free hospital care, except for emergency care or treatment for HIV. Such restrictions on access mean that there is currently a stratification of rights to healthcare in the UK.³⁸
- 12.20 There is evidence of poor antenatal care and pregnancy outcomes (asylum seeker and refugee women make up only 0.03% of the population but 12% of all maternal deaths³⁹) and low uptake of preventative healthcare measures concerning breast and cervical cancer.⁴⁰ Research has shown that compared to white women born in the UK, BME women born outside the UK had poorer information provision and were less likely to be treated with respect by staff.⁴¹ The UKBA policy of dispersal to cities across the UK on the basis of accommodation availability also impacts on the continuity of care for pregnant asylum seekers. It may increase health risks and undermines the NHS' strategic focus on improving health outcomes for women and babies.⁴² (See Article 9 and Appendix: 7 for further information)

Lesbian and bisexual women's health

- 12.21 Lesbian and bisexual (LB) women report high levels of dissatisfaction with the health system and discrimination by healthcare professionals. They face barriers to accessing breast screening and have higher rates of breast cancer.⁴³ They also face barriers to appropriate sexual health services and being open about their sexual orientation with GPs.⁴⁴ LB women have higher incidents of alcohol use and report higher rates of depression, anxiety, as well as self-harm, eating disorders, suicide and suicidal thoughts.⁴⁵
- 12.22 There is a continued lack of appropriate health services and discrimination in existing services for LB women. In the first instance it is difficult to find out if LB women are subject to any greater risk of particular health conditions in comparison to other groups because the information is not collected or collated centrally. There is also a need to identify and target specific health measures for LB women in order to ensure improved physical and mental health in the longer term.⁴⁶ Stonewall found that only 2% of LB women had attended a service tailored towards their needs. Staff are also often not trained adequately which can lead to confusion, stress and discrimination.⁴⁷ Specifically tailored health services are needed to meet LB women's needs

37. International migrants who remain resident in a country after their legal permission to stay ('leave to remain') has expired.

38. Jayaweera, H. (2011) Briefings: Health of Migrants in the UK: What do we know? The Migration Observatory at the University of Oxford <http://migrationobservatory.ox.ac.uk/briefings/health-migrants-uk-what-do-we-know>

39. Lewis, G. (2007) Saving mothers lives: Reviewing maternal deaths to make motherhood safer 2003-2005. The seventh report on confidential enquires into maternal deaths in the UK. The Confidential Enquiry into maternal and child health (CEMACH): London <http://www.publichealth.hscni.net/sites/default/files/Saving%20Mothers%27%20Lives%202003-05%20.pdf>

40. Aspinall, P. and Watters, C. (2010) Research Report 52: Refugees and asylum seekers: A review from an equality and human rights perspective. EHRC: Manchester http://www.equalityhumanrights.com/uploaded_files/research/refugees_and_asylum_seekers_research_report.pdf

41. Redshaw, M. and Heikilla, K. (2010) Delivered with care: A national survey of women's experiences of maternity care in 2010. National Perinatal Epidemiology Unit <https://www.npeu.ox.ac.uk/files/downloads/reports/Maternity-Survey-Report-2010.pdf>

42. Department of Health (2010) NHS Outcomes Framework for 2011/12. <https://www.gov.uk/government/publications/nhs-outcomes-framework-2011-to-2012>

43. Breast Cancer Care (2011) Breast Cancer and inequalities: A review of the evidence <http://www.breastcancercare.org.uk/campaigning-volunteering/policy/breast-cancer-inequalities>

44. Hunt, R. and Dr. Fish, J. (2008) Prescription for Change: Lesbian and bisexual women's health check. Stonewall: London http://www.stonewall.org.uk/documents/prescription_for_change.pdf

45. Hunt, R. and Dr. Fish, J. (2008) Prescription for Change: Lesbian and bisexual women's health check. Stonewall: London http://www.stonewall.org.uk/documents/prescription_for_change.pdf

46. Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/IAOC.pdf>

47. Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. Briefing 10: LBT women and health. WRC: London

as research has found that LB women do not feel confident using mental health or counselling services, for example.⁴⁸

Case study:⁴⁹

"I don't believe I have equal access to appropriate healthcare services as my heterosexual counterparts - partly due to the continued lack of understanding of specific lesbian health needs and at times of illness not always feeling emotionally confident or sufficiently resilient to frequently have to cope with outing myself each visit, facing a barrage of heterosexist and inappropriate questioning from GP's and other health workers. Most of which results in me not bothering to seek medical intervention or preventative healthcare advice until it's virtually not a choice. I will self help and self treat as far as possible. The healthcare sector is alienating, unsafe and does not meet my needs."

Recommendation:

Identify and target specific health measures for lesbian and bisexual women in order to ensure improved physical and mental health in the longer term and to specifically tailor health services to meet their needs

Disabled women's health

- 12.23 Internationally it has been raised that disabled women face a number of obstacles in the area of health and social care. This includes inaccessible health centres and facilities, and lack of information related to their health.⁵⁰ In the UK medical professionals' poor attitude, particularly towards disabled women's sexual and reproductive health and having little control over their care and treatment, can pose further barriers to using medical services.⁵¹ Negative attitudes towards pregnant disabled women, providing little or no help for them either before or after becoming pregnant, and even suggesting abortion or sterilisation, particularly if the disabled woman is said to have any degree of learning difficulties, is also noted.⁵² Prenatal testing and selective abortion for disabled women is rooted in and perpetuates the oppression of disabled people and should not be allowed to continue in the UK.⁵³
- 12.24 Disabled women also face a high risk of violence and spend longer periods of time in healthcare institutions than disabled men as they are less likely to be cared for by a partner.⁵⁴ (See [Appendix: 36 for further information](#))

Recommendation:

Make medical and health facilities accessible, and train medical professionals to be aware of disability/gender related issues, so that they can be sensitive towards all disabled women's needs

48. Women's Resource Centre (2010) *In All Our Colours: Lesbian, bisexual and trans women's services in the UK*. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/IAOC.pdf>

49. Hunt, R. and Dr. Fish, J. (2008) *Prescription for Change: Lesbian and bisexual women's health check*. Stonewall: London http://www.stonewall.org.uk/documents/prescription_for_change.pdf

50. International Network of Women with Disabilities. (2012) *A presentation on rural women and girls with disabilities at a side event at the Commission on the Status of Women 56, February 28th 2012* http://www.un.org/disabilities/documents/csw/csw56_myra.doc

51. Sen, G., Ostlin, P. and George, A. (2007) *Unequal, Unfair, Ineffective and Inefficient. Gender Inequality in Health: Why it exists and how we can change it. Final Report to the WHO Commission on Social Determinants of Health* http://www.who.int/social_determinants/resources/csdh_media/wgekn_final_report_07.pdf Similar

52. Howard, R. and Handy, S. (2004) 'The Sterilisation of Women with Learning Disabilities – Some Points for Consideration', *The British Journal of Developmental Disabilities*, Vol. 50, No. 2, pp. 133 - 141. <http://www.bjdd.org/new/pdf99/99,133-141.pdf>

53. Bailey, R. (1996) 'Prenatal Testing and the prevention of Impairment: A Woman's Right to Choose?', in Morris, J. (ed.) *Encounters with Strangers: Feminism and Disability*. The Women's Press: London

54. Iglesias, M., Gil, G., Joneken, A., Mickler, B. and Knudsen, J.S. (1998) *Violence and disabled women*. Independent Living Institute <http://www.independentliving.org/docs1/iglesiasetal1998.html>

Gypsy and Traveller women's health

- 12.25 In its 2008 concluding observations the Committee recommended “*the State party take concrete measures to address the high maternal mortality rate in Traveller communities, including the allocation of adequate resources to increase access to affordable health services, in particular prenatal, post-natal and obstetric services, as well as other medical and emergency assistance*”.⁵⁵
- 12.26 However, organisations working with these women can confirm that Gypsy and Traveller women continue to suffer poor health outcomes and Gypsy and Traveller women live 12 years less than women in the general population (compared to ten years less for Gypsy and Traveller men).⁵⁶ This is evidenced by a 2012 Government report which also found that Gypsy and Traveller women continue to experience high infant mortality rates, high maternal mortality rates, low child immunisation levels, mental health issues, substance misuse issues and diabetes.⁵⁷
- 12.27 Despite these unacceptably poor outcomes, the UK's 7th Periodic Report⁵⁸ fails to address these issues. We welcome the DoH Inclusion Unit's focus on Gypsies and Travellers, however we are concerned that the Department does not include Gypsies and Travellers as one of the 16 ethnic minority categories monitored by the NHS although Gypsies and Irish Travellers are a recognised ethnic minority group under UK law and were included in the 16 ethnic categories in the 2011 census.

Recommendation:

The Government should introduce a targeted national strategy to improve the health outcomes of Gypsy and Traveller women

The health of women involved in prostitution

- 12.28 Women involved in prostitution suffer a range of complex issues that can lead to high levels of drug misuse (87% of women in street-based prostitution use heroin).⁵⁹ These women have high levels of poor mental health⁶⁰ and often have a significant history of sexual and domestic violence (DV). Sex work is also associated with a higher incidence of physical, sexual and emotional assault. Women involved in prostitution may face barriers to accessing sexual health services due to fear of discrimination and the fact that prostitution is still criminalised. Poverty, drug addiction, DV and homelessness can also be significant barriers because of associated travel costs and the nature of appointment systems. Fear of losing custody of children may also deter them from approaching health professionals.⁶¹ Sex worker outreach projects have

55. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Paragraph 294

56. Government Equalities Office (2010) An anatomy of economic inequality in the UK: Report of the National Equality Panel. GEO: London http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/27_01_10_inequalityfull..pdf P.81

57. Department for Communities and Local Government (2012) Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2124046.pdf> paragraph's 3.1 - 3.4

58. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

59. Home Office (2004) Paying the price: A consultation paper on prostitution http://webarchive.nationalarchives.gov.uk/+http://www.homeoffice.gov.uk/documents/paying_the_price.pdf?view=Binary

60. Department of Health (2002) Women's mental health: into the mainstream, Strategic development of mental healthcare for women. DoH: London <http://www.nmhd.org.uk/silo/files/into-the-mainstream.pdf>

61. Matrix Project (for Sex Workers), Norfolk Community Health and Care NHS Trust, <http://www.norfolkcommunityhealthandcare.nhs.uk/our-services/adult-services/adult-h-m/matrix-project/> Accessed: 13/04/13

also reported that migrant sex workers find it difficult to access timely and free termination of pregnancies.⁶² (See Article 6 for further information)

Young women's health

- 12.29 Teenage girls and young women are at particular risk of traumatic experiences such as sexual abuse, rape and DV⁶³ and research shows women aged 16-19 are at the highest risk of experiencing DV and sexual assault, yet relevant services are rarely available.⁶⁴
- 12.30 Girls self-harm almost four times more than boys⁶⁵ and one in three is unhappy with how they look.⁶⁶ Young women are also twice as likely as young men to suffer a depressive disorder, like women in general.
- 12.31 Research⁶⁷ has found that most BMER young women only sought help from a GP as the last resort. Some BMER young women did feel able to talk to their GP about health problems or experiences of violence or abuse – this was the case particularly if the GP was a woman or young, but not when they were an older male, particularly if they were from within the community or a family friend. Unfortunately, there have been instances where GPs have breached confidentiality, resulting in a young woman being at risk of further violence.

Older women's health

- 12.32 The EHRC *Triennial Review 2010* identified that women are more likely to live their last years in ill health.⁶⁸ Although women have a longer life expectancy than men, they spend more years of their lives suffering from physical ill health or longer-term disability leading to restrictions in mobility and inability to care for themselves.⁶⁹ For example, women are much more likely than men to suffer arthritis and rheumatism - the most common types of chronic diseases in the UK.⁷⁰
- 12.33 Older women are particularly vulnerable to the factors leading to poor mental health including poverty, social isolation, chronic illness and they are more likely to have to live in care, and deal with the loss of loved ones. Older women have higher rates of mental health problems than men; in fact women aged 50 to 54 have the highest prevalence rates for any neurotic disorder (25%).⁷¹

62. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

63. Department of Health (2002) Women's mental health: into the mainstream, Strategic development of mental healthcare for women. DoH: London <http://www.nmhdu.org.uk/silo/files/into-the-mainstream.pdf>

64. Starmer, K. (2011) 'Domestic Violence: the facts, the issues, the future' a speech by the Director of Public Prosecutions, Keir Starmer QC, 12th April 2011 http://www.cps.gov.uk/news/articles/domestic_violence_-_the_facts_the_issues_the_future/ See for example

65. O'Connor, R. et al. (2009) Self-harm in adolescents: Self-report survey in schools in Scotland. University of Stirling <http://bjp.rcpsych.org/content/194/1/68.short>

66. The Daily Mail (2013) 'How one girl in three doesn't like her looks compared to a fifth of boys', The Daily Mail Online, 4th April 2013 <http://www.dailymail.co.uk/news/article-2304209/How-girl-doesnt-like-looks-compared-fifth-boys.html>

67. Ng, P. (2010) Dispelling myths, speaking truths: Focus groups findings on the experiences, needs and aspirations of young BAMER women living in the UK. Imkaan: London <https://www.dropbox.com/sh/4zqOjgk4xyez91i/OHBb9uELBr/Dispelling%20Myths%20Speaking%20Truths%20-%20Focus%20Group%20Findings.pdf>

68. Equality and Human Rights Commission (2010) How fair is Britain? The report of our first Triennial Review. <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain>

69. National Mental Health Development Unit (2010) Factfile 5: Equalities in Mental Health <http://www.nmhdu.org.uk/silo/files/nmhdu-factfile-5.pdf>

70. Office for National Statistics (2008) Focus on Gender, September 2008. ONS: London <http://www.ons.gov.uk/ons/rel/social-trends-rd/focus-on-gender/september-2008/index.html>

71. Office for National Statistics (2000) Psychiatric morbidity among adults living in private households, 2000 http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsStatistics/DH_4019414

- 12.34 Older women have reported increased pressure on health and social care services as health and Local Authorities struggle with reduced budgets. Not only is access to services an issue, concerns have also been expressed about quality.⁷² This has been confirmed in the EHRC inquiry⁷³ into domiciliary care in England and Wales.
- 12.35 Older women are less likely to be referred for treatment or to be given the appropriate treatment once referred. This applies for a range of conditions including cancer, heart disease and stroke.⁷⁴ The Health Service Ombudsman's report⁷⁵ in February 2011 outlined ten illustrative cases of seriously poor or negligent care breaching older people's human rights.⁷⁶

Case Study:⁷⁷

"Carers and patients are unable to establish relationships (with the professionals) and patients just feel like a commodity."

Scottish older woman.

Recommendation:

Ensure that the education and training of all health and social care professionals includes awareness of, and the specialist skills needed, to enable them to respond to the needs of an ageing population

Carer's health

- 12.36 Carers, 58% of whom are women, are more likely to suffer from physical and mental health problems⁷⁸ and are twice as likely to be 'permanently sick or disabled'.⁷⁹ People caring for 50 hours a week or more are twice as likely to be in poor health as those not caring, while 27% of those caring for more than 20 hours a week report mental health problems.⁸⁰ Over 50% of women will be carers before they are 60 and are more likely than men to give up paid work to care.

Eating disorders

- 12.37 One in every 20 women will experience some form of eating distress during her lifetime, with the majority of sufferers aged between 14 and 25.⁸¹ Nearly 1% of women in the UK between

72. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

73. Equality and Human Rights Commission (2011) Close to Home: An inquiry into older people and human rights in home care. EHRC: London <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-home-care-of-older-people/close-to-home-report/>

74. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

75. Health Service Ombudsman (2011) Care and Compassion? Report of the Health Service Ombudsman on ten investigations into NHS care of older people. <http://www.ombudsman.org.uk/care-and-compassion>

76. For further information on older women's health see Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

77. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

78. Carer's UK, Statistics and facts about carers <http://www.carersuk.org/newsroom/stats-and-facts> Accessed: 13/04/13

79. Carer's UK, Statistics and facts about carers <http://www.carersuk.org/newsroom/stats-and-facts> Accessed: 13/04/13

80. Stephenson, M. and Harrison, J. (2011) Unravelling Equality: A Human Rights and Equality Impact Assessment of the Spending Cuts on Women in Coventry. A Joint Report of the Centre for Human Rights in Practice, University of Warwick and Coventry Women's Voices <http://www2.warwick.ac.uk/fac/soc/law/chrp/projectss/humanrightsimpactassessments/cwv/>

81. Mind, Understanding eating problems http://www.mind.org.uk/mental_health_a-z/7978_understanding_eating_problems Accessed 13/04/13

the ages of 15 and 30 suffer from anorexia nervosa, and between 1% and 2% have bulimia nervosa.⁸² The Government has begun a body confidence campaign,⁸³ however this is not linked to media regulation in terms of the images of women that are presented (See Article 5) and also does not look at the deeper mental health and underlying causes that are connected to eating disorders.⁸⁴

Health and violence against women and girls

- 12.38 In 2008 the CEDAW Committee recommended that the Government expand training activities and programmes for health service providers to sensitise them to all forms of violence against women and enable them to provide adequate support to victims.⁸⁵ The DoH has also amassed a large body of evidence to show the endemic proportions of VAWG, the health and social care repercussions of this, as well as how women's mental health issues need specialist gender-specific services. However, the DoH approach to gender inequality and VAWG continues to be fragmented and inconsistent. (See General Recommendation 19 and Appendix: 21 for more information)

Recommendation:

Violence against women and girls needs to be a Department of Health strategic priority

Mental health

- 12.39 Recorded rates of depression and anxiety are more than twice as high for women than for men⁸⁶ and women are more likely to experience depression for longer periods of time.⁸⁷ Poor mental health is a serious threat to women's wellbeing, with 63% of women having experienced some form of low-level mental health problem in their lifetime.⁸⁸ Inequality, oppression and discrimination are root causes of mental ill health and sexual and physical abuse of women and girls is a significant cause of mental health problems.⁸⁹ (See Appendix: 21)
- 12.40 This must be acknowledged by Clinical Commissioning Groups and Health and Wellbeing Boards and gender specific services should be expanded to address this. Uptake of gender-training within mental health services for women is low and there needs to be greater awareness of and attention to gender-specific approaches.⁹⁰ There continue to be gaps in provision, especially for BME women, women as mothers and women in contact with the Criminal Justice System. (See Appendix: 22 and Article 15)

82. NHS London Healthy Urban Development Unit, Land Use Consultants and the Centre for Research into environment and Health (2007) Delivering Healthier Communities in London. HUDU: London http://www.healthyrurbandevelopment.nhs.uk/documents/integrating_health/HUDU_Delivering_Healthier_Communities.pdf

83. Government Equalities Office and Department for Culture, Media and Sport, Body confidence campaign <https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/body-confidence-campaign> Accessed: 13/04/13

84. Mental Health Foundation, Eating disorders <http://www.mentalhealth.org.uk/help-information/mental-health-a-z/E/eating-disorders/> Accessed: 19/04/13

85. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 34

86. World Health Organisation (2004) Gender in mental health research. WHO: Geneva <http://libdoc.who.int/publications/2004/9241592532.pdf>

87. Hansen, K. and Joshi, H. eds (2008) Millennium Cohort Study third survey: A user's guide to initial findings. Centre for Longitudinal Studies, University of London http://eprints.ioe.ac.uk/5931/1/MCS_3_Descriptive_Report_Oct_2008.pdf

88. Platform 51 (2011) Women like me: Supporting wellbeing in girls and women. <http://www.platform51.org/downloads/resources/reports/mentalhealthreport.pdf>

89. National Mental Health Development Unit (2010) Working towards women's wellbeing: Unfinished Business. <http://www.nmhd.org.uk/silo/files/working-towards-womens-wellbeing-unfinished-business.pdf>

90. National Mental Health Development Unit (2010) Working towards women's wellbeing: Unfinished Business. <http://www.nmhd.org.uk/silo/files/working-towards-womens-wellbeing-unfinished-business.pdf>

Recommendations:

- **There is a need for more preventative measures and raising awareness about women and mental health including ensuring that violence against women is acknowledged as a key inequality that impacts upon mental health. This should be a role for Public Health England and Health and Wellbeing Boards**
- **The Department of Health needs to provide clear guidance about the value and legality of women-only specialist services, and should be promoting and supporting women's services as partners in supporting women's good mental health**

Screening

- 12.41 In the last 20 years, the rates of smoking and lung cancer fell sharply for men, yet at the same time rates increased and stabilised for women. More young women (age 16-19) smoke and so are at risk of lung cancer, compared to young men.⁹¹ Cancer morbidity and mortality rates are also reducing more quickly for men than for women.⁹² Women living in the most deprived areas have cervical cancer rates more than three times as high as those in the least deprived areas.⁹³ Women living in deprived areas have a lower survival rate for breast cancer⁹⁴ and inequalities in rates of breast cancer are increasing.⁹⁵ Breast cancer is the second biggest cause of death from cancer for women in the UK, after lung cancer. In women under the age of 35, breast cancer is the most commonly diagnosed cancer.⁹⁶ In 2009 48,417 women in the UK were diagnosed with breast cancer.⁹⁷ (See Appendix: 23 for more information)

Recommendation:

The Government need to commit to a national primary prevention strategy for breast cancer as part of the Cancer Reform Strategy

Women and cardiovascular disease

- 12.42 Women's risk of cardiovascular disease in general increases later in life and one in three women die from cardiovascular disease (similar to men), yet they are less likely to think they are at risk, notice the symptoms and so seek help at a later stage, or to attend a cardio rehabilitation programme.⁹⁸ Women are also less likely to be referred to specialists and there is very little national policy that takes these differences into account.⁹⁹ Women are also more at risk of stroke than men and tend to be more seriously affected, needing long-term care.¹⁰⁰

91. Office for National Statistics (2008) Focus on Gender, September 2008. ONS: London <http://www.ons.gov.uk/ons/rel/social-trends-rd/focus-on-gender/september-2008/index.html>

92. Department of Health (2008) The Gender and Access to Health Services Study: Final Report <http://www.sfh-tr.nhs.uk/attachments/article/41/The%20gender%20and%20access%20to%20health%20services%20study.pdf>

93. Cancer Research UK, Cervical cancer risk factors <http://info.cancerresearchuk.org/cancerstats/types/cervix/riskfactors/> Accessed: 13/04/13

94. Cancer Research UK, Breast cancer survival statistics <http://info.cancerresearchuk.org/cancerstats/types/breast/%20survival/> Accessed: 13/04/13

95. Davey, C., Austoker, J. and Macleod, U. (1999) Reducing Inequalities in Breast Cancer: A guide for primary care. The Cancer Research Campaign http://books.google.co.uk/books/about/Reducing_Inequalities_in_Breast_Cancer.html?id=8BM4AAAACAAJ&redir_esc=y

96. Breast Cancer Care, Breast cancer facts and statistics <http://www.breastcancercare.org.uk/news/media-centre/facts-statistics> Accessed: 13/04/13

97. Cancer Research UK, Breast cancer statistics <http://info.cancerresearchuk.org/cancerstats/types/breast/> Accessed: 13/04/13

98. British Heart Foundation (2010) Factfile for GPs about Women and Heart Disease <http://www.bhf.org.uk/publications/view-publication.aspx?ps=1001365>

99. Department of Health (2008) The Gender and Access to Health Services Study: Final Report <http://www.sfh-tr.nhs.uk/attachments/article/41/The%20gender%20and%20access%20to%20health%20services%20study.pdf>

100. British Heart Foundation (2010) Factfile for GPs about Women and Heart Disease <http://www.bhf.org.uk/publications/view-publication.aspx?ps=1001365>

Women and diabetes and obesity

- 12.43 More men than women suffer from diabetes in England, but women are at relatively greater risk of dying from it than men. This may be because gender compounds other inequalities, such as poverty and socio-economic differences, which are linked to differences in smoking rates, food choices and the prevalence of obesity.¹⁰¹ Women are more likely than men to become morbidly obese but are more likely to take part in private sector weight loss programmes and more likely to be treated for being overweight in primary care.¹⁰² However, women are less likely to receive routine surveillance checks for the long-term complications of diabetes. Pre-menopausal women with diabetes do not have the same protection against coronary heart disease as women who do not have diabetes. Women also tend to take on the main role of carer if another member of the family has diabetes.¹⁰³

Raising awareness of sexual health among young people

- 12.44 Since the publication of the national *Sexual Health and HIV Strategy* in 2001,¹⁰⁴ there have been major improvements in sexual health provision nationally, and a shift towards a more integrated and holistic approach to sexual health. Nevertheless, there are significant continuing problems and inequalities within sexual health and women and girls in the UK are more likely to have poor sexual health than their European counterparts.¹⁰⁵ The lack of a compulsory PSHE curriculum (See Article 10) also means that not all young people are getting the same information about sexual health despite the 2008 recommendations to widely promote sex education targeted at adolescent girls and boys as well as increase the availability and affordability of sexual and reproductive health services, and increase knowledge of, and access to, affordable contraceptive methods.¹⁰⁶
- 12.45 With the exception of gonorrhoea, incidence rates of all sexually transmitted infections are rising, with the increase being greater in women than men.¹⁰⁷ However, sexual health services are facing cuts leading to a lack of contraceptive and sexual health advice for young women under 25 years.¹⁰⁸ There are fears that this will lead to a higher conception rate and more sexually transmitted diseases with women not knowing about the risks and not being able to access services.
- 12.46 In relation to vulnerable migrant women inequalities within sexual health include high rates of abortion within some minority communities and high rates of Sexually Transmitted Infections (STIs) among Black African and Black Caribbean populations.¹⁰⁹ It has also been found that less than half of LB women have ever been screened for STIs and three quarters do not think

101. Department of Health, Who gets diabetes - health inequalities http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/Browsable/DH_4899972 Accessed: 13/04/13

102. Department of Health (2008) The Gender and Access to Health Services Study: Final Report <http://www.sfh-tr.nhs.uk/attachments/article/41/The%20gender%20and%20access%20to%20health%20services%20study.pdf>

103. Department of Health, Who gets diabetes - health inequalities http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/Browsable/DH_4899972 Accessed: 13/04/13

104. Department of Health (2001) Sexual Health and HIV Strategy. DoH: London http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/Healthimprovement/Sexualhealth/Sexualhealthgeneralinformation/DH_4002168

105. Platform 51, Health and wellbeing <http://www.platform51.org/whatwedo/health> Accessed on 13/04/2013

106. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 42

107. Department of Health (2008) The Gender and Access to Health Services Study: Final Report <http://www.sfh-tr.nhs.uk/attachments/article/41/The%20gender%20and%20access%20to%20health%20services%20study.pdf>

108. Williams, R. (2012) 'Sexual health services hit by cuts', *The Guardian*, 23rd April 2012 <http://www.guardian.co.uk/society/2012/apr/23/sexual-health-services-cuts>

109. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

they are at risk from STIs.¹¹⁰ Women who exclusively have sex with other women are also often needlessly advised about contraception showing a lack of understanding about their needs.¹¹¹

Case study:¹¹²

"I am appalled at how little sexual healthcare advice and support there is for lesbians. I recently had a check and had no idea I could contract so many STDs [sexually transmitted diseases] through lesbian sex. There is little education and support for lesbians."

- 12.47 Young women who were born with HIV have high rates of unwanted pregnancies and terminations which are reflective of how their sexual and reproductive health and rights are not met in current services.¹¹³ (See Appendix: 24)

Abortion provision

- 12.48 The Government still refuses to support the legalisation of abortion provision in Northern Ireland to ensure that women are entitled to safe and legal abortion on equal basis with women living in other parts of the UK. This is despite the 2008 recommendations to initiate a process of public consultation in Northern Ireland on the abortion law and give consideration to the amendment of the abortion law in Northern Ireland so as to remove punitive provisions imposed on women who undergo abortion,¹¹⁴ as well as a recommendation on this during the 2012 UPR process.
- 12.49 Abortion legislation in England, Scotland and Wales has always been interpreted broadly, allowing clinicians to exercise discretion and take social environment into account when certifying abortion. However, problems with the current legal framework exist, which leave abortion services and those who provide them vulnerable to political interference and shifting interpretation. Recent incidents¹¹⁵ and their response¹¹⁶ have caused widespread unease among doctors providing abortion services; lack of clarity now exists around what is deemed 'legal' and 'illegal' and good and bad practice in abortion care. As a result, treatment is being delayed while paperwork handling is examined and doctors apply increased scrutiny to patients' reasons for requesting abortion.¹¹⁷
- 12.50 These cases highlight the need for reform of the Abortion Act 1967¹¹⁸ and full decriminalisation of abortion across the UK. Such reform would eliminate uncertainty around interpretation, protect clinicians from prosecution and would facilitate specific changes in practice as recommended by the House of Commons Science and Technology Select Committee in 2007

110. Hunt, R. and Dr. Fish, J. (2008) Prescription for Change: Lesbian and bisexual women's health check. Stonewall: London http://www.stonewall.org.uk/documents/prescription_for_change.pdf

111. Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. Briefing 10: LBT women and health. WRC: London

112. Hunt, R. and Dr. Fish, J. (2008) Prescription for Change: Lesbian and bisexual women's health check. Stonewall: London http://www.stonewall.org.uk/documents/prescription_for_change.pdf

113. Kenny, J. et al. (2011) 'Pregnancy outcomes in adolescents in the UK and Ireland growing up with HIV', HIV Medicine, December 2011 <http://www.ncbi.nlm.nih.gov/pubmed/22136754>

114. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 42

115. Newell, C. (2012) 'Abortion investigation: Doctors filmed agreeing illegal abortions 'no questions asked'', The Daily Telegraph, 22nd March 2012 <http://www.telegraph.co.uk/health/healthnews/9099511/Abortion-investigation-doctors-filmed-agreeing-illegal-abortions-no-questions-asked.html> and Care Quality Commission (2012) 'Findings of termination of pregnancy inspections published', CQC website, 12th July 2012 <http://www.cqc.org.uk/media/findings-termination-pregnancy-inspections-published>

116. Sheldon, S. (2012) 'Abortion for reasons of sex: Correcting some basic misunderstandings of the law', Abortion Review, 1st March 2012 <http://www.abortionreview.org/index.php/site/article/1143/>

117. Bristow, J. (2012) 'British abortion law: Challenging current myths and misconceptions', Abortion Review, 3rd July 2012, <http://www.abortionreview.org/index.php/site/article/1196/>

118. Abortion Act 1967 <http://www.legislation.gov.uk/ukpga/1967/87/contents>

aimed at improving patient care and reducing delays to treatment.¹¹⁹

Recommendation:

Reform the Abortion Act 1967 to remove the two doctors' signature requirement, allow suitably trained nurses and midwives to carry out early medical and surgical abortions and allow women to take the second stage of early medical abortion medication at home

- 12.51 Budgetary constraints placed on the NHS and Local Authorities by the present government, combined with reorganisation of services currently underway, are likely to have a significant impact on health service provision in the coming years. As yet, the impact on timely access to abortion care is unclear. However, problems with the delivery of contraception and sexual health services are already apparent,¹²⁰ as are fears that progress in reducing rates of unplanned pregnancy amongst teenagers will be reversed if current financial restrictions continue.¹²¹
- 12.52 We are also concerned about the biased provision of services to women surrounding abortion and reproductive health by some 'crisis pregnancy centres' run by Christian and anti-choice organisations around the UK which give inaccurate and misleading information.¹²² This needs to be considered by commissioners to ensure that inappropriate services are not provided to women.¹²³

Maternity services

- 12.53 Women's reproductive role can put their physical and mental health at risk including (but not restricted to) maternal mortality, anaemia, preeclampsia and depression in and after pregnancy.¹²⁴ One in ten women reported significant depressive symptoms during pregnancy and a further 15% of mothers experience postnatal depression.¹²⁵
- 12.54 We have not seen an extension in maternity choice through the development of new provider networks for women during pregnancy and childbirth as the Government claim in their 7th Periodic Report.¹²⁶ In fact the changes to the NHS will have a significant impact on women who rely on these services most, for example the cuts in maternity and care services.¹²⁷

119. Science and Technology Committee (2007) Scientific Developments relating to the Abortion Act 1967. No. 66 of Session 2006-07, 31 October 2007, <http://www.parliament.uk/business/committees/committees-archive/science-technology/science-and-technology-committee/scitech311007a/>

120. All Party Parliamentary Group on Sexual and Reproductive Health in the UK (2012) Healthy women, health lives? The cost of curbing access to contraception services <http://www.fpa.org.uk/media/uploads/campaignsandadvocacy/advocacy-and-lobbying/healthy-women-healthy-lives-full-report-july-2012.pdf>

121. Williams, R. (2012) 'Sexual health services hit by cuts', The Guardian, 23rd April 2012 <http://www.guardian.co.uk/society/2012/apr/23/sexual-health-services-cuts>

122. Quinn, B. (2011) 'Abortion: Pregnancy counselling centres found wanting', The Guardian, 2nd August 2011 <http://www.guardian.co.uk/lifeandstyle/2011/aug/02/abortion-pregnancy-counselling-found-wanting>

123. Education for Choice (2011) Snapshot of Crisis Pregnancy Centres operating in England <http://www.efc.org.uk/PDFs/CPC%20report%20executive%20summary%20EFC%202011.pdf>

124. World Health Organization (2009) Women and Health: Today's evidence, tomorrow's agenda. WHO: Geneva http://whqlibdoc.who.int/publications/2009/9789241563857_eng.pdf

125. Nonacs, R. (2007) 'Depression during pregnancy is often not treated', MGH Centre for Women's Mental Health website, 10th February 2007 <http://www.womensmentalhealth.org/posts/depression-during-pregnancy-is-often-not-treated/>

126. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary> Para 176

127. Bragg, R. (2012) 'How cuts to maternity services are threatening health and care' False Economy, 20th July 2012 <http://falseeconomy.org.uk/blog/how-cuts-to-maternity-services-are-threatening-care>

Case studies:¹²⁸

The innovative Enhanced Midwifery Service run by Liverpool Women's Hospital offers vulnerable mothers-to-be in deprived areas advice about health issues such as smoking and diet in pregnancy and breastfeeding. Yet its future is in doubt after Liverpool City Council said it would withdraw its 75% funding for the scheme and three maternity support workers did not have their contracts renewed. The postnatal counselling group in Islington, north London, for mothers with postnatal depression ended in March 2011 when funding was withdrawn. Similarly, Andover birth centre in Hampshire is 'temporarily suspended',¹²⁹ Eastbourne maternity ward is being threatened with closure and the maternity unit at the King George Hospital in Romford, Essex, is also under review.

- 12.55 Pregnant women, including refused asylum seekers, trafficked women, women whose immigration status is dependent on their husband and undocumented migrants, are not entitled to free NHS maternity care, putting not only their own health at risk but also that of their unborn child.¹³⁰ (See Article 9) Migrant women who are charged for health care are not only deterred from seeking help, but their needs are rendered invisible as women who are chargeable are less likely to appear in data collected from health services. Charging regimes often lead to increased costs overall.¹³¹

Case study:¹³²

"One of the biggest problems we see relates to undocumented migrants who have given birth, they are most often on their own and destitute, and once they return home with their new born baby the hospital starts hounding them for tens of thousands of pounds for medical bills. This is often the case with anaesthetist bills if she has had an epidural or caesarean birth. Praxis was contacted by an undocumented woman who had given birth to triplets and received a bill of over £200,000. The triplets were premature and needed aftercare but this was an enormous sum for a woman with no legal income. She came to Praxis very distraught and the NGO had to negotiate with the hospital until they eventually agreed she could pay it back at £5 per week."

