Women’s rights and gender equality in 2018

Annex I

Equality and Human Rights Commission recommendations to the UN Committee on the Elimination of All Forms of Discrimination Against Women to inform the eighth periodic review of the United Kingdom

Introduction

This annex contains a full, merged list of recommendations taken from both the June 2018 and January 2019 EHRC submissions, which serves as a comprehensive statement of how we believe the State Party could improve implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

1. Enhancing the status of international human rights in domestic law

Full implementation and incorporation of CEDAW

The EHRC recommends that the UK Government and Welsh Government, where relevant, should:

* incorporate CEDAW into domestic law so individuals can effectively challenge rights violations using the domestic legal system and access a domestic remedy for alleged breaches of CEDAW rights
* keep the reservations to CEDAW under regular review, publishing comprehensive explanations of their necessity, and

consider establishing a national mechanism for implementation, reporting and follow-up to oversee all UN treaty obligations, which would ensure that implementation plans are published in follow-up to CEDAW, demonstrating a joined-up approach in relation to the UK’s various human rights commitments.

The Welsh Government should:

ensure phase two of the Welsh Government gender equality review builds on lessons learned from phase one, takes into account the outcome of the CEDAW examination and is sufficiently resourced.

Data gaps

The EHRC recommends that the UK and devolved governments should:

* institute national surveys, or extend existing surveys, to collect data by protected characteristic. Coverage should include all aspects of life, such as employment, transport, and access to public and private services
* identify where data is not collected on protected characteristics, take steps to address these gaps, and

enable meaningful intersectional analysis.

Human Rights Act 1998

The EHRC recommends that the UK Government should:

ensure that there is no regression in the protection of women’s rights and their access to redress in light of proposals for changes to the human rights legal framework.

Full implementation of the Equality Act 2010

The EHRC recommends that the UK and Welsh Governments, where relevant, should:

* reinstate all original, and commence any outstanding, provisions of the Equality Act 2010, including the socio-economic duty and dual discrimination provision, and introduce new measures to address gaps in protection
* commission a full examination of the options for improving access to redress for discrimination, ensuring any such examination should take full account of the PSED, and

set equality objectives or outcomes and publish evidence of action and progress, and review how the PSED specific duties could be amended to focus public bodies on taking action to tackle key challenges.

The UK Government should:

in any reform of the process for obtaining legal gender recognition in England and Wales, remove unnecessary barriers in the process for acquiring a gender recognition certificate, ensure appropriate mechanisms to ensure that individuals fully understand the implications of changing legal sex, and clarify the operation of exceptions in the Equality Act 2010 that protect single-sex spaces and services.

Implications of leaving the European Union

The EHRC recommends that the UK Government should:

* ensure that there is no further regression in the respect, protection and fulfilment of human rights as a result of the changes introduced following the UK’s withdrawal from the EU
* ensure that the loss of EU funding does not undermine the UK’s equality and human rights infrastructure, including the already scarce funding available to specialist services, such as those that support women survivors of violence and domestic abuse. In particular, ensure that there is a domestic replacement for the funding currently provided by the Rights, Equality and Citizenship Programme covering the same priorities
* publish rigorous equality and human rights impact assessments in advance of proposed changes to laws protecting equality and human rights, including analysis of the impact on women, and

introduce a new domestic right to equality in UK legislation.

2. Participation in political and civic life

Political participation

The EHRC recommends that the UK and Welsh governments, where relevant, should:

* implement the statutory requirement for political parties to publish their parliamentary candidate diversity data for general elections, as set out in Section 106 of the Equality Act 2010, and in the interim, encourage political parties to publish voluntary diversity data via an independent third party
* actively encourage all women, particularly those sharing other protected characteristics, to participate in democracy and politics through outreach initiatives, and continue to investigate ways of reducing barriers to women’s participation, and

work with political parties and other stakeholders to improve the reliability of support available to disabled women candidates, and legislate to exempt costs arising from disabled candidates’ impairments from statutory limits on campaign expenditure.