- 12.56 The difficulties some women face in accessing maternity care also means that they lack screening for HIV which would usually take place during their pregnancy. This may result in them failing to access the treatment services for HIV that they need, and to prevent the mother to child transmission of HIV. This has a profound impact on the potential for health of the unborn child. The UK Government has failed to take steps for the provision of services that decrease the infant mortality rate and prevent maternal mortality, by introducing practices that have effectively denied pregnant women, including women with HIV, access to maternal healthcare.¹³³ (See Appendix: 24)

128. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

129. Campbell, D. And McNicoll, A. (2011) 'NHS cuts: the first casualties', The Guardian, 11th April 2011 <http://www.guardian.co.uk/society/2011/apr/11/nhs-cuts-first-areas>

130. The People's Health Movement UK (2009) Shadow Submission on the Right to the Highest Attainable Standard of Health in the United Kingdom for the International Committee on Economic, Social and Cultural Rights, 42nd Session, 4th – 22nd May 2009. In association with Medact and Doctors for Human Rights <http://www.phmovement.org/en/node/2002>

131. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

132. From Bethan Lant of Praxis <http://www.praxis.org.uk/> Accessed: 13/04/13

133. The People's Health Movement UK (2009) Shadow Submission on the Right to the Highest Attainable Standard of Health in the United Kingdom for the International Committee on Economic, Social and Cultural Rights, 42nd Session, 4th – 22nd May 2009. In association with Medact and Doctors for Human Rights <http://www.phmovement.org/en/node/2002>

- 12.57 Despite overall increases in midwife numbers over the last ten years, the rising birth rate (particularly in inner-city areas), has meant maternity services do not respond to the needs of all women.¹³⁴ For example, there are significant differentials in maternal health outcomes for different ethnic groups¹³⁵ which highlight the importance of addressing racial inequalities in the social determinants of health. There is evidence of much higher rates of infant mortality in babies born to women who were born abroad and/or who belong to settled BME communities.¹³⁶ Studies reviewed for the NICE Guideline on birth outcomes¹³⁷ showed that migrant women faced numerous barriers in accessing maternity services, of which language and lack of information about the healthcare system were most significant.¹³⁸ A report in 2007 found that women from BME groups have higher maternal mortality rates than other women: 5.6 times higher for Black African women and 3.7 times higher for Black Caribbean women, for example, and BME women had major problems in accessing maternity care.¹³⁹ There is evidence that this has still not improved, for example, pregnant migrant women in Birmingham have to rely on food banks to eat.¹⁴⁰
- 12.58 Women in disadvantaged areas in general do not receive the same quality in care, which negatively impacts their (and their child's) health.¹⁴¹ Teenage mothers are also three times more likely to suffer from postnatal depression and other mental health problems than older mothers and are more likely to delay seeking maternity care by up to five months or more.¹⁴²

Recommendation:

Review policies on maternity care, in particular undertake a review of regulations, guidelines and practice with the aim of ensuring access to maternity services for all women

Women offenders

- 12.59 In 2008 the CEDAW Committee recommended to ensure adequate health, including mental health, services for women in prisons¹⁴³ however we have seen little to address this since then. Women in prison in general report high levels of sickness and poor health – in 2011 83% of women in prison stated that they had long-standing illness compared with 32% of the general female population and three quarters were on medication on arrival at prison.¹⁴⁴ For older female prisoners there are also severe problems in regard to access to appropriate, adequate

134. Healthcare Commission (2008) Towards better births: A review of maternity services in England. Commission for Healthcare Audit and Inspection http://image.guardian.co.uk/sys-files/Society/documents/2008/07/10/Towards_better_births.pdf

135. Lewis, G. (2011) Saving Mother's Lives: Reviewing maternal deaths to make motherhood safer 2006-2008. The eighth report on confidential enquiries into maternal deaths in the UK. The Confidential Enquiry into maternal and child health (CEMACH): London <http://www.cdph.ca.gov/data/statistics/Documents/MO-CAPAMR-CMACE-2006-08-BJOG-2011.pdf>

136. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

137. National Institute for Health and Care Excellence, Intrapartum care (CG55) <http://www.nice.org.uk/CG55> Accessed: 19/04/13

138. Maternity Action (2012) Guidance for Commissioning Health Services for Vulnerable Migrant Women. WHEC: London <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/guidancecommissioninghealthservvulnmigrantwomen2012.pdf>

139. Confidential Enquiry into Maternal and Child Health (2007) Perinatal mortality 2005. CEMACH: London <http://www.erpho.org.uk/viewResource.aspx?id=16203>

140. Lloyd, M. (2012) 'Food crisis gripping Birmingham as pregnant women go days without a meal', Birmingham Mail, 11th April 2012 <http://www.birminghammail.co.uk/news/local-news/food-crisis-gripping-birmingham-as-pregnant-182900>

141. Department of Health (2009) Tackling Health Inequalities: 10 years on. A review of developments in tackling health inequalities in England over the last ten years. DoH: London <http://www.bris.ac.uk/poverty/downloads/keyofficialdocuments/Tackling%20HE%2010%20years%20on.pdf>

142. Platform 51 (2011) Health and wellbeing briefing. Platform 51: London http://www.platform51.org/downloads/resources/infosheets/P51themesheet_healthwellbeing.pdf

143. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 20

144. Prison Reform Trust (2011) Bromley Briefing Prison Factfile, December 2011. PRT: London <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefing%20December%202011.pdf>

healthcare and in-patient treatment whilst receiving healthcare – for example, shackling in hospital following operations.¹⁴⁵

- 12.60 There is a clear link between mental health problems and the likelihood of being sent to prison. Over a third of women who are sent to prison say they've attempted suicide at some time in their life¹⁴⁶ and almost a third have had a previous psychiatric admission before they came into prison.¹⁴⁷ Similarly, there are strong links with having experienced some form of abuse. Up to 50% of women in prison report having experienced violence at home compared with a quarter of male prisoners. One in three women in prison has suffered sexual abuse compared with slightly less than one in ten men. In a case study of 50 prolific self-harmers in women's prisons, 38 reported that they had experienced abuse or rape while 18 had been abused as a child.¹⁴⁸ (See [Appendix: 27 for further information](#))

Alcohol and drugs misuse

- 12.61 Binge drinking is increasing at a faster rate among young women but national alcohol policy takes little account of the differences between men and women.¹⁴⁹ The rate at which young women are drinking heavily has increased dramatically in the last ten years. For example, in 2010 half of 15 year old girls reported being drunk in the past week compared to 37% of boys.¹⁵⁰
- 12.62 Women's drug and alcohol use is often connected to their mental health and experiences of abuse or violence. Heavy drinking puts women at risk of accidents and assault and 12% of girls reported having unprotected sex after drinking alcohol.¹⁵¹
- 12.63 There are higher levels of recreational drug use among lesbian women (79%) and bisexual women (84%) than among heterosexual women (60%)¹⁵² and 40% of LB drink three times a week compared to a quarter of women in general.¹⁵³ However, there are very few drug and alcohol services that are women-only or support certain groups of women to address their specific needs.¹⁵⁴

HIV/AIDS

- 12.64 For social and biological reasons, women are particularly vulnerable to HIV. In 2011 23,800 women were living with HIV in the UK but 25% were unaware of their diagnosis.¹⁵⁵ One third of

145. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

146. Prison Reform Trust (2012) Bromley Briefing Prison Factfile, June 2012. PRT: London <http://www.prisonreformtrust.org.uk/Portals/0/Documents/FactfileJune2012.pdf>

147. Prison Reform Trust (2011) Bromley Briefing Prison Factfile, December 2011. PRT: London <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefing%20December%202011.pdf>

148. Corston, J. (2007) A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the Criminal Justice System. Home Office: London <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

149. Department of Health (2008) The Gender and Access to Health Services Study: Final Report <http://www.sfh-tr.nhs.uk/attachments/article/41/The%20gender%20and%20access%20to%20health%20services%20study.pdf>

150. Platform 51 (2010) Young women and alcohol. Platform 51: London <http://www.platform51.org/downloads/resources/reports/AlcoholReport.pdf>

151. Platform 51 (2010) Young women and alcohol. Platform 51: London <http://www.platform51.org/downloads/resources/reports/AlcoholReport.pdf>

152. King, M. et al. (2003) Mental Health and Quality of Life of Gay Men and Lesbians in England and Wales: Controlled cross-sectional study. Mind: London <http://www.ncbi.nlm.nih.gov/pubmed/14645028>

153. Hunt, R. and Dr. Fish, J. (2008) Prescription for Change: Lesbian and bisexual women's health check. Stonewall: London http://www.stonewall.org.uk/documents/prescription_for_change.pdf

154. Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. Briefing 12: LBT women and substance misuse. WRC: London

155. Health Protection Agency (2011) HIV in the United Kingdom: 2011 report http://www.hpa.org.uk/webc/HPAwebFile/HPAweb_C/1317131685847 Page 5

those who are accessing care for HIV in the UK are women.¹⁵⁶ BMER women are disproportionately affected by HIV: in 2011 an estimated 20,200 African-born women were living with HIV in the UK.¹⁵⁷ (See Appendix: 24 for further information)

12.65 In spite of the advancement of Anti Retro Viral therapy, which has greatly improved life expectancy, women living with HIV in the UK still face a huge burden of stigma and discrimination, including accessing healthcare services,¹⁵⁸ and are extremely vulnerable to gender-based violence.¹⁵⁹ (See General Recommendation 19)

Recommendations:

- **Train clinicians working with women who have suffered violence to be aware of their clients' HIV-risk status and engage in crisis intervention**
- **Integrate gender violence into the national Sexual Health Programme¹⁶⁰**

156. National AIDS Trust, HIV diagnoses 2012 <http://www.nat.org.uk/HIV-Facts/Statistics/Latest-UK-statistics/HIV-Diagnoses.aspx> Accessed: 10/04/13

157. Health Protection Agency (2011) HIV in the United Kingdom: 2011 report http://www.hpa.org.uk/webc/HPAwebFile/HPAweb_C/1317131685847 Page 5

158. PozFem UK (2008) Women HIV and Sexual Health in the UK <http://www.poz-fem-uk.org/docs/WomenHIVandSexualHealth.pdf>

159. Petretti, S. et al. (2012) Forthcoming.

160. Public Health England, Sexual Health Programme <http://www.hpa.org.uk/web/HPAweb&Page&HPAwebAutoListName/Page/1201094614842> Accessed: 16/04/13

Article 13 – Social and economic benefits

- 13.1 Women typically rely on benefits and tax credits more than men for a wide range of reasons - because they have pregnancy and maternity needs, because they are more likely to be the primary carers for the elderly, disabled and children (where they are far more likely to be lone parents), because they are more likely to be victims of violence, and because of their relative economic inequality and the feminisation of poverty (due to their lower earnings and assets).
- 13.2 In fact, on average, one-fifth of a women's income in the UK is made up of welfare payments and tax credits compared to one-tenth for men. Thus benefits make up twice as much of women's income than men's.¹ It is crucial therefore that the Government - in line with its duties under domestic equality law - conducts rigorous assessments on the impact of all proposed changes to welfare on equality between women and men before any such changes are implemented, in order that the full impact can be understood and steps taken to mitigate against adverse impacts wherever possible.
- 13.3 Since 2010, a staggering £14.9bn worth of cuts per year have been made to welfare payments, and analysis shows that 74% of these savings are being taken from women's incomes.² These cuts are resulting in far reaching, multiple and severe implications for women - many of which have not been identified by the Government (as impact assessments have either been insufficiently robust, or omitted completely).
- 13.4 Rising unemployment, falling wages and cuts to benefits are pushing many women from a situation of being able to just about make ends meet into financial hardship and poverty.³ Early research and the reported experiences of women around the UK have demonstrated that the recession and austerity are disproportionately impacting on women. Changes to welfare are particularly affecting already vulnerable groups, such as BME women, single mothers, who make up 92% of all single parents, and older women.⁴
- 13.5 We are very concerned to note that none of these changes have been referred to in the Government's 7th Periodic Report. During the last UPR⁵ there was a recommendation to provide more resources for reforming the welfare system in order to make it better able to tackle poverty and worklessness, and reduce negative impact on vulnerable groups. However, this inequality has been compounded with each Budget since 2010. There are also over 1,200 public bodies across the UK delivering important and essential public services but these are facing severe cuts impacting on their ability to support the most vulnerable.

Recommendations:

- **The Government must develop - in consultation with the voluntary sector - mitigating actions to lessen identified impacts of the current welfare reform and commit to undertaking full gender equality impact assessments of all welfare changes announced**
- **The Treasury must adhere at all times to the requirements of domestic equality**

1. The Fawcett Society (2006) *Who Benefits?: A gender analysis of the UK benefits and tax credits system*. Fawcett: London

2. Martinson, J. (2012) 'Women paying the price for Osborne's austerity package', *The Guardian*, 30th March 2012 <http://www.guardian.co.uk/lifeandstyle/2012/mar/30/women-paying-price-osborne-austerity>

3. Women's Resource Centre (2012) *Factsheet: Women and the cuts 2012* WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/women-and-the-cuts.pdf>

4. Beckford, M. (2012), 'Single-parent families reach two billion'. *The Telegraph*, 20th January 2012 <http://www.telegraph.co.uk/women/mother-tongue/9025234/Single-parent-families-reach-two-million.html>

5. Ministry of Justice, *Universal Periodic Review* <http://www.justice.gov.uk/human-rights/universal-periodic-review> Accessed: 21/04/13

law to assess both the individual and cumulative impact of all future tax and benefit changes on equality between women and men

Changes to the social welfare system and access to family benefits

- 13.6 The overall impact of the tax and benefit changes, particularly when combined with the changes to Housing Benefit, will hit women more than men. Calculations have shown that the cost to women of all changes, including Housing Benefit, will be £5.76bn. (See Appendix: 26) The cost to men will be lower – £2.295bn.⁶ The House of Commons Library analysis of the Comprehensive Spending Review in 2010 found that women would suffer 72% of the tax and benefit cuts proposed by the Emergency Budget.⁷
- 13.7 Linking benefits and tax credits to the Consumer Prices Index (CPI) rather than Retail Price Index (RPI) for inflation targeting was flagged as the biggest change to welfare policy in the June 2010 Budget.⁸ This will affect everybody receiving benefits and tax credits. Benefits, including tax credits, make up a greater percentage of women's total income than men's (18% for women compared to 8% for men). The Institute of Fiscal Studies has estimated that the difference between the CPI and the RPI is likely to be close to 2% each year.⁹ This will mean that the incomes of people on benefits will decline relative to the general population over time. Since women are more likely to be affected, this will increase their poverty relative to men. The CPI is a lower index than the RPI as it does not include housing costs and mortgage interest payments. Thus, the long-term impact of this measure will mean smaller benefit increases in the years ahead, with the effects compounding over time. This difference is small in any one year but, considered over many years, the effect is significant.

Child Benefit and Child Tax Credit

- 13.8 Child Benefit rates have been frozen until April 2014 – amounting to a cut in real-terms. In addition, families with a higher-rate tax payer will no longer be entitled to Child Benefit.
- 13.9 Figures show that 4.6 million women who receive Child Tax Credit (CTC) will be affected by the changes to the benefit which came to force in January 2013 and 98% of those affected by the changes to Child Benefit will be women, including women caring for a child and working women with children.¹⁰
- 13.10 Freezing of Child Benefit, changes to tax credits and reduction or withdrawal of benefits for pregnant women will have a significant and disproportionate impact on women. For some women, Child Benefit is the only income they have in their own right.¹¹ Cuts to this benefit will increase many women's dependence on their partners which will be particularly damaging for women in abusive relationships.¹² Until recently, Child Benefit was a universal benefit paid to the main carer – in 94% of cases the mother - in recognition of the fact that people who have

6. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

7. Stratton, A. (2010) 'Women will bear brunt of budget cuts, says Yvette Cooper', The Guardian, 4th July 2010 <http://www.guardian.co.uk/politics/2010/jul/04/women-budget-cuts-yvette-cooper>

8. Browne, J. and Levell, P. (2010) The distributional effect of tax and benefit reforms to be introduced between June 2010 and April 2014: A revised assessment. Institute for Fiscal Studies <http://www.ifs.org.uk/bns/bn108.pdf>

9. Brewer, M. (2010) Welfare Savings. Institute of Fiscal Studies <http://www.ifs.org.uk/budgets/budgetjune2010/brewer.pdf>

10. Wintour, P. (2013) 'Women are the losers in child benefit cuts, says labour', The Guardian, 6th January 2013 <http://www.guardian.co.uk/society/2013/jan/06/child-tax-credits-women?INTCMP=SRCH>

11. Lister, R. (2010) 'Did the Budget pass the fairness test from the perspective of women and families?', Touchstone, 21st July 2010 <http://touchstoneblog.org.uk/2010/07/did-the-budget-pass-the-fairness-test-from-the-perspective-of-women-and-families/>

12. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

children need more money than people who do not, regardless of income.

- 13.11 With inflation and the cost of living rising steeply, the value of Child Benefit will be cut by over 10% by 2014. By this time, a family with one child will be around £130 a year worse off than if Child Benefit had been increased each year in line with inflation and a family with three children will be £285 a year worse off.¹³ The freeze not only decreases the value of Child Benefit within the three year period, but also erodes its real value permanently as the cost of living rises with inflation. Hence it will permanently reduce the real income of nearly all mothers. It also hits vulnerable low-income families, particularly single mothers, disproportionately hard as Child Benefit represents a larger proportion of their overall income and is often one of their only means of subsistence. Research shows that in the vast majority of cases, Child Benefit is spent directly on meeting the needs of children.¹⁴

Tax credits

- 13.12 There have been a series of changes to tax credits.¹⁵ A number of reductions in entitlements to the CTC were announced in the 2010 budget, including the abolition of the additional 'baby' and 'infant' bonuses. The commitment to increase the 'child element' by £110 above inflation - referred to in the Government's 7th Periodic Report - has since been reneged on representing a cut of almost £1bn per year.¹⁶ Approximately 5.5 million families will lose out as a result of this change.
- 13.13 Although some of the poorest families will gain through the increase in CTC and the increase in the personal tax allowance, a study by the National Family and Parenting Institute concluded that *"these increases are, for many families, off-set by losses from other elements of the benefits and tax credit system"*.¹⁷ This study highlights in particular that a family with two children claiming the basic rate Working Tax Credit (WTC) will lose £80.64 in 2011 rising to £210 by 2012/13, and if they work more than 30 hours a week their losses will be greater – £113.82 in 2011 rising to £297.42 in 2013.¹⁸

Case study:¹⁹

Julia has to scrimp and save, searching out bargains in supermarkets, rationing the use of hot water and heating at home, cutting out little luxuries and treats. She is considering getting rid of her car, which is expensive to run, especially if it fails its MOT. For the first time this year, she and the children didn't go on holiday at all. The most crippling expense facing her is heating. *"With the aid of tax credits we keep our heads above water, but there is no extra for luxuries or holidays. We already struggle with electric bills, so this summer I have been collecting any discarded wood and saving it for when winter comes for the wood burner."*

- 13.14 The planned rise in the personal allowance for income tax to £8,105 in 2012/13 lifts 260,000 people out of taxation, but it does nothing to boost the incomes of the 3,769,525 people

13. Child Poverty Action Group (2012) Save Child Benefit policy briefing, March 2012 <http://www.cpag.org.uk/sites/default/files/CPAG-SaveChildBenefit-070312.pdf> p. 10

14. Child Poverty Action Group (2012) Save Child Benefit policy briefing, March 2012 <http://www.cpag.org.uk/sites/default/files/CPAG-SaveChildBenefit-070312.pdf> p. 10

15. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

16. HM Treasury (2011) Autumn Statement 2011 http://cdn.hm-treasury.gov.uk/autumn_statement.pdf p. 6.

17. Family and Parenting Institute (2011) Families in an age of Austerity: How Tax and Benefit Reforms will affect UK Families. http://www.familyandparenting.org/Resources/FPI/Documents/Main_report_families_in_an_age_of_austerity.pdf

18. Family and Parenting Institute (2011) Families in an age of Austerity: How Tax and Benefit Reforms will affect UK Families. http://www.familyandparenting.org/Resources/FPI/Documents/Main_report_families_in_an_age_of_austerity.pdf

19. From interview in UNISON (2012) 'Making Ends Meet', U Magazine, Autumn 2012

who earn too little to pay tax, 73% of whom are women;²⁰ many of them are also heads of households and with 'protected characteristics', such as ethnic minorities, disabled women, older women, etc.

- 13.15 The cut to the childcare element of WTC will hit parents in paid work. Currently 493,000 families benefit, receiving an average of £69 per week. In April 2011, a 10% cut was made to the level of childcare costs that the WTC covers. Evidence is emerging that this change is having a marked impact on the ability of mothers to combine work and childcare and a survey has found that 24% of mothers have had to give up work as a result of the changes.²¹ (See Appendix: 18) Given that they are the majority of recipients, this change will hit single parents - the vast majority of whom are women - harder, which has been acknowledged by the Treasury. Although childcare should be seen as an issue for all working parents, in practice women are more likely to be second earners in couples and the cost and availability of childcare has a much bigger impact on their ability to stay in work.²² Research by workingmums.co.uk suggested that a quarter of women had left work because of the rising cost of childcare.²³ (See Article 11)

Case Study:²⁴

Beatriz is from Colombia and is also a British citizen. She is a single mother and lives with her two children. She earns the minimum wage and struggles to cover her bills. As a result of the cuts in the level of childcare cost, Beatriz has been forced to reduce her working hours. She has often been forced to leave her young child being cared for by her eldest child as she has no other option if they want to survive.

- 13.16 It is still the case that the poorest pay more of their incomes in tax than the richest²⁵ and despite pleading necessity for cuts to social welfare, the Government felt able to give away potential tax revenue by reducing corporation tax to 25%, extending rate relief for businesses until April 2013 and granting 50% tax relief on business start ups.²⁶ The Chancellor's fuel tax giveaway, which cost the Government £1,900m in 2011/12, benefitted childless couples and single men the most, and lone mothers and single female pensioners the least.²⁷

Recommendations:

- **Protect the social safety-net, by giving Local Authorities in England and Wales sufficient resources to maintain existing levels of Council Tax Benefit; monitoring the effect of the Housing Benefit and overall benefit caps; reversing the switch from RPI to CPI inflation for benefit uprating; maintaining real Child Benefit levels; and reversing cuts to childcare support**
- **Move towards a fairer tax system by clamping down on tax avoidance**

20. Women's Budget Group (2012) The Impact on Women of the Autumn Financial Statement 2011. WBG: London <http://wbg.org.uk/pdfs/The-Impact-on-Women-of-the-AFS-2011.pdf>

21. Working Mums (2011) 'Mums forced to quit work due to tax credit cuts - survey', Working Mums website, 18th May 2011 <http://www.workingmums.co.uk/working-mums-magazine/news/2574511/mums-forced-to-quit-work-due-to-tax-credit-cuts-survey.html>

22. Work and Pensions Committee (2010) White Paper on Universal Credit, written evidence submitted by Women's Budget Group <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmworpen/743/743we43.htm>

23. Beattie, J. (2011) 'One in four women forced to give up work as childcare cuts bite', The Daily Mirror Online, 16th August 2011 <http://www.mirror.co.uk/news/politics/2011/08/16/one-in-four-women-forced-to-give-up-work-as-childcare-cuts-bite-115875-23347671/>

24. Latin American Women's Rights Service <http://www.lawrs.org.uk/> Accessed: 22/03/13

25. Office for National Statistics (2011) The Effects of Taxes and Benefits on Household Income 2009/10. ONS: London <http://www.ons.gov.uk/ons/rel/household-income/the-effects-of-taxes-and-benefits-on-household-income/2009-2010/index.html>

26. Women's Budget Group (2012) The Impact on Women of the Autumn Financial Statement 2011. WBG: London <http://wbg.org.uk/pdfs/The-Impact-on-Women-of-the-AFS-2011.pdf>

27. Women's Budget Group (2012) The Impact on Women of the Autumn Financial Statement 2011. WBG: London <http://wbg.org.uk/pdfs/The-Impact-on-Women-of-the-AFS-2011.pdf>

Welfare reform and Universal Credit

- 13.17 The Government believes that the benefits system has “trapped too many families and children in welfare dependency”²⁸ however, for many women this system is a lifeline that enables them to support themselves and their families. Welfare reform will result in a negative impact on gender equality as twice as many women (30%) as men (15%) rely on state support for at least three quarters of their income.²⁹
- 13.18 Welfare entitlements are crucial in helping women cope with the costs of pregnancy and a new child, a time when many families are under considerable financial pressure. However, two key grants to support the costs of pregnancy and maternity have been cut: The Health in Pregnancy Grant was abolished in January 2011 - this was a universal grant of £190 available to all mothers to promote child and maternal health and engagement with health services. The Sure Start Maternity Grant was paid to low-income women from the 29th week of pregnancy but is now only payable to women pregnant with their first child thus penalising families who have any subsequent children. The grant is a one-off payment available to low-income households receiving an out-of-work benefit, to help towards the cost of maternity and baby items. This cut amounts to a loss of £500 for low-income mothers and will affect 150,000 families.³⁰ Families with female heads of household will be disproportionately affected and also BME women who are more likely to live in poverty. (See more below)
- 13.19 Controversial reforms are also being made to the way disability payments are paid, with all Employment Support Allowance (ESA) and Disability Living Allowance (DLA) claimants currently being reassessed. (See Appendix: 36 for further information)

Case study:³¹

“[On benefits] you don’t get enough to live on. £65 or £67 a week, for an adult, is not enough. Sometimes I think, “I am a single person and I struggle, what about families of six kids?””

Jo, unemployed, Bradford

- 13.20 The Welfare Reform Act³² became law in March 2012. Large-scale changes within the Act to how people in the UK receive their benefits will be introduced from October 2013. Universal Credit will replace all the different benefits that people can currently claim (non-contributory Job Seekers Allowance (JSA), Working and Child Tax Credits, ESA, Housing Benefit, Income Support and Council Tax Benefit), consolidating them into one monthly payment, which will be mainly managed online. It will mean a single system of support for people moving in and out of work without needing to make separate claims paid out as a single monthly payment, and the Government is proposing that for couples, one person should claim Universal Credit on behalf of the family. Concerns have been raised about the potential impact on gender equality of the way in which Universal Credit will be paid³³ as second earners in couples (usually the woman) will be worse off under this system. Paying benefits to only one member

28. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

29. The Fawcett Society (2006) Who Benefits?: A gender analysis of the UK benefits and tax credits system. Fawcett: London

30. Family Action (2011) Born broke: The impact of welfare measures announced by the Government on parents with new children. <http://www.family-action.org.uk/uploads/documents/parents%20with%20new%20children.pdf>

31. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

32. Welfare Reform Act 2012 <http://www.legislation.gov.uk/ukpga/2012/5/contents/enacted>

33. Women’s Budget Group (2011) Welfare Reform Bill, Women’s Budget Group evidence to Public Bill Committee 22.03.11 http://wbg.org.uk/RRB_Reports_6_3769269156.pdf

of the household could create or exacerbate an imbalance of power within a family or relationship dynamic.³⁴

- 13.21 The Reform Act focuses on improving incentives for first earners (more likely to be men) rather than for second earners (more likely to be women). There have also been significant cuts to childcare support, which make it harder for women to enter or progress in employment,³⁵ (See Article 11) and to other family benefits. The effect of the credit is likely to discourage women with working partners to return to paid work after the birth of a child. This will leave many women without an independent income, more vulnerable to violence and financial control and abuse due to unequal power relationships and at risk of poverty if the couple separate. Cash support for childcare is to be spread more thinly under Universal Credit, meaning that many families on low-incomes will be worse off in work once childcare costs are taken into account. Already, the average second earner in the UK keeps only 32% of their earnings once childcare costs are taken into account, compared with 48% on average in OECD countries.³⁶ (See Appendix: 18)
- 13.22 The Government want to look at how Universal Credit can support non-traditional work patterns such as ‘mini jobs’ to support people back into work, offering an incentive to work and reducing the risk of making the transition into paid work.³⁷ Some women may gain from this because they will be able to combine Universal Credit with ‘mini-jobs’ of less than 16 hours a week. However, others may lose out depending on the way the credit is calculated.³⁸ In fact this might also lead to women who are currently working more than 16 hours to reduce their working hours to 16 because they are better off.
- 13.23 Combined with a single household-level payment for all benefits, Universal Credit threatens to increase intra-household inequality of access to income, and the use of stronger conditionality that particularly affects women. The way in which Universal Credit is being pursued will have a differential impact on women,³⁹ leaving 150,000 of the UK’s poorest single working mothers up to £68 a week worse off and unable to make ends meet and pushing a quarter of a million children deeper into poverty.⁴⁰ The Government has also acknowledged this with Chris Grayling, the Minister of State for the Department for Work and Pensions (DWP) saying in 2011 that “research has suggested that, particularly in low-income households, the [...] assumption with regard to income sharing within couples is not always valid as men sometimes benefit at the expense of women from shared household income.”⁴¹
- 13.24 Universal Credit will also be paid as a single monthly payment. At the moment some benefits are paid fortnightly, while tax credits are paid monthly. The Women’s Budget Group⁴² argues that this will cause problems with budgeting for some families. This will particularly impact on women

34. Women’s Resource Centre (2012) Factsheet: Women and the cuts 2012 WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/women-and-the-cuts.pdf>

35. Hirsch, D. (2011) Childcare Support and the Hours Trap. Resolution Foundation and Gingerbread http://www.resolutionfoundation.org/media/media/downloads/Childcare_support_the_hours_trap.pdf

36. Organisation for Economic Cooperation and Development (2011) Doing Better for Families. http://www.oecd.org/document/49/0,3746,en_2649_34819_47654961_1_1_1_1,00.html

37. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

38. Citizens Advice Bureau (2011) Universal Credit: An exploration and key questions http://www.citizensadvice.org.uk/universal_credit_an_exploration_and_key_questions-2.htm

39. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

40. Save the Children (2012) ‘Press release: Welfare reforms to hit poorer working women, pushing 250,000 children deeper into poverty’, Save the Children website, 13th March 2012 <http://www.savethechildren.org.uk/node/2457>

41. The Fawcett Society (2011) The Impact of Austerity on Women. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

42. Women’s Budget Group <http://www.wbg.org.uk/> Accessed: 21/03/13

because in low-income households it is usually the woman who is responsible for managing day to day spending and balancing the family budget. Women tend to be the 'shock absorbers' of poverty going without in order to ensure other family members are fed and clothed.⁴³ Worryingly a survey in 2012 found that as a result of reduced incomes, one in five mothers are missing meals so that their children can eat.⁴⁴

- 13.25 It has been argued that these reforms also undermine the increase in personal tax allowance. As Universal Credit will be assessed on post-tax income, it has been calculated that low earners who are eligible for Universal Credit payments will receive £130 less from their tax allowance increase than those who do not receive benefits.⁴⁵
- 13.26 An additional concern is that Universal Credit payments will only be processed online. This raises questions about accessibility and will disproportionately affect women unable to access the internet, BME women, disabled women and women with learning difficulties, and women facing language barriers, particularly migrant women. Women's NGO Latin American Women's Rights Service⁴⁶ have already found that many women are expressing their anxiety about the introduction of Universal Credit and how are they going to access this system. This will put enormous pressure on already overstretched charities, particularly those working with BME women and others with 'protected characteristics'.

Recommendation:

Measures must be put in place to mitigate the possible exacerbation of women's economic disempowerment within a couple under Universal Credit and to monitor the impact on women's economic independence of the new system. These measures should include directly paying all or part of Universal Credit to women

- 13.27 The welfare reforms have sparked public protests and opposition from many experts within the public and voluntary and community sector and from academics and some sections of the media.⁴⁷ Introducing monthly payments would particularly affect women's refuges, as a substantial proportion of refuge income is based on benefit payments, which cover rental charges. (See Appendix: 5) After extensive campaigning by VAWG support services, the Government has confirmed that rent payments for refuges will be exempt from Universal Credit reforms.⁴⁸
- 13.28 Under Universal Credit, conditionality will extend to those in work. There will be an obligation for people in work to raise their income above a certain level – which will vary for different groups of people – and sanctions will be applied if they do not. This measure will disproportionately affect more vulnerable women such as BME and disabled women already struggling to make ends meet and overrepresented in low-skilled and low-paid jobs and in certain industries such as cleaning and catering.⁴⁹ Benefits such as JSA are already conditional on a claimant seeking work. People who a job centre believes are not actively seeking work can face sanctions,

43. Women's Budget Group (2005) Women's and Children's Poverty: Making the links. WBG: London <http://www.wbg.org.uk/documents/WBGWomensandchildrenspoverty.pdf>

44. Netmums (2012) Feeling the Squeeze survey results http://www.netmums.com/files/Feeling_the_Squeeze_Survey_Summary.pdf

45. Gingerbread (2012) Unintended consequences: How how the structure of Universal Credit undermines the coalition commitment to support low income workers through raising the personal tax allowance threshold <http://tinyurl.com/8mao44d>

46. Latin American Women's Rights Service <http://www.lawrs.org.uk/> Accessed: 22/03/13

47. Himmelweit, S. (2012) 'Welfare reform Bill will erode women's financial independence', The Guardian, 23rd January 2012 <http://www.guardian.co.uk/commentisfree/2012/jan/23/welfare-reform-bill-women-independence>

48. Lloyd, T. (2012) 'Refuges win exemption from direct payment', Inside Housing website, 6th November 2012 <http://www.insidehousing.co.uk/care/refuges-win-exemption-from-direct-payment/6524537.article>

49. McIlwaine, C. (2011) No Longer Invisible: The Latin American community in London. Queen Mary University of London, Latin American Women's Rights Service and Trust for London. <http://www.trustforlondon.org.uk/No%20Longer%20Invisible%20report.pdf>

including loss of benefits. Sanctions will become more severe with the introduction of Universal Credit.⁵⁰ Someone who does not take part in Mandatory Work Activity (MWA) can lose benefits for 13 weeks for a first 'offence' and 26 weeks for a second. Citizens Advice nationally has raised concerns that sanctions are already being applied unfairly:

- 13.29 *"Case evidence reported by bureaux to Citizens Advice highlights that many claimants are sanctioned apparently inappropriately; others, it is clear, do not know why they have been sanctioned, and get no explanation or warning in advance of the sanction being applied. Cases highlight the impact of sanctions on the most vulnerable claimants. They are often vulnerable clients with learning disabilities who have failed to understand what is required of them, or who haven't attended courses or applied for jobs because the options have been inappropriate to their disabilities or levels of literacy."*⁵¹
- 13.30 There have also been national newspaper reports that DWP staff in some areas have been setting targets to sanction people.⁵² The Government admitted that some job centre managers 'misunderstood' the sanctions system and had been setting targets⁵³ and claims that this has been stopped but it has been reported by a number of Department staff that the policy is still continuing in their area and that as a result staff are deliberately targeting the most vulnerable people, including people with learning difficulties and poor English in order to find an excuse to apply a sanction.⁵⁴ Women who have experienced domestic or sexual violence have reported being sanctioned when they were unable to attend appointments or interviews as a result of their trauma following attack.

Increasing cost of living

- 13.31 The privatisation of many public utilities and services has impacted on their affordability and so has had an impact on women's access to these. Prices have risen rapidly,⁵⁵ particularly in 2008 and 2011, even as the economy has stagnated. This inflation has been driven by food and fuel prices, both of which account for a high proportion of the spending of people living in poverty. In addition, people living in poverty have to pay more than rich people for basic necessities such as gas, electricity, and banking. This 'poverty premium' is estimated to cost them an additional £1,170 a year.⁵⁶

50. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

51. Citizens Advice Bureau (2009) Submission to the Social Security Advisory Committee on the JSA (skills training conditionality pilot) regulations 2010 <http://tinyurl.com/d748ajz>

52. Domokos, J. (2011) 'Jobcentres 'tricking' people out of benefits to cut costs, says whistleblower', The Guardian, 1st April 2011 <http://www.guardian.co.uk/politics/2011/apr/01/jobcentres-tricking-people-benefit-sanctions>

53. Domokos, J. (2011) 'Government admits Jobcentres set targets to take away benefits', The Guardian, 8th April 2011 <http://www.guardian.co.uk/politics/2011/apr/08/jobcentres-benefits-sanctions-targets>

54. Domokos, J. (2011) 'Government admits Jobcentres set targets to take away benefits', The Guardian, 8th April 2011 <http://www.guardian.co.uk/politics/2011/apr/08/jobcentres-benefits-sanctions-targets>

55. Roberts, Y. (2012) 'The cost of living timebomb that's ticking for us all', The Guardian, 26th August 2012 <http://www.guardian.co.uk/commentisfree/2012/aug/26/yvonne-roberts-working-people-hit-by-cuts>

56. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

Case study:⁵⁷

“As a civil servant I haven’t had a pay rise for three years, but each January, my costs go up. Bus fares go up, train fares go up, petrol is constantly fluctuating up and down at the moment, food obviously ... so when I buy food now it’s got to be stuff I know we’re going to eat – nothing can go in the bin.”

Dionne, mother of two, London

- 13.32 The fuel duty freeze benefits women far less than men (because women are far less likely to own cars), and lone mothers and single female pensioners the least.⁵⁸ Ironically the cost of extending the fuel tax giveaway until August 2011 - £975m - was exactly the same amount the Chancellor saved in 2012-13 by not introducing the above-inflation increase in the child element of the CTC.

Case study:⁵⁹

“I look at the amount of food I used to buy: I could spend £10 or £15 a week, and I would have loads of food; now, when I look at it, I have half a bag of food. And I don’t want to buy stodgy white bread, because it’s processed food. You want to keep your diet to a good standard.”