Public and private appointments

The EHRC recommends that the UK and Welsh governments should:

* take action to improve women’s representation on public boards, particularly at chair level, and in the judiciary**,** and consider introducing temporary special measures if progress continues to lag, and

support a new national target for women to make up half of all new appointments to senior and executive level positions in all listed companies.

Gender stereotypes

The EHRC recommends that the UK Government should:

* work with the relevant authorities to ensure that any new guidance on advertising standards:
  + recognises the link between gender stereotyping and gender-based violence, and the consequent societal harm such stereotypes may cause
  + clarifies when adverts for the sex industry will fall under the new rule in light of the harm and offence they may cause, and
  + sets out how the ASA will approach compliance with the Public Sector Equality Duty in its adjudication of complaints under the new rule.

The EHRC recommends that the Welsh Government should:

evaluate, and publish the results of, the impact its multimedia campaign has had in changing attitudes on gender stereotypes.

3. Gender-based violence, harassment and abuse

Background and context

The EHRC recommends that the UK and Welsh governments, where relevant, should:

* ensure that they are undertaking joined-up, strategic cross-UK and cross-Government action to tackle VAWG and raise awareness of the issue
* implement all outstanding recommendations of the JCHR inquiry into VAWG, including the establishment of an adequately resourced, full-time coordinating body, and

take urgent steps to put in place the necessary law, policy and practice changes to be able to ratify the Istanbul Convention and, once it is ratified, dedicate sufficient resources to central, devolved and local authorities to ensure its effective implementation.

The EHRC recommends that the Welsh Government should:

* ensure the full implementation of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 and deliver the national violence against women, domestic abuse and sexual violence strategy by November 2021, and publish national indicators to allow evaluation of impact, and

raise awareness of the issue, including by implementing all outstanding actions from the National Assembly for Wales Equality, Local Government and Communities Committee post-legislative scrutiny of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, and publish national indicators to allow evaluation of impact.

Sexual violence

The EHRC recommends that the UK and Welsh governments should:

* ensure that recent guidance on sexual violence and consent is promoted widely and implemented effectively within the criminal justice system, to enable police forces to take a victim-centred approach and to prioritise this issue, and

take steps to improve the reporting and recording of sexual violence crimes, and increase prosecution and conviction rates.

The EHRC recommends that the UK Government should:

* ensure that victims receive appropriate support, and that all support services have sufficient and secure funding on a long-term basis, including those that provide specialist services to Black and ethnic minority women, women with learning difficulties and women with complex needs
* ensure the Attorney General’s review into disclosure of evidence addresses the concerns raised by the Justice Committee, and
* amend the Voyeurism Bill so that:
  + the motivation element of the offence is removed, or two further purposes are added: ‘financial gain’ and ‘entertainment or amusement’, and
  + it includes a new offence of ‘disclosure or distribution of up-skirting images’.

Domestic violence, abuse and femicide

The EHRC recommends that the UK and Welsh governments should:

* improve the reporting and recording of domestic violence and abuse, and increase prosecution and conviction rates
* ensure that domestic violence services are adequately funded and supported to address all forms of abuse, including the specialist needs of disabled women, Black and ethnic minority women, and those with complex needs
* work with local authorities to collect and monitor data about the number of spaces needed in refuges, develop a sustainable and accountable funding model for refuges and domestic abuse services, and withdraw proposed changes to housing benefit that would remove women’s ability to use it to pay for refuge accommodation, and

support the collection of data on femicide, and ensure that national homicide data reflects the gendered nature of crimes by collecting data on the sex and age of the perpetrator and victim, their relationship and previous domestic abuse convictions, and by disaggregating this data across police force areas.

The EHRC recommends that the UK Government should:

* in the context of its current domestic abuse work:
  + create a violence against women and girls commissioner, with sufficient resources and powers, and

introduce a violence against women and girls and domestic abuse bill that includes a statutory definition that highlights the disproportionate impact of domestic abuse on women.

The EHRC recommends that the Welsh Government should:

address the Local Government and Communities Committee’s concerns around the pace and consistency of implementing the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act, and implement its recommendations.

Harmful practices

The EHRC recommends that the UK Government should:

act urgently on all outstanding recommendations of the 2015 Her Majesty’s Inspectorate of Constabulary report on police responses to so-called ‘honour-based’ violence.

The EHRC recommends that the UK and Welsh governments should:

ensure that all relevant public sector professionals receive mandatory training in how to identify and support women and girls affected by harmful practices.

Female genital mutilation

The EHRC recommends that the UK and Welsh governments, where relevant, should:

* improve FGM data collection in line with the recommendations of the Home Affairs Committee's 2016 inquiry
* implement a comprehensive, coordinated and properly funded FGM strategy, with clear objectives and delineated accountabilities within the UK and devolved governments, and involving relevant communities and non-governmental organisations
* provide sufficient, sustainable funding to community groups that work closely with communities where FGM is practised, and

encourage successful prosecutions for FGM, through concrete steps.

Forced[[1]](#footnote-1) and child marriage[[2]](#footnote-2)

The EHRC recommends that the UK Government should:

* ensure that legislation on marriage is in line with the international human rights framework, ensuring the best interests of the child are taken as a primary consideration in marriage legislation, providing adequate safeguards for under-18s
* ensure thorough investigation of all referrals of forced marriage, including those involving women with learning difficulties, and

ensure any new mandatory reporting duty in relation to forced marriage is informed by an evaluation of the FGM reporting duty.

Corporal punishment

The EHRC recommends that the UK and Welsh governments, where relevant, should:

prohibit all forms of physical punishment of children, including through the repeal of the ‘reasonable punishment’ defence.

Hate crime, hate speech and identity-based harassment

The EHRC recommends that the UK and Welsh governments should:

* improve the way in which data is collected and shared so that robust analysis can be undertaken to inform effective approaches to deal with hate crime; make sure that data will be fully disaggregated on the basis of protected characteristics, and gathered consistently across the criminal justice system and within individual agencies to allow comparative and chronological analysis
* with due regard for the right to freedom of expression, invest in further research into online abuse marked by misogyny, violence against women and girls, and other bias-motivated hostility, and develop effective mechanisms and interventions for tackling it, and

improve support for victims and witnesses to report online and offline hostility and intimidation, and develop effective mechanisms for tackling these.

The EHRC recommends that the UK Government should:

* ensure the Law Commission’s review of hate crime legislation considers whether the law provides adequate protection for women and fair and appropriate access to justice, and consider amending legislation if gaps are identified, and

consider amending hate crime legislation to extend protections on the basis of gender.

4. Access to civil justice

Legal aid

The EHRC recommends that the UK Government should:

* use the full range of evidence available to assess the impact of LASPO on the ability of individuals to enjoy effective access to justice, commissioning further research and analysis where necessary, including an analysis of how and whether women can access justice when they cannot access legal aid
* ensure the LASPO review assesses whether further amendments are needed to ensure that legal aid is available for survivors of domestic violence so that they have access to justice
* identify where LASPO has had a disproportionately negative impact on people sharing certain protected characteristics, and take mitigating action, including bringing areas of law back into scope where necessary. Priority attention should be given to the impacts on disabled people, women and people from ethnic minorities
* put forward legislation to end the cross-examination of domestic violence victims by their perpetrators in the family courts, and

implement any recommendations of the Commission on Justice in Wales, when published in 2019, including on the mitigation of UK legislation and policy on access to justice and legal aid.

The EHRC recommends that the Welsh Government should:

implement any recommendations of the Commission on Justice in Wales, when published in 2019, including on the mitigation of UK legislation and policy on access to justice and legal aid.

Employment tribunals

The EHRC recommends that the UK Government should:

* identify and expedite refunds for all claimants who have paid employment tribunal and employment appeal tribunal fees over the relevant period that the order was in force
* ensure no new barriers to accessing employment tribunals are introduced, and
* extend the time limit to bring an employment tribunal claim in cases involving pregnancy and maternity discrimination from three to six months, in line with other employment claims such as redundancy and equal pay, and

amend the Equality Act 2010 to prohibit employers asking job applicants questions related to pregnancy and maternity, with a breach enforceable by the EHRC.