Jo, unemployed, Bradford

Case study:⁶⁰

Andrea is a single mother of three in Newport, South Wales, the youngest being two years old. She feels that the cost of food, electricity and gas, and clothes has risen sharply. She has to budget more and more carefully when she goes shopping, and can no longer afford to buy treats for the children without thinking twice. *“I have to think a lot more about where the money goes. I prioritise fruit and vegetables rather than sweets and crisps. I always try to pass toys and clothes on from the older children to the youngest, and when I do buy clothes, I look at the quality of the material and buy clothes that will last. I buy bigger sizes so that the children will grow into the clothes. I worry about the children getting older and demanding more things. It is difficult when we live in a society that is so built around consumption.”*

Women’s incomes

- 13.33 Within four months from May-August 2011, there was an 8% drop recorded in women’s incomes from £1,935 (May 2011) to £1,777 (Aug 2011).⁶¹ Women are losing income through the scrapping, freezing, down-rating, limiting and capping of benefits which help to lift low-income women and families with children out of poverty. Low-income women are hardest hit by the rising cost of living and the increase in VAT to 20% affects lone mothers and couples with children the most.⁶²

57. Oxfam (2012) *The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty*. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

58. Women’s Budget Group (2011) *Gender Analysis of the Changes in Indirect Taxes Introduced by the Coalition Government, 2010-11*. WBG: London www.wbg.org.uk/pdfs/Indirect_tax_Budget_2011_final_report_June_20.pdf

59. Oxfam (2012) *The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty*. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

60. Oxfam (2012) *The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty*. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

61. Oxfam (2012) *The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty*. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

Therefore women are facing a double hit from the higher cost of living and reduced income that is pushing many women and children into poverty.

- 13.34 Women have a lower percentage of all other types of wealth-building products. They have fewer Individual Savings Accounts (ISAs) (35% vs. 41% – men), stocks and shares investments (12% vs. 22% – men) and premium bonds (21% vs. 28% – men).⁶³ Women’s access to credit also has various barriers, from gender stereotyping when women seek loans as private customers to disparities between how male and female entrepreneurs are treated by lenders. There are ongoing discriminatory practices in the UK ranging from prejudice against female entrepreneurs seeking business loans and female home-buyers seeking mortgages, to an indication of discriminatory practices against would-be mortgage-holders who are pregnant or on maternity leave.⁶⁴ Encouraging female entrepreneurs, ensuring that the UK’s high street banks are providing fair access to credit for applicants regardless of their gender, and mitigating against stereotyping in lending practices are duties for the Government and the banks themselves.⁶⁵ Discriminatory practices have been reported⁶⁶ by many of the UK’s largest high street banks which include cases where the bank disregarded a woman’s own statement that she would return to work after her maternity leave, instead making the decision on her behalf that they ‘could not be sure she would be committed to her job’ after giving birth even though most UK women return to work within six months.⁶⁷ It is even common practice to ask employers for a statement when they certify the date that a woman is going to come back from maternity leave. Considering maternity regulations in the UK, such statements are very difficult to obtain.

Poverty

- 13.35 Poverty has significant long-term impacts on people’s overall health and wellbeing that also raises human rights issues.⁶⁸ Women are already at greater risk of poverty than men⁶⁹ and are more likely to suffer recurrent and longer spells of poverty (22% of women have a persistent low-income compared to 14% of men⁷⁰), which negatively impacts their physical and mental health. (See Article 12) There is plenty of recent research about the feminisation of poverty which is now an undeniable reality.⁷¹ Women are the main ‘shock absorbers’ of poverty of households⁷² and feel the pressures of managing on a low budget most. Single parent families, the vast majority of whom are women, are more likely to be below the poverty line. Government figures show that women are slightly more likely than men to live in a poor household (21% against 20%⁷³), although this does not consider the distribution of resources within households, since all poverty figures are collected at the household level. From what we know about the

62. Women’s Budget Group (2012) *The Impact on Women of the Autumn Financial Statement 2011*. WBG: London <http://wbg.org.uk/pdfs/The-Impact-on-Women-of-the-AFS-2011.pdf>

63. Women’s Budget Group (2012) *The Impact on Women of the Autumn Financial Statement 2011*. WBG: London <http://wbg.org.uk/pdfs/The-Impact-on-Women-of-the-AFS-2011.pdf>

64. Hertz, N. (2011) *Women and Banks: are female customers facing discrimination?* IPPR: London <http://www.ippr.org/publications/55/8186/women-and-banks-are-female-customers-facing-discrimination>

65. McRobie, H. (2012) ‘Don’t bank on gender equality from the UK high street’ *Open Democracy*, 22nd June 2012 <http://www.opendemocracy.net/5050/heather-mcrobie/don%E2%80%99t-bank-on-gender-equality-from-uk-high-street>

66. Mumsnet <http://www.mumsnet.com/> Accessed: 15/04/12

67. McRobie, H. (2012) ‘Don’t bank on gender equality from the UK high street’ *Open Democracy*, 22nd June 2012 <http://www.opendemocracy.net/5050/heather-mcrobie/don%E2%80%99t-bank-on-gender-equality-from-uk-high-street>

68. British Institute of Human Rights, *Poverty and Human Rights Project 2009–2011* <http://www.bih.org.uk/projects/poverty> Accessed: 13/04/13

69. Women’s Budget Group (2005) *Women’s and Children’s Poverty: Making the links*. WBG: London <http://www.wbg.org.uk/documents/WBGWomensandchildrenspoverty.pdf>

70. The Fawcett Society (2007) *Women and Money: a briefing*. Fawcett: London

71. Donald, K. (2012) ‘The feminisation of poverty and the myth of the ‘welfare queen’’, *Open Democracy*, 6th March 2012 <http://www.opendemocracy.net/5050/kate-donald/feminisation-of-poverty-and-myth-of-welfare-queen>

72. Women’s Budget Group (2005) *Women’s and Children’s Poverty: Making the links*. WBG: London <http://www.wbg.org.uk/documents/WBGWomensandchildrenspoverty.pdf>

73. Department for Work and Pensions (2011) *Households Below Average Income: An analysis of the income distribution 1994/5–2009/10*. DWP: London http://research.dwp.gov.uk/asd/hbai/hbai2010/pdf_files/full_hbai11.pdf

allocation of resources within households, and in view of the persistent gender pay gap in the UK, it is likely that government figures understate the extent to which women are more likely than men to be in poverty – which is problematic in itself.⁷⁴

Case study:⁷⁵

"I always worry when I make a dish that it might not be enough. And if a friend should appear with my children at dinner time, they're always welcome – I give up my plate."

Jean, Glasgow

Case Study:⁷⁶

Sandra, a single mother from Latin America, works 21 hours per week cleaning offices earning £841 a month. She has two children. Her electricity bill has increased from £20 to £50 a month and food prices have risen. At the same time her housing allowance has been cut. She is struggling to provide for her children. *"I have been trying to save money by going to [the supermarket] between 9 and 10pm when there are discounts and walking to my workplace to save on travel expenses. As a family we are struggling to survive."*

- 13.36 Being born poor is possibly the single biggest risk factor in becoming a poor adult: social mobility in the UK has slowed over the past 30 years, and is low by international standards.⁷⁷ People living in poverty are effectively excluded from participating in the normal activities that are part of everyday life in a 'developed' country.⁷⁸ Poverty in the UK is about low-incomes and material deprivation, but it is also about social exclusion, stigmatisation, and health inequalities.⁷⁹

Recommendation:

The Government must prioritise social and economic investment, and target that investment in pro-poor ways using a gender lens. The Government can ensure that it protects the services upon which women in poverty most rely while helping to boost demand and provide investment in the long-term

Child poverty

- 13.37 In 2010 the Government assured us that *"measures to tackle the deficit in the Emergency Budget and Spending Review will not lead to any measureable increase in child poverty over the next two years."*⁸⁰ They also said that they will *"ensure that child poverty concerns are built into policy-making across government"*.⁸¹ However, we know that women's and children's poverty are inextricably linked⁸² and so there can only be an increase in child poverty in the long-term if

74. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

75. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

76. Latin American Women's Rights Service <http://www.lawrs.org.uk/> Accessed: 22/03/13

77. Government Equalities Office (2010) An anatomy of economic inequality in the UK: Report of the National Equality Panel. GEO: London http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/27_01_10_inequalityfull.pdf

78. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

79. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

80. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

81. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

82. Women's Budget Group (2005) Women's and Children's Poverty: Making the links. WBG: London <http://www.wbg.org.uk/documents/WBGWomensandchildrenspoverty.pdf>

welfare changes continue to affect women disproportionately.

- 13.38 Poorer children on average experience poorer health during their childhoods and the effects of this last throughout their lives. Three-year-olds in households with incomes below about £10,000 are 2.5 times more likely to suffer chronic illness than children in households with incomes above £52,000.⁸³ Children growing up in poverty experience significant long-term impacts on their health, educational attainment, employment opportunities and life expectancy.⁸⁴
- 13.39 It has been estimated that Government's plans will push 600,000 more children into poverty by 2013.⁸⁵ Britain's exceptionally high levels of child poverty already cost £25bn a year.⁸⁶ By 2020 one quarter of our children will be growing up in poverty and UNICEF has said that this is a direct result of the Government's cuts.⁸⁷

Housing and homelessness

- 13.40 Since 2010 a wide array of cuts and caps to Housing Benefit (support for housing costs for those on low/no income) have been introduced. The National Housing Foundation has warned that benefit reductions could put 200,000 people at risk of losing their homes.⁸⁸ These changes will have a particularly damaging impact on women as they constitute the majority of recipients of Housing Benefit: ⁸⁹ single women constitute approximately 50% of recipients, with couples composing around 20% and single males 30%.⁹⁰ It is expected that 60% of single women, many of whom are lone parents, will receive less Housing Benefit under the housing benefit cap, compared to 3% of single men.⁹¹ 47% of those affected will have children, of which 32% will be lone parents.⁹² (See Appendix: 15) Overall, almost one million more women claim Housing Benefit than men – many of whom will be single mothers at risk of poverty.

Case study:⁹³

"It [the housing benefit cap] fills me with dread and I've tried to move to a flat instead of a house which is about £50 cheaper per month, but no one will touch me because I'm a [social] housing tenant. So when these changes take place, I will have to end my contract here and probably go homeless – they aren't leaving me with any choice."

Single mother, London.

83. Barnardo's, Child poverty statistics and facts http://www.barnardos.org.uk/what_we_do/our_projects/child_poverty/child_poverty_what_is_poverty/child_poverty_statistics_facts.htm Accessed: 15/04/13
84. Government Equalities Office (2010) An anatomy of economic inequality in the UK: Report of the National Equality Panel. GEO: London http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/27_01_10_inequalityfull.pdf
85. Institute for Fiscal Studies (2011) Child and Working-Age Poverty from 2010 to 2020. IFS: London <http://www.ifs.org.uk/comms/comm121.pdf>
86. Hirsch, D. (2008) Estimating the costs of child poverty. Joseph Rowntree Foundation: London <http://www.jrf.org.uk/publications/estimating-costs-child-poverty>
87. In UNISON (2012) InFocus July 2012. UNISON: London <http://www.unison.org.uk/Acrobat/IF2012.07.pdf>
88. ACEVO (2010) Squaring the Circle: How charities can help Government cut spending whilst protecting society's most vulnerable <http://tinyurl.com/5vhc79t>
89. Stephenson, M. and Harrison, J. (2011) Unravelling Equality: A Human Rights and Equality Impact Assessment of the Spending Cuts on Women in Coventry. A Joint Report of the Centre for Human Rights in Practice, University of Warwick and Coventry Women's Voices <http://www2.warwick.ac.uk/fac/soc/law/chrp/projectss/humanrightsimpactassessments/cwv/>
90. Department for Work and Pensions (2010) Equality impact assessment housing benefit. Welfare and Wellbeing Group <http://www.dwp.gov.uk/docs/lha-and-carers-eia.pdf>
91. Department for Work and Pensions (2011) Housing Benefit Cap: Equality Impact Assessment <http://tinyurl.com/438o5yy>
92. Department for Work and Pensions (2010) Equality Impact Assessment Housing Benefit – Changes to the Local Housing Allowance arrangements and Housing Benefit size criteria for people with non-resident overnight carers. www.dwp.gov.uk/docs/lha-eia-nov10.pdf
93. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

- 13.41 Homelessness, including female homelessness, is on the rise.⁹⁴ Government figures released in 2012 showed a 23% increase in rough sleepers⁹⁵ and a 14% increase in households accepted as homeless.⁹⁶ Despite this, there has also been a reduction in the national supply of all types of supported accommodation⁹⁷ and between 2011 and 2012 there was a 40% drop in the proportion of homelessness services specifically targeted at women.⁹⁸ 35% of women who have slept rough left home to flee domestic violence and on average have more support needs than those who do not sleep rough.⁹⁹ A 'one size fits all' approach does not work in homelessness services. There are few women-only shelters or accommodation and those that do exist are not fully accessible to all women or appropriate to their needs and are often overstretched with few places available. (See Appendix: 26 for further information)

Black and minority ethnic women

- 13.42 CEDAW General Recommendation 28¹⁰⁰ indicates that policy must identify women within the jurisdiction of the State as rights-bearers, with particular emphasis on the groups of women who are most marginalised and who may suffer from various forms of intersectional discrimination. However, the cuts to welfare benefits are already having, and will continue to have, a greater impact on BME women as 40% of ethnic minority women live in poverty, twice the proportion of white women:¹⁰¹ 38% of Black women and 64% of Pakistani and Bangladeshi women, compared with 20% of white women.¹⁰² More than one in five people moving into adult services also come from a BME community.¹⁰³

Case study:

"We provide services to Latin American women in the UK, one of the most invisible groups of minority women affected by multiple discrimination on the grounds of gender, race, language and migration status. We have experienced a 40% increase in demand in one year. Women come here in desperate situations and are reporting the effects of cuts in benefits and anxiety about forthcoming cuts and changes in the welfare system. This is affecting their physical and emotional health. 80% of our users are heads of households working in low-skilled low-paid jobs with fragmented and unsocial hours, particularly in the cleaning sector. 45% live in inadequate housing and are at risk of homelessness. 11% earn below the National Minimum Wage. Most of them experience 'in work' poverty struggling to make ends meet."

Latin American Women's Rights Service¹⁰⁴

94. Fitzpatrick, S. et al (2011) The Homelessness Monitor: Tracking the impacts of policy and economic change in England 2011-2013. Crisis: London <http://www.crisis.org.uk/publications-search.php?fullitem=332>
95. Department for Communities and Local Government (2012) Rough Sleeping Statistics England - Autumn 2011. DCLG: London https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7381/20936571.pdf
96. Department for Communities and Local Government (2013) Live tables on Homelessness <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness> Accessed: 15/04/13
97. Homeless Link (2012) HomelessWatch: Survey of Needs and Provision 2012 <http://homeless.org.uk/snap2012#.UMnbiGGWodU>
98. From 20% of all homelessness services in 2011 to 12% in 2012 - Homeless Link (2012) HomelessWatch: Survey of Needs and Provision 2012 <http://homeless.org.uk/snap2012#.UMnbiGGWodU>
99. St Mungo's (2011) Battered, Broken and Bereft - new rough sleeping report http://www.mungos.org/press_office/1002_battered-broken-bereft-new-rough-sleeping-report
100. CEDAW General Recommendation No. 28 The Core Obligations of States Parties under Article 2 of CEDAW (forty-seventh session, 2010) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>
101. The Fawcett Society (2009) Poverty Pathways: Ethnic minority women's livelihoods. Fawcett and Oxfam: London http://www.womens.cusu.cam.ac.uk/campaigns/bem/fawcett_ethnicminoritywomen.pdf
102. Warburton Brown, C (2011) Exploring BME Maternal Poverty: The financial lives of ethnic minority mothers in Tyne and Wear. Oxfam GB: Oxford <http://policy-practice.oxfam.org.uk/publications/exploring-bme-maternal-poverty-the-financial-lives-of-ethnic-minority-mothers-i-120665>
103. Giving Us a Voice, Charter for Inclusion <http://givingusavoice.org.uk/charter-for-inclusion-sign-up/> Accessed: 21/03/2013
104. McIlwaine, C. (2011) No Longer Invisible: The Latin American community in London. Queen Mary University of London, Latin American Women's Rights Service and Trust for London. <http://www.trustforlondon.org.uk/No%20Longer%20Invisible%20report.pdf>

- 13.43 BME mothers are highly likely to experience poverty in the UK, both as a direct result of racial and gender discrimination, and through the very fact of being a mother. Many BME mothers 'go without', have unequal access to the household purse, have limited access to money and experience material deprivation.¹⁰⁵ The introduction of Universal Credit and the single payment will disproportionately affect BME women. Many BME women have so little access to money that their husbands are in control of all aspects of their lives.¹⁰⁶ Inequality within households has allowed the active abuse and control of BME women's access to money by their partners.¹⁰⁷ This situation will be exacerbated by the single payment of Universal Credit going to the highest earner, most likely to be a man, and will make many BME women more vulnerable to financial and other forms of violence and abuse.
- 13.44 BME women get trapped in low-paid, part-time work because of discrimination and because they tend to be the jobs they can fit around their caring responsibilities. Current provisions also make childcare inaccessible to many ethnic minority women, directly affecting their earning potential. (See Appendix: 18) BME women have the least access to free childcare, use childminders more than other groups, and pay for all or part of this minding at twice the rate of the next highest paying group.¹⁰⁸ BME women are also disproportionately likely to be lone mothers. The rising cost of living, reduced income and cuts in benefits are already in particular affecting BME women and children pushing many below the poverty line.

Case study:¹⁰⁹

Susana, a BME woman head of household, works part-time and receives some benefits. She gets up at 3am and has to take four buses to reach her different workplaces cleaning offices. She collects her older child from school and then goes to work again in the evenings when offices close. She earns the minimum wage and has to cover childcare costs of £10 per hour. As a result of cuts in her Housing Benefit and other benefits she was forced to withdraw her child from care. She is currently leaving her youngest son under the care of her oldest daughter while she goes to work. *"I know this is not right but I don't have any other choice. We have to eat and pay the rent, so I have to work."*

- 13.45 Asylum seeking women are being forced into poverty by insufficient financial support, such as limited short-term 'Section 4' support, that does not adequately recognise the additional costs of pregnancy and child-rearing.¹¹⁰ (See Article 9 for further information)
- 13.46 Research has shown the complex nature of the multifaceted issues that some BME women face, highlighting the need for specialist BME women's services to adequately cater for their needs and the enormous value of providing these services, including advice on economic and social benefits and VAWG.¹¹¹ However these services are currently under threat and are experiencing cuts in funding at a time of increased demand. If these organisations disappear

105. Warburton Brown. C (2011) Exploring BME Maternal Poverty: The financial lives of ethnic minority mothers in Tyne and Wear. Oxfam GB: Oxford <http://policy-practice.oxfam.org.uk/publications/exploring-bme-maternal-poverty-the-financial-lives-of-ethnic-minority-mothers-i-120665>

106. Warburton Brown. C (2011) Exploring BME Maternal Poverty: The financial lives of ethnic minority mothers in Tyne and Wear. Oxfam GB: Oxford <http://policy-practice.oxfam.org.uk/publications/exploring-bme-maternal-poverty-the-financial-lives-of-ethnic-minority-mothers-i-120665>

107. The Fawcett Society (2009) Poverty Pathways: Ethnic minority women's livelihoods. Fawcett and Oxfam: London http://www.womens.cusu.cam.ac.uk/campaigns/bem/fawcett_ethnicminoritywomen.pdf

108. The Fawcett Society (2009) Poverty Pathways: Ethnic minority women's livelihoods. Fawcett and Oxfam: London http://www.womens.cusu.cam.ac.uk/campaigns/bem/fawcett_ethnicminoritywomen.pdf

109. Latin American Women's Rights Service <http://www.lawrs.org.uk/> Accessed: 22/03/13

110. Querton, C. (2012) "It feels like as a woman I'm not welcome": A gender analysis of UK law, policy and practice. Asylum Aid: London http://www.asylumaid.org.uk/data/files/ifeelasawoman_reportv2.pdf

111. Women's Resource Centre (2011) Hidden Value: Demonstrating the extraordinary impact of women's voluntary and community organisations. WRC: London http://thewomensresourcecentre.org.uk/wp-content/uploads/hidden_value_wrc_sroi_report_2011_22.pdf

BME women would be left in a desperate situation with nowhere to go for culturally appropriate advice and support. (See Appendix: 4 and 5)

Recommendations:

- **Carry out a full equality impact assessment of the changes in the welfare system and how they are affecting BME women subjected to multiple discrimination and put corrective actions in place to mitigate negative effects**
- **The Government and particularly Local Authorities should ensure that funding for specialist BME women's organisations is provided and increased and that they can continue providing valuable services to BME women**

Disabled women

13.47 From April 2011 people claiming Incapacity Benefit (IB) have been moved onto ESA. There is also a 20% cut to the DLA¹¹² and the Government's Welfare Reform Bill has abolished DLA for working age adults (16-64 years of age) who will need to be reassessed for the new benefit, the Personal Independence Payment (PIP).

13.48 Although not all the changes to disability benefits will disproportionately affect women, they will have a serious impact on the incomes of disabled women and women carers. The changes to disability benefits may lead to a significant drop in income for some groups of women, particularly those who were receiving IB but are assessed as not being entitled to ESA. This may leave these women in poverty with implications for their human rights. Additionally, the new PIP consultation does not take into account extra costs related to being female e.g. higher costs for 'personal care' issues. In addition to the stress caused by the assessment for ESA, disabled people will also lose out from the move to limit contributory ESA to one year for people who are in the Work Related Activity Group (WRAG). This means that people with assets, savings or a working partner will no longer receive benefits. This will particularly affect disabled women, women who are carers and the partners of disabled people.¹¹³ (See Appendix: 36 for further information)

Case study:¹¹⁴

"Elaine Christian, 57, of Hull, was worried, according to reports of an inquest in July, about a meeting to assess her disability benefits. She was found drowned in a drain with evidence of ingested painkillers and ten self-inflicted cuts to her wrist. Although she left a suicide note, an open verdict was recorded. Her husband told the inquest: 'She [Elaine] was worried about the assessment, but was never one to complain'."

112. Marsh, S. (2011) 'Welfare Reform Bill: Key issues for disabled and sick people', Ekklesia website, <http://www.ekklesia.co.uk/node/16050> Accessed: 15/04/13

113. Women's Budget Group (2010) The Impact on Women of the Coalition Spending Review 2010. WBG: London http://wbg.org.uk/RRB_Reports_4_1653541019.pdf

114. Butler, P. (2011) 'Do Cuts Kill?', The Guardian, 16th November 2011 <http://www.guardian.co.uk/society/patrick-butler-cuts-blog/2011/nov/16/do-public-spending-cuts-kill>

Case Study:¹¹⁵

Blanca, a 39 year old Latin American woman, had to leave her job as a result of her disability and depression. She was informed by the Council that her Housing Benefit was going to be reduced. She had to leave her house and was unable to secure other accommodation. She also had an outstanding debt that she was unable to cover. As a result of the pressure she was admitted into hospital. Her English is poor so she did not know how to access disability related benefits. With help she is now receiving benefits but her stress levels are going up again as a result of anxiety about the forthcoming cuts and the changes in the system.

Recommendation:

Create a fair simplified system which assesses disabled women's gender and disability specific needs and entitles them to benefits accordingly. The system must assess disability, housing and income benefit entitlement on a case by case basis, rather than impose a 'one size fits all' model on disabled women

Single mothers

- 13.49 Measures introduced in the Welfare Reform Act 2012 mean that unemployed lone parents whose children are over five are now moved from Income Support to JSA and are therefore required to seek and be available for work. Failure to comply with the work-seeking requirements of JSA can result in removal of benefits. This measure disproportionately affects women as women head over 90% of lone parent households.¹¹⁶
- 13.50 The Fawcett Society estimates single mothers will lose an average 8.5% of their income after tax by 2015 - the equivalent of more than a month's income each year.¹¹⁷ This is in stark contrast to the loss of income of 7.5% for single fathers, 6.5% for couples with children and 2.5% for couples without children.¹¹⁸ By 2014/5, lone mothers will lose public services worth 18.5% of their income, compared to 6.8% for the average household¹¹⁹ and lone parents will lose services worth £1,900 each year due to the spending cuts.¹²⁰
- 13.51 Lone parents will be particularly badly affected by the cut in Childcare Tax Credit since they have to meet childcare costs out of one income and do not have a partner to share these costs. They will also potentially be affected by changes to Income Support, the benefit cap and charges for use of the new child support scheme. The proposals for The Work Programme¹²¹ state that childcare costs will not be met, which will cause particular problems for lone parents. One report found that many single mothers would not be able to afford to work at all under the new Childcare Tax Credit proposals which are anticipated under Universal Credit.¹²² (See Article 11) Although lone parents will not be obliged to take work that does not fit round their caring responsibilities, in practice organisations like Gingerbread have shown that, nationally, benefits advisors do not always show understanding of the particular situation that lone parents face,

115. Latin American Women's Rights Service <http://www.lawrs.org.uk/> Accessed: 22/03/13

116. Rake, K. and Rotheroe, A. (2009) Are Women Bearing the Burden of the Recession? The Fawcett Society: London <http://tinyurl.com/cb4jo9w>

117. The Fawcett Society (2011) Single mothers: singled out - the impact of 2010-15 tax and benefit changes on women and men. Fawcett: London <http://tinyurl.com/c3k5lxz>

118. The Fawcett Society (2011) Single mothers: singled out - the impact of 2010-15 tax and benefit changes on women and men. Fawcett: London <http://tinyurl.com/c3k5lxz>

119. Women's Budget Group (2011) The Impact on Women of the Budget 2011. WBG: London http://wbg.org.uk/RRB_Reports_7_282363355.pdf

120. Trades Union Congress (2011) Where the money goes: How we benefit from public services. TUC: London <http://tinyurl.com/3oeuavu>

121. Department for Work and Pensions, The Work Programme <https://www.gov.uk/government/policies/helping-people-to-find-and-stay-in-work/supporting-pages/managing-the-work-programme> Accessed: 19/04/13

122. Hirsch, D. (2011) Childcare Support and the Hours Trap. Resolution Foundation and Gingerbread http://www.resolutionfoundation.org/media/media/downloads/Childcare_support_the_hours_trap.pdf

123. Gingerbread (2010) Changes to Single Parent Welfare Entitlements: Income Support to Job Seekers Allowance switch <http://tinyurl.com/busn9vb>

with some lone parents threatened with sanctions for refusing jobs that would be impossible to fit round their children's needs.¹²³

- 13.52 Lone parents will also lose out from government proposals to charge for the use of the new child support scheme, the Child Maintenance and Enforcement Commission (CMEC), which will replace the Child Support Agency (CSA). (See Article 16) Once the new scheme is underway, all existing CSA users will have to choose whether to opt in to the new scheme – and pay the charges – or make their own arrangements. From 2012 lone parents who use the CMEC are charged an application fee of up to £100 and between 7% and 12% of any maintenance paid. For many lone parents on the lowest incomes, these charges may act as a barrier to accessing the CMEC. They and their children may be left with no support at all from the non-resident parent or, if they can negotiate some money, it may be far less than what they would be entitled to.¹²⁴ (See Appendix: 15 for more information)

Older women

- 13.53 Social care budgets for services to elderly people are due to be cut by an average of 8%, according to research by Age UK.¹²⁵ Almost 2.1 million pensioners living in poverty are women¹²⁶ and 3,700,000 women are to be negatively affected by the proposed changes to pension reforms.¹²⁷ Women in later life are often living with the cumulative impact of poverty, having had lower earnings throughout their lives and are more dependent on State pensions than older men.¹²⁸
- 13.54 In 2009 the Pension Policy Institute called for a policy response from the Government to recognise the situation of 'under-pensioned' individuals who fall into more than one disadvantaged group and who might therefore experience 'multiple, or 'cross-sectional', disadvantage'.¹²⁹

Pensions

- 13.55 Over two-thirds of pensioners living in relative poverty are women.¹³⁰ Women over the age of 50 are disproportionately represented in part-time, low-waged work and have fewer chances than men to build full contributions to State or private (occupational/personal) pensions. The gender difference in private pensions is much greater than that in State pensions with working age men's estimated median pension wealth at £20,000, compared with women's at £10,000 and among women aged over 35, nearly half have accumulated no pension wealth at all.¹³¹ (See Article 2 and Appendix: 19 for further information)

124. Gingerbread (2011) Strengthening Families, Promoting Parental Responsibility: Government plans for child maintenance <http://www.gingerbread.org.uk/content/592/Policy-work>

125. Triggler, N. (2011) 'Elderly 'facing cuts to care despite promises'', BBC News Health, 27th June 2011 <http://www.bbc.co.uk/news/health-13907629>

126. Women's Budget Group (2010) The Impact on Women of the Coalition Spending Review 2010. WBG: London http://wbg.org.uk/RRB_Reports_4_1653541019.pdf

127. The Fawcett Society (2011) The Impact of Austerity on Women. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

128. Women's Health and Equality Consortium (2011) Why women's health? WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>

129. Pensions Policy Institute (2009) The under-pensioned: disabled people and people from ethnic minorities, PPI Briefing Note Number 50. PPI: London http://www.pensionspolicyinstitute.org.uk/uploadeddocuments/Briefing%20Notes/PPI_Briefing_Note_50.pdf

130. Office for National Statistics (2010) Pension Trends: Chapter 13 Inequalities and Poverty in Retirement <http://tinyurl.com/bsxdy9h>

131. Office for National Statistics (2009) Wealth in Great Britain, Main Results from the Wealth and Assets Survey 2006/2008 <http://www.ons.gov.uk/ons/rel/was/wealth-in-great-britain/main-results-from-the-wealth-and-assets-survey-2006-2008/index.html>

Recommendation:

Ensure adequate indexation of state pensions that takes full account of rises in cost of fuel and food

Helping carers

- 13.56 It has been calculated that cuts of £1.4bn are being made to adult social care services across the UK¹³² and councils have tightened eligibility criteria to receive social care. In some parts of the country, criteria have not formally changed but voluntary organisations report that informally it is harder to get an assessment of need. Some councils have increased charges for adults receiving social care who have to pay for themselves.¹³³ Councils have cut services including day centres and reduced the amount of time care-staff can spend with those needing care.¹³⁴
- 13.57 Cuts to adult social care can have a devastating impact on older people, disabled people and carers. Any reductions in care or support for carers will affect more women than men as the majority of those providing care (both paid and unpaid) are women – 60% of unpaid carers are women.¹³⁵ Also, the majority of those needing social care services are women because there are more older women than older men.¹³⁶ Therefore women will be disproportionately impacted by a range of different cuts including:
- reduction in funding for organisations supporting carers
 - cuts to welfare benefits that may affect those receiving care as well as those providing it.
- Cuts to legal advice on welfare benefits that is heavily utilised by sick and disabled people. (See [Appendix: 28](#)) The cumulative impacts of all these changes may also lead to human rights issues for those receiving care.¹³⁷
- 13.58 Even before the Budget reductions in April 2011 took place, a survey by more than 40 leading care charities found that nearly one in four (23%) disabled and older people and their families had had their services cut and nearly half (43%) could not afford essentials like food and heating, as a result of changes such as increased care charges. More than half of respondents had also seen their health suffer as a result of changes to services. 52% were struggling to maintain their independence and 48% of carers and disabled people were finding it harder to stay in employment.¹³⁸ Research by Carers UK also found that more than 80% of carers are worried about cuts to services.¹³⁹
- 13.59 Since 2010 Social Services budgets have been subject to extreme pressure; nearly all Social Services Departments have been told to reduce their budgets by 25%,¹⁴⁰ which has a knock-on

132. Gainsbury, S. and O'Murchu, C. (2011) 'Cuts of £6bn to hit children and elderly hardest', Financial Times, 4th April 2011 <http://cachef.ft.com/cms/s/0/b43fe1b2-5e32-11e0-b1d8-00144feab49a.html#axzz1XBCGMGZU>

133. Sheffield Telegraph (2011) 'Elderly and needy told they will have to use their savings as cost of receiving care soars after subsidies scrapped', Sheffield Telegraph, 17th August 2011 http://www.sheffieldtelegraph.co.uk/news/health/elderly_and_needy_told_they_will_have_to_use_their_savings_as_cost_of_receiving_care_soars_after_subsidies_scrapped_1_3685935

134. House of Commons Hansard debate (2011) Social care services, 17th May 2011 <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110517/halltext/110517h0001.htm>

135. The NHS Information Centre (2010) Survey of Carers in Households 2009/10. NHS: London http://www.esds.ac.uk/doc/6768/mrdoc/pdf/6768_survey_of_carers_in_households_2009_10_england.pdf

136. HM Treasury (2010) Overview of the impact of Spending Review 2010 on equalities. http://cdn.hm-treasury.gov.uk/sr2010_equalities.pdf

137. See Equality and Human Rights Commission, Health and social care <http://www.equalityhumanrights.com/advice-and-guidance/before-the-equality-act/guidance-for-service-users-pre-october-2010/health-and-social-care/> Accessed: 15/04/13 Cases where breaches of human rights have been found with regard to adult social care services include R. (on the application of McDonald) v Kensington and Chelsea RLBC [2010] EWCA Civ 1109; (2010) 13 C.C.L. Rep. 664 (breach of Article 8).

138. Carers UK (2011) 'Press release: Carers fear bigger care cuts to come' Carers UK website <http://www.carersuk.org/newsroom/item/2066-charities-fear-bigger-care-cuts-to-come>

139. Carers UK (2011) 'Press release: 4 out of 5 carers fear consequences of cuts to care services', Carers UK website, 13th June 2011 <http://www.carersuk.org/newsroom/item/2179-4-out-of-5-carers-fear-consequences-of-cuts-to-care-services>

140. Disabled People Against Cuts, 'Dear Mr. MP: write to your MP for EDM 706' <http://disabledpeopleprotest.wordpress.com/tag/uncrpd/> Accessed: 15/04/2013

effect to their provision of support services and the amount people need to contribute financially. Local Authorities all over the country are cutting the amount of 'care' funding available, tightening eligibility criteria, and increasing charges for those who are still eligible for 'care' to be able to live independently.¹⁴¹ (See Appendix: 36)

- 13.60 A disproportionate number of carers are women - Of the carers across the UK, 3.4 million are female (58%) and 2.46 million are men (42%). One in seven young Pakistani and Bangladeshi women who have a paid job are also carers – compared with just one in 20 young white British women.¹⁴² Over 50% of women will have been carers before they are 60 and are more likely to give up paid work to care. The impact of caring can be detrimental to their physical and mental health, with carers twice as likely to have a mental health problem or be 'permanently sick or disabled'.¹⁴³ (See Article 12) Employees with caring responsibilities are two-to-three times more likely to be in poor health than those without. Women are much more likely to combine part-time work with caring: of the 662,000 carers who work part-time, 89% are women. (See Article 11) One in five carers aged 45-59 are women who work full-time.¹⁴⁴ Working carers, especially women, are more likely than other workers to work from or near home. Two thirds (67%) of women caring for 50 hours or more each week work within 5km of their home, compared with 55% of working women who are not carers. A need to work near to home limits the range of jobs carers are able to do. These are women at the peak of their careers; if they were forced to leave work they would find it extremely difficult to return and as a result their pensions are likely to be significantly reduced. Research has shown that older women in the UK are more likely to be carers than older men. They are also more likely to care for longer hours than men.¹⁴⁵ Older carers represent a sub-group of carers with special needs that are not necessarily met by present service provision.¹⁴⁶
- 13.61 Changes to DLA will affect carers as well as those receiving care. If someone currently receiving the middle or higher level rate of DLA is re-assessed onto the lower rate of PIP, or judged not to be eligible at all, then not only will they lose money but their carer will lose their Carers Allowance. Three quarters of the people claiming Carer's Allowance, the main benefit for carers, are women.¹⁴⁷ (See Appendix: 36) Disabled people and carers are already at high risk of living in poverty and a further reduction in benefits could lead to severe hardship. A carer in this situation would have to move onto Universal Credit and it is not clear whether they would then be expected to look for work, even though they are still responsible for full-time care.
- 13.62 We welcome the fact that Government policy to support carers will predominantly help women. Women carers will benefit from the wider reforms to the pension system, particularly the reduction in the number of qualifying years for the full Basic State Pension to 30. (See Appendix: 19) Since April 2006 carers have also had the right to request flexible working from their employer and more than 2.6 million carers are eligible for this right.

Recommendation:

Monitor the impact on informal carers of public sector service reductions and introduce a carer's allowance post-retirement

141. Disabled People Against Cuts (2010) 'Disabled people feel their lives are under threat' www.l-r-c.org.uk/files/DPAC_cuts1.pdf Accessed on: 15/02/2012

142. Carers UK: Factsheet provided for older women's shadow report, March 2011

143. Carers UK (2009) Facts about carers 2009 <http://www.carersuk.org/professionals/resources/briefings/item/404-facts-about-carers-2009>

144. Carers UK: Factsheet provided for older women's shadow report, March 2011

145. DelBono, E, Sala, E and Hancock, R (2009) Older carers in the UK: are there really gender differences? New analysis of the Individual Sample of Anonymised Records from the 2001 UK Census. Health Soc Care Community, 17 (3). pp. 267-273.