5. Human trafficking and modern slavery

Modern slavery

The EHRC recommends that the UK Government should:

* in preparing for the outcome of the independent review of the Modern Slavery Act 2015, give adequate attention to adult support entitlements, which fall out of the review’s terms of reference
* address the outlined gaps in the Modern Slavery Act by bringing forward amendments to the legislation
* update the 2014 modern slavery strategy[[3]](#footnote-3) and include new ambitious targets for increasing referrals, training frontline services, improving data collection and creating a framework for government agencies to coordinate their work, and

introduce a legal duty to support victims of modern slavery with clear minimum standards in England and Wales prior to the UK’s withdrawal from the EU.

Strengthening the National Referral Mechanism

The EHRC recommends that the UK Government should:

* publish the evaluation of the pilot schemes that tested the recommendations of the 2014 review of the NRM to explain its position on each of the recommendations
* consult formally on plans to reform the way victims of modern slavery are identified and supported before the changes are formally adopted, and publish a timetable for their implementation and review outcomes, and

commit to reviewing the impact of these reforms on the quality and timeliness of the identification process three years on from their implementation.

The EHRC recommends that the UK and Welsh governments should:

create a requirement for public authorities to record and report suspected victims of trafficking.

6. Detention and asylum

Women in prison

The EHRC recommends that the UK Government should:

* use the opportunity of its new female offenders strategy to address and implement all outstanding recommendations of the 2007 Corston report, and ensure that the strategy gives full consideration to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (‘the Bangkok Rules’), and

monitor and review the use of community sentences for women with the aim of promoting their greater use.

The EHRC recommends that the UK and Welsh governments, where relevant, should:

* provide an increased and longer-term funding commitment for a network of women’s centres to support liaison and diversion from the criminal justice system and enable rehabilitation, particularly for ethnic minority women
* improve the provision and availability of mental health services for women in prison, recognising the different issues women, including trans women, experience in prison, to prevent suicide and self-harm, and facilitate resettlement

evaluate the community treatment sentence requirements to ensure that women are not unduly pressured to receive mental health treatment in order to avoid detention, and provide valid consent to treatment.

Immigration detention

The EHRC recommends that the UK Government should:

* ensure that revisions to rule 35 arising from the forthcoming Detention Centre Rules review result in sufficient safeguards for women who are victims of serious physical, psychological or sexual violence to ensure they are not detained
* ensure that immigration detention is used as a last resort, commit to setting a maximum limit of 28 days on the length of time an individual can be held and increase efforts to work towards community-based resolutions for women as an alternative to detention
* introduce independent processes for the identification of women with protected characteristics, or who otherwise face a particular risk of harm in detention, both when the decision to detain is made and once individuals have entered the detention estate, and
* take steps to ensure women detainees receive adequate healthcare services, including appropriate mental health care and, until the detention of pregnant women ceases, midwifery.

Asylum seekers’ access to services

The EHRC recommends that the UK Government should:

* fully evaluate the effect of data sharing between health services and the Home Office, including the effect of fear and misunderstandings of how data is used and shared, and take action to tackle any negative effects on access to health services and health outcomes of migrant women as a consequence of this, including clearly communicating any changes to the data-sharing policy
* improve monitoring and inspection of private sector delivery of asylum accommodation contracts to ensure that the rights and needs of vulnerable women asylum seekers are met, and

amend the Immigration Rules to ensure spouses of refugees do not have to choose between staying with an abusive partner or having no recourse to public funds.

The EHRC recommends that the UK and Welsh governments, where relevant, should:

* fully implement the EHRC’s recommendations on improving asylum seekers and refused asylum seekers’ access to healthcare, including:
  + exempting all people who have been in the asylum process from NHS healthcare charging in England, in line with policy in devolved nations
  + ensuring free and full access to all family planning services and pregnancy and maternity services, regardless of immigration status
  + reviewing current Home Office accommodation and dispersal policy and practice to ensure that healthcare needs, especially of disabled people and pregnant women, are met in the provision of asylum accommodation
  + substantially increasing the level of weekly support to guarantee everyone is living above the recognised poverty line of 60% of the UK median household income, taking into account the needs of people with protected characteristics, such as pregnant women and new mothers
  + allowing people seeking asylum to work after six months of waiting for a decision on their application so that they can access income, reduce their level of poverty and lead fulfilling and dignified lives, and
  + ensuring all survivors of domestic violence can seek the assistance of police without fear by ending the requirement for police to share data of victims of crime with immigration enforcement, and taking steps to protect and support all survivors regardless of their immigration status.

7. Adequate standard of living and social security

Cumulative impact of welfare and tax changes

The EHRC recommends that the UK Government should:

* review the level of welfare benefits to ensure that they provide an adequate standard of living for women in households who rely partially or wholly on transfer payments
* demonstrate that regressive reforms to the tax and transfer payment system are temporary, necessary, proportionate and non-discriminatory; that they do not undercut a core minimum level of protection, and put in place any mitigating measures required to safeguard women’s rights
* prepare a cumulative impact assessment for each fiscal event, as well as analysing the impact of key individual tax or social security measures, incorporating intersectional analysis of people sharing certain protected characteristics, and
* mitigate the impact of welfare reform measures on lone-parent families, the majority of which are women, by:
  + uprating all benefits in line with inflation and review the level of benefits to ensure it meets adequate living standards
  + reverse the two-child limit on child tax credits within Universal Credit
  + carry out an equality impact assessment of the conditionality and sanctions system on claimants to ensure that sanctions are not disproportionately applied, and conditionality is reasonable and based on flexibility of easements, specifically for lone-parent families, ethnic minority groups and disabled people
  + introduce publicly available service standards for the social security system that set out the rights of claimants, are fair and accessible, and measured and reported on, and
  + ensure that work coaches are trained to deliver tailored employment support, providing evidence of the steps taken to ensure that the specific needs of lone parents are being met.

Specific changes to the social security system

The EHRC recommends that the UK Government should:

* undertake a further equality impact assessment of Universal Credit and offer split payments as standard, and ensure, in the interim, that the current system of single payments to a couple includes improved and robust safeguards for women experiencing domestic abuse
* conduct a further equality impact assessment that fully considers the effects of the further reduction in the household benefit cap on women, and set out comprehensive strategies to mitigate any projected disproportionate and unjustified impacts, and

review the impact on living standards restricting the entitlement to Child Tax Credits has had, set out mitigating actions where adverse impact is identified, and amend the Child Tax Credit (Amendment) Regulations 2017 to mitigate the impact of the so-called ‘rape clause’.

Changes to the state pension age

The EHRC recommends that the UK Government should:

* consider introducing transitional arrangements for those most disadvantaged by the changes to the state pension age (SPA) within the cohort of women born in the 1950s
* undertake a comprehensive communications campaign setting out the SPA changes and their consequences, and where to access accurate, accessible information, and

make revisions to state pension statements in line with the recommendations made by the Work and Pensions Committee.

Housing and homelessness

The EHRC recommends that the UK and Welsh governments should:

* improve data collection on homelessness across the UK to more accurately reflect estimated prevalence and include breakdowns by protected characteristic group, and

take immediate measures to address the significant increase in homelessness, and ensure that there are sufficient resources to implement effective women-specific initiatives and to provide adequate reception facilities, such as emergency shelters and hostels, as well as social rehabilitation centres.

The EHRC recommends that the UK Government should:

* replace the current Traveller definition in the Planning Policy for Traveller Sites with the more inclusive one in the Housing Act 2004, and reintroduce the duty on local authorities to provide sites for Gypsies and Travellers, as was previously required under the Caravan Sites Act 1968 and as is required in Wales under the Housing (Wales) Act 2014, and

reconsider the ‘spare room subsidy’ regulations, which discriminate against survivors of domestic abuse who have ‘safe rooms’.

8. Just and fair conditions of work

Women in work

The EHRC recommends that the UK and Welsh governments should:

* monitor, and improve through concrete steps, women’s access to secure employment with just and fair conditions, including for groups with comparatively low employment rates such as ethnic minority women and disabled women
* address the problems with the availability and affordability of properly regulated childcare, including by ensuring adequately funded, flexible and high-quality childcare for all children, and monitor the impact different models of provision have on women’s labour market participation, and

encourage men and women to share caring responsibilities on an equal basis.