146. Age UK (2010) Invisible but Invaluable, campaigning for Older Carers. Age UK: London <http://www.ageuk.org.uk/Documents/EN-GB/Campaigns/ID9494%20Invisible%20But%20Invaluable%20Report.pdf?dtrk=true>

147. Carers UK: Factsheet provided for older women's shadow report, March 2011

Article 14 - Rural women

- 14.1 Rural women face many of the same challenges and difficulties of women in urban areas. However these difficulties are exacerbated by living in isolated rural communities. The poor, older and disabled are most affected.

Taking women's needs into account when providing rural transport and assessing transport needs

- 14.2 Two thirds of public transport journeys are made by bus and a quarter of UK households do not have a car, including 11% in rural areas.¹ Women are more likely to be reliant on public transport than men as 78% of women live in a household with a car compared to 84% of men and 63% of women have a driving licence compared to 81% of men.² Older women are also particularly likely to be reliant on public transport. In 2009 women over 70 made only a fifth of their trips as car drivers, while men over 70 made more than half their trips as car drivers.³
- 14.3 The Government has increased the cap on statutory ticket prices on UK railways, enabling train operating companies to increase fares at 3% above the rate of inflation, leading to huge fare hikes for commuters and other rail travellers. An increase in rail fares will have a particular impact on low-income travellers as the UK's rail network is already the most expensive in Europe.⁴ Simultaneously, the spending cuts of more than 40% by the Department for Transport will also lead to the loss of well-trained staff on the transport network that promote safety for women and support disabled people in their travels.⁵ The concession scheme which gave older and disabled people half-price travel on coaches also ended in November 2011.
- 14.4 The House of Commons Transport Select Committee have collected evidence showing that this will result in people becoming more socially isolated, in some cases with no way of getting from their village to the nearest town, people no longer able to visit sick or elderly relatives as frequently because there is no bus service and they could not afford taxis every day and parents of young children finding it difficult to take their children to childcare services.⁶
- 14.5 Cuts to public transport, especially rural bus services,⁷ affect women disproportionately (especially older and disabled women⁸). Public transport is critical to get to health appointments, engage in social activities, access childcare, education⁹ or employment or access support to escape violent situations.¹⁰ Women are more vulnerable, particularly BME,

1. House of Commons Transport Committee (2011) Bus Services after the Spending Review: Eighth report of session 2010-12. <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmtran/750/750.pdf>

2. Department for Transport (2009) Women and Public Transport: The checklist. <http://www.dft.gov.uk/publications/women-and-public-transport/>

3. Department for Transport (2009) Women and Public Transport: The checklist. <http://www.dft.gov.uk/publications/women-and-public-transport/>

4. Milmo, D. (2010) 'Britain's railways named as Europe's most expensive', The Guardian, 8th September 2010 <http://www.guardian.co.uk/world/2010/sep/08/britain-railways-most-expensive-europe>

5. Peck, S. (2012) 'Cuts threat to public transport', Disability Now, February 2012

6. House of Commons Transport Committee (2011) Bus Services after the Spending Review: Eighth report of session 2010-12. <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmtran/750/750.pdf>

7. Stephenson, M. (2011) TUC Women and the Cuts Toolkit: How to carry out a human rights and equality impact assessment of the spending cuts on women. TUC: London <http://www.tuc.org.uk/equality/tuc-20286-f0.cfm>

8. Jolly, D., Priestley, M. and Matthews, B. (2006) Secondary Analysis of Existing Data on Disabled People's Use and Experiences of Public Transport in Great Britain. A research report for the Disability Rights Commission <http://www.scie-socialcareonline.org.uk/profile.asp?guid=ca3421d3-39da-4dd9-bf3c-223262d121c6>

9. Rural Childcare Stakeholder Group (2008) Rural Childcare: Investing in the future http://www.rdc.org.uk/download/1/pub_RuralChildcare.pdf; and see House of Commons Transport Committee (2011) Written evidence from the Association of Colleges (BUS 62), February 2011 <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmtran/750/750vw49.htm>

10. Department for Transport (2009) Women and Public Transport: The checklist. <http://www.dft.gov.uk/publications/women-and-public-transport/> and also see Campaign for Better Transport <http://www.bettertransport.org.uk/campaigns/save-our-buses> Accessed: 22/03/13

disabled and lesbian and bisexual women, to social isolation because of higher levels of poverty, lone parenthood, lack of mobility (being unable to drive or to own a car), longer life expectancy and fear of going out alone.¹¹

- 14.6 Cuts to public transport can also have an impact on women's health. (See Article 12) Over a twelve-month period, 1.4 million people fail to attend, turn down or choose not to seek medical help because of transport problems. Women in rural areas and on low incomes have particular problems accessing ante-natal care, for example.¹² The Department of Health's Women's Mental Health Strategy¹³ points to links between social isolation and mental health.
- 14.7 Women's access to employment and training opportunities is also affected.¹⁴ (See Article 11) Cuts in public transport outside peak hours may be particularly difficult for women working shift patterns or part-time who may not be able to get to or from work. Women's access to childcare is also affected; in 2002 a fifth of parents surveyed said that their choice of nursery was restricted by available transport.¹⁵ Young women's access to places of education and training will also be affected as it is estimated that 72% of young people use the bus to travel to school or college.¹⁶

Recommendation:

Work with all stakeholders to integrate, co-ordinate and improve affordable transport services in rural areas, including a range of options from dial-a-ride schemes to buses and increase accessibility in public transport to assist disabled, older and women travellers

Access to technology, services and decision making

- 14.8 Cuts to public services in rural areas restrict access to health and other services,¹⁷ and sparse availability of fast internet access means cheaper service deals on offer in urban areas do not apply in remote, rural parts of the country.¹⁸ There is an assumption by government and service providers that access to information technology is universal. However, in addition to remote regions of the UK having no broadband cover including many parts of rural Scotland, Wales and Northern Ireland, for many women access to the internet is expensive and unintelligible which contributes to their social exclusion.

11. Department for Transport (2009) Women and Public Transport: The checklist. <http://www.dft.gov.uk/publications/women-and-public-transport/>; Department of Health (2002) Women's mental health: into the mainstream, Strategic development of mental healthcare for women. DoH: London <http://www.nmhdu.org.uk/silo/files/into-the-mainstream.pdf>
12. Department for Transport (2009) Women and Public Transport: The checklist. <http://www.dft.gov.uk/publications/women-and-public-transport/>
13. Department of Health (2002) Women's mental health: into the mainstream, Strategic development of mental healthcare for women. DoH: London <http://www.nmhdu.org.uk/silo/files/into-the-mainstream.pdf>
14. See for example North East Women's Network (2012) Findings and recommendations from interim case study: The impact of austerity measures upon women in the North East of England, October 2012 and updated April 2013. NEWomen's Network and Women's Resource Centre <http://www.newwomens.net/index.php/research-leftmenu-56>
15. Department for Transport (2009) Women and Public Transport: The checklist. <http://www.dft.gov.uk/publications/women-and-public-transport/>
16. House of Commons Transport Committee (2011) Written evidence from the Association of Colleges (BUS 62), February 2011 <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmtran/750/750vw49.htm>
17. Department for Transport (2009) Women and Public Transport: The checklist. <http://www.dft.gov.uk/publications/women-and-public-transport/> and also see Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/IAOC.pdf>
18. Scottish Women's Convention: Consultation with older women, November 2011

Case study:

"If you are not on the internet you do not exist."

Stella, aged 82¹⁹

- 14.9 The systematic closure of many rural post offices and village shops also means many people have to travel considerable distances to access pension, benefits and banking services.²⁰ The high cost of living in rural areas also has a disproportionate impact on older women's pensions and their quality of life.
- 14.10 It is vital that rural women and girls have access to public transport, healthcare (particularly sexual health services) and education but in fact there is a reduction in services. For example, diminishing services have been reported across the board for women in rural Northumberland.²¹
- 14.11 Women are not involved in planning services to meet their needs which results in resources being wasted on 'one size fits all' provision.²²

Recommendation:

Ensure access to affordable, quality health and social care services and enable rural women to work with other stakeholders involving them in decisions during the design and delivery of these services

- 14.12 The rural experience is not homogeneous: rural areas vary in the issues and challenges they present. Service provision should meet the needs of women from different communities.²³ Women from BME backgrounds and lesbian and bisexual women can feel particularly at risk from unwanted and threatening behaviour from members of the public in more remote areas which are not always dealt with appropriately.²⁴

Gypsy and Traveller women

- 14.13 In 2011 the CERD Committee recommended²⁵ that the Government support the rights of women and children in terms of housing for Gypsy and Traveller communities. The Committee urged the halt of the eviction of the Dale Farm site as this would disproportionately affect the lives of families and particularly women and children and create hardship; instead the Government should provide alternative culturally appropriate accommodation to these communities. The eviction went ahead and 86 families and 100 children were forcibly removed.

19. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

20. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

21. North East Women's Network (2013) The Health of the Women's Sector in the North East of England: Findings from annual online surveys from 2009 to 2012 http://www.newwomens.net/images/stories/January_2013_-_Health_of_the_Womens_Sector_in_the_North_East_report.doc.pdf

22. Equality South West (2010) Women's Voices: Dimensions of Inequality in Somerset <http://www.equalitysouthwest.org.uk/knowledgebase/view/2790>

23. Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

24. Equality South West (2010) Women's Voices: Dimensions of Inequality in Somerset <http://www.equalitysouthwest.org.uk/knowledgebase/view/2790>

25. Barkham, P. (2011) "Unwise" eviction of Dale Farm Traveller camp must be halted, says UN', The Guardian, 2nd September 2011 <http://www.guardian.co.uk/uk/2011/sep/02/dale-farm-travellers-eviction-solution>

14.14 Gypsy and Traveller women suffer disproportionately as a result of evictions and unstable accommodation, violating their rights under CEDAW. According to the Government's own figures 20% of Gypsies and Travellers living in caravans are homeless, as they have no legal place to park their caravans. This makes day-to-day living for Gypsy and Traveller women raising families very hard, due to the lack of basic services such as healthcare, education, (See Articles 12 and 10 for more information) water, electricity and sanitation.²⁶

Recommendation:

The Government should introduce policy measures to effectively address the housing crisis facing the Gypsy and Traveller communities which disproportionately affects Gypsy and Traveller women

26. Department for Communities and Local Government (2012) Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, paragraph 1.1 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2124046.pdf>

Article 15 - Equality before the law and civil matters

- 15.1 We welcome the UK's support of Human Rights Council resolution 15/23¹ on the 'Elimination of laws and practices that discriminate against women' in October 2010. However, many of the proposals made and the actions taken by the Government in relation to women's equality and in civil matters since this time do not demonstrate the support of this resolution and its enactment.
- 15.2 For example, a recent proposal to establish a women's criminal justice policy unit within the Ministry of Justice (MoJ) was unsuccessful. The proposed unit would have ensured joined-up treatment of women offenders and would have addressed issues such as employment, housing, mental health and support for families and children, with the aim of reducing the number of women in the criminal justice system (CJS) and extending more support for community sentences.² (See Appendix: 27)
- 15.3 The police service is facing a budget cut of 20% by 2014/15 which may reduce the support available to victims and survivors of violence. The Crown Prosecution Service (CPS) is also facing cuts of 25%. Research into the experience of the CJS among women who have suffered domestic or sexual violence shows that large numbers of women already "*felt disillusioned about the level of protection and response received from the police and felt they had unequal access to the CJS.*"³
- 15.4 Despite the Director of Public Prosecutions, Keir Starmer's assurance that "*the budget cuts will not affect our service to victims of sexual offences and domestic abuse*" and that violence against women is a priority for the CPS,⁴ we remain concerned that such substantial cuts may have an impact on the resources available to prosecute cases of violence against women and girls (VAWG). Government policy continues to pay disproportionate attention to criminal justice responses to VAWG. This, combined with a general lack of availability of information on the civil and criminal law remedies available in respect of VAWG, undermines the ability of women to choose the remedy which they identify as the most appropriate in their own situation. (See General Recommendation 19)
- 15.5 The provision of specialist voluntary and community services for VAWG is essential to facilitate women's access to legal remedies and increase their confidence in the CJS.⁵ However, these organisations are also facing crisis at a national and local level. (See Article 2 and Appendix: 5)

Case study:⁶

"The Government must accept that women's voluntary organisations have a wealth of expertise, experience and knowledge with regard to male violence against women and children."

1. Human Rights Council (2010) Resolution adopted by the Human Rights Council, 15/23 Elimination of discrimination against women. Fifteenth session, Agenda item 3 http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.RES.15.23_En.pdf
2. The Law Society Gazette (2012) 'Women's criminal justice policy proposal fails', The Law Society Gazette, 21st March 2012 <http://www.lawgazette.co.uk/news/women-s-criminal-justice-policy-proposal-fails>
3. Women's National Commission (2009) Still We Rise: Report from WNC focus groups to inform the cross government consultation "Together we can end violence against women and girls" <http://eige.europa.eu/content/still-we-rise-report-from-wnc-focus-groups-to-inform-the-cross-government-consultation-%E2%80%9Ctogether>
4. Interviewed in Gentleman, A. (2011) "Restoring confidence so victims report rape is key", The Guardian, 19th April 2011. <http://www.guardian.co.uk/society/2011/apr/19/keir-starmer-domestic-violence-rape-prosecution-guidelines>
5. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf
6. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

- 15.6 There is evidence of a very real commitment to improving the responses of agencies such as the police and CPS and significant advancements have been made. However, the patchy implementation of these policies at the frontline mean that women continue to be let down and discouraged from accessing remedies through the CJS. Work clearly still needs to be done to ensure that the responses of statutory agencies are consistent at all levels, particularly amongst those agencies which have direct contact with women.⁷
- 15.7 There are significant concerns about the responses of the UK Border Agency (UKBA) (See Article 9) and the Legal Services Commission (LSC), agencies which fail to take a consistent or gender sensitive approach to women experiencing violence. For example LSC rules on the availability of legal aid to enable women to access legal remedies are inconsistent and discriminatory. (See Appendix: 28)

Judicial training on diversity and fair treatment issues

- 15.8 More must be done to ensure that equality and diversity issues are mainstreamed into all judicial training and information for juries and that CEDAW is a core part of this training. Law and policy must effectively prevent discrimination and ensure an appropriate and gender sensitive response to all women. Women report facing negative attitudes, stereotypes and a general lack of awareness from the very professionals they seek support from.⁸
- 15.9 The support available for women involved in criminal and civil cases, in particular survivors of VAWG, is also cause for concern. There are still issues with women's relationship to the CJS which impacts on their decision to report crimes against them and to take cases to court at all.

Case study:⁹

"Police still divide women into good victims and bad victims. Good victims leave abusers. Go to refuges. Carry on with prosecution. And never go back even once. Bad victims...are most of us. There still needs to be much attitude changing needed in police although their response has improved over years."

Women reporting crime

- 15.10 Women in the UK are still not receiving access to justice and the enactment of CEDAW Article 15. There are various barriers to women reporting crimes against them and to accessing the CJS and this is exacerbated for particular groups of women. For example, lesbian and bisexual (LB) women are not reporting homophobic hate crime because they fear discrimination which leads to a lack of information on these incidents against women.¹⁰ Disabled women's access to justice is also restricted due to access and attitudinal barriers.¹¹ (See Appendix: 36)
- 15.11 Just 10% of victims of serious sexual assault will go to the police, mainly because they do not believe the CJS will help them and only four in ten victims of domestic abuse report it.¹² Although

7. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

8. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

9. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

10. Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. Briefing 13: LBT women and hate crime. WRC: London

11. Ortoleva, S. (2011) 'Inaccessible Justice: Human Rights, Persons with Disabilities and the Legal System' ILSA Journal of International & Comparative Law, Vol. 17, No. 2, pp. 281 - 320

12. Whitehead, T. (2012) 'Nine in ten sex attacks go unreported, warns DDP', The Telegraph, 22nd July 2012 <http://www.telegraph.co.uk/news/uknews/law-and-order/9418762/Nine-in-ten-sex-attacks-go-unreported-warns-DPP.html#>

58% of people charged with rape are convicted, only 6% of rapes initially reported to the police get to the point of conviction¹³ and a large proportion of cases reported to the police do not progress any further.¹⁴ (See [General Recommendation 19](#))

Case study:¹⁵

Research by Durham University found that women do not think the police take rape, domestic violence (DV) and stalking as seriously as they should. The study found that only half the women would definitely report DV if it happened to them. Women in all four police areas of the region – Northumbria, Cleveland, Durham and Cumbria – said rape, DV and stalking were extremely serious but many women were reluctant to report these crimes to the police. Only 49% said they would definitely report DV if it happened to them and although 89% of women would report rape by a stranger, the percentage of women who would report rape by someone known was lower at 68%. Just over half of women in the study (53%) would definitely report stalking to the police. The women who would not report these crimes gave a range of reasons including a lack of trust in the police, fear of re-victimisation by the CJS and the emotional strain of going through a prosecution. In the case of DV, one woman, who would not report it, said *“I do not trust the police to follow it up or protect me”*.

- 15.12 70% of women in refuges have called the police at least once, of those only 15% have a conviction against their abuser.¹⁶ Despite significant improvements in the police response to DV, policies on the investigation of DV and the treatment of vulnerable and intimidated witnesses needs to be implemented consistently across all police force areas and in all ranks. Women who report DV to the police should be treated with dignity and respect and complaints need to be investigated thoroughly and in a way that is victim-centred.
- 15.13 Many women reporting violence are simply not responded to appropriately or in line with current guidance.¹⁷ Therefore training, alongside the widespread use of the ACPO Guidance on Investigating Domestic Abuse 2008¹⁸ is vital if women experiencing violence are to receive a consistent and high quality response from the police. The police and prosecutors are also required to comply with the Code of Practice for Victims of Crime.¹⁹ However, the implementation of the Victims Code varies considerably, and in a high percentage of cases, is simply not followed at all. Many women are unaware of the provisions of the Victims Code, and so have no knowledge about the service they are entitled to or how to complain. Therefore much more needs to be done to ‘embed’ the Victims Code in police and prosecutor practice to ensure that all victims of violence get the service that they need and are entitled to and survivors do not continue to feel let down by the criminal justice process.²⁰ While CPS policies

13. Government Equalities Office (2010) *The Stern Review: A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales*. GEO: London http://webarchive.nationalarchives.gov.uk/20100418065537/equalities.gov.uk/stern_review.aspx

14. Equality and Human Rights Commission (2010) *How fair is Britain? The report of our first Triennial Review*. <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain>

15. Northern Rock Foundation (2012) *Women’s views on the policing of rape, domestic violence and stalking across the North East and Cumbria*. Northern Rock Foundation and Durham University <http://www.nr-foundation.org.uk/2012/07/26/womens-views-on-the-policing-of-rape-domestic-violence-and-stalking-across-the-north-east-and-cumbria/>

16. Women’s Aid (2011) *Annual Survey of Domestic Violence Services 2009-10* <http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200210002&itemid=1195>

17. Rights of Women (2010) *Measuring up? UK compliance with international commitments on violence against women in England and Wales*. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

18. Association of Chief Police Officers (2008) *Guidance on investigating domestic abuse*. ACPO and National Policing Improvement Agency <http://www.talk2someone.org.uk/professional/documents-and-strategies/national-documents-strategies/acpo-guidance-on-investigating-domestic-violence>

19. Criminal Justice System (2005) *The Code of Practice for Victims of Crime* http://www.cps.gov.uk/victims_witnesses/victims_code.pdf

20. Payne, S. *Victims’ Champion* (2009) *Redefining justice: Addressing the individual needs of victims and witnesses*. Ministry of Justice: London <http://www.cjp.org.uk/publications/archive/redefining-justice-addressing-the-individual-needs-of-victims-and-witnesses-05-11-2009/>

purport to be victim-centred, these policies are still not followed routinely by prosecutors, a failure that results in those who have experienced violence continuing to feel, in many cases, disenfranchised by the CJS.

- 15.14 Women's confidence in the CJS will only improve if all women receive an 'enhanced service' from agencies like the police and CPS. There needs to be a stricter adherence to the Victims Code by all agencies bound by it.

Recommendation:

Prioritise the continuing improvement of victim experiences in the criminal justice system. In particular attention must be paid to training for frontline professionals and for the adoption of special mechanisms to improve the support provided to women throughout the criminal and civil law processes and increase women's confidence in those processes

Lesbian and bisexual women and hate crime

- 15.15 Reports of violence against LB women indicate that, like violence against women in heterosexual relationships, the perpetrator will often be known to the victim yet the clear-up rate, when reported to the police, is low and inconsistent.²¹ Only 43% of lesbian women believe that they can be open about their sexual orientation in their local police station without fear of prejudice and discrimination.²² As with other women, most LB women would prefer to report to a female police officer and use women-only services, but this is rarely an option as these services do not exist.²³
- 15.16 One barrier to reporting is the interpretation of what constitutes a homophobic hate crime. A study in 2008 found that respondents were most likely to report physical assaults but less likely to report verbal abuse or harassment, blackmail, mugging, and worryingly, also less likely to report rape or other sexual violence as a homophobic incident. Just under one fifth of LB women experiencing homophobic incidents had reported them to the police. This was because the police officer did not make them feel comfortable about disclosing the nature of the incident, did not ask the right questions to establish that the incident was homophobic and over half of those that did disclose the nature of the incident felt that the police were unsupportive.²⁴ LB women have not felt adequately informed about an investigation or provided with information about an appropriate support organisation and four out of ten reported cases resulted in no action being taken or victims not knowing if action had been taken as there was no follow-up.²⁵ 14% of victims of homophobic hate crimes or incidents do not report them to anyone because they happen so frequently that they do not think that repeatedly reporting them is worthwhile.²⁶ This underreporting has led to a lack of information or statistics on

21. Women's Resource Centre (2010) *In All Our Colours: Lesbian, bisexual and trans women's services in the UK. Briefing 13: LBT women and hate crime.* WRC: London

22. Ellison, G. and Gunstone, B. (2009) *Sexual Orientation Explored: A Study of Identity, attraction, behaviour and Attitudes in 2009.* Equality and Human Rights Commission: Manchester http://www.equalityhumanrights.com/uploaded_files/research/research35_so_explored.pdf

23. Women's Resource Centre (2010) *In All Our Colours: Lesbian, bisexual and trans women's services in the UK. Briefing 13: LBT women and hate crime.* WRC: London

24. Paterson, S., Kielinger, V. and Fletcher, H. (2008) *Women's Experience of Homophobia and Transphobia: Survey Report.* Metropolitan Police Service: London http://ilga-europe.org/home/guide/country_by_country/united_kingdom/women_s_experience_of_homophobia_and_transphobia_survey_report

25. Paterson, S., Kielinger, V. and Fletcher, H. (2008) *Women's Experience of Homophobia and Transphobia: Survey Report.* Metropolitan Police Service: London http://ilga-europe.org/home/guide/country_by_country/united_kingdom/women_s_experience_of_homophobia_and_transphobia_survey_report

26. Dick, S. (2008) *Homophobic Hate Crime: The gay British crime survey 2008.* Stonewall: London http://www.stonewall.org.uk/documents/revised_hate_crime_pdf_jane_2011_1.pdf

homophobic incidents against women which in turn creates a lack of public awareness. (See [Article 1 for more information](#))

Legal aid

- 15.17 The changes to legal aid within the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act²⁷ passed in 2012 have undoubtedly restricted women's access to justice in the UK. Areas such as social welfare law and the majority of private family law cases will no longer be eligible for legal aid, or claimants will have to pay higher contributions. This means that many support organisations that rely on legal aid, such as the Citizen's Advice Bureau, will be unable to provide legal advice services that women rely on when challenging unfair benefits decisions or resolving family issues through the courts.²⁸
- 15.18 Providing a system of legal aid is a significant part of how Britain meets its obligations to protect the right to access to justice, a fair trial and the right to equality, liberty and security. Changes to legal aid contained in the LASPO Act 2012 will limit women's access to legal advice and services in areas of civil law and for criminal cases.
- 15.19 57% of those likely to be affected by the proposed changes to legal aid are women, compared to 43% men and 65% of those who will lose legal aid for family law cases are women; this increases to 73% of education cases.²⁹ Community Legal Service show that more women than men apply for civil legal aid. For example, in 2005/2006, 62.2% of applications for civil representation in family matters were made by women.³⁰ A recent survey found that 54.4% of women suffering from DV would not qualify for legal aid under these criteria. This research also found that 89% of individual women and 97% of legal professionals did not think that women who had experienced violence should represent themselves in court.³¹ Many women do not feel able to represent themselves in court, especially if they have experienced violence, and many women could not have gone to court without legal representation or would have not felt safe enough to do this. Women who have represented themselves have found the experience traumatic and found they lacked the skills or expertise to negotiate the legal system alone.³²
- 15.20 Research³³ has shown that when women are unable to access free or low cost specialist legal advice they are deterred from taking legal action, even if they are experiencing violence. Women need access to legal aid to ensure protection for themselves and their children. Lack of access to legal aid constitutes another barrier for women trying to leave violent relationships, which for some women could mean life or death.³⁴

27. Legal Aid, Sentencing and Punishment of Offenders Act 2012 <http://www.legislation.gov.uk/ukpga/2012/10/schedule/1/part/1/enacted>

28. Women's Resource Centre (2012) Factsheet: Women and the cuts 2012. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/women-and-the-cuts.pdf>

29. Towers, J. and Walby, S. (2012) Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls. Trust for London: London <http://www.trustforlondon.org.uk/FullVAWGReport.pdf>

30. Rights of Women (2010) Rights of women's briefing on the Ministry of Justice proposed changes to legal aid. http://www.rightsofwomen.org.uk/pdfs/Policy/Rights_of_Women_briefing_on_Ministry_of_Justice_proposed_changes_to_legal_aid.pdf

31. Rights of Women (2010) Rights of women's briefing on the Ministry of Justice proposed changes to legal aid. http://www.rightsofwomen.org.uk/pdfs/Policy/Rights_of_Women_briefing_on_Ministry_of_Justice_proposed_changes_to_legal_aid.pdf

32. National Federation of Women's Institutes (2011) Legal Aid is a Lifeline: Women speak out on the legal aid reforms. NFWI: London <http://thewi.org.uk/campaigns/current-campaigns-and-initiatives/no-more-violence-against-women/take-action>

33. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

34. National Federation of Women's Institutes (2011) Legal Aid is a Lifeline: Women speak out on the legal aid reforms. NFWI: London <http://thewi.org.uk/campaigns/current-campaigns-and-initiatives/no-more-violence-against-women/take-action>

Case study:³⁵

"If I didn't have legal representation there for me as some kind of backbone, I would've felt like I couldn't have actually gone to court."

- 15.21 The cuts to legal aid introduced in the LASPO Act 2012 will significantly reduce the ability of women suffering violence to get the legal help and support they need. Under the terms of the Act, access to justice is effectively removed from vulnerable women and girls in the private family law sphere. Calls to the Community Legal Advice Helpline³⁶ show that in the area of family law, approximately twice as many women as men seek advice. Therefore as the majority of those accessing family law remedies via legal aid are women (especially in relation to DV) this is arguably the most discriminatory piece of legislation enacted since the last UK State examination. There is no mention of LASPO in the UK's 7th Periodic Report, yet its introduction lays waste to access to justice in the UK, and fundamentally breaches CEDAW and other international convention obligations.³⁷
- 15.22 Following the LASPO Act 2012 legal aid is no longer available for:
- divorce and financial settlement
 - property disputes
 - issues between parents about their children
 - housing
 - education
 - will-making
 - change of name
 - most immigration issues.
- 15.23 Legal aid will still be available for private family law issues such as contact and residence, and for injunctions. Some limited legal aid will be available for victims of DV. However, not all women will be eligible even if they have proof of abuse, and women who are in, or who have left, violent relationships may also need legal advice for a number of other issues including debt, housing and welfare benefits. The time limit and threshold for proof demanded is also set prohibitively high so that the vast majority of victims will be deemed ineligible. In addition, the severe limits imposed on immigration legal aid under the LASPO Act mean that only those who can afford to pay for legal advice will be in a position to challenge poor UKBA decision making and many vulnerable women, who may well have meritorious legal grounds for remaining in the UK, face being removed – without their children in many cases – and with no ability to ask the court for justice. (See Article 9) This will result in intersectional discrimination as LASPO breaches various Convention obligations and if unable to access and exhaust domestic legal remedies, the CEDAW Optional Protocol³⁸ is also inaccessible.

35. National Federation of Women's Institutes (2011) *Legal Aid is a Lifeline: Women speak out on the legal aid reforms*. NFWI: London <http://thewi.org.uk/campaigns/current-campaigns-and-initiatives/no-more-violence-against-women/take-action>

36. Community Legal Advice Helpline 2010-2011:8686 calls were from men; 15528 from women in Legal Services Commission (2012) *Equality and Diversity Information for Community Legal Advice Helpline 2010-2011* http://ftp.legalservices.gov.uk/docs/about_us_main/LSC-Equality-and-Diversity-Information-about-CLA-Users-Jan-2012.pdf

37. For example The Beijing Platform for Action calls on Governments to "strengthen existing or establish readily available and free or affordable alternative administrative mechanisms and legal aid programmes to assist disadvantaged women seeking redress for violation of their rights". The provision of legal advice is a fundamental part of the right to a fair trial under Article 6 of the European Convention on Human Rights which is incorporated into UK law through the Human Rights Act 1998. The right to a fair trial and the ability of an individual to access a court and the protection of the law are fundamental human rights which are inextricably linked with the protection of other fundamental human rights, such as the right not to be subject to inhuman and degrading treatment (Article 3 ECHR) and to respect for private and family life (Article 8 ECHR).

38. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) <http://www.un.org/womenwatch/daw/cedaw/protocol/>

15.24 When this issue was raised at the UPR examination in 2012³⁹ the Government said that they have responded to concerns raised by NGOs and Parliament and have amended the legislation and that public funding for the most vulnerable groups has been preserved but the impact would remain under review. We hope that this is the case but have not yet seen this in practice. (See [Appendix: 28 for further information](#))

Recommendations:

- **The Government must ensure that women who have experienced violence have access to legal advice for a wide range of issues, including many of the areas of law that are proposed to be removed from the scope of legal aid. Women who have experienced violence must have access to face-to-face legal advice from qualified legal professionals**
- **Temporary Special Measures should be introduced under CEDAW Article 4 to ensure availability of legal aid to victims to prevent further abuse**

Judicial review

15.25 Judicial review is a vital part of our legal system, enabling individuals and organisations to seek legal accountability and justice by ensuring that decisions made by the Government and public bodies are lawful, fair, and accountable. Judicial review has been used by a number of women and women's organisations to challenge decisions that were discriminatory. For example BME women's organisation Southall Black Sisters used judicial review to challenge a decision to cut their funding based on the fact they didn't provide services to all women.⁴⁰

15.26 As part of the 'Red Tape Challenge'⁴¹ the Government has proposed a number of changes to the judicial review process, including reducing the time period for bringing a judicial review case and introducing fees for certain parts of the process. These changes will reduce access to justice for women and women's organisations seeking to challenge poor decision making by the Government and public bodies.

Recommendation:

Ensure that women whose rights are at risk have access to judicial review to seek redress

Increasing the diversity of judicial appointments

15.27 Women continue to be underrepresented in the senior judiciary. There remains only one woman out of 12 on the Supreme Court (a position unchanged for the past eight years), four women out of 43 on the Court of Appeal, and 17 out of 111 (15.3%) on the High Court.⁴² Although the Judicial Appointments Commission has achieved some success in increasing diversity at lower levels of the judiciary (tribunal members, district judges and part-time, fee-paid appointments),⁴³ it

39. Ministry of Justice, Universal Periodic Review <http://www.justice.gov.uk/human-rights/universal-periodic-review> Accessed: 21/04/13

40. Southall Black Sisters, Southall Black Sisters' victory against Ealing Council <http://www.southallblacksisters.org.uk/campaigns/save-sbs-campaign-2008/> Accessed: 18/04/13

41. Red Tape Challenge <http://www.redtapechallenge.cabinetoffice.gov.uk/home/index/> Accessed: 18/04/13

42. See Senior Judiciary website: <http://www.judiciary.gov.uk/about-the-judiciary/judges-magistrates-and-tribunal-judges/list-of-members-of-the-judiciary/senior-judiciary-list/#headingAnchor1> Accessed 14/04/13

43. Judicial Appointments Commission and Ministry of Justice (2010) Statistical digest of judicial appointments of women and BME candidates from 1998/99 to 2008/09 http://jac.judiciary.gov.uk/static/documents/Statistical_digest_of_judicial_appointments_of_women_and_BME_candidates_from_1998_to_2009_report.pdf

has not proved fit for the purpose of achieving greater diversity among the senior judiciary.⁴⁴ As a consequence, women do not see themselves equally represented at senior levels, there are insufficient role models and mentors for women law students, lawyers and lower level judges, and the law does not adequately incorporate women's experiences and viewpoints.

- 15.28 Recommendations have been made and accepted by the Government for improving diversity in the judiciary⁴⁵ but progress on implementing them has stalled.⁴⁶ Best practice is shown by the Feminist Judgements Project⁴⁷ in which a group of academics and lawyers wrote alternative judgments in key cases in English law from a feminist perspective. The alternative judgments give different accounts of the facts of cases, paying close attention to the people involved and often giving a voice to women who have been silenced or sidelined in other judgments. They also contextualise the law, challenge gender bias in judicial doctrine and legal reasoning, and resist essentialist categories and classifications. They demonstrate powerfully that even at the time they were originally heard, and operating within all the constraints binding appellate judges, cases could have been reasoned and decided differently if the bench had incorporated a wider range of life experiences and judicial perspectives. The Equal Justices Initiative⁴⁸ also promotes the equal participation of women and men in the judiciary, and monitors and disseminates official data and research on the issue of judicial diversity. These projects should be supported and emulated.
- 15.29 Over 45% of solicitors are now women⁴⁹ however changes to legal aid (see above) will impact disproportionately on female solicitors as the majority of those working on civil cases are women. The majority of those who act as sole traders are also women, the hardest hit by changes in the tendering process for Legal Services contracts to provide legal services through legal aid.
- 15.30 A survey has suggested that four in ten women police officers have also considered leaving the force because of low morale. Female officers cited reasons including lack of flexible working and issues surrounding childcare.⁵⁰

Recommendation:

The Government and the Judicial Appointments Commission should set targets for the representation of women (including BME women) in the senior judiciary, based on their representation in the qualified legal community (those with 15 or more years' experience)

44. The House of Lords Constitution Committee held an inquiry into the judicial appointments process which discussed the issue of judicial diversity. Information about the inquiry can be found at: <http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/inquiries/judicial-appointments-process/>. Of particular interest is the evidence given by Baroness Hale and Baroness Neuberger on 2 November 2011 on judicial diversity. Information about their appearance is available at: <http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/news/jap-evidence-session-2-nov/>, and the uncorrected transcript of their evidence is at: <http://www.parliament.uk/documents/lords-committees/constitution/JAP/corrCNST021111ev7.pdf>.
45. The Advisory Panel on Judicial Diversity <http://www.judiciary.gov.uk/publications-and-reports/reports/diversity/advisory-panel-recommendations> Accessed: 14/04/13
46. Ministry of Justice (2011) Improving Judicial Diversity: Progress towards the delivery of the 'Report of the Advisory Panel on Judicial Diversity 2010' <http://www.law.qmul.ac.uk/eji/docs/58393.pdf>
47. Feminist Judgements Project <http://www.kent.ac.uk/law/fjp/index.html> Accessed: 14/04/13
48. Queen Mary University of London, School of Law, Equal Justices Initiative <http://www.law.qmul.ac.uk/eji/index.html> Accessed: 14/04/13
49. Cole, B., Fletcher, N., Chittenden, T. and Cox, J. (2010) Trends in Solicitor's Profession: Annual Statistical Report 2009. The Law Society: London <http://tinyurl.com/clammz6>
50. BBC News (2012) 'Women police officers think about quitting – survey', BBC News UK, 15th July 2012 <http://www.bbc.co.uk/news/uk-18851715>

Women and offending

- 15.31 Despite its national and international commitments and CEDAW's previous Concluding Observations⁵¹ the UK Government is taking no discernible action at this time to further the implementation of a gender-responsive CJS and is in the process of rolling back some of the progress that has been made.
- 15.32 The Government is undertaking a process of criminal justice reform in which women are invisible. The principle piece of legislation arising from this reform process, the LASPO Act 2012, makes no mention of women and no specific provision for women in conflict with the law. Government peers in the House of Lords voted down an attempt to amend this legislation to include specific provision for women.⁵² This Government has stated that it will not appoint a Ministerial Champion for Women in the CJS and has not issued any progress updates on this agenda.⁵³ Previously, the Ministerial Champion provided accountability and was instrumental in securing government funding for women-specific diversion schemes. The cross-departmental unit that worked under her issued biannual progress reports but no such reports have been issued since December 2009. Furthermore, the unit (praised in CEDAW's 2008 Concluding Observations) has been reduced to two staff. In its 7th Periodic Report the UK Government states that it is "*developing a strategy that will ensure that the women's sentence delivery, in both custodial and community environments, is fit for purpose and meets the complex needs of women offenders.*" However, the Government has since stated that they will only publish 'strategic priorities' around this.⁵⁴ Neither the strategy referred to in the Government's report nor the strategic priorities committed to in Parliament have been produced.
- 15.33 The number of women in prison increased by 85% between 1996 and 2011.⁵⁵ Women are still more likely than men to be incarcerated for non-violent offences - 68% of women are in prison for non-violent offences, compared with 47% of men⁵⁶ and in 2010, 61% of women were sentenced to custody for six months or less.⁵⁷ The cost and social implications of the current system are also huge – it is estimated that imprisoning mothers for non-violent offences carries a cost to children and the State of more than £17m over a ten year period.⁵⁸
- 15.34 The impacts on women in the CJS include women being held in higher security conditions than required;⁵⁹ a lack of accredited women-specific programmes in prison and women-specific community sentencing disposals; disproportionately high rates of self-harm in women's prisons and indefinite incarceration of women with mental illness⁶⁰ (See Article 12); and inappropriate

51. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement>

52. Lords Hansard (2012) House of Lords Debate HL, 20 March 2012, c764. Hansard: London <http://www.publications.parliament.uk/pa/ld201212/ldhansrd/text/120320-0001.htm#12032057000118>

53. Commons Hansard (2010) House of Commons Debate, HC Deb, 2 November 2010, c737W. Hansard: London <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101102/text/101102w0003.htm#1011031001527>

54. Lords Hansard (2012) House of Lords Debate HL, 20 March 2012, c764. Hansard: London <http://www.publications.parliament.uk/pa/ld201212/ldhansrd/text/120320-0001.htm#12032057000118>

55. Prison Reform Trust (2012) Bromley Briefing Prison Factfile, June 2012. PRT: London <http://www.prisonreformtrust.org.uk/Portals/0/Documents/FactfileJune2012.pdf>

56. All Party Parliamentary Group on Women in the Penal System (2011) Women in the penal system: Second report on women with particular vulnerabilities in the criminal justice system. http://d19ylpo4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Publications/Women_in_the_penal_system.pdf

57. Prison Reform Trust (2011) Bromley Briefing Prison Factfile, December 2011. PRT: London <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefing%20December%202011.pdf>

58. Lawlor, E., Nicholls, J. and Sanfilippo, L. (2008) Unlocking Value: How we all benefit from investing in alternatives to prison for women offenders. New economics foundation: London <http://neweconomics.org/publications/unlocking-value>

59. Prison Service, Prisons in England and Wales <http://www.justice.gov.uk/contacts/prison-finder> Accessed: 14/04/13

60. HM Chief Inspector of Prisons and HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review. Criminal Justice Joint Inspection: London http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmprobation/joint-thematic/IPP_report_final_2-rps.pdf

behaviour by male prison staff.⁶¹ (See Article 1 and Appendix: 27 for further information)

Recommendations:

- **The recommendations of the Corston Report must be implemented, particularly in relation to community alternatives to custody, the mental health needs of female offenders, women with caring responsibilities, and the relationship between female offending and histories of violence and abuse**
- **Adequate health, including mental health, services are needed for women in prisons and the mental health and substance misuse needs of vulnerable women need to be assessed by Health and Wellbeing Boards at a local level**

15.35 Women specific sentencing disposals are not consistently available across the country. For example, between April 2009 and March 2010 only four of 35 Probation Trusts were running the Women's Programme.⁶² The National Offender Management Service has produced guidance on working with women;⁶³ however, the guidance was not referenced in the latest Government policy proposals on community sentences.⁶⁴ This illustrates how the lack of a strategy on women in the CJS is causing opportunities for progress to be missed.

Recommendation:

Adopt a national action plan on women in the criminal justice system to be led at the highest level of Government and report regularly on progress made. This should be a joined-up approach bringing together different government departments to coordinate a holistic response. The causes of women's offending must be targeted and gender-sensitive policies, strategies and programmes for women in prisons developed

15.36 There are also worrying signs from the voluntary sector working with offenders that the economic downturn is impacting heavily on the most vulnerable service users and disproportionately upon women. For example, organisations delivering services to women have raised concerns about the specific impact on women of current reforms to benefits and legal aid.⁶⁵ (See Article 13 and Appendix: 28)

Recommendation:

The Government must ensure that the impact of funding and service cuts on women in low income and/or single-parent households are rigorously monitored and assessed, to avoid perpetuating poverty-related offending

61. HM Chief Inspector of Prisons (2011) Report on a full unannounced inspection of HMP Holloway 15 – 23 April 2010. HM Prisons Inspectorate: London http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/prison-and-yoi-inspections/holloway/Holloway_2010_rps.pdf Para. 2.35. Her Majesty's Inspectorate of Prisons is an independent inspection body which has a coordinating function for the UK's National Preventative Mechanisms under the Optional Protocol to the UN Convention Against Torture.

62. Ministry of Justice (2010) Freedom of Information Request: FOI 67233. Ministry of Justice: London

63. National Offender Management Service Women and Equalities Group (2012) A Distinct Approach: A guide to working with women offenders. Ministry of Justice: London <http://www.clinks.org/assets/files/PDFs/Holding%20Page%20docs/A%20Distinct%20Approach%20A%20guide%20to%20working%20with%20women%20offenders%20March%202012.pdf>

64. Ministry of Justice (2012) Punishment and Reform: Effective Community Sentences. Ministry of Justice: London <https://consult.justice.gov.uk/digital-communications/effective-community-services-1>

65. Reducing Reoffending Third Sector Advisory Group (2012) A report of the Task and Finish Group. Breaking the cycle of women's offending: a system re-design. <http://www.clinks.org/publications/reports/rr3-women-tfg>

Article 16 – Equality in marriage and family law

Cohabitation

- 16.1 Following divorce, the law relating to the division of the parties' property is concerned to achieve overall fairness between the parties, and in particular to ensure that the welfare of dependent children is given high priority, that there is no discrimination between contributions made as a breadwinner or as a homemaker, and that relationship-generated economic disadvantage to a homemaker and primary carer is compensated. By contrast, when cohabiting couples separate, none of these considerations apply, and instead the law looks to factors such as legal ownership of property, financial rather than non-financial contributions, and the common intentions of the parties as to their respective shares of jointly-owned property. In this process, child welfare and future needs are completely ignored. This regime operates to the detriment of women who have been homemakers and primary carers and their children.
- 16.2 As referred to in the Government's 7th Periodic Report,¹ the Law Commission published its report, *Cohabitation: The Financial Consequences of Relationship Breakdown*² in 2007; however in September 2011 the Government announced that it does not intend to take forward the Law Commission's recommendations in the current parliamentary term. At a time when the proportion of cohabiting couple families and of children born to cohabiting couples are both increasing,³ there is no justification for this continued discrimination between married and cohabiting couples and the attendant disadvantage to women separating from cohabiting relationships and their children.⁴

Recommendation:

The Government should take forward the recommendations from the Law Commission's report on cohabitation, and explain to the Committee why this has not happened yet

- 16.3 The Government has also yet to study the effect of the application of the Family Law Act 1996⁵ on the economic situation of women upon divorce as recommended by the Committee in 2008.⁶

Forced marriage

- 16.4 In 2010 the Forced Marriage Unit received over 1,735 calls to its helpline on suspected/potential forced marriage - 86% were from women.⁷ There are also issues with learning disabled

1. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>
2. The Law Commission (2007) *Cohabitation: The financial consequences of relationship breakdown*. Law Com No. 307 http://lawcommission.justice.gov.uk/docs/lc307_Cohabitation.pdf
3. Source: Office of National Statistics (2011) *Social Trends 41: Households and Families*. <http://tinyurl.com/bpxx8ur> Table 4 (cohabiting couples increased from 12.5% to 15.3% of all families between 2001 and 2010, while married couples decreased from 72.4% to 68% over the same period); Table 5 (cohabiting couples with dependent children as a proportion of all families with dependent children increased from 10.9% to 14%, and the proportion of dependent children living in cohabiting couple families increased from 10.1% to 13.4%); Table 6 (46.2% of births were outside marriage in 2009 compared to 30.2% in 1991); and Table 7 (65.7% of births outside marriage in 2009 were jointly registered by parents living at the same address).
4. For further information see: Ministerial statement on cohabitation, 6 September 2011 <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110906-wms0001.htm> and The Law Commission (2007) *Cohabitation: The financial consequences of relationship breakdown*. Law Com No. 307 http://lawcommission.justice.gov.uk/docs/lc307_Cohabitation.pdf
5. Family law Act 1996 <http://www.legislation.gov.uk/ukpga/1996/27/contents>
6. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 44
7. Foreign and Commonwealth Office and Home Office, *Forced Marriage* <http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage/> Accessed: 26/03/13

people being forced into abusive marriages.⁸ We welcome the UK Government's continued commitment to fighting forced marriage, and we recognise that the UK is clearly a leader in the international arena on the prevention and eradication of forced marriage. The Government announced a series of measures in June 2012 to strengthen current responses, including a separate criminal offence on forced marriage, and £500,000 over the next three years⁹ most of which was earmarked for prevention work, rather than to support victims. Whilst we welcome the announcement we have some major concerns about the Government's primary focus on a criminal justice solution. For example, there may be unintended consequences that may undermine its effectiveness and a number of forced marriage specialists have for many years expressed doubts about the merits of a specific criminal offence, due to the specific nature of forced marriage, which tends to involve young women being coerced by their families. In particular, there are concerns around less victims coming forward through fear of repercussions and due to the fact they do not want to criminalise their parents and other relatives. We agree that inadequacies in the system must be addressed; this should include an appropriate and sensitive police response, support and protection for victims through the civil and criminal justice system and funding for vital support and refuge services, in addition to a criminal offence. The Government has also committed to making breach of a Forced Marriage Civil Protection Order a criminal offence, which is welcomed. (See Appendix: 29 for further information)

Recommendations:

- **Include forced marriage in schools citizenship programmes for 15/16 year olds to know about the Act and the support available**
- **Establish additional counselling and other support services for victims of forced marriage**

Supporting forced marriage initiatives overseas

- 16.5 Despite UK Government initiatives to tackle and prevent forced marriage, women still face barriers to this being recognised as grounds for international protection in the UK.¹⁰ While in principle we support the funding of awareness raising activities and refuges abroad we understand that the Committee monitors the UK Government on the implementation of the rights of CEDAW within the UK, as opposed to overseas.

Corporal punishment of children at home¹¹

- 16.6 The legality and practice of corporal punishment of children breaches their fundamental rights to respect their human dignity and physical integrity, to equality under the law and to protection from all forms of violence. There are strong links between corporal punishment of children and all other forms of violence, including gender-based violence. (See General Recommendation 19) As the Committee on the Rights of the Child (CRC) emphasised in its General Comment No. 8, addressing corporal punishment is "*a key strategy for reducing and preventing all forms of violence in societies*".¹² However, parents and those in loco parentis, including those working

8. Ryan, F. (2012) 'Forced marriage blights the lives of scores of learning disabled people', The Guardian, 13th July 2012 <http://www.guardian.co.uk/society/2012/jul/31/forced-marriage-blights-learning-disabled>

9. The Government has committed to provide £500,000 over three years towards helping schools and other agencies to spot the early signs of a forced marriage.

10. Dauvergne, C. and Millbank, J. (2010) Forced Marriage as Harm in Domestic and International Law. The Modern Law Review. 73 (1), 57-88. <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-2230.2009.00784.x/abstract>

11. For more information see: Global Initiative to End All Corporal Punishment of Children (2012) Briefing on the United Kingdom and its Crown Dependencies and Overseas Territories for the Committee on the Elimination of Discrimination Against Women, Pre-session Working Group – October 2012 http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/GIBriefingForPSWG54thSession_UK.pdf

12. General Comment No. 8 (2006) on "*The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment*" is available at www2.ohchr.org/english/bodies/crc/comments.htm

in part-time educational and learning settings such as private tutoring, leisure facilities, and in evening and weekend faith schools, can rely on the defence of 'reasonable punishment' if charged with common assault against a child. UN treaty bodies the CRC, CEDAW and the Committee on Economic, Social and Cultural Rights have repeatedly recommended that the Government should comply with its human rights obligations by removing the defence. This was also recommended in the first and second UPR cycles in relation to the UK.¹³

Recommendation:

The Government should legislate to prohibit all forms of physical punishment against children in the family and in all other institutions and alternative care settings

Sex-selective abortions

- 16.7 Women's NGO Jeena International¹⁴ is concerned about gendercide and sex-selective abortions for the Indian diaspora in the UK¹⁵ as there is quantitative evidence for this¹⁶ which mirrors findings in India. There is an ongoing project¹⁷ to analyse the most recent trends and the Government must take note of this for future action.

Pregnancy and Maternity Grants

- 16.8 Both pregnancy and the early years of childhood are crucial stages for the development of children, during which socio-economic deprivation can have lasting effects. It is also a time when many families are under considerable financial pressure. Key grants and welfare entitlements are crucial in helping women cope with the costs of pregnancy and a new child. However, two key grants to support the costs of pregnancy and maternity have been cut: The Health in Pregnancy Grant was abolished in January 2011, and eligibility for the Sure Start Maternity Grant was restricted to the first child only from April 2011, thus penalising families who have any subsequent children. (See Article 13 for further information)

Recommendation:

Reinstate the Health in Pregnancy Grant and the Sure Start Maternity Grant or introduce an alternative payment

Closure of Sure Start Centres

- 16.9 Sure Start Children's Centres, of which there are currently over 3,600 in England,¹⁸ are open to all children and parents and offer a range of free and low-cost services including early education, health and family support services, workshops on breastfeeding and child nutrition, debt counseling, and advice on training and job opportunities. The centres also offer affordable childcare. This provision has been crucial in enabling women to combine work and childcare responsibilities.¹⁹ One survey showed that 68% of parents with a child under one used a children's centre.²⁰

13. Ministry of Justice, Universal Periodic Review <http://www.justice.gov.uk/human-rights/universal-periodic-review> Accessed: 21/04/13

14. Jeena International <http://www.jeenainternational.org/> Accessed: 26/03/13

15. Tebbit, N. (2012) 'How the Government evaded my questions about British 'gendercide'', The Telegraph, 27th February 2012 <http://blogs.telegraph.co.uk/news/normantebbit/100139604/how-the-government-evaded-my-questions-about-british-gendercide/>

16. Dubuc, S. and Coleman, D. (2007) An increase in the sex ratio of births to India-born mothers in England and Wales: evidence for sex-selective abortion, in *Population and Development Review*, 3, 3 (2): 389-400

17. University of Oxford, Department of Social Policy and Intervention <http://www.spsw.ox.ac.uk/staff/research/profile/dubuc.html> Accessed: 26/03/13

18. Fawcett Society (2011) *The Impact of Austerity on Women*. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf> (p.14)

19. Fawcett Society (2011) *The Impact of Austerity on Women*. Fawcett: London <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf> (p.14)

- 16.10 The funding that was previously set aside for Sure Start Centres has been merged into the new Early Intervention Grant, which also includes funding for teenage pregnancy, mental health and youth crime programmes. These programmes received nearly £2.5bn in 2010-2011 but only £2.2bn in 2011-2012.²¹ The Local Government Group has stated that this represents a real-terms cut of over 25% when compared with the grants paid to councils in 2010-11.²²
- 16.11 The Government has argued that there is enough money for Local Authorities to continue to support Sure Start projects; however, faced with severe cuts, many Local Authorities have cut back on funding for children's centres. A survey of children's centre managers in 2011 found that:
- 250 (7%) would close or were expected to close, affecting an estimated 60,000 families
 - 2,000 (56%) would provide a reduced service
 - 3,100 (86%) would have a decreased budget
 - staff at 1,000 centres (28%) had been issued with 'at risk of redundancy' notices.²³
- 16.12 These cuts will impact on women's ability to combine work and family life. Women who are unable to meet higher private childcare costs, or for whom the alternatives to the local Sure Start Centre are not suitable, will face the possibility of having to leave the labour market in order to look after their children.²⁴ (See Article 11 and Appendix: 18 for further information)

Lesbian and bisexual parents

- 16.13 Lesbian and bisexual women who are parents face a variety of negative attitudes and their needs must be addressed and met through existing mainstream services by providing targeted information and support.²⁵

Teenage parents

- 16.14 Funding for teenage pregnancy has now been merged into the new Early Intervention Grant. As with Sure Start, we are concerned that without ring-fenced funding, local governments facing severe cuts will no longer provide the same level of support for these young women and their children.
- 16.15 Housing related support for vulnerable people, including teenage parents (usually mothers) comes from Supporting People, which is paid from central government to local government and helps young mothers to live as independently as possible in the community, in their own homes or in other specialised supported housing. Supporting People has been cut by 12% nationally and is no longer ring-fenced, which has resulted in significant cuts to services for teenage parents in some parts of the country.²⁶

20. Netmums (2010) Local Services for Parents: What mums need. http://l.nmimg.net/images/local_services_for_parents.pdf

21. Education Select Committee (session 2010-11) Spending review settlement for the Department of Education, 14 December 2010: <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/uc627-ii/uc62701.htm>

22. Justice Select Committee, The proposed abolition of the Youth Justice Board, Written evidence from the Local Government Group, September 2011: <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmjust/1547/1547vw04.htm>

23. Daycare Trust (2011) 'Press release: 250 Sure Start Centre's face closure within a year', 28th January 2011 <http://www.daycaretrust.org.uk/pages/250-sure-start-childrens-centres-face-closure-within-a-year.html>

24. Williams, R. (2012) 'Empty promise of 'open' Sure Start centres', The Guardian, 7th August 2012 <http://www.guardian.co.uk/society/2012/aug/07/empty-promise-open-sure-start-centres>

25. Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. Briefing 16: LBT parents. WRC: London

26. Butler, P. (2011) 'First in the cuts firing line: The homeless and socially excluded', The Guardian, 19th January 2011 <http://www.guardian.co.uk/society/patrick-butler-cuts-blog/2011/jan/19/public-sector-cuts-housing>

**Recommendation:
Funding for Supporting People must be ring-fenced**

16.16 Family immigration law issues

For migrant, refugee and asylum seeking women the principle of family unity must be respected by the UK authorities as a matter of paramount importance. The cases of individuals who wish to be reunited with relatives in the UK should be examined in the light of international, regional and domestic law and best practice. Family reunion should be approached by the UK in a generous spirit and the definition of 'family member' should pay due regard to the reality and

16.17 importance of non-nuclear family relationships.

However, new rules²⁷ set out in June 2012 on family migration may not meet these requirements. The rules acknowledge that people have a right to respect for private and family life under ECHR Article 8, but state this is not an absolute right, and it is legitimate for the Government to interfere with the exercise of that right where it is in the public interest to do so. This includes only allowing migrants to come or remain in the UK if they can support themselves financially, and their partner is able to 'integrate into British society'. This includes from October 2013 applicants for settlement being required to pass the 'Life in the UK' test and present an English language speaking and listening qualification, which will discriminate against the poorest and

16.18 most vulnerable,²⁸ especially migrant women. (See Appendix: 12)

Key changes also include a minimum income threshold of £18,600 for those who wish to sponsor the settlement of a spouse or partner in the UK. A higher threshold will be required for the additional sponsorship of migrant children under the age of 18: £22,400 for one child and an additional £2,400 for each further child sponsored before the migrant parent reaches settlement. This will obviously impact on women with children. Increasing the minimum probationary period from two years to five years before non-EEA spouses and partners can

16.19 apply for settlement will also affect women disproportionately. (See Article 9 and Appendix: 8)

There is also a new measure that adult dependent relatives will be required to demonstrate that, as a result of age, illness or disability, they require a level of long-term personal care that can only be provided in the UK by their relative here and without 'recourse to public funds'. This will force many women to take on caring responsibilities. (See Article 15 for more information)

16.20 Family justice system response to domestic violence

Despite significant developments in the law and policy on domestic violence and child contact, new research supports many studies which indicate ongoing failures and missed opportunities in the family justice system to protect women and children from violent ex-partners and a tendency of judges and other statutory professionals to minimise domestic violence in the context of child contact applications.²⁹ The research showed that despite histories of violence, children refusing contact or expressing terror or distress, injunctions and criminal convictions and women's fears for children's emotional safety, that unsupervised contact was routinely ordered to abusive fathers. Moreover the system failed to protect women at court; all too

27. UK Border Agency, Family migration changes announced – updated <http://www.bia.homeoffice.gov.uk/sitecontent/newsarticles/2012/june/13-family-migration> Accessed: 26/03/13

28. Cooke, M. and Simpson, J. (2012) 'A test too far: New language tests for Migrants', Migrant Rights Network, Migration Pulse blog, 6th July 2012 <http://www.migrantsrights.org.uk/migration-pulse/2012/test-too-far-new-language-tests-migrants>

29. Coy, M., Perks, K., Scott, E. and Tweedale, R. (2012) Picking up the Pieces: domestic violence and child contact. Rights of Women and CWASU: London http://www.rightsofwomen.org.uk/pdfs/Policy/Picking_Up_the_Pieces_Report_final.pdf

frequently women's accounts of violence were not believed or deemed not relevant to child contact. With the UK Government's removal of legal aid for most women in April 2013, (See [Appendix: 28](#)) the difficulties faced by women in the family justice system will be compounded and this is likely to result in unsafe contact arrangements. Many women often find themselves re-victimised by their ex-partners, and more shamefully, by the court system itself. The systems in place harbour prejudice against mothers who have experienced abuse and are trying to protect their children. (See [Appendix: 30](#))

Recommendations:

- **There must be a robust statutory framework in place within the family justice system which ensures the early identification and effective response to women and children's experience of domestic violence, setting out respective roles and responsibilities of all key professionals in the system**
- **Judges, solicitors, barristers, CAFCASS officers and mediators must receive compulsory, specialist training on domestic violence and its impact on women and children's lives**

16.21 **Co-operative Parenting Bill**

After leaving abusive relationships thousands of women in the UK assume they have finally freed themselves from domestic abuse. Those with children often put their faith in the family courts for help with organising residency and contact. However, the unacceptable inequality in the family courts manifests in the support of the abuser as he continues his abuse through the legal system.³⁰ A key conclusion from the *Family Justice Review 2011* was that "*family justice does not operate as a coherent, managed system. In fact, in many ways, it is not a system at all*".³¹

16.22

The Government's proposed legislation involving co-operative parenting (previously known as Joint Custody or Shared Residency/Parenting) as detailed in the Children and Families Bill³² will therefore have massive negative implications for children and their non-abusing parents. Women are already being forced to agree to shared parenting arrangements even when they feel it is unsafe for their children and themselves. This is because they are threatened that if they do not concede their children will be taken from them and the abusing parent given residence. This practise is widespread in the Family Courts at present, even before any legislative statements regarding co-operative parenting have been written in to Law. (See [Appendix: 30 for further information](#))

Recommendations:

- **Post-separation abuse training should be compulsory and on-going amongst all court personnel**
- **The domestic abuse toolkit should be reinstated by CAFCASS³³**
- **The Government should base any legislative decisions on the recommendations of the Family Justice Review and the evidence regarding shared parenting and domestic abuse**

30. Women's Aid, Response to the Family Justice Review 2011 <http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200330001&itemid=2725> Accessed: 26/03/13

31. Ministry of Justice (2011) Family Justice Review. MoJ, DfE and WAG, 2011:44 <http://www.justice.gov.uk/about/moj/independent-reviews/family-justice-review>

32. Department for Education (2012) 'Press release: Children and Families Bill to give families support when they need it most', 9th May 2012 <http://www.education.gov.uk/inthenews/inthenews/a00208753/childrens-bill-family-support>

33. Children and Family Court Advisory Support Service (CAFCASS) <http://www.cafcass.gov.uk/> Accessed: 26/03/13

16.23 **Faith based organisations and legal arbitration**

Under the Arbitration Act 1996,³⁴ bodies outside the justice system can offer arbitration in relation to certain types of civil dispute. Several organisations are using the Act to adjudicate on

16.24 family and marital disputes in line with religion.

There is evidence that bodies involved in applying religious law in the UK are discriminating against women in marriage and divorce. By forcing women to meet with their abusers and encouraging them to return to violent or forced marriages, they are also putting women at risk of further abuse, and are denying them access to justice. By allowing these bodies to operate in the UK, the Government is in breach of its obligations under CEDAW Article 16. (See Appendix: 31 for further information)

Recommendation:

All bodies involved in private arbitration around family law must be subject to the CEDAW principles and to key UK legislation protecting women's rights, including the Sex Discrimination Act³⁵ and the Human Rights Act³⁶

16.25 **Shared parental leave**

We welcome the Government's announcement in November 2012 on shared parental leave and other support for working parents. However, this is a modest step towards greater sharing of caring responsibilities as there is likely to be limited take-up by fathers as the Government chose not to proceed with the four week extension of paternity leave originally included in their plans. The model of transferable leave adopted by the Government is a significant improvement on the earlier version outlined in the Government's Modern Workplaces consultation³⁷ following significant campaigning from the voluntary sector and others.³⁸ (See Article 11 and Appendix: 15 for more information)

16.26 **Child maintenance/support**

The UK Government is set to introduce charges for parents with care (PWC) using the child maintenance system to require non-resident parents to provide financially for their children. We consider that the proposal to charge PWCs 7% to use the statutory system raises serious concerns under gender equality provisions of the Equality Act 2010³⁹ and CEDAW and will result in outcomes that are not in the best interests of the children. It is important to note that charging to use the child maintenance system will impact disproportionately on PWCs, 95-97% of whom are women. This is reflected in the Department of Work and Pensions qualitative study published in 2006 which concluded that "[o]verall, non-resident parents appear to wield a disproportionate amount of power over establishing financial arrangements following a separation, regardless of the type of arrangements adopted".⁴⁰

34. Arbitration Act 1996 <http://www.legislation.gov.uk/ukpga/1996/23>

35. Sex Discrimination Act 1975 <http://www.legislation.gov.uk/ukpga/1975/65>

36. Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>

37. Department for Business, Innovation and Skills (2011) Consultation on Modern Workplaces <http://www.bis.gov.uk/Consultations/modern-workplaces>

38. Valuing Maternity (2012) Maternity and Parental Leave that Promotes Real Equality. Maternity Action: London <http://valuingmaternity.org/wp-content/uploads/2012/11/Maternity-and-Parental-Leave-Intro.pdf>

39. Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

40. Bell, A., Kazimirski, A., and La Valle, I. (2006) An investigation of CSA Maintenance Direct Payments: Qualitative Study. London: Department for Work and Pensions, Research Report No. 327 <http://research.dwp.gov.uk/asd/asd5/rports2005-2006/rrep327.pdf> p41. This conclusion was met with the caveat that "all the parents in this study had eventually involved the CSA in their negotiations (or become involved through the parent with care going onto benefits)".

Recommendations:

- **Parents with care should not be required to pay a collection fee to use the child maintenance system in the UK**
- **If a collection fee is to be imposed, victims of domestic violence should be exempt from the requirement to pay a collection fee in recognition that direct payment is not a safe option where there is a risk of domestic violence**

General Recommendation 19 - Violence against women and girls

- 19.1 General Recommendation 19 makes it clear that violence against women and girls (VAWG) violates their human rights under CEDAW. VAWG can constitute torture as defined under the terms of the UN Convention Against Torture (CAT).¹ The UK Government has been asked what steps have been taken to ensure that all cases of violence against women are swiftly investigated, prosecuted and punished and that women receive immediate protection, redress and compensation² by the CAT Committee. (See Appendix: 34) Rape, domestic violence, trafficking and female genital mutilation (FGM) can be treated as a breach of human rights by the State because of a failure to protect victims or prosecute offenders.
- 19.2 We are pleased to see that VAWG is a focus of the Government's 7th Periodic Report³ but are concerned that a gendered understanding of this is being lost as women-only services are being challenged and there are increasing cuts to and closure of specialist VAWG services. (See Appendix: 5) The detrimental impact of VAWG on women's health is also overlooked even though this has a huge impact on State spending on health services and on the economy, as well as on individuals and families. (See Article 12)
- 19.3 VAWG is a human rights issue and is predominately perpetrated against women and girls by men. Public authorities have obligations to tackle domestic, sexual and other forms of VAWG under Article 2 (the right to life), Article 3 (the prohibition of inhuman and degrading treatment) and Article 14 (the prohibition of discrimination) of the European Convention on Human Rights.⁴
- 19.4 Each year across the UK up to three million women experience violence, including domestic violence (DV), rape and sexual violence, sexual harassment, forced marriage, (See Article 16 and Appendix: 29 for more information) crimes in the name of 'honour', FGM, (See Appendix: 33) trafficking and sexual exploitation. (See Article 6) More than one in four women (4.8 million) aged between 16 and 59 have been affected by DV,⁵ 50% of women who have experienced DV are raped within their abusive relationship;⁶ 23% of women have been sexually assaulted as an adult⁷ and up to 6,500 girls are at risk of FGM in the UK every year.⁸ (See Appendix: 33)
- 19.5 Apart from the physical and psychological damage that the perpetrators of these crimes cause, VAWG costs society £40bn a year, including criminal investigation costs, housing and social services support, and statutory services that support survivor's physical and mental health needs.⁹ (See Appendix: 21) Violence against women, both intimate partner violence and sexual violence, are major public health problems.¹⁰ Without early intervention, they present significant social and economic costs – for women and their families, for public services and the economy

1. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment <http://www.hrweb.org/legal/cat.html>

2. Committee Against Torture, 50th Session (6th May-31st May 2013) <http://www2.ohchr.org/english/bodies/cat/cats50.htm>

3. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

4. See *Opuz v Turkey* [2009] ECHR 870

5. Home Office (2010) Crime in England and Wales 2009 to 2010: findings from the British crime survey and police recorded crime <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1210/>

6. Martin, E K., Taft, C. T. and Resick, P. A. (2007) 'A review of marital rape. Aggression and Violent Behaviour' 12(3), 329-347

7. Home Office (2007) Cross Government Action Plan on Sexual Violence and Abuse <http://webarchive.nationalarchives.gov.uk/+homeoffice.gov.uk/documents/sexual-violence-action-plan.html>

8. FORWARD, Female Genital Mutilation (FGM) <http://www.forwarduk.org.uk/key-issues/fgm> Accessed: 21/04/13

9. Kali, A., Joy, I. And Jarvinen, J. (2008) *Hard Knock Life: Violence against women. A guide for donors and funders.* New Philanthropy Capital: London <http://www.thinknpc.org/publications/hard-knock-life/>

10. World Health Organisation (2012) Violence Against Women: Intimate partner and sexual violence against women. Factsheet 239, November 2012 <http://www.who.int/mediacentre/factsheets/fs239/en/>

as well as for our communities and society. DV costs £5.8bn a year¹¹ and the cost of sexual offences in a year is estimated to be £8.46bn, with each reported rape costing an estimated £96,000.¹² VAWG also seriously depresses women's ability to contribute to society and the economy. The World Health Organisation found that preventing violence is both cost beneficial and cost effective¹³ however, the UK Government has not done enough to address this.

- 19.6 Changes to welfare benefits also risk increasing women's financial dependency on men, making it harder for women to leave violent relationships. Universal Credit will be paid as a single payment to one partner in a couple and concern has been expressed that this will increase women's financial dependency on their male partners¹⁴ and it is likely to increase incidents of DV. (See Article 13)
- 19.7 Increased conditionality of benefits may also impact women who are unable to seek work because of trauma or ongoing mental health problems as a result of abuse. In focus groups run by the (now closed) Women's National Commission (See Appendix: 3) for the Department of Health, some women complained that GPs who worked as medical examiners for Jobcentre Plus had no understanding of rape and sexual violence and how this might prevent women from working. Women reported having their benefits cut because Jobcentre Plus staff failed to recognise the ongoing problems they were suffering as a result of the violence they had experienced.¹⁵ In addition, cuts to Housing Benefit may make it harder for women to move out of an area to get away from their attacker. The importance of financial advocacy has also been raised, including benefit and debt management. Women with children said this support was crucial in order for them to protect and provide for their children.¹⁶ This is the case particularly for Black, minority ethnic and refugee (BMER) survivors of VAWG that find it difficult to navigate the system as a result of language and cultural barriers. However, it is precisely these services which are being reduced. (See Appendix: 5)
- 19.8 Progressive developments that seek to safeguard and address gender issues and voluntary sector provision, such as the Compact,¹⁷ have been ignored, under-used or misused within local service development strategies and even removed altogether, as in the case of the Gender Equality Duty. Furthermore, the language used around VAWG is also becoming gender-neutral which continues to undermine the value of women-only provision.¹⁸ The current emphasis should remain in recognition of the power dynamic involved in most VAWG – which is perpetrated by men against women. The use of the more generic term 'gender based violence' detracts from recognising this power dynamic¹⁹ and should not be used in communications about VAWG.

11. Hirsch, A. (2008) 'Domestic violence 'costs £5.8bn'', The Guardian, 25th November 2008 <http://www.guardian.co.uk/lifeandstyle/2008/nov/25/gender-economy-domestic-violence-women>

12. Home Office (2005) The economic and social costs of crime against individuals and households 2003/04. <http://webarchive.nationalarchives.gov.uk/20100413151441/crimereduction.homeoffice.gov.uk/statistics/statistics39.htm>

13. World Health Organisation (2004) The Economic Dimensions of Interpersonal Violence http://www.who.int/violence_injury_prevention/publications/violence/economic_dimensions/en/

14. Goode, J., Callender, C. and Lister, M.R. (1998) Purse or Wallet? Gender Inequalities of Income in Families on Benefits. Joseph Rowntree Foundation/Policy Studies Institute: London

15. Women's National Commission (2010) A Bitter Pill To Swallow: Report from WNC Focus Groups to inform the Department of Health Taskforce on the Health Aspects of Violence Against Women and Girls. WNC: London <http://wnc.equalities.gov.uk/work-of-the-wnc/violence-against-women/news-and-updates/309-a-bitter-pill-to-swallow-report-from-the-wnc-focus-groups.html>

16. Victim Support (2012) Listening and Learning: Improving support for victims in London. Produced by Victim Support in partnership with the Home Office and Ministry of Justice <http://www.victimsupport.org/About-us/Policy-and-research/-/media/Files/Publications/ResearchReports/VSA%20reports/Listening%20and%20learning%20-%20London>

17. See Compact Voice (2012) <http://www.compactvoice.org.uk/about-compact> Accessed: 21/03/13

18. FORWARD and Imkaan (2011) The Road to Sustainability: A review of Black, Asian, Minority Ethnic and Refugee organisations working with women on health and gender based violence in England. A study commissioned by the Women's Health and Equality Consortium. WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/07/TheRoadtoSustainabilityExecSummary2011.pdf>

19. Victim Support (2012) Listening and Learning: Improving support for victims in London. Produced by Victim Support in partnership with the Home Office and Ministry of Justice <http://www.victimsupport.org/About-us/Policy-and-research/-/media/Files/Publications/ResearchReports/VSA%20reports/Listening%20and%20learning%20-%20London>

Call to end VAWG

- 19.9 In 2008 the CEDAW Committee called for a national strategy on VAWG which included training for parliamentarians, the judiciary and health workers/police. A Call to End Violence Against Women and Girls²⁰ Action Plan has been introduced and updated but this is not comprehensive enough and many of the Government's other policies are in direct contravention of this and in fact increase women's vulnerability to violence.
- 19.10 The *Action Plan* has no central budget line attached to it which limits and obscures the resources available to implement it and we believe that VAWG can only be tackled effectively if policies, including prostitution and trafficking, are brought together in a single overarching strategy based on the principles of equality and human rights.
- 19.11 The Government has, in recent years, recognised the need for a more holistic approach to VAWG with the introduction of Independent Sexual Violence Advisors (ISVAs), Independent Domestic Violence Advocates (IDVAs) and Multi-Agency Risk Assessment Conferences (MARACs) and in its 7th Periodic Report, describes the success of these initiatives in reducing the attrition rates of VAWG cases, which is a key priority. Specialist Domestic Violence Courts have also been established. In 2011 however, of eight major IDVA providers, two faced total loss of funding, three faced cuts of 50%, 3 of 40% and two of 25%.²¹ Rather than reduce these services there is an urgent need to extend the programme to offer support to more women affected by violence. We are concerned that the provision of ISVAs, IDVAs and MARACs continues to be available only in high risk cases. Specialist services and multi-agency working is required for all victims of VAWG combined with greater awareness raising to ensure the efficacy of these services.

Recommendation:

Targets are needed to increase the numbers of ISVAs and IDVAs to ensure provision around the country and so that support for victims is not inconsistent. This would also create better support availability for women who experience multiple discrimination

- 19.12 It is estimated that for every £1 spent on MARACs at least £6 of public money can be saved on direct costs to agencies every year – and that the potential savings to the public purse of a national MARAC programme are over £740m annually.²²

Case study:²³

"The implementation of MARAC's has not been considered in context to sustaining the service and the remainder of the 90% cases of domestic violence. Awareness raising and the actual implementation of MARAC's has been limited due to limited resources and an under appreciation of the importance of voluntary services and their response to victims of domestic violence."

20. Home Office (2010) Call to End Violence against Woman and Girls. HM Government <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-paper?view=Binary>

21. Data from a poll carried out by Coordinated Action Against Domestic Abuse (CAADA), cited in Towers, J. and Walby, S. (2012) Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls. Trust for London: London <http://www.trustforlondon.org.uk/FullVAWGReport.pdf>

22. Co-ordinated Action Against Domestic Abuse (2010) Saving Lives, Saving Money: MARACs and high risk domestic abuse. CAADA: Bristol http://www.caada.org.uk/policy/Saving_lives_saving_money_FINAL_REFERENCED_VERSION.pdf

23. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

19.13 The Government's Action Plan contains 35 wide-ranging proposals, which require partnership working with and between government departments. It is too early to comment on the effectiveness of the Action Plan, but a review of IDVAs in 2009 estimated that there were less than half the number of trained advisors needed to give adequate coverage for all high risk cases in the UK. Research undertaken²⁴ indicates that there are still gaps in provision which is a continuing cause for concern.

Recommendations:

- **Allocate adequate resources within government budgets for the implementation of the Action Plan at all appropriate levels**
- **A 4 nations Independent Taskforce should be established, reporting to relevant Ministerial Groups on VAWG, to examine the relationship between VAWG and mental health, suicide and self-harm; access to education and other services; and the impact of cuts in public spending and legal aid on women and girls. It should also examine legal and statutory responses, including that of the police and social services**

19.14 On 8th June 2012 the Government signed up to the Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence (CAHVIO).²⁵ This is welcome as signing the Convention reflects the Government's commitment to tackling VAWG; we urge them to ratify it without delay! The UPR examination in 2012 also urged the Government to take more effective measures to combat all forms of VAWG and to ensure that the perpetrators of violence are held to account and punished.²⁶

Recommendation:

The Government should take steps to ratify CAHVIO as soon as possible

Localism and VAWG

19.15 The localism agenda and devolution of responsibility and funding to Local Authorities is a particular concern in terms of provision for VAWG. 31% of Local Authority funding to the VAWG sector was cut between 2010/11 and 2011/12, a reduction from £7.8m to £5.4m.

19.16 National level policy has insufficient traction on local decision making and there is a general discord between national policy commitments on the one hand, and devolution of decision making to local areas on the other.²⁷ We are concerned about the lack of mandatory targets related to VAWG against which the performance of Local Authorities can be monitored. This is at odds with the statutory Public Sector Equality Duty (PSED) and guidance from the Equality and Human Rights Commission (EHRC) that Local Authorities must prioritise tackling the causes and consequences of VAWG under the Duty.²⁸ The Government should introduce wide ranging and comprehensive indicators on VAWG against which to monitor efforts to prevent and respond to VAWG by Local Authorities and other local partnerships.²⁹ Data should also be

24. Howarth, E. et al (2009) Safety in Numbers: A Multi-site Evaluation of Independent Violence Advisor Services. The Henry Smith Charity and CAADA: London http://www.caada.org.uk/policy/Safety_in_Numbers_full_report.pdf

25. Council of Europe Convention on preventing and combating violence against women and domestic violence (CAHVIO) <http://conventions.coe.int/Treaty/EN/Treaties/Html/210.htm>

26. Ministry of Justice, Universal Periodic Review <http://www.justice.gov.uk/human-rights/universal-periodic-review> Accessed: 21/04/13

27. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

28. Equality and Human Rights Commission (2012) The Essential Guide to the Public Sector Equality Duty. EHRC: London http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/essential_guide_update.pdf

29. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

disaggregated by 'protected characteristics' to ensure that vulnerable groups of women are reached and don't fall through the gaps (e.g. BME, disabled, older women, etc.)

Case study:³⁰

"The Government has put things in place but then does not follow it through, the Borough may have excellent strategies for women leaving a violent relationship but then no housing provision for the women to stay in thus forcing them to return. There needs to be a complete chain."

- 19.17 From April 2011 it was compulsory for police forces within England and Wales to collect data on reported hate crimes as part of the formal Annual Data Return process to the Home Office.³¹ We hope that this data will be disaggregated by gender and include specific hate crimes against women to ensure that they receive an appropriate response. (See Article 15)

Recommendation:

National governments must set guidance and milestones for local bodies to tackle VAWG, with robust enforcement and implementation mechanisms. This should include guidance on the necessity to collect and publish disaggregated data on VAWG in relation to all minority groups under the new Public Sector Equality Duty in Britain

Transfer of VAWG funding to Police and Crime Commissioners (PCCs)

- 19.18 From November 2012 the police authorities that held the police to account were replaced by elected PCCs in 41 police force areas across England and Wales. PCCs are responsible for local policing priorities and outcomes, and have to produce a five year Police and Crime Plan setting out local policing priorities.
- 19.19 As part of their responsibilities, from 2013/14 PCCs can make crime and disorder reduction grants to any organisation or person in the area. Existing funding streams to address VAWG services will be diverted to this new fund and will no longer be ring fenced. PCCs will act as commissioners for all local victim support services, apart from rape support centres and support for victims of trafficking, which will continue to be commissioned nationally.
- 19.20 Judges have been critical of this policy as they have 'grave concerns' about allowing commissioners who are elected locally on political platforms to select what support services should be offered to crime victims as they may favour certain victim support services or be vulnerable to claims from private contractors.³²

VAWG campaigns/communications

- 19.21 The Government should build upon previously successful Police Service and voluntary sector awareness-raising campaigns to pro-actively target individuals at higher risk of more hidden crimes. Cultural factors, language barriers, age and a lack of clarity between offences and non-offences all contribute to a lack of public awareness in these areas. Certain groups such as BME women find it particularly hard to access information and some do not know that

30. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

31. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

32. Doward, J. and Boffey, D. (2012) 'Judges warn of 'disastrous' reforms to justice system', The Guardian, 26th August 2012 <http://www.guardian.co.uk/uk/2012/aug/26/judges-rebel-plans-commissioners-charge-victims>

VAWG is a crime. Information should therefore be available in different languages so that those with English as a second or other language can be made aware of the law, how to access help from the police, and the wider support available.³³ Although the Home Office has produced a 'step-by-step' guide for BMER victims of VAWG in various community languages with the NGO, Southall Black Sisters,³⁴ more widespread publicity is still required in different forms to reach more women within minority communities.³⁵

VAWG projects

The Bailey Review

- 19.22 Disappointingly the *Bailey Review*³⁶ into the commercialisation and sexualisation of childhood which the Government mention in their report, continued to reinforce gender stereotypes rather than challenging them and there has been a lot of criticism³⁷ about its simplistic and moralistic attitude to sexuality. The review is heteronormative and makes problematic assumptions about socio-economic status and race rather than dealing with the complexity of issues affecting young people, and especially girls, in the UK today. (See Article 5)
- 19.23 Alongside investment in awareness and education on VAWG, we would like to see increased efforts to raise awareness about the legal remedies and services available to those experiencing VAWG.

Recommendation:

Raise awareness of VAWG and challenge discriminatory attitudes and stereotypes, including harmful traditional or social practices, through education and the media

The Stern Review

- 19.24 The *Stern Review*³⁸ recommended that more needs to be done to explain published statistics on rape conviction rates. It is also clear that more could be done to gather information about the prevalence of sexual violence against women in the UK and to analyse and disseminate information already gathered, so that it can be used to direct and influence law and policy in this area.³⁹ (See Appendix: 32)
- 19.25 As the *Stern Review* states, implementation of policies is patchy (in rank and geographical areas) and so, until training is consistent and, very importantly, monitored for results, work still needs to be done by police to fulfil international obligations to implement gender sensitive policies in relation to sexual violence and ensure legislation is used effectively by having an effective criminal justice system (CJS).

33. Victim Support (2012) *Listening and Learning: Improving support for victims in London*. Produced by Victim Support in partnership with the Home Office and Ministry of Justice <http://www.victimsupport.org/About-us/Policy-and-research/-/media/Files/Publications/ResearchReports/VSA%20reports/Listening%20and%20learning%20-%20London>

34. Southall Black Sisters <http://www.southallblacksisters.org.uk/> Accessed: 22/04/13

35. Home Office (2012) *English – Three steps to escaping domestic violence* <https://www.gov.uk/government/publications/english-three-steps-to-escaping-domestic-violence>

36. Bailey, R. (2011) *Letting Children be Children – Report of an Independent Review of the Commercialisation and Sexualisation of Childhood*. Department for Education <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208078>

37. Boynton, P. (2011) 'Unpacking the Bailey Review on the Commercialisation and Sexualisation of Childhood', Petra Boynton PhD blog, 6th June 2011 <http://www.drpetra.co.uk/blog/unpacking-the-bailey-review-on-commercialisation-and-sexualisation-of-childhood/>

38. Government Equalities Office (2010) *The Stern Review: A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales*. GEO: London http://webarchive.nationalarchives.gov.uk/20100418065537/equalities.gov.uk/stern_review.aspx

39. Rights of Women (2010) *Measuring up? UK compliance with international commitments on violence against women in England and Wales*. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

Recommendations:

- **It is crucial that there is a minimum standards framework based on equality and human rights principles for all organisations working on VAWG and mandatory training for all teachers, social workers, police officers, health workers and other professionals distributed evenly throughout the country**
- **The voluntary VAWG sector should be commissioned to deliver quality training on VAWG to a range of agencies as part of vocational qualifications and ongoing professional development and to increase the consistency in the implementation of existing good policy**

Sector-specific policies on VAWG

- 19.26 It is disappointing that tackling abuse of women and girls is still not reflected properly in key Westminster Government policies. There is concern that the new ‘troubled families’ agenda fails to acknowledge and tackle VAWG and the impact of this on other issues within families.⁴⁰
- 19.27 The consultation and debate around porn filters⁴¹ also does not reflect issues around VAWG, and key reports⁴² on abuse have been undermined by parts of government.

Domestic violence (DV)

- 19.28 From March 2013 the cross-Government definition of DV has been extended. The two most significant aspects of the change are that:
- new wording is to be used to capture the coercive control that is exercised by perpetrators;
 - young people aged 16 and 17 years old will now be included within the definition.
- 19.29 Whilst the definition is not legally binding, it informs the work of all Government departments as well as statutory agencies like the police and Local Authorities. In the context of immigration law, the development of the definition may assist victims of DV who are applying under the Domestic Violence Rule⁴³ for indefinite leave to remain (ILR) who face challenges securing the evidence needed to support an application. (See Article 9 and Appendix: 8) The reference to isolation and the regulation of behaviour can be relied on to support applicants who were prevented from accessing services or other sources of support, while the reference to exploitation may benefit those who have criminal convictions as a result of the violence they have experienced. We hope that all documents will be updated with the new definition, for example the guidance for UKBA caseworkers (dated 25th January 2013),⁴⁴ so that representatives and advocates can familiarise themselves with the new definition and refer to it where necessary.

40. End Violence Against Women Coalition (2012) ‘‘Troubled families’ report a missed opportunity’, EVAW website, 18th July 2012 <http://www.endviolenceagainstwomen.org.uk/news/45/troubled-families-report-a-missed-opportunity>

41. Cordon, G. (2012) ‘Ministers reject automatic web porn filter’, The Independent, 15th December 2012 <http://www.independent.co.uk/news/uk/politics/ministers-reject-automatic-web-porn-filter-8420066.html>

42. Children’s Commissioner (2012) The Office of the Children’s Commissioner’s Inquiry into Child Exploitation in Gangs and Groups. Interim Report, November 2012 http://www.childrenscommissioner.gov.uk/content/publications/content_636

43. See para 298 of the Immigration Rules - UK Border Agency (2013) Victims of domestic violence <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/family/section4.pdf?view=Binary>

44. UK Border Agency (2013) Victims of domestic violence <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/family/section4.pdf?view=Binary>

19.30 DV is still a huge issue in the UK:

- between 7.5% and 10% of women experienced DV in 2010-11⁴⁵
- one in four women will experience DV in their lifetime⁴⁶
- if sexual assault and stalking are included, then 45% of the female population have experienced at least one incident of inter-personal abuse in their lifetimes⁴⁷
- DV has the highest repeat victimisation rate (43%) of any violent crime⁴⁸ and accounts for one in six incidents of violence.

19.31 DV affects women of all ages and backgrounds regardless of economic or social status, race, and religion or immigration status. However, some women, such as BME women, may face additional barriers such as racial discrimination or religious stereotyping, which prevents them from accessing protection.⁴⁹ Women aged 16-19 are at the highest risk of experiencing DV and sexual assault, yet relevant services are rarely available.⁵⁰

Case study:⁵¹

“Our statistics tell us that approximately 90% of the women that approach us feel unable, unsafe and fearful of approaching mainstream services. This responds to gender, cultural and language barriers, the difficulties of understanding and negotiating the system, fear of being discriminated against and also a fear of statutory services including the police due to previous negative experiences in Latin America. Some of these women will put their lives and their integrity at risk without approaching mainstream services”.

19.32 There are a range of criminal and civil law remedies which are designed to respond to and protect women from DV. However, the way that civil remedies have to be obtained can deter women from using them.⁵² (See Appendix: 32)

Case study:⁵³

“What was the most important thing the police did? Referring me to [support services]... but it’s all down to the police responding correctly in the first place.”

Female survivor of DV.

19.33 Previous research has found that more than 30% of DV cases start during pregnancy and 40-60% of women experiencing DV are abused while pregnant.⁵⁴ Awareness and appropriate

45. Domestic violence is often under-reported. The British Crime Survey 2009/10 records a rate of domestic violence of 7%: Home Office (2010) Crime in England and Wales 2009 to 2010: findings from the British crime survey and police recorded crime <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1210/> Women’s Aid uses the figure of one in ten based on an analysis of more than ten different studies: Women’s Aid (2006) Statistics: How common is domestic violence? <http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200410001&itemid=1280&itemTitle=Statistics%3A+how+common+is+domestic+violence> Accessed: 21/04/13
46. Women’s Aid (2006) Statistics: How common is domestic violence? <http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200410001&itemid=1280&itemTitle=Statistics%3A+how+common+is+domestic+violence> Accessed: 21/04/13
47. Walby, S. and Allen, J. (2004) Domestic Violence, Sexual Assault and Stalking: Findings from the 2001 British Crime Survey. Home Office Research Study 276. Home Office: London <http://webarchive.nationalarchives.gov.uk/20110218135832/rds.homeoffice.gov.uk/rds/pdfs04/hors276.pdf>
48. Kershaw, C, Nicholas, S. and Walker, A. (eds.) (2008) Crime in England and Wales 2007/2008: Findings from the British Crime Survey and police recorded crime <http://webarchive.nationalarchives.gov.uk/20110218135832/rds.homeoffice.gov.uk/rds/pdfs08/hosb0708.pdf> page 37
49. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf
50. Starmer, K. (2011) ‘Domestic Violence: the facts, the issues, the future’ a speech by the Director of Public Prosecutions, Keir Starmer QC, 12th April 2011 http://www.cps.gov.uk/news/articles/domestic_violence_-_the_facts_the_issues_the_future/
51. Latin American Women’s Rights Service <http://www.lawrs.org.uk/> Accessed: 22/03/13
52. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf
53. Victim Support (2012) Listening and Learning: Improving support for victims in London. Produced by Victim Support in partnership with the Home Office and Ministry of Justice <http://www.victimsupport.org/About-us/Policy-and-research/-/media/Files/Publications/ResearchReports/VSA%20reports/Listening%20and%20learning%20-%20London>
54. British Medical Association (1998) Domestic Violence: a health care issue? BMA: London

intervention by health professionals is crucial to ensure the protection that women and their children need. (See Article 12) Good DV at work policies, awareness of DV by managers and colleagues along with other employment support measures also need to be in place to enable women experiencing DV not to experience any detriment at work. (See Article 11)

VAWG and the law

- 19.34 Despite significant improvements in the gender sensitivity of law and policy related to VAWG in England and Wales, women continue to face significant barriers to accessing legal remedies when they are at risk of, or have experienced violence. There have been significant developments in the law and legal remedies available to protect women from violence and bring perpetrators to justice over the past ten years and prosecutions and convictions for crimes of VAWG have risen by 15,000 between 2008-12.⁵⁵ However, there is still a long way to go as this does not reflect the prevalence of VAWG and the root issues must still be addressed. Research⁵⁶ has found that improvements in the law are not sufficient in isolation to effectively eliminate VAWG.
- 19.35 Although civil law remedies may be available to some women affected by sexual violence, there is an absence of any response to sexual violence in the civil courts.⁵⁷ We are particularly concerned that there is an acute lack of specialised services that provide protection, enable women to access legal remedies, and support their full rehabilitation e.g. specialist services for BMER women. (See Article 3 and Appendix: 5)

Case study:⁵⁸

“Most of the women that access our services are reluctant to report VAWG to the police. Many women that have denounced have not had a good experience. For instance, some women have told us that when they sought help from the police they felt ignored and dismissed because they could not communicate clearly. In one example police officers responding to a call from the victim used the victim’s children as interpreters. Another client said that police talked to her husband rather than to her.”

- 19.36 Numerous independent reports have criticised the police for their insensitive and dismissive approach to victims of sexual violence. The 2009 Victim’s Champion report⁵⁹ featured some heavily critical comments of the police and the way in which rape complaints were handled and prosecuted. In cases of DV there is also evidence to suggest that authorities do not act effectively to protect women they know to be vulnerable.⁶⁰ (See Article 15 and Appendix: 32 for further information)
- 19.37 Law and policy in the UK to prevent and prohibit VAWG has also focused on prosecuting

55. Kelly, J. (2012) ‘Rise in convictions for violence against women’, BBC News, 23rd July 2012 <http://www.bbc.co.uk/news/uk-18949533>

56. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

57. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

58. Latin American Women’s Rights Service <http://www.lawrs.org.uk/> Accessed: 22/03/13

59. Payne, S. Victim’s Champion (2009) Rape: The Victim Experience Review. Home Office: London <http://wnc.equalities.gov.uk/work-of-the-wnc/violence-against-women/news-and-updates/280-rape-the-victim-experience-review.html>

60. See Independent Police Complaints Commission (2012) ‘IPCC publishes findings from investigation into Merseyside Police’s response to women’s concerns’, IPCC website, 20th July 2012 http://www.ipcc.gov.uk/news/Pages/pr_200112_merseysidemott.aspx; Independent Police Complaints Commission (2011) ‘IPCC finds individual and systemic failures in Nottinghamshire Police’s handling of domestic incidents involving Casey Brittle’, IPCC website, 18th October 2011 http://www.ipcc.gov.uk/news/Pages/pr_181011_brittle.aspx?auto=True&llink=pages%2Fnews.aspx&lltitle=News%20and%20press&l2link=news%2FPages%2Fdefault.aspx&l2title=Press%20Releases; Davies, L. (2012) ‘Essex police failed woman murdered by her e-partner, watchdog says’, The Guardian, 22nd August 2012 <http://www.guardian.co.uk/uk/2012/aug/22/police-failed-woman-david-oakes-ipcc>

perpetrators through the CJS. However, this does not always work in the interests of women experiencing VAWG or lead to their protection. Women are still not reporting to the police and continue to lack confidence in the CJS.⁶¹ Many women who do contact the police in an emergency feel let down.⁶² Women's access to justice is also being severely reduced with the closure of Special Domestic Violence Courts ([See Article 16](#)) and advice on complex welfare benefits issues, housing issues and immigration issues, and the removal of legal aid ([See Article 13 and Appendix: 28 for more information](#))

VAWG prevention

- 19.38 Under the Beijing Platform for Action,⁶³ the Government must study the causes and consequences of VAWG by collecting and analysing disaggregated statistics on VAWG and analysing the prevalence of different forms of violence including research on the impact of this. The Government should also analyse the impact of legislation.
- 19.39 In Britain, the PSED requires public bodies to take account of equality, discrimination and good relations, which means that Local Authorities, government departments, police forces and schools should examine their policies to ensure they are promoting equality between women and men including how they are preventing VAWG. However, surveys consistently show that different sections of society hold deeply entrenched and prejudicial attitudes about VAWG:
- 36% of people believe that a woman should be held wholly or partly responsible for being sexually assaulted or raped if she was drunk, and 26% if she was in public wearing sexy or revealing clothes⁶⁴
 - one in five people think it would be acceptable in certain circumstances for a man to hit or slap his female partner in response to her being dressed in sexy or revealing clothing in public⁶⁵
 - 43% of teenage girls believe that it is acceptable for a boyfriend to be aggressive towards his partner⁶⁶
 - one in two boys and one in three girls believe that there are some circumstances when it is okay to hit a woman or force her to have sex.⁶⁷ This is linked to sexual bullying. ([See Article 10](#))
- 19.40 The recent case⁶⁸ of a woman raped by convicted footballer, Ched Evans, who was named on social media contrary to legal protection of anonymity afforded to rape complainants, and abused and harassed online, has highlighted the urgency of needing to tackle such attitudes and behaviours at the root.

61. Kelly, L. et al (2005) A gap or a chasm? Attrition in reported rape cases. Home Office Research Study 293, Home Office: London <http://library.npia.police.uk/docs/hors/hors293.pdf>

62. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

63. Beijing Platform for Action <http://www.un.org/womenwatch/daw/beijing/platform/>

64. Home Office, Violence against women opinion polling (2009) in End Violence Against Women Coalition (2011) A Different World is Possible: A call for long-term and targeted action to prevent violence against women and girls. EVAW: London http://www.endviolenceagainstwomen.org.uk/data/files/resources/19/a_different_world_is_possible_report_email_version.pdf

65. Home Office, Violence against women opinion polling (2009) in End Violence Against Women Coalition (2011) A Different World is Possible: A call for long-term and targeted action to prevent violence against women and girls. EVAW: London http://www.endviolenceagainstwomen.org.uk/data/files/resources/19/a_different_world_is_possible_report_email_version.pdf

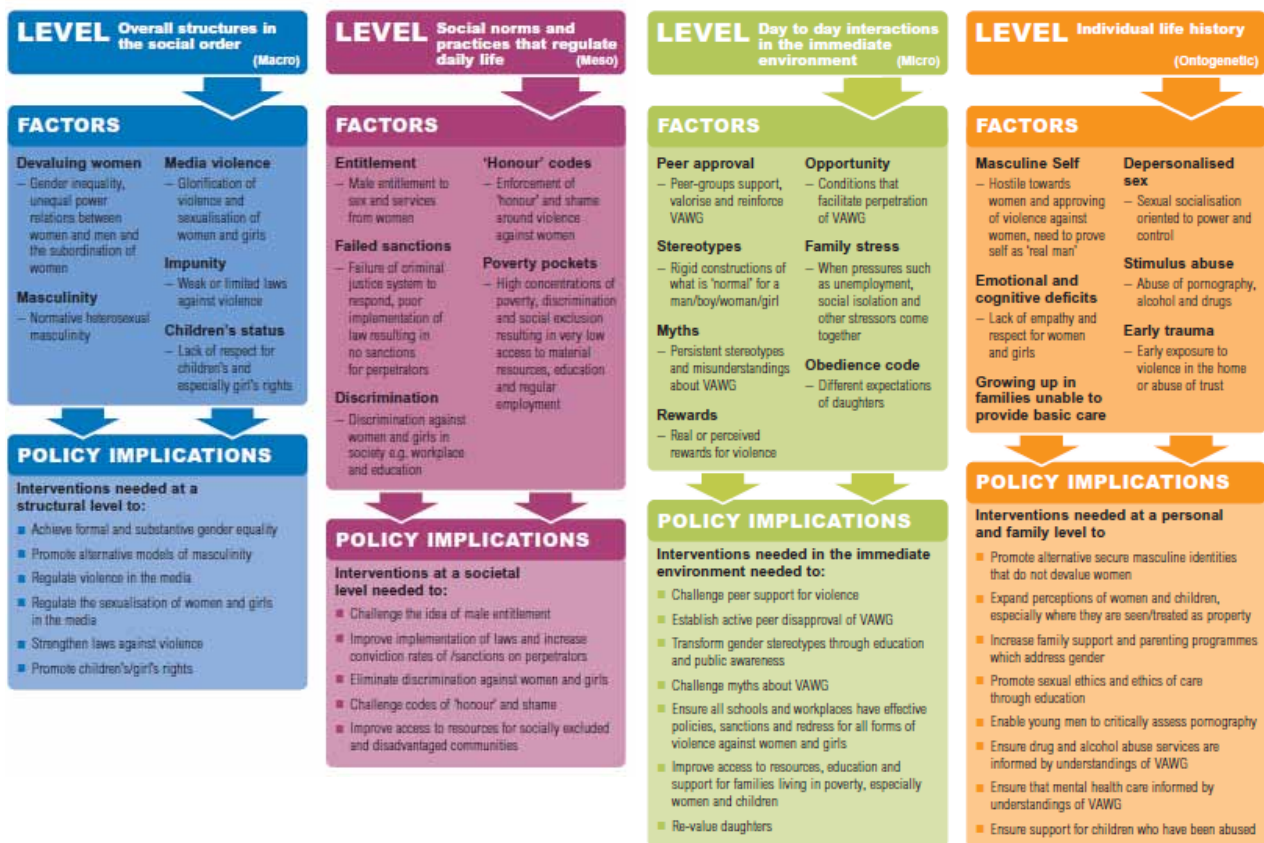
66. NSPCC (2005) Teen abuse survey of Great Britain in Kali, A., Joy, I. And Jarvinen, J. (2008) Hard Knock Life: Violence against women. A guide for donors and funders. New Philanthropy Capital: London <http://www.thinknpc.org/publications/hard-knock-life/>

67. Burton, S. and Kitzinger, J. (1998) Young People's Attitudes towards Sex, Violence and Relationships: A survey and focus group study. The Zero Tolerance Trust: Glasgow <http://www.vawpreventionscotland.org.uk/sites/default/files/1998YPattitudes%20research.pdf>

68. Gladdis, K., Narain, J. and Brooke, C. (2012) 'Ched Evans' teammate suspended over Twitter comments about rape conviction', Daily Mail Online, 18th May 2012 <http://www.dailymail.co.uk/news/article-2133792/Ched-Evans-rape-victim-named-abused-Twitter-girlfriend-stands-Wales-footballer.html>

19.41 Whilst VAWG is more prevalent amongst women in England than stroke, diabetes and heart disease,⁶⁹ preventing violence has long been the most neglected part of government policy. The recent teenage relationship abuse campaign⁷⁰ led by the Home Office is welcome, but prevention initiatives are usually piecemeal with little investment in research and evaluation. Schools have failed systematically to embed VAWG in the curriculum and school policies and increasing autonomy for schools through education policy risks exacerbating this problem. (See Article 10) Government awareness campaigns have generally been ad-hoc and short-term and there has been no measurement and monitoring of community attitudes towards VAWG, despite a promise to do so in the VAWG Action Plan. As highlighted by women’s organisations⁷¹ prevention must be at the core of a strategic response. In order to take action to prevent violence, it is necessary to identify factors that contribute to it.

19.42 Reproduced here is an adaptation of a cutting edge ‘Model of factors at play in the perpetration of violence’, developed by Hagemann-White et al in 2010 for the European Commission.⁷² These are factors, not causal explanations. Every perpetrator makes a choice to use violence and consequently must take responsibility for their actions.



Reproduced from End Violence Against Women Coalition (2011) *A Different World is Possible: A call for long-term and targeted action to prevent violence against women and girls*. EVAW: London.⁷³

69. Taskforce on the Health Aspects of Violence Against Women and Children (2010) *Responding to violence against women and children – the role of the NHS* http://www.health.org.uk/media_manager/public/75/external-publications/Responding-to-violence-against-women-and-children%E2%80%93the-role-of-the-NHS.pdf
70. See Home Office (2013) *Ending violence against women and girls in the UK* <http://www.homeoffice.gov.uk/crime/violence-against-women-girls/teenage-relationship-abuse/> Accessed: 22/04/13
71. Coy, M., Lovett, J. and Kelly, L. (2008) *Realising Rights, Fulfilling Obligations: A Template for an Integrated Strategy on Violence Against Women for the UK*. End Violence Against Women Coalition: London. <http://www.endviolenceagainstwomen.org.uk/resources/38/realising-rights-fulfilling-obligations>
72. Hagemann-White, C. et al (2010) *Model of factors at play in the perpetration of violence* in End Violence Against Women Coalition (2011) *A Different World is Possible: A call for long-term and targeted action to prevent violence against women and girls*. EVAW: London http://www.endviolenceagainstwomen.org.uk/data/files/resources/19/a-different_world_is_possible_report_email_version.pdf
73. End Violence Against Women Coalition (2011) *A Different World is Possible: A call for long-term and targeted action to prevent violence against women and girls*. EVAW: London http://www.endviolenceagainstwomen.org.uk/data/files/resources/19/a-different_world_is_possible_report_email_version.pdf

Support for victims (victim support)

- 19.43 The UN has highlighted that societies and governments around the world must be mobilized to provide women and girls with universal access to critical support in situations of violence.⁷⁴ This support must be timely and appropriate. For example there is a need for LGB&T-specific support and counselling, police officers and safe temporary accommodation for lesbian and bisexual women experiencing violence as well as LGB&T awareness training for VAWG support services. The lack of understanding about women experiencing same-sex partner or homophobic/biphobic abuse and violence needs to be addressed in the UK.⁷⁵

Older Women and VAWG⁷⁶

- 19.44 The Government's *Action Plan* makes no mention of older women or the particular services they might need. Older women's needs are also not specifically reflected in any of the devolved administrations' strategies or action plans, although the *Scottish Strategic Framework*⁷⁷ does make a reference to age as a factor that affects women's experiences. (See Annex 1) The British Crime Survey's self completion module on intimate violence stops at age 59, so any intimate partner violence that women aged 60 and over might experience is not reported.⁷⁸ Therefore, DV against older women remains a 'hidden issue' as a result of lack of data collection and monitoring at local or national level. Refuges and interventions that ignore their caring responsibilities are rarely desirable for older women and many older women have little or no access to local authority advice and support, when the violence and abuse they experience does not trigger the service threshold. Women leaving abusive relationships who are unable to access pensions or savings immediately also face financial hardship. Amongst older women there is still little awareness that rape in marriage is violence and a criminal offence⁷⁹ therefore they also need support with accessing their rights.
- 19.45 Elder abuse is also an issue as older women who are separated or divorced are particularly susceptible to financial abuse.⁸⁰ A study in 2007 found that victims of elder abuse are predominantly women (5.4%) rather than men (1.2%).⁸¹ Best practice in the UK calls for a co-ordinated response at local level between police, health, Local Authority and voluntary services. Age hate crime is not covered in law in the same way as hate crime related to other 'protected characteristics' – that is, it is not considered an aggravating feature so the penalties would be less.⁸²

74. Bachelet, M. (2012) The Time is Now: A letter to UN partners from UN Women Executive Director Michelle Bachelet. March 2012 http://www.unwomen.org/wp-content/uploads/2012/03/EN-UNW-LetterToPartners_2012-REV_3-9-12.pdf

75. Women's Resource Centre (2010) In All Our Colours: Lesbian, bisexual and trans women's services in the UK. WRC: London <http://thewomensresourcecentre.org.uk/wp-content/uploads/IAOC.pdf>

76. For further information see Sclater, E. (2012) NGO Thematic Shadow Report: Older Women's Rights in the United Kingdom. Older Women's Network, Europe and National Alliance of Women's Organisations <http://thewomensresourcecentre.org.uk/wp-content/uploads/olderwomensrightsukNGOthematic.pdf>

77. See The Scottish Government, Violence against women <http://www.scotland.gov.uk/Topics/People/Equality/violence-women> Accessed: 22/04/13

78. Office for National Statistics, Crime survey for England and Wales (previously the British Crime Survey) <http://www.crimesurvey.co.uk/> Accessed: 22/04/13

79. Women's National Commission (2010) A Bitter Pill To Swallow: Report from WNC Focus Groups to inform the Department of Health Taskforce on the Health Aspects of Violence Against Women and Girls. WNC: London <http://wnc.equalities.gov.uk/work-of-the-wnc/violence-against-women/news-and-updates/309-a-bitter-pill-to-swallow-report-from-the-wnc-focus-groups.html>

80. Centre for Policy on Ageing briefings (2008) The financial abuse of older people. CPA Briefings: London http://www.cpa.org.uk/policy/briefings/financial_abuse.pdf

81. Action on Elder Abuse (2007) Briefing Paper: The UK Study of Abuse and Neglect of Older People 2007 <http://www.elderabuse.org.uk/AEA%20Services/Useful%20downloads/Prevalence/Briefingpaperprevalence.pdf>

82. The Crown Prosecution Service, Hate crime http://www.cps.gov.uk/news/fact_sheets/hate_crime/ Accessed: 22/04/13

Recommendations:

- **Review the Action Plan to include policy and guidance on older women, outlining the roles and responsibilities of service organisations**
- **Make resources available for service providers to meet the needs of older women including staff, accommodation and outreach services**

Funding for specialist VAWG services

- 19.46 The economic cost of VAWG in the UK is estimated to be £37.6bn annually⁸³ and funding for specialist support and preventive services should be seen as an investment or an offset that would reduce the overall economic costs of this violence. The recently adopted VAWG strategies for England and Wales are not matched by adequate funding strategies that would ensure that every woman who is at risk of or experiencing violence receives proper advice and support.⁸⁴ Commitments by the Government to ensure the sustainability of the VAWG sector are not reflected in reality. VAWG services are under threat and it has been reported that the sector has lost 31% of funding and that women are turned away from refuges every day,⁸⁵ for example on an average day in 2011 230 women were turned away by Women's Aid - around 9% of those seeking refuge - because of a lack of space.⁸⁶ 100% of BME VAWG organisations surveyed in 2011 had also experienced funding cuts within the last three years and were having to consider ways of meeting the shortfall in funding.⁸⁷
- 19.47 Budget cuts and commissioning and procurement practices are squeezing out preventative or specialist service providers due to the economies of scale that larger, generic organisations can provide. However, this does not necessarily translate into better outcomes for service users.⁸⁸ Central government has indicated that it will consider how to address this problem⁸⁹ but research demonstrates a dramatic and uneven reduction in local services to prevent and protect against VAWG and it is feared that this will lead to increases in such violence.⁹⁰ (See [Article 3 and Appendix: 5 for further information](#))
- 19.48 There is currently a 'postcode lottery' of service provision for women experiencing VAWG in Wales – particularly for women in rural Wales. While there have been some developments since 2009, the general under-provision of services, and in particular services for women who have experienced any form of VAWG that is not domestic abuse, remains similar.⁹¹ There are also issues in terms of service provision in Scotland and Northern Ireland. (See [Annex 1](#))

83. Government Equalities Office (2010) The Equality Strategy – Building a Fairer Britain. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy?view=Binary>

84. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

85. Baird, V. QC (2012) Everywoman Safe Everywhere: Labour's commission on women's safety – First interim report <http://www.labour.org.uk/uploads/455bf616-f048-b184-e903-c9629a67745a.pdf>

86. Towers, J. and Walby, S. (2012) Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls. Trust for London: London <http://www.trustforlondon.org.uk/FullVAWGReport.pdf>

87. FORWARD and Imkaan (2011) The Road to Sustainability: A review of Black, Asian, Minority Ethnic and Refugee organisations working with women on health and gender based violence in England. A study commissioned by the Women's Health and Equality Consortium. WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/07/TheRoadtoSustainabilityExecSummary2011.pdf>

88. New economics foundation (2007) Unintended Consequences: How the efficiency agenda erodes local public services and a new public benefit model to restore them. nef: London. <http://www.neweconomics.org/publications/unintended-consequences>

89. Ministry of Justice (2012) Getting It Right for Victims and Witnesses: Government Response <https://consult.justice.gov.uk/digital-communications/victims-witnesses>

90. Towers, J. and Walby, S. (2012) Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls. Trust for London: London <http://www.trustforlondon.org.uk/FullVAWGReport.pdf>

91. Women's Equality Network Wales (2012) Submission to the Committee on the Convention for the Elimination of all Forms of Discrimination against Women, WEN Wales response. WEN Wales: Burry Port <http://wenwales.org/wp-content/uploads/Submission-to-the-Committee-on-CEDAW-formatted-version-final.pdf>

Recommendations:

- **Commissioning guidance should stress the value and legality of women-only services and those targeting minority women. The specialism of smaller groups must not be marginalised within policy and funding frameworks due to a preference for delivering services via more generic providers**
- **Funders need to recognise the cost-effectiveness and value of sustainable funding interventions instead of short-term projects. What is needed are women-only support groups, therapeutic interventions, outreach, advocacy, and resettlement and accommodation-based support**
- **Particular attention needs to be paid to the funding of service provision for particular groups of women who may face additional barriers, such as BMER, disabled, transgender women and women with an insecure immigration status**

Destitution and violence

- 19.49 In their 7th Periodic Report the Government claims to have introduced measures which “support migrant spouses who are victims of domestic violence and do not have access to refuges because of their immigration status.” However, that support is only available to a specific category of migrant. The Government’s VAWG strategy also does not take into account the lack of protection offered to migrant women other than those who are or have been on spousal visas and there is no mention of migrant women’s needs and challenges.
- 19.50 There is no equivalent to the Destitution and Domestic Violence Concession (DDV) for women facing DV who are on some other kind of visa. These women face interlocking problems: no access to safe accommodation and support while considering and dealing with their situation. (See Appendix: 8) Even if the only long-term immigration option would be to leave the UK and return home,⁹² most women facing DV will have no money of their own, possibly no access to their passports, legal issues concerning custody of children and other challenges faced by migrant women, and will not be able to pack and leave the UK quickly, even if such were appropriate.
- 19.51 Also, from April 2013 there will be no legal aid to help these women understand their immigration situation or choose properly between available options. (See Appendix: 28) The availability of legal aid is dependent on provision of specific pieces of evidence, while the substantive entitlement in each of these categories does not depend on this. This means that a woman who fits one or other of these legal requirements may be denied legal aid to advise and represent her in the event of a refusal.
- 19.52 Gender-related vulnerabilities put women asylum seekers at risk of destitution if their asylum application is refused. The poor quality of decision making in relation to support applications demonstrates a failure to take adequate account of such vulnerability.⁹³ Once destitute, women asylum seekers are vulnerable to violence⁹⁴ and there is evidence that they may engage in transactional activity including sexual activity to get somewhere to live.⁹⁵ (See Article 9)

92. This course of events is envisaged by CEDAW in para 26(I) of CEDAW General Recommendation No. 26 Women Migrant Workers (forty-second session, 2008) http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf Deportation (or removal) may be the eventual outcome, but until that is clear, a safe place, adequate support and legal assistance must be provided.

93. Asylum Support Appeals Project (2011) No credibility: UKBA decision making and Section 4 support. www.asaproject.org/web/images/PDFs/news/asapreport260411.pdf

94. Refugee Council (2012) The experiences of refugee women in the UK: Briefing. http://www.refugeecouncil.org.uk/assets/0001/5837/Briefing_-_experiences_of_refugee_women_in_the_UK.pdf

95. Crawley, Heaven et al. (2011) Coping with destitution, survival and livelihood strategies of refused asylum seekers living in the UK. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/coping-with-destitution-survival-and-livelihood-strategies-of-refused-asylum-se-121667>

Recommendation:

Government policies should not leave vulnerable women at risk of VAWG

- 19.53 Vulnerable migrant women may find it more difficult to leave situations of violence and abuse than settled women because of problems of language, social isolation, patriarchal cultural expectations, fear of repercussions from family members and the wider community, inappropriate responses and/or racism from mainstream agencies, reluctance to report or approach generic agencies, as well as the impact of the 'no recourse to public funds' rule. (See [Appendix: 8](#)) Despite the existence of the Domestic Violence Rule, women who are in the UK on a spousal or partner visa may fear that they cannot leave a violent relationship without jeopardizing their 'leave to remain' here during the two year 'probationary' period and because of a range of other barriers. This probationary period has now been increased to five years which means that women on dependant visas are likely to be trapped for longer in violent relationships. (See [Articles 9 and 15 for further information](#))

BMER women and VAWG

- 19.54 The Government's report is silent about initiatives to support BMER women victims of DV despite a high proportion of victims being from BMER backgrounds. There needs to be coordinated government action to tackle and prevent violence against BMER women and girls and to consider their obligations under the PSED to ensure issues affecting BMER women and girls have a specific focus within these policies and not as an after-thought.
- 19.55 The context within which some BMER women experience gender-based violence may also differ. For instance, women may experience violence from multiple perpetrators including intimate partners and/or through familial and wider community or group based structures. For some BMER women, direct experiences of discrimination will be a significant factor in a preference for accessing specialist BMER VAWG services that provide safety and support within spaces that are responsive to women's needs⁹⁶ in the context of race and gender.
- 19.56 BMER women and girls need specialist services to empower them and tackle issues around multiple discrimination, language, culture, religion and immigration at a local level. 87% of women prefer to be supported by a BMER service.⁹⁷ However, there is a lack of appropriate support for BMER women and girls including those affected by forced marriage, (See [Appendix: 29 for further information](#)) FGM (See [Appendix: 33](#)) and 'honour'-based violence, and BMER providers are facing challenges in the context of increased service demand and cuts.⁹⁸ In 2009 nine out of ten Local Authorities had no specific provision for BMER women who have experienced violence and where there are services, they tend to be located in a metropolitan area.⁹⁹ One study found that in England over 800 BMER women, at least, were known to have been unable to access services.¹⁰⁰ (See [Appendix: 5](#))

96. FORWARD and Imkaan (2011) *The Road to Sustainability: A review of Black, Asian, Minority Ethnic and Refugee organisations working with women on health and gender based violence in England*. A study commissioned by the Women's Health and Equality Consortium. WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/07/TheRoadtoSustainabilityExecSummary2011.pdf>

97. Imkaan (2010) *Vital Statistics: The Experiences of Black, Asian, Minority Ethnic and Refugee Women and Children Facing Violence and Abuse*. Imkaan: London <http://imkaan.org.uk/resources>

98. Imkaan, Equality Now and City University. (2011) *The Missing Link: A joined up approach to addressing harmful practices in London*. Greater London Authority: London <https://www.dropbox.com/sh/4zqOjgk4xyez91i/9xvCKa5r0H/The%20Missing%20Link%20Exec%20Summary%20September%202011.pdf>

99. Coy, M., Kelly, L. and Foord, J. (2009) *Map of Gaps 2: The postcode lottery of violence against women support services in Britain*. Equality and Human Rights Commission and End Violence Against Women Coalition: London <http://www.equalityhumanrights.com/key-projects/map-of-gaps/>

100. FORWARD and Imkaan (2011) *The Road to Sustainability: A review of Black, Asian, Minority Ethnic and Refugee organisations working with women on health and gender based violence in England*. A study commissioned by the Women's Health and Equality Consortium. WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/07/TheRoadtoSustainabilityExecSummary2011.pdf>

19.57 BMER VAWG provision has been further undermined by the Community Cohesion policy, introduced to tackle Muslim extremism, which encouraged Local Authorities against the funding of ethnic minority groups. However, despite positive judgements around this,¹⁰¹ many commissioners have continued to cut BMER services or divert funding to generic provision, and/or prioritised resources for faith-based groups or initiatives instead. (See Articles 10 and 16)

19.58 In 2012 the Tell MAMA campaign¹⁰² was launched to provide support and assistance to victims of anti-Muslim prejudice and to work with partners like local police forces, Victim Support and Neighbourhood Watch to ensure that they get the support that they need. Initial findings were that Muslim women are experiencing increasing harassment and the vast majority of victims are women (over 70% of cases received). Over half of the women who have suffered anti-Muslim incidents and prejudice wear the Hijab (head covering) and women who wear the Niqab (face veil) stated that they are more likely to suffer sustained attacks with the majority of incidents involving white male attackers. It was also found that members of the extreme right-wing group the English Defence League (EDL) and/or sympathisers were involved in one in four cases. This demonstrates a worrying development in hate crime and violence against BMER women that cannot be ignored.

Recommendations:

- **Ensure that specialist service provision is accessible for BMER women survivors of VAWG. Funding for specialist organisations/services for BMER women should be ring-fenced and protected and/or a central funding stream should be provided**
- **Develop a multi layered strategy to prevent and tackle hate crime and violence against BMER women and girls**

‘Honour’-based violence

19.59 ‘Honour’-based violence (HBV) can take a number of forms, including forced marriage, forced suicide, murder, assaults, imprisonment, blackmail and rape. HBV is normally collectively planned and carried out by the victim’s family, sometimes with the wider community. It therefore requires a specific response which recognizes that the victim may be at risk from multiple parties. It occurs where the motivation for the violence is in the name of so called ‘honour’ and is a cross cutting issue which overlaps with domestic and sexual violence, harmful practices and child abuse.

Case study:¹⁰³

IKWRO provides advice and support to women and girls from the UK’s Middle Eastern communities. In 2012 they catalogued 15 incidents where professionals including social workers, police officers, health professionals and housing officers had failed to protect women and girls at risk of forced marriage or ‘honour’ killing.

19.60 In 2010 the Government undertook a review of local service provision on HBV. The Government’s VAWG Action Plan¹⁰⁴ promised to release the findings from this review and to share examples of best practice in areas where service provision is insufficient. It also promised

101. For example Southall Black Sisters, Southall Black Sisters’ victory against Ealing Council <http://www.southallblacksisters.org.uk/campaigns/save-sbs-campaign-2008/> Accessed: 18/04/13

102. Tell Mama, Measuring anti-Muslim attacks <http://tellmamauk.org/> Accessed: 22/04/13

103. Iranian and Kurdish Women’s Rights Organisation (IKWRO) <http://ikwro.org.uk/> Accessed: 22/04/13

104. Home Office (2011) Call to End Violence against Woman and Girls: Action Plan. HM Government <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan?view=Binary> Page 19.

training on HBV for police officers.¹⁰⁵ These commitments have not been delivered on. The fact that neither has been completed indicates that HBV is not being given sufficient priority. Research by IKWRO revealed that over 2,800 cases of HBV were reported to police in 2010¹⁰⁶ and in some areas, reports of HBV increased by up to 400% between 2009 and 2010. (See [Article 16 and Appendix: 29 and 33 for further information](#))

Recommendations:

- **Training for the police and other front line agencies on HBV must be undertaken without any further delay**
- **Urgent steps must be taken to improve schools' response to HBV, including making training in HBV compulsory for all school staff, making response to HBV part of the schools inspection regime, and ensuring that forced marriage is included as a compulsory part of the PSHE Curriculum**

Female genital mutilation (FGM)

19.61 The paucity of statistical evidence of the extent of FGM in the UK together with a lack of prosecutions under existing legislation indicate a real need for improvements in the way in which FGM is addressed by the UK as CEDAW recommendations from 2008¹⁰⁷ are yet to be addressed. Much work still needs to be done to ensure that women and girls are adequately protected and existing actions on FGM are inadequate and piecemeal and fail to include clearly resourced targets that address prevention, provision and prosecution. The Cross-Government FGM Coordinator post has been abolished despite campaigns by civil society¹⁰⁸ for the post to continue and there is evidence that there are GPs and other health professionals in the UK illegally performing FGM.¹⁰⁹ In general policy on FGM disproportionately focuses on enforcement and criminal justice and there is a general lack of integration of different guidelines within Local Authorities and the National Health Service (NHS).¹¹⁰ (See [Appendix: 33 for further information](#))

Recommendations:

- **Training for all statutory professionals on the identification, management and support of those at risk and affected by FGM should be conducted routinely, in particular for teachers, social workers and health personnel. This will form the foundation for identifying cases and increased reporting. Training should also target legal professionals, police and immigration officers**
- **FGM is an entrenched cultural norm which is a major problem across Europe and it is important that the UK Government engages with other European policy makers who have been more successful in engaging affected communities and implementing laws on FGM**

105. Home Office (2011) Call to End Violence against Woman and Girls: Action Plan. HM Government <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan?view=Binary> Page 13.

106. Iranian and Kurdish Women's Rights Organisation (2011) 'BBC News headline: IKWRO research on 'honour' based violence in the UK, IKWRO blog, 3rd December 2011 <http://ikwro.org.uk/2011/12/03/bbc-news-headline-ikwro-research-on-honour-based-violence-in-the-uk/>

107. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement>

108. Williams, R. (2011) 'Female circumcision prevention post abolished by government', The Guardian, 30th March 2011 <http://www.guardian.co.uk/society/2011/mar/30/female-circumcision-prevention-post-abolished>

109. Mahmood, M. and Mills, E. (2012) 'I can circumcise them here: £750 for the first daughter', The Sunday Times, 22nd April 2012 http://www.thesundaytimes.co.uk/sto/news/uk_news/Society/article1022172.ece

110. Imkaan, Equality Now and City University. (2011) The Missing Link: A joined up approach to addressing harmful practices in London. Greater London Authority: London <https://www.dropbox.com/sh/4zq0jgk4xyez91i/9xvCKa5r0H/The%20Missing%20Link%20Exec%20Summary%20September%202011.pdf>

VAWG in health and social care

- 19.62 The endemic levels of VAWG are a major public health issue and one the Government has been slow to act upon cross-departmentally. Sexual violence and abuse puts women and girls' lives at risk and can have serious consequences for their health and wellbeing. There are direct physical health consequences of sexual violence and child sexual abuse (CSA) including physical injury, sexually transmitted infections and unwanted pregnancy. Long-term consequences of sexual violence and CSA include post traumatic stress disorder (PTSD), anxiety and panic attacks, depression, social phobia, substance abuse, obesity, eating disorders, self-harm and suicide.¹¹¹ Research also shows that certain BME women have disproportionate rates of suicide and self-harm linked to VAWG.¹¹² (See Appendix: 22)
- 19.63 At the strategic level, policies and guidance have been produced which evidence the impact of gender inequality and VAWG on health and make recommendations for gender-specific approaches to be implemented,¹¹³ such as encouraging women-only wards and training for all mental health staff on VAWG, because of the high rate of women accessing mental health services who have experienced gendered violence. However, this has not yet translated in any mainstream way into practice or better outcomes for women service users, and policy continues to be produced by the Department of Health which does not join up the dots and fails to even mention gendered analysis; VAWG or the women's voluntary and community sector.
- 19.64 The effects of domestic and sexual violence on women's physical and mental health are treated by health and social care professionals on a daily basis and must be considered when planning any reforms to NHS services. As has been highlighted in the Alberti review¹¹⁴ of the NHS' role in tackling VAWG, the NHS is one of the few places aside from organisations who provide women-only spaces where women who have experienced violence feel able to disclose this information. Healthcare services available to women need to reflect this and provide appropriate support and referrals to other services.
- 19.65 Acknowledging and addressing VAWG as a health issue would contribute to the overall reduction of VAWG as well as ensuring that appropriate and accessible support is available for the many women and girls who are experiencing violence and abuse.¹¹⁵ VAWG also has significant financial costs to the NHS. Investment in health services (both statutory and voluntary) which identify and address VAWG would result in significant cost savings. For example, it costs the NHS £1.2bn a year for purely physical injuries with an added £176m for mental healthcare.¹¹⁶ (See Article 12 and Appendix: 21 for further information)

Recommendations:

- **VAWG needs to be a Department of Health and NHS strategic priority within their plans to cut health inequalities**
- **The Department of Health and the NHS should engage with the women's sector in a review of how it is ensuring compliance with the CEDAW Convention**

111. Women's Health and Equality Consortium (2011) Why women's health? WHEC: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/11/WhyWomensHealth11.pdf>

112. Southall Black Sisters (2011) Safe and Sane: A Model of Intervention on Domestic Violence and Mental Health, Suicide and Self-harm Amongst Black and Minority Ethnic Women. SBS: London <http://www.southallblacksisters.org.uk/reports/safe-and-sane-report/>

113. Department of Health (2002) Women's mental health: into the mainstream, Strategic development of mental healthcare for women. DoH: London <http://www.nmhd.org.uk/silo/files/into-the-mainstream.pdf>

114. Taskforce on the Health Aspects of Violence Against Women and Children (2010) Responding to violence against women and children – the role of the NHS http://www.health.org.uk/media_manager/public/75/external-publications/Responding-to-violence-against-women-and-children%E2%80%93the-role-of-the-NHS.pdf

115. Women's Resource Centre (2008) Briefing: Violence Against Women, Health and the Women's Voluntary and Community Sector. WRC: London

116. Walby, S. (2004) The Cost of Domestic Violence. Women and Equality Unit: London. http://www.devon.gov.uk/cost_of_dv_report_sept04.pdf

Disabled women and VAWG

- 19.66 Concerns of disabled women survivors seen to have remained invisible in current VAWG strategies. In 2009-2010 16.29% of women seeking advice from the NGO Rights of Women's¹¹⁷ telephone helpline on sexual violence issues identified as disabled indicating that it is key for any strategy on sexual violence to address the needs of disabled women.¹¹⁸
- 19.67 The financial dependency of disabled women, particularly on their families, may result in living arrangements that subject them to different forms of abuse, including mental, physical and sexual violence.¹¹⁹ Changes to benefits (See Article 13) for disabled people may increase disabled women's financial dependence on their partner or family. This will increase these women's vulnerability to abuse and may make it harder for women to leave violent relationships. (See Appendix: 36 for further information)

Recommendation:

Increase the number of accessible VAWG services for disabled women including supporting adaptation of refuge provision

Rape and sexual offending

- 19.68 There are 404,000 women (and 72,000 men) who are victims of sexual offences in England and Wales every year (2.5% of women).¹²⁰ 85,000 women are victims of rape in England and Wales every year, which is roughly 2,000 women a week.¹²¹ Based on regional data from the British Crime Survey 2010/11, it was estimated that there was a minimum of 109,000 women and girls aged 16-59 who had been a victim of sexual assault in the past year.¹²² Around 21% of girls (and 11% of boys) experience some form of CSA¹²³ and 38% of all rapes recorded in 2010/11 were of children under 16 years of age. 19.7% of women have experienced rape or sexual abuse since the age of 16.¹²⁴
- 19.69 Women are at significantly greater risk of sexual violence if they are unemployed or in the lowest income bracket (under £10,000 per year); (See Article 13) have limiting disabilities or illness, or are fulltime students.¹²⁵ Sexual violence is also linked with homelessness, (See Appendix: 26) interrupted education and training, (See Article 10) and revictimisation. Women from BME communities are more likely to experience rape within marriage.¹²⁶

117. Rights of Women <http://www.rightsofwomen.org.uk/> Accessed: 22/04/13

118. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

119. Thiria, R., Hague, G. and Mullender, A. (2011) 'Losing out on both counts: disabled women and domestic violence', *Disability and Society*, Vol. 26, No. 6, pp. 757 - 771. <http://wrap.warwick.ac.uk/44302/>

120. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf>

121. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf>

122. Home Office, Violence Against Women and Girls Ready Reckoner <http://webarchive.nationalarchives.gov.uk/20100104215220/http://crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence072.htm> Accessed: 22/04/13

123. Home Office (2007) Cross Government Action Plan on Sexual Violence and Abuse <http://webarchive.nationalarchives.gov.uk/+homeoffice.gov.uk/documents/sexual-violence-action-plan.html>

124. Home Office (2010) Crime in England and Wales 2009 to 2010: findings from the British crime survey and police recorded crime <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1210/>

125. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf>

126. Against Violence and Abuse (2010) And Still Like Dust We Rise: London survivors of domestic and sexual violence. AVA: London <http://www.avaproject.org.uk/our-resources/reports--publications/and-still-like-dust-we-rise-london-survivors-of-domestic--sexual-violence-%282010%29.aspx>

Invisibility of sexual violence

- 19.70 Although the Government does commission crime reports, and sexual offences are included in these, there has been very little detailed research widely disseminated regarding how many of those women who are known to have experienced sexual violence would identify as one or more of the 'protected characteristics' in the Equality Act 2010.¹²⁷ There has also been no widely disseminated research regarding the prevalence of sexual violence against women who have an insecure immigration status.¹²⁸ (See Article 3)
- 19.71 Government figures¹²⁹ show that between 2009/10 and 2011/12 there were an estimated 78,000 victims of rape per year in England and Wales - 69,000 females and 9,000 males. Over the same period there were an average of 1,070 convictions per year for the offence, though offenders and victims may not relate to the same cases, since a single case can take years to be concluded. 60% of court proceedings in 2011 involving sexual offences resulted in a conviction, with sexual assault on a male achieving the highest rate (91%) and rape of a female the lowest (39.7%). Only 15% of rape is reported to the police and 28% of rape victims tell no one about their experience.¹³⁰ 31% of children who are abused reach adulthood without telling anybody and 61% of those who access Rape Crisis services do so because of events that happened more than three years earlier. Therefore, even though Rape Crisis Centres respond to over 120,000 helpline calls and around 60,000 service users annually,¹³¹ potential service users are in their millions.¹³² However, only 1.12% of offenders of rape are convicted in England and Wales every year.¹³³
- 19.72 Crimes of sexual violence are not reported to the police for many reasons. Government research indicates that lack of faith in the CJS is a key factor.¹³⁴ Reasons for not reporting the crime also include embarrassment, not thinking the police could help, that it was not worth reporting, or that it was a private/family matter.¹³⁵ Not only are official figures low because women are reluctant to come forward, but also because of the way reports of rape are recorded. We know¹³⁶ that police forces record many reports of rape as not having occurred (a process known as 'no-criming'). This happens to an extent in all crime reports, but the 'no-crime' rate for sexual offences (7.2%) compares with a 'no-crime' rate for overall police recorded crime of 3.4%, while the 'no-crime' rate for rape is 10.8%.¹³⁷ Reports of rape are 'no-crimed'

127. Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

128. Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

129. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf>

130. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf>

131. Rape Crisis (England and Wales) survey of members, 2012

132. Coy, M., Kelly, L. and Foord, J. (2007) Map of Gaps: The postcode lottery of violence against women support services. Equality and Human Rights Commission and End Violence Against Women Coalition: London http://www.equalityhumanrights.com/uploaded_files/research/map_of_gaps1.pdf

133. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf> In relation to rape, every year around 95,000 people are victims of rape, only 15,670 rapes are recorded by the police, 2,910 go to court and only 1,070 offenders are convicted.

134. Kelly, L. et al (2005) A gap or a chasm? Attrition in reported rape cases. Home Office Research Study 293, Home Office: London <http://library.npia.police.uk/docs/hors/hors293.pdf>

135. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf>

136. Criminal Justice Joint Inspection (2012) Forging the links: Rape investigation and prosecution. A joint review by HMIC and HMCPSP http://www.hmcpso.gov.uk/documents/reports/CJJI_THM/BOTJ/forging_the_links_rape_investigation_and_prosecution_20120228.pdf

137. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf> page 8

four times more often than reports of grievous bodily harm,¹³⁸ reflecting a general culture of disbelief faced by women who do report this crime. Moreover, 'no-criming' of rape by forces varies widely,¹³⁹ suggesting different criteria are being applied: compare for example a 2% rate in Gloucestershire and a 5% rate in Humberside, with 22% in Gwent and 30% in Kent.

- 19.73 Only 16,000 rapes were recorded by the police in 2011/12.¹⁴⁰ This combination of low reporting and of varying recording practices within the system means that official figures continue to fail to reflect the true incidence of these crimes and therefore of the level of specialised support services needed.

Recommendation:

More research is needed to truly understand the extent and prevalence of all forms of VAWG. There needs to be an improvement in the collection and analysis of statistics across all agencies. Improved and disaggregated data including 'protected characteristics' is essential to underpin effective strategies to prevent and respond to VAWG and monitor the effective implementation of law and policy

- 19.74 90% of rapes are committed by someone known to the person,¹⁴¹ yet these are the cases least likely to result in charging, prosecution and conviction. The heavy focus of reducing repeat victimisation and reducing the attrition rates hides the bigger problem of the vast number who do not report to the police. The needs of this vulnerable group remain hidden and marginalised. However, the (much needed) energy that is going into addressing the CJS's response to rape is not echoed at other levels, particularly front line services to assist women to deal with the aftermath of sexual violence. (See Appendix: 21) Sexual violence requires specialist support services; Rape Crisis Centres provide support for women to move to recovery and independence, as well as working on prevention.
- 19.75 The Rape Support Fund (RSF) from the Ministry of Justice provided for the first time, three years of core funding for Rape Crisis Centres in England and Wales, a minimum of £30,000 per annum. In 2011/12, half Rape Crisis member groups (25) and nine new and emerging groups were awarded funding from this fund and for most Centres this is their only source of core funding. This central government commitment has provided much needed stability, and has reversed a previous pattern of closures.¹⁴²
- 19.76 The Victim and Witness General Fund is likely to be devolved to local commissioning, which has provided VAWG organisations with project funding. However, this progress is threatened by plans to devolve the Fund to local areas when the existing three year grant expires. Localised commissioning is fraught with danger: few if any commissioners have knowledge about the gendered dynamics of VAWG. Almost half of (46%) of Rape Crisis Centres surveyed in 2012 reported being challenged by local commissioners about providing women-only services.¹⁴³

138. Criminal Justice Joint Inspection (2012) Forging the links: Rape investigation and prosecution. A joint review by HMIC and HMCPSI. http://www.hmcpsi.gov.uk/documents/reports/CJJI_THM/BOTJ/forging_the_links_rape_investigation_and_prosecution_20120228.pdf this analogy is drawn by HMIC, as grievous bodily harm (GBH) is comparable in incidence.

139. Criminal Justice Joint Inspection (2012) Forging the links: Rape investigation and prosecution. A joint review by HMIC and HMCPSI. http://www.hmcpsi.gov.uk/documents/reports/CJJI_THM/BOTJ/forging_the_links_rape_investigation_and_prosecution_20120228.pdf

140. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf>

141. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf>

142. Women's Resource Centre and Rape Crisis (England and Wales) (2008) The Crisis in Rape Crisis. WRC: London http://www.thurrock-community.org.uk/sericc/pdf/wrc_crisis_full.pdf

143. Rape Crisis (England and Wales) members survey 2012, unpublished

A number of reports¹⁴⁴ have documented this continuing misinterpretation of equality legislation. A trend towards fragmented commissioning frameworks which favour generic large providers offering lower unit costs, but lacking expertise on VAWG,¹⁴⁵ has intensified under the Westminster Government's localism agenda.

- 19.77 There is currently only one Rape Crisis Centre in Wales, covering the north, although the RSF will support a new service in mid-Wales to open within the next three years. The majority of women in Wales still do not have access to specialised support from Rape Crisis, despite the Welsh Government publishing an integrated violence against women strategy in 2010¹⁴⁶ and consulting on a VAWG Bill in 2013.¹⁴⁷ (See Annex 1)
- 19.78 The failure of the CJS to deal effectively with reported rape cases was highlighted in the 2008 thematic shadow report on VAWG,¹⁴⁸ which showed an increase in reporting but a falling proportion of cases prosecuted and convicted. Whilst some efforts to reverse this trend have been taken by the police, the Crown Prosecutors and through judges at trial, we have seen a very small upward trend in the conviction rate to 6.5/7% of reported cases. A number of high profile cases were noted by the *Stern Review*¹⁴⁹ in which the standard of investigation by the police was sorely lacking. Rather than address this, and the impacts it has on public confidence, the Government has suggested that the conviction rate should not be calculated from the number of reports, but on those cases which are charged and prosecuted. This disguises the fact that almost 80% of reported rapes never proceed beyond the police investigation stage. Women reporting rape need an assurance that not only will their complaint be taken seriously, but that it will be investigated properly by trained officers. Therefore, we would like to see the focus on attrition rather than conviction rates, where less data exists. A focus on attrition gives a more accurate picture of how women move through the CJS many women 'drop out' in the early stages and so are not captured in the conviction rate: one in 25 women report rape and 82% of reported rapes do not come to trial.¹⁵⁰
- 19.79 In 2012 a joint report¹⁵¹ by the Chief Inspectors of Constabulary (HMIC) and the Crown Prosecution Service Inspectorate looked at rape investigation and prosecution. They found that progress has been made in relation to the needs of rape victims, but there is more to do. Improvements must be made to the way the police gather and analyse intelligence material to identify perpetrators of rape and more can be done to ensure that prosecutions are robust.

144. Coy, M., Kelly, L. and Foord, J. (2009) Map of Gaps 2: The postcode lottery of violence against women support services in Britain. Equality and Human Rights Commission and End Violence Against Women Coalition: London <http://www.equalityhumanrights.com/key-projects/map-of-gaps/> and Women's Resource Centre and Rape Crisis (England and Wales) (2008) The Crisis in Rape Crisis. WRC: London http://www.thurrock-community.org.uk/sericc/pdf/wrc_crisis_full.pdf
145. Women's Resource Centre and Rape Crisis (England and Wales) (2008) The Crisis in Rape Crisis. WRC: London http://www.thurrock-community.org.uk/sericc/pdf/wrc_crisis_full.pdf; Coy, M., Lovett, J. and Kelly, L. (2008) Realising Rights, Fulfilling Obligations: A Template for an Integrated Strategy on Violence Against Women for the UK. End Violence Against Women Coalition: London. <http://www.endviolenceagainstawomen.org.uk/resources/38/realising-rights-fulfilling-obligations>; Coy, M., Kelly, L. and Foord, J. (2009) Map of Gaps 2: The postcode lottery of violence against women support services in Britain. Equality and Human Rights Commission and End Violence Against Women Coalition: London <http://www.equalityhumanrights.com/key-projects/map-of-gaps/>
146. Welsh Assembly Government (2010) The Right to be Safe. Cardiff: WAG <http://wales.gov.uk/topics/housingandcommunity/safety/domesticabuse/publications/besafe/?lang=en>
147. Welsh Assembly Government (2012) Consultation on legislation to end violence against women and domestic abuse (Wales) <http://wales.gov.uk/consultations/housingcommunity/vawwhitepaper/?lang=en>
148. Sen, P. and Kelly, L. (2007) Violence Against Women in the UK: Shadow thematic report for the Committee on the Elimination of all forms of Discrimination Against Women <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/UKThematicReportVAW41.pdf>
149. Government Equalities Office (2010) The Stern Review: A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales. GEO: London http://webarchive.nationalarchives.gov.uk/20100418065537/equalities.gov.uk/stern_review.aspx
150. Ministry of Justice, Home Office and Office for National Statistics (2013) An Overview of Sexual Offending in England and Wales. Statistics bulletin <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/sexual-offending/sexual-offending-overview-jan-2013.pdf>
151. Criminal Justice Joint Inspection (2012) Forging the links: Rape investigation and prosecution. A joint review by HMIC and HMCPSP. http://www.hmcpso.gov.uk/documents/reports/CJJI_THM/BOTJ/forging_the_links_rape_investigation_and_prosecution_20120228.pdf

- 19.80 Government figures show that only around one in ten women who experience serious sexual assault report it to the police¹⁵² and a focus on criminal justice responses has led to the neglect of survivors' support needs. Sustainable funding for specialised services is vital if equitable distribution of support is to be achieved.

Recommendation:

Adopt and implement gender-sensitive policies to prevent and respond to violence against women at all levels – Police, CPS, UKBA, Legal Services Commission etc.

- 19.81 Adult women survivors of CSA continue to be a 'lost group' in public understanding of sexual violence and in support provision. The legacies of CSA where survivors do not receive specialised support are individually and socially devastating, including poor mental health outcomes, likelihood of involvement in offending and revictimisation.¹⁵³ The majority of women accessing Rape Crisis Centres are adult survivors of CSA, but the vital contribution by the sector in supporting these women is rarely recognised.
- 19.82 There are now 45 Sexual Assault Referral Centres (SARCs) in England and Wales. These have an essential role in immediate healthcare and forensic examinations, but very few offer long-term support, and many refer victim-survivors to their local Rape Crisis services for this. Yet SARCs receive core funding from central government and there is also evidence that in some areas local monies are diverted to SARCs in the mistaken belief that they are an alternative to Rape Crisis Centres.¹⁵⁴ Implementation of SARCs should be consistent and comply with national standards to guarantee that there is not a 'postcode lottery' of services. (See Appendix: 5)
- 19.83 Rape Crisis Centres are community based and independent of government and the CJS, although statutory services routinely refer women. Services are integrated into the pathways of care adopted by SARCs. While it is clear that supporting victims has become more of a government priority and there has been a great deal of strategic work around sexual abuse with the investment in the CJS and SARCs, core funding still needs to be made available to specialist voluntary organisations and helplines that provide assistance to survivors of sexual violence who choose not to report. The unintended consequences of an unbalanced focus on criminal justice, is a potential 'hierarchy of care'.
- 19.84 Telephone helplines are a vital form of service provision, providing information, support and a referral route into other locally based services. They are a crucial resource for disabled women and women living in rural areas who may not be able to physically access services in their locality. For example, Rape Crisis South London¹⁵⁵ operates a helpline which is available to survivors regardless of their geographical location, but this is not funded as a national service and they are only able to answer a quarter of all calls. The Westminster Government funds national helplines for survivors of DV and a recently launched service for stalking. Both are open for longer hours than the National Rape Crisis Helpline: sustainable resourcing

152. Home Office (2010) Crime in England and Wales 2009 to 2010: findings from the British crime survey and police recorded crime <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1210/>

153. Department of Health (2002) Women's mental health: into the mainstream, Strategic development of mental healthcare for women. DoH: London <http://www.nmhdu.org.uk/silo/files/into-the-mainstream.pdf>; Messman, T.L., and Long, P.J. (2000) 'Child Sexual Abuse and Revictimization in the Form of Adult Sexual Abuse, Adult Physical Abuse, and Adult Psychological Maltreatment', *Journal of Interpersonal Violence* 15(5) 489-502.

154. End Violence Against Women Coalition, Rape Crisis (England and Wales), The Child and Woman Abuse Studies Unit and The Fawcett Society (2008) Not either/or but both/and: Why we need Rape Crisis Centres and Sexual Assault Referral Centres. Fawcett: London <http://www.devonrapecrisis.org.uk/images/Why%20we%20need%20Rape%20Crisis%20Centres%20and%20Sexual%20Assault%20Referral%20Centres.pdf>

155. Rape and Sexual Abuse Support Centre (RASASC) <http://www.rasasc.org.uk/> Accessed: 22/04/13

means more provision. There is an urgent need for a national sexual violence helpline to also be centrally funded.

Recommendations:

- **Other government departments, especially the Department of Health, should contribute to the Rape Support Fund to boost resources available in light of the support to adult survivors of child sexual abuse and the absence of any specialised services within local health services**
- **A national helpline for victim-survivors of sexual violence should be funded by the Westminster Government and delivered by Rape Crisis**

19.85 Trafficking and prostitution are inextricably linked to unacceptable levels of vulnerability, coercion, exploitation, violence and abuse. Research shows high levels of client violence experienced by sex workers over their lifetime - in the six months prior to interview, 37% had experienced some form of client attack. Street working prostitutes most often reported being 'slapped, kicked or punched' (47%), 28% reported 'attempted rape' (vaginal or anal). Of violence reported by indoor prostitutes, the most frequently reported was vaginal or anal 'attempted rape' (17%).¹⁵⁶ (See Article 6) Organisations working to support sex workers are concerned that police attitudes towards sex workers mean that they often do not see them as having the same rights as other women when they had been sexually assaulted. In some cases the police in fact seem more interested in prosecuting the victims. The negative relationships sex workers have with some police officers mean that they find it difficult to come forward and report victimisation because they do not trust the police.¹⁵⁷

Recommendation:

Ensure police are more informed about the impact of trauma on women's choices seemingly to place themselves at risk, which would help improve their response to sex worker victims. Such training could be delivered by ex-service users and voluntary sector agencies

Non-state torture (NST)

19.86 All forms of VAWG that may entail severe pain or suffering (whether physical or mental) violate the right to be free from torture or cruel, inhuman or degrading treatment.¹⁵⁸ Discrimination exists for women/girls who suffer torture by non-state actors in the private/domestic sphere when this form of gender-based violation is not socio-legally recognised as a specific crime and a distinct violation of their human rights.¹⁵⁹ Women and girls who are tortured in this way must be recognised as a specific vulnerable group. Unless there is a specific NST law and this law is enacted, criminal-legal data fails to record acts of gender-based NST therefore NST remains invisible. (See Appendix: 34 for more information)

156. Barnard, Hart and Church (2005) Client Violence Against Prostitute Women Working From Street and Off-Street Locations: A Three City Comparison. Economic and Social Research Council <http://www.esrc.ac.uk/my-esrc/grants/L133251025/read>

157. Victim Support (2012) Listening and Learning: Improving support for victims in London. Produced by Victim Support in partnership with the Home Office and Ministry of Justice <http://www.victimsupport.org/About-us/Policy-and-research/-/media/Files/Publications/ResearchReports/VSA%20reports/Listening%20and%20learning%20-%20London>

158. The European Court of Human Rights, interpreting Article 3 of the European Convention on Human Rights has for example held that rape is an "specially grave and abhorrent form of ill-treatment" and that the "specially cruel act of rape the victim was subjected to amounted to torture". See, Aydin v. Turkey, European Court of Human Rights, Application No.29289/95, judgment of 25 September 1997.

159. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) <http://www.un.org/womenwatch/daw/cedaw/cedaw.htmArticle1>

Recommendation:

In the light of the evidence in recent years of very serious cases of failure to protect women and girls experiencing violence from very serious harm and cruelty and, in some cases, torture, further action must be taken to ensure that statutory services, including the police, social services and NHS, understand their duty to protect women and girls they know to be at risk, and to prevent abuse and torture

Other international work to address VAWG overseas

- 19.87 UK civil society has welcomed the positive display of commitment by the UK Government to tackling VAWG internationally. This has been demonstrated through the appointment of Lynne Featherstone MP as the UK's Ministerial Champion for international VAWG, and by a number of new policy commitments made across the UK's international departments to prevent VAWG.¹⁶⁰ For these positive commitments to translate into real differences in women's lives, challenges to effective operationalisation and implementation must be addressed. In particular, there are concerns about adequate prioritisation, resourcing and cross-government policy coherence.¹⁶¹ As international VAWG cuts across so many different areas of work, strategies and departments, it is vital that there is oversight of all of these processes and steps to ensure that the range of strategies and policies across government are coherent and mutually reinforcing for maximum impact.
- 19.88 The VAWG strategy emphasises the work being undertaken by the UK in relation to VAWG at an international level and this is also referred to in the Government's 7th Periodic Report. Yet successive governments have failed to make the link between the UK's commitments to dealing with VAWG in the context of international development and any concerns for the women and girls who arrive here fleeing VAWG. Thus whilst the UK Government works through the Department for International Development (DfID) and the Foreign and Commonwealth Office (FCO) to tackle VAWG overseas, the UKBA may refuse to protect women in the same situation who reach the UK, despite their having been affected by VAWG and having been denied state protection in their country of origin.¹⁶² For example, one of the countries benefitting from the Foreign Secretary's initiative on Preventing Sexual Violence in Conflict is the Democratic Republic of Congo (DRC) which has been called "*the rape capital of the world*" by the United Nations.¹⁶³ Yet Home Office statistics show that women from the DRC are routinely refused asylum (between 60-70%). (See Article 9 and Appendix: 35 for further information)

160. See Ministry of Justice (2012) Ministry of Justice Business Plan 2012-2015 <http://www.dfid.gov.uk/about-us/how-we-measure-progress/dfid-business-plan-2011-2015/> and Department for International Development (2012) A New Strategic Vision for Girls and Women: One Year On. UKAID https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67331/StrategicVision-OneYearOn.pdf and Foreign and Commonwealth Office (2010) UK Government National Action Plan on UNSCR 1325 Women, Peace and Security. FCO, MoD and DfID: London http://www.stabilisationunit.gov.uk/stabilisation-and-conflict-resources/thematic/doc_details/45-uk-government-national-action-plan-on-unscr-1325-women-peace-a-security.html

161. Womankind Worldwide (2011) Briefing for the Westminster Hall Debate on Violence Against Women and Girls, 12 October 2011 <http://www.womankind.org.uk/wp-content/uploads/2012/03/Womankind-Worldwide-briefing-for-Westminster-Hall-debate-on-VAWG-12th-October.pdf>

162. Singer, D. (2013) 'Women seeking asylum – failed twice over' in Rehman, Y. et al (eds) *Moving in the Shadows: Violence in the lives of minority women and children*. Ashgate: Farnham p 231, pp225-343

163. UN News Centre (2011) 'DR Congo: UN provides logistical support for rape trial of army general', 30th March 2011 <http://www.un.org/apps/news/story.asp?NewsID=37943#.UWgysaKG3cl>

Annex 1: The Devolved Administrations

The Government's 7th Periodic Report¹ outlines the relationship between the Westminster Government and the Devolved Administrations of Wales, Scotland and Northern Ireland. Various areas of policy decision making are devolved, such as health; education and training; local government; housing; statistics, public registers and records; and law and home affairs, including aspects of criminal and civil law, the prosecution system and the courts. However, decentralisation of power and decision making does not detract from the responsibility of Central Government to fulfil its obligations to all women within its jurisdiction and that, equally, devolved administrations have a responsibility to make progress on women's human rights under CEDAW where they have the power.²

Devolution and localism mean that responsibility for delivery and funding is spread across different levels of government leading to geographical inconsistencies which could hamper overall national progress on the realisation of rights guaranteed by CEDAW. Women in some parts of the UK enjoy a greater promotion of gender equality than others and where there are positive developments and policies, these are not replicated elsewhere. We are concerned that, across the UK, there may not be sufficiently developed commitment and leadership, co-ordination of strategies, and systematic monitoring of outcomes.

There is no unified national strategy to implement CEDAW in the UK; however, there are equality strategies for each of the three British nations. The Welsh Government has Equality Objectives and a *Strategic Equality Plan*³ alongside some positive developments regarding women's equality. In Scotland the Scottish Government has Ministerial Priorities around gender equality⁴ although these have not been updated recently.

The Equality Act 2010⁵ applies to England, Wales and Scotland but does not apply to Northern Ireland (NI). NI does not have single equality legislation. A Single Equality Bill to harmonise and update the disparate equality legislation in NI had been under consideration, but since 2005 there have been no further developments with regard to this. Therefore there are currently a variety of equality provisions in operation in NI. The Northern Ireland Act 1998 (Section 75)⁶ requires that arrangements be put in place to ensure that equality of opportunity is given due regard in all statutory policy formulation and delivery. Under Section 75 policies should be subjected to an impact assessment to assure that equality is promoted for women and men, people of differing religious and political affiliations, different racial or ethnic backgrounds, different sexual orientations, different ages, different marital status, whether or not they have dependants, and whether or not they have a disability. However, despite previous CEDAW Committee recommendations there continues to be an issue with the implementation and effectiveness of the Section 75 legislation, limiting its potential impact. In NI the Sex Discrimination Order (NI) 1976⁷ currently does not prohibit unlawful discrimination by public authorities on the grounds of sex in the exercise of their public functions. This means that women (or men) cannot bring a complaint if they are discriminated against or harassed on

1. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>
2. CEDAW General Recommendation No. 28 The Core Obligations of States Parties under Article 2 of CEDAW (forty-seventh session, 2010) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement> Paragraph 39
3. Welsh Assembly Government, The Equality Objectives and Strategic Equality Plan 2012-2016 <http://wales.gov.uk/topics/equality/equalityactatwork/?jsessionid=C32863FCADA93901CA4C4DD2676A89F9?lang=en> Accessed: 01/05/13
4. The Scottish Government, Gender Equality <http://www.scotland.gov.uk/Topics/People/Equality/18500> Accessed: 01/05/13
5. Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
6. Northern Ireland Act 1998, Section 75 http://www.ofmdfmi.gov.uk/section_75
7. Sex Discrimination Order (Northern Ireland) 1976 <http://www.legislation.gov.uk/nisi/1976/1042/contents>

account of their sex by public bodies while exercising their public functions. Protection in this respect does exist on the grounds of religious belief, race, sexual orientation and disability as is included in the Equality Act 2010 in Britain.

In England, unlike in Scotland and Wales, the specific duty requirements of the Equality Act have no explicit gender component.⁸ In relation to the new Public Sector Equality Duty, positive and robust specific equality duties have been introduced in Scotland⁹ which should be replicated elsewhere. Specific duties were also introduced in Wales¹⁰ in 2011 which include a number of elements aimed particularly at gender equality, including on equal pay. (See Appendix: 16) Given the different specific duties in Scotland and Wales, the performance of the Duty in the three nations should be compared and best practice reproduced.

Across the 4 nations there are many similar issues in terms of women's rights and substantive equality particularly in terms of linked issues around women and work, austerity and welfare reform, access to legal aid and other support services and violence against women.¹¹

There are also differences in terms of gender equality across the Devolved Administrations and where issues are exacerbated. Scotland has some of the highest childcare costs in the UK. (See Appendix: 18) The impact of the cuts and benefits reform is expected to have a greater impact on women in Wales who are more dependent on the public sector than elsewhere.¹² (See Article 13) Women in Northern Ireland are still denied their reproductive rights which leads to serious breaches of CEDAW. (See Article 12)

Scotland's criminal justice system also requires that all key evidence in criminal prosecution be backed by two sources, which underpins the fact that 75% of rape complaints do not progress to court despite recommendations to improve the system.¹³ (See Article 15)

There is no women's prison in Wales, which means that women from Wales are very likely to be incarcerated at some distance from home, exacerbating the problems of separation from their families. Calls are now being made for further urgent reform¹⁴ but we would urge this to include increasing and replicating the community facilities in Cardiff and Swansea to provide holistic support that enables gender-responsive options for community sentences.¹⁵ (See Article 15)

The rurality of many parts of Wales, Scotland and Northern Ireland must also be taken in to account in terms of women's equality. 50% of rural communities in Wales do not have bus services in operation at peak times and 71.3% of women in rural Wales live in poverty compared

8. Equality and Human Rights Commission (2012) The Essential Guide to the Public Sector Equality Duty. EHRC: London http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/essential_guide_update.pdf

9. Equality and Human Rights Commission (2012) Essential guide to the public sector equality duty: A guide for public authorities (Scotland). <http://www.equalityhumanrights.com/scotland/public-sector-equality-duty/non-statutory-guidance-for-scottish-public-authorities/>

10. Equality and Human Rights Commission (2011) Annual reporting, publishing and Ministerial duties: A guide for listed public authorities in Wales. http://www.equalityhumanrights.com/uploaded_files/Wales/PSED_Wales_docs/8_psed_wales_annual_reporting_publishing_and_ministerial_duties.pdf

11. See Women's Equality Network Wales (2012) Submission to the Committee on the Convention for the Elimination of all Forms of Discrimination against Women, WEN Wales response. WEN Wales: Burry Port <http://wenwales.org/wp-content/uploads/Submission-to-the-Committee-on-CEDAW-formatted-version-final.pdf> and Engender, CEDAW <http://www.engender.org.uk/our-work/european-international/cedaw/> and Scottish Women's Convention, CEDAW <http://www.scottishwomensconvention.org/activities/cedaw> and Northern Ireland Women's European Platform <http://www.niwep.org/default.asp>

12. Women's Equality Network Wales (2012) Submission to the Committee on the Convention for the Elimination of all Forms of Discrimination against Women, WEN Wales response. WEN Wales: Burry Port <http://wenwales.org/wp-content/uploads/Submission-to-the-Committee-on-CEDAW-formatted-version-final.pdf>

13. Engender, CEDAW <http://www.engender.org.uk/our-work/european-international/cedaw/>

14. Townsend, M (2012) 'Women's prisons in desperate need of reform, says former governor', The Observer, 11th February 2012 <http://www.guardian.co.uk/society/2012/feb/11/women-prisons-urgent-reform-needed>

15. Women's Equality Network Wales (2012) Submission to the Committee on the Convention for the Elimination of all Forms of Discrimination against Women, WEN Wales response. WEN Wales: Burry Port <http://wenwales.org/wp-content/uploads/Submission-to-the-Committee-on-CEDAW-formatted-version-final.pdf>

to 41.8% of rural men.¹⁶ Rural areas also have the lowest income levels and often do not have reliable internet access. (See Article 14)

Examples of best practice

Despite these differences and similarities in terms of women's rights, there are some marked differences of approach across the jurisdictions which create inconsistencies in the realisation of substantive equality for all women. For example:

The Welsh Government has published documentation around an equality impact assessment of its recent Budgets and has engaged in further considerations of its approach.¹⁷ Until a recent cabinet reshuffle (in March 2013) the Minister for Finance, and Leader of the House, also had portfolio responsibility for equality. This leadership role has had a positive influence on the profile and consideration given to equalities within the Welsh Government. In October 2012 the Minister for Finance announced the establishment of the Welsh Government Budget Advisory Group for Equality (BAGE). This group seeks to encourage and strengthen the focus on identifying and understanding the nature of inequalities within Wales.

The Devolved Administrations have also been supportive of the women's voluntary and community sector, funding various organisations and initiatives. For example, the Women's Equality Network Wales has secured funding from the Welsh Government to become Wales' Network for Women; and the Scottish Women's Convention¹⁸ is funded by the Scottish Government to ensure that women's voices and views feed into government policy. The Welsh Government has also set up an Advancing Equality Fund and during 2010/11 a quarter of the budget went to organisations promoting gender equality. Funding is also provided annually to local organisations across Wales to celebrate International Women's Day.¹⁹ However, the issues raised about the commissioning and funding of women's services are also relevant in Scotland.²⁰ Women's Aid Scotland reports that it has to turn away one woman in three,²¹ and there is still a general lack of services across the 4 nations. (See Article 3)

Under Article 6, the Scottish approach to prostitution is one that we would welcome across the UK in that it clearly situates prostitution as violence against women and girls (VAWG),²² discrimination, inequality and exploitation, and consequently encourages responses that address demand and can also support women who wish to exit. The Scottish Strategic Framework²³ also makes a reference to age as a factor that affects women's experiences of VAWG. There are some useful measures around trafficking in the devolved nations, for example Scotland has introduced statutory aggravation legislation to make it easier to prosecute

16. Women's Equality Network Wales (2012) Submission to the Committee on the Convention for the Elimination of all Forms of Discrimination against Women, WEN Wales response. WEN Wales: Burry Port <http://wenwales.org/wp-content/uploads/Submission-to-the-Committee-on-CEDAW-formatted-version-final.pdf>

17. Equality and Human Rights Commission (2012) <http://www.equalityhumanrights.com/wales/equality-impact-assessments/appreciative-inquiry-report/>

18. Scottish Women's Convention, CEDAW <http://www.scottishwomensconvention.org/activities/cedaw>

19. Women's Equality Network Wales (2012) Submission to the Committee on the Convention for the Elimination of all Forms of Discrimination against Women, WEN Wales response. WEN Wales: Burry Port <http://wenwales.org/wp-content/uploads/Submission-to-the-Committee-on-CEDAW-formatted-version-final.pdf>

20. Hirst, A. and Rinne, S. (2012) The impact of changes in commissioning and funding on women-only services. EHRC: London http://www.equalityhumanrights.com/uploaded_files/research/rr86_final.pdf

21. See Equality and Human Rights Commission, UN Convention on the Elimination of Discrimination against Women <http://www.equalityhumanrights.com/human-rights/our-human-rights-work/international-framework/un-convention-on-the-elimination-of-discrimination-against-women/>

22. The Scottish Government, key facts about violence against women <http://www.scotland.gov.uk/Topics/People/Equality/violence-women/Key-Facts>

23. See The Scottish Government, Violence against women <http://www.scotland.gov.uk/Topics/People/Equality/violence-women> Accessed: 22/04/13

traffickers.²⁴ However, we are concerned that these may be piecemeal and often delivered through a religious framework. (See Article 6)

Under Article 7, in Wales, although there was a decrease of three women members of the National Assembly for Wales from 48% to 42% between 2008 to 2013, this remains a significantly higher proportion than elsewhere in the UK. The National Assembly for Wales has the first ever female Presiding Officer of a devolved institution in the UK as well as two female leaders of the four main political parties in Wales. In its *Programme for Government*²⁵ the Welsh Government has committed to identifying steps to deliver a more representative pool of decision makers and greater numbers of women in public appointments. The Welsh Government has also committed to seeking to introduce Norwegian-style gender quotas for appointments to public bodies in Wales, ensuring that at least 40% of appointments are women²⁶ which the Westminster Government has refused to do. (See Article 4)

Under Article 10 the Welsh Government has proposed to make education on 'healthy relationships' compulsory in Welsh schools,²⁷ which we greatly support. (See Article 10) Further and Higher Education providers are also currently developing equality objectives and action plans for meeting the Equality Act 2010. The protection and expansion of the Flying Start children's centre service is also noted.²⁸ (See Article 11)

Under Article 11 as part of the *Welsh Strategic Equality Plan*, a three year project, Women Adding Value to the Economy (WAVE), is an innovative equal pay project funded through the Welsh Government.

In terms of women's health, Scotland, Wales and Northern Ireland offer similar services for cancer screening including mobile screening units. (See Appendix: 23)

Under General Recommendation 19, the Domestic Abuse (Wales) Bill, which is expected in late 2013, will place a statutory duty on relevant public bodies to have a violence against women strategy in place locally which includes elements of prevention, protection and support, as the criminal justice system is a reserved matter for the UK Government. This will also cover all forms of violence against women including sexual violence and rape.²⁹ We look forward to seeing how this progresses and would encourage the other Devolved Administrations to develop something similar. (See General Recommendation 19)

We would like to see more of a 4 nations approach to gender equality with the Devolved Administrations working together to ensure that positive policy relating to gender equality is reproduced.

The Government should provide further information to show how it will ensure that it fulfils its responsibilities under CEDAW, and that all levels of government are complying with the Convention, regardless of the status of devolution and decentralisation of power in the UK.

24. See Equality and Human Rights Commission, UN Convention on the Elimination of Discrimination against Women <http://www.equalityhumanrights.com/human-rights/our-human-rights-work/international-framework/un-convention-on-the-elimination-of-discrimination-against-women/>

25. Welsh Assembly Government, Programme for Government <http://wales.gov.uk/about/programmeforgov/?lang=en> Accessed: 04/05/13

26. See Equality and Human Rights Commission, UN Convention on the Elimination of Discrimination against Women <http://www.equalityhumanrights.com/human-rights/our-human-rights-work/international-framework/un-convention-on-the-elimination-of-discrimination-against-women/>

27. Welsh Assembly Government (2012) Consultation on legislation to end violence against women and domestic abuse (Wales) <http://wales.gov.uk/consultations/housingcommunity/vawwhitepaper/?lang=en>

28. Oxfam (2012) The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty. Oxfam: Oxford <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>

29. Women's Equality Network Wales (2012) Submission to the Committee on the Convention for the Elimination of all Forms of Discrimination against Women, WEN Wales response. WEN Wales: Burry Port <http://wenwales.org/wp-content/uploads/Submission-to-the-Committee-on-CEDAW-formatted-version-final.pdf>

Annex 2: The UK's relationship with the Crown Dependencies and Overseas Territories

In the Concluding Observations of the CEDAW Committee at the forty-first session in 2008 the Committee called for a national development, implementation and monitoring strategy covering the UK, the Crown Dependencies and the Overseas Territories.¹ While the UK Government's 7th Periodic Report² includes greater detail about the UK's relationship to the Crown Dependencies (CDs) and Overseas Territories (OTs), there is no evidence of any national strategy. Due to this, the work relating to the CDs and OTs in the UK is poorly linked up and carried out by entirely different government departments.³

It is unclear at this stage whether a delegation from the CDs and OTs will be attending the 2013 CEDAW Committee examination alongside the UK, but we would strongly advocate that State and NGO delegations are encouraged by the UK to participate in the examination in future.

While we appreciate that it is for the CDs and OTs to request the extension of CEDAW to their jurisdictions and the UK could not, and should not, force such an extension, politically speaking the UK wields a great deal of influence in its overseas jurisdictions. If the UK were to increase its international promotion of CEDAW, then we do not doubt that this would be a powerful encouraging force for the CDs and OTs to request an extension.

The Crown Dependencies

CEDAW extends to the Isle of Man, but it does not yet extend to Jersey or Guernsey. While both Jersey and Guernsey have implemented the European Convention of Human Rights (ECHR) into their domestic legislation, they have not yet requested an extension of CEDAW or proposed the necessary legislation to allow them to implement CEDAW in an equivalent way to the ECHR. In our view this political process could have valuable influence in the CDs.

Recommendation:

An annual process is set up in the UK where an enquiry is sent to Jersey and Guernsey each year to share details of the UK's work on women's rights and ask them what their position is on CEDAW

We would emphasise that the ECHR alone does not safeguard women's rights in Jersey and Guernsey to the extent required by CEDAW; we would particularly like to draw the CEDAW Committee's attention to the invaluable report⁴ written for this examination by Jersey Community Relations Trust (See Appendix: 37).⁵

The Isle of Man Trades Union Congress, a leading trade union, informed the UK CEDAW Working

1. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 263

2. Government Equalities Office (2011) CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

3. The Crown Dependencies Team located with the Ministry of Justice (as of letter dated 12 May 2011) and the Overseas Territories Directorate located with the Foreign and Commonwealth Office (as of letter dated 3 June 2011).

4. Jersey Community Relations Trust (2012) Contribution to the Women's Resource Centre, CEDAW Shadow Report

5. While a comparable report is not available from Guernsey we note that women's representation remains low in the political sphere see: The Guernsey Press (2012) 'States equality: Quotas are for fish not women', The Guernsey Press, 31st August 2012 <http://www.thisisguernsey.com/news/2012/08/31/states-equality-quotas-are-for-fish-not-women/>

Group in 2011 that little had been done to implement CEDAW. We are concerned to see that the Isle of Man's report (Annex 6 of the Government report) demonstrates little activity, including no activity in relation to Article 5 of CEDAW.

The Overseas Territories

Firstly, we would like to hold up the Foreign and Commonwealth Office's (FCO's) work with the Overseas Territories as an example of best practice. We would like to see the FCO's accessibility, accountability and interest in women's human rights set a bench mark for other government department work to promote human rights.

CEDAW is a very important instrument for the OTs. With the exception of Gibraltar, the OTs are not members of the European Union and are also not signatories of the ECHR and so CEDAW offers a vital human rights safeguard in these areas. We are therefore delighted that Montserrat, Bermuda, the Cayman Islands and Anguilla took part in a high profile conference in 2010 to set three year CEDAW extension plans, alongside the British Virgin Islands and Turks and Caicos, who explored implementation. When we contacted Anguilla in 2011, we were particularly impressed with the jurisdiction's commitment to CEDAW and women's rights, for example with the establishment of a high profile weekly Gender Working Committee and the planned introduction of new domestic violence legislation. This appears to be a crucial time for these territories and we hope that the UK will demonstrate on-going support and monitoring.

However, there is a need for greater consistency in the support provided to the OTs by the UK regarding CEDAW, for example why were all OTs not invited to the 2010 conference? Why has no similar work been carried out in the Falkland Islands (covered by CEDAW) and Gibraltar (which is not yet covered)?

We understand that the 2010 conference did include some representatives from civil society,⁶ but believe that the FCO could do more to empower civil society in the OTs to campaign for the extension and implementation of CEDAW. It is civil society who can hold their government to account and this key facet of democracy should play a part in the FCO and the jurisdictions' own development strategies. We particularly recommend that the FCO and OT administrations engage with UN Women to promote greater participation of women in the OTs with the CEDAW reporting process.

The UK Government has an explicit legal responsibility to ensure 'good governance' in the OTs.⁷ How can the UK say they have met this obligation if they have allowed women's human rights to be violated? Without better gender monitoring systems in place it is our position that the UK is not fully aware of the position of women in the OTs and so does not even know the extent to which women's rights are violated in these territories.

Recommendation:

Our final and strongest recommendation is for a gender-monitoring post to be established in the UK to collect and collate data from the Crown Dependencies and Overseas Territories

6. The delegate list is set out in 'Short report on the CEDAW workshop held in Anguilla 27-29 October 2010' <http://www.knowyourconstitution.ky/sites/default/files/CEDAW%20Workshop%20Summary%20%20Report.pdf>

7. So, for example, in 2009 the UK suspended the government of the Turks and Caicos due to allegations of corruption, see: BBC News (2009) 'UK imposes Turks and Caicos rule', BBC News, 14th August 2009 http://news.bbc.co.uk/1/hi/uk_politics/8202339.stm

Annex 3: UK reservations and declarations under CEDAW

In 2008 the CEDAW Committee commented that “*the Committee welcomes the State party’s expressed intention to review regularly its remaining reservations to the Convention. It urges the State party to consider actively the withdrawal of its reservations, commencing with those that, in the opinion of the Committee, have the character of interpretive declarations or may no longer be necessary in the light of recent developments*”.¹

The UK maintains a number of reservations on the CEDAW Convention. However, none of these reservations reflects a genuine conflict with the principles of the Convention and should be removed, as also recommended during the 2012 Universal Periodic Review.²

When the UK ratified CEDAW in 1986 they entered a reservation concerning immigration. This stated that the UK reserved the right to continue to apply such immigration legislation governing entry into, stay in and departure from the UK as it deemed necessary and that the rights to laws relating to movement of persons and freedom to choose their residence and domicile detailed in CEDAW Article 15(4) were subject to the provisions of such legislation. This reservation purports to restrict the rights of women with an insecure immigration status, thereby serving to perpetuate the discrimination and disadvantage that many women in this situation experience. (See Article 9)

However, according to a report dated July 2004 the UK has decided to withdraw this reservation although it is not clear when this will take effect.³

We also express concern about the UK’s reservation to CEDAW Article 1 which states that they “*do not regard the Convention as imposing any requirements to repeal or modify existing laws, regulations, customs or practices*”. This fundamentally ignores the concept of substantive equality and undermines CEDAW’s implementation in the UK. (See Article 1)

Recommendation:

Ensure that the UK’s ratification of CEDAW no longer includes a reservation relating to Article 1 or immigration issues

1. CEDAW Committee (2008) Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 258
2. Ministry of Justice, Universal Periodic Review <http://www.justice.gov.uk/human-rights/universal-periodic-review> Accessed: 21/04/13
3. Department of Constitutional Affairs (2004) International human rights instruments: The UK’s position. Report on the outcome of an inter-departmental review conducted by the Department of Constitutional Affairs, Appendix 4 see Joint Committee on Human Rights (2005) Review of International Human Rights Instruments, Seventeenth Report of Session 2004-05. House of Lords and House of Commons <http://www.publications.parliament.uk/pa/jt200405/jtselect/jtrights/99/99.pdf>

Annex 4: Glossary of acronyms

AA – Attendance Allowance

ACPO – Association of Chief Police Officers

A-level – Advanced level post-16 educational qualification

APPG – All Party Parliamentary Group

ASA – Advertising Standards Authority

ASHE – Annual Survey of Hours and Earnings

ATLeP – The Anti Trafficking Legal Project

BAME – Black, Asian and minority ethnic

BAMER – Black, Asian, minority ethnic and Refugee

BIS – Department for Business, Innovation and Skills

BME – Black and minority ethnic

CAFCASS – Children and Family Court Advisory and Support Service

CAHVIO – Council of Europe’s Convention on Preventing and Combating Violence Against Women and Domestic Violence

CAT – Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CCGs – Clinical Commissioning Groups

CEDAW – Convention on the Elimination of all forms of Discrimination Against Women

CERD – Convention on the Elimination of Racial Discrimination

CIC – Criminal Injuries Compensation

CJS – Criminal justice system

CMEC – Child Maintenance and Enforcement Commission

CoE Convention – Council of Europe Convention on Action Against Trafficking in Human Beings

CPI – Consumer Price Index

CPS – Crown Prosecution Service

CRC – Convention on the Rights of the Child

CRPD – Convention on the Rights of Persons with Disabilities

CSA – Child Support Agency

CSA – Childhood sexual abuse

CSW – Commission on the Status of Women

CTC – Child Tax Credit

DDA – Disability Discrimination Act 1995

DDV – Destitution Domestic Violence Concession

DfE – Department for Education

DfID – Department for International Development

DFT – Detained fast track process

DLA – Disability Living Allowance

DoH – Department of Health

DPAC – Disabled People Against Cuts

DV – Domestic violence

DVPNs – Domestic Violence Protection Notices

DVPOs – Domestic Violence Protection Orders

DVR – Domestic Violence Rule

DWP – Department for Work and Pensions

ECHR – European Convention on Human Rights

ECJ – European Court of Justice

EDL – English Defence League

EEA – European Economic Area

EET – Education, employment or training

EHRC – Equality and Human Rights Commission

EIS – Enterprise Investment Scheme

EMA – Educational Maintenance Allowance

EOC – Equal Opportunities Commission (now Government Equalities Office)

ESA – Employment and Support Allowance	HMP – Her Majesty’s Prison	LAWRS – Latin American Women’s Rights Service
ESOL – English for Speakers of Other Languages	HMRC – Her Majesty’s Revenue and Customs	LB – Lesbian and bisexual
EU – European Union	HRA – Human Rights Act 1998	LGB&T – Lesbian, gay, bisexual and trans
FCO – Foreign and Commonwealth Office	IB – Incapacity Benefit	LHA – Local Housing Allowance
FE – Further Education	ICT – Information communications technology	LSC – Legal Services Commission
FGM – Female genital mutilation	IDVA – Independent Domestic Violence Advisors	MAT – Muslim Arbitration Tribunals
FMPO – Forced Marriage Protection Order	IKWRO – Iranian and Kurdish Women’s Rights Organisation	MARACs – Multi-Agency Risk Assessment Conferences
FTSE – Financial Times Stock Exchange	ILF – Independent Living Fund	MEPs – Members of the European Parliament
GCSE – General Certificate of Secondary Education	ILO – International Labour Organisation	MoD – Ministry of Defence
GDP – Gross domestic product	ILR – Indefinite leave to remain	MoJ – Ministry of Justice
GED – Gender Equality Duty	IMF – International Monetary Fund	MOT – Ministry of Transport test for motor cars
GEO – Government Equalities Office	IPCC – Independent Police Complaints Commission	MP – Member of Parliament
GEPI – Gender Equality Policy Inclusion team (within the Government Equalities Office)	IPP – Imprisonment for Public Protection	MWA – Mandatory work activity
GPs – General Practitioners	IS – Income Support	NEET – Not in education, employment or training
GRETA – Group of Experts on Action Against Trafficking in Human Beings	ISA – Individual Savings Account	NGOs – Non-governmental organisations
HBV – ‘Honour’-based violence	ISC – Islamic Sharia Councils	NHRI – National Human Rights Institution
HE – Higher Education	ISVA – Independent Sexual Violence Advisor	NHS – National Health Service
HIV/AIDS – Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome	IVF – Invitro fertilisation	NI – Northern Ireland
HM – Her Majesty’s	JACS – Joint Analysis of Conflict and Security tool	NI – National Insurance
HMIC – Chief Inspectors of Constabulary	JSA – Job Seekers Allowance	NIAA – National Immigration and Asylum Act 2002
	JSNAs – Joint Strategic Needs Assessments	NIC – National Insurance contributions
	LASPO – Legal Aid, Sentencing and Punishment of Offenders Act 2012	NICE – National Institute for Health and Clinical Excellence

NRM – National Referral Mechanism

NRPF – ‘No recourse to public funds’

NST – Non-state torture

NUS – National Union of Students

OBR – Office of Budget Responsibility

OECD – Organization of Economic Cooperation and Development

Ofstead – Office for Standards in Education

ONS – Office of National Statistics

PA – Personal Assistant

PCCs – Police and Crime Commissioners

PCTs – Primary Care Trusts

PIP – Personal Independence Payment

PSAs – Public Service Agreements

PSED – Public Sector Equality Duty

PSHE – Personal, Social and Health Education

PTSD – Post traumatic stress disorder

PWC – Parents with care

RPI – Retail Price Index

RSF – Rape Support Fund

SARCs – Sexual Assault Referral Centres

SDVCs – Specialist Domestic Violence Courts

SET – Science, engineering and technology

SEV – Sexual Entertainment Venue

Shariah Law – Shari`ah refers to a set of rules, regulations, teachings, and values governing the lives of Muslims, both civil and criminal justice as well as regulating individual conduct

SMEs – Small and medium enterprises

SPA – State pension age

SPUC – The Society for the Protection of Unborn Children

SRE – Sex and Relationships Education

STEM – Science, technology, engineering and mathematics

TUC – Trades Union Congress

UCAS – Universities and Colleges Admissions Service

UK – United Kingdom

UKBA – United Kingdom Border Agency

UKRC – The UK Resource Centre for Women in Science, Engineering and Technology (now WISE)

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

UNICEF – United Nations Children’s Fund

UNISON – Public service trade union

UNSCR – United Nations Security Council Resolution

UPR – Universal Periodic Review

VAWG – Violence against women and girls

VCOs – Voluntary and community organisations

VCS – Voluntary and community sector

VCT – Venture Capital Trusts

VWGF – Victim and Witness General Fund

WHO – World Health Organisation

WNC – Women’s National Commission

WRAG – Work Related Activity Group

WSFF – Women’s Sport and Fitness Foundation

WTC – Working Tax Credit

WVCS – Women’s voluntary and community sector

YPLA – Young People’s Learning Agency

YWCA – Young Women’s Christian Association (now Platform 51)

Annex 5: Acknowledgements

First of all thanks to Charlotte Gage, Policy Officer at Women's Resource Centre for her coordination of the CEDAW Working Group and extensive work on the shadow report and this project.

Many thanks to the CEDAW Working Group members, past and present, who have been working on the CEDAW project since the Working Group was formed in 2009 and particularly on the shadow report process. In particular, thanks for their submissions and help with writing and editing the report to:

- Deborah Singer, Asylum Aid
- Sophie Howes and Sanchita Hosali, British Institute of Human Rights
- Jacqui Hunt and Shanta Bhavnani, Equality Now
- Rukayah Sarumi, FORWARD
- Smita Shah, Garden Court Chambers
- Emily Esplen and zohra moosa, Gender and Development Network
- Sophia Vale, Irish Traveller Movement in Britain
- Carolina Gottardo, Latin American Women's Rights Service
- Annette Lawson, National Alliance of Women's Organisations
- Sue Robson and Cris McCurley, North East Women's Network
- Ann Marie Gray, Northern Ireland Women's European Platform
- Elizabeth Sclater, Older Women's Network Europe
- Shelia Coates and Lee Egglestone, Rape Crisis (England and Wales)
- Emma Scott and Ruth Tweedale, Rights of Women
- Eleanor Lisney, Armineh Soorenian and Eleanor Firmin, Sisters of Frida
- Hannana Siddiqui, Southall Black Sisters
- Daisy Sands and Preethi Sundaram, The Fawcett Society
- Laurel Townhead and Carolina Kaounides, Women in Prison
- Felicity Fletcher and Kay Richmond, Women's Equality Network Wales
- Sally Spear, UNA-UK

Huge thanks to Jennifer Blair and Ava Lee for their help and support with the CEDAW project. Thanks to Karen Moore, Natalie Ntim, Annette Ashley and Suvi Ramo from Women's Resource Centre for their help.

Thanks also for the submissions and expertise on specific areas of the report from:

- Darinka Aleksic, Abortion Rights
- Triona Kennedy, Astell Project
- Heather Harvey, Eaves
- Laura Hurley, Education for Choice
- Peter Newell, End Corporal Punishment
- Holly Dustin, End Violence Against Women Coalition
- Sumanta Roy, Imkaan
- Fionnuala Ni Mhurchu, Iranian and Kurdish Women's Rights Organisation
- Ranjit Bilkhu, Jeena International
- Juliet Karugahe, Jersey Community Relations Trust
- Jenny Moss, Kalayaan
- Rachel Barber, National Federation of Women's Institutes

- Eve Geddie, PICUM
- Nancy Platts, Platform 51
- Jenny Earle, Prison Reform Trust
- Lisa King, Refuge
- Laura Whitehouse, SEEDS
- Kate Seeley, Sophia Forum
- Esther Sample, St Mungo's
- Scarlet Harris, Trades Union Congress
- Janet Veitch, Women's Budget Group
- Tim Woodhouse, Women's Sport and Fitness Foundation
- Julia Barnes and Amy Bentham, UNISON members
- Jenny Birchall
- Jeanne Sarson, Linda MacDonald and Elizabeth Gordon

Thank you for comments on drafts of the report to:

- Paola Uccellari, Children's Rights Alliance for England
- Elham Manea, Institute of Political Science, University of Zurich
- Emma Bell, Jewish Women's Aid
- Kate Roberts, Kalayaan
- Ros Bragg, Maternity Action
- Shaista Gohir, Muslim Women's Network
- Silvia Petretti and Alice Welbourn, Sophia Forum
- Zoe Palmer, Women's Health and Equality Consortium
- Feimatta Conteh
- Penelope Kenrick

Thank you to Ivy Josiah and Gayathiri Jambulingam at IWRAW-AP for their on-going support with this process and also to Karen Grayson, Anna Henry, Jane Bevan and Quinn Roache at the Equality and Human Rights Commission for their support and funding along with the Women's Health and Equality Consortium for their funding for part of the shadow report. Thanks also to Garden Court Chambers and Matrix Chambers for their support to the CEDAW Working Group.

Women's Resource Centre is supported by