The EHRC recommends that the UK Government should:

* introduce dedicated non-transferable ‘use it or lose it’ parental leave for fathers with a pay rate that acts as a real incentive to take-up, and

legislate to extend the right to request flexible working to apply from day one in all jobs, unless there is a genuine business reason that means that this is not possible.

Discrimination and harassment in the workplace

The EHRC recommends that the UK Government should:

* introduce a mandatory duty on employers to take reasonable steps to protect workers from harassment and victimisation in the workplace
* introduce a statutory code of practice on sexual harassment and harassment at work, specifying the steps that employers should take to prevent and respond to sexual harassment, and which can be considered in evidence when determining whether the mandatory duty has been breached, and
* implement all the other recommendations in the 2018 Equality and Human Rights Commission report, ‘Turning the tables’.

The EHRC recommends that the UK and Welsh governments should:

ensure that women have access to employment advice services, particularly in relation to sexual harassment and the rights of pregnant women and new mothers.

Occupational segregation

The EHRC recommends that the UK and Welsh governments should:

* take steps to tackle women’s persistent occupational segregation in typically low-paid roles and sectors
* ensure high-quality apprenticeships reduce women’s employment gaps and occupational segregation
* set aspirational and transparent targets to improve the participation and progression rates of under-represented groups in apprenticeships, including through greater use of positive action to recruit women apprentices in sectors where they are under-represented, and

assess the reasons for, and take action to address, the fall in apprenticeship starts in England since 2016, particularly the disproportionately high drops in apprenticeships starts among women.

Pay

The EHRC recommends that the UK Government should:

* enforce the National Living Wage (NLW) and monitor and report on the impact of NLW on women’s pay and standard of living, and consider increasing the level at which NLW is paid, and

make it mandatory for employers to publish a narrative with their gender pay gap data to help employees and the public understand the factors underlying the gender pay gap and focus on how to make substantive improvements to the workplace for women.

The EHRC recommends that the UK and Welsh governments should:

* develop national action plans to close gender, disability and ethnicity pay gaps, and report regularly on progress

require private, voluntary and those public sector employers not in the scope of the Scottish and Welsh Public Sector Equality Duty specific duties, to monitor and report on ethnicity and disability in recruitment, retention and progression. This should apply to organisations with more than 250 employees.

The Welsh Government should:

review and improve the specific duties – under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 – to require public bodies in Wales to take action to address pay and employment differences, report on progress and publish pay gap data.

9. Highest attainable standard of health

Mental and physical health

The EHRC recommends that the UK and Welsh governments, where relevant, should:

* ensure the routine collection of data on women’s access to, experience of, and outcomes of health services, disaggregated by protected characteristics
* to address the health inequalities experienced by women, and especially those women who are at particular risk of vulnerability, set gender equality objectives that provide focus to gender-specific and gender-sensitive health policies and services where evidence demonstrates targeted interventions would be effective
* monitor and publish progress against equality objectives under the Public Sector Equality Duty, and take further steps where progress is insufficient
* ensure there are sufficiently funded, appropriate and high-quality mental health services that meet local demand. This will increase the availability of less restrictive options for mental health provision and reduce the need to resort to involuntary admission and treatment under the MHA
* ensure reasonable adjustments are provided for disabled women to ensure their access to healthcare services is on an equal basis with others

take steps towards eradicating the use of physical, mechanical and chemical restraint and other restrictive practices in mental health settings.

The UK Government should:

ensure that staff caring for women and girls detained under the Mental Health Act comply with National Institute for Health and Care Excellence (NICE) guidance to routinely enquire about their potential history of domestic violence and abuse so it is appropriately factored into their care plan.[[4]](#footnote-4)

The Welsh Government should:

* address deficiencies in provision of specialist mental health service provision for pregnant women and new mothers by some health boards in Wales, to ensure consistency, and

ensure timely implementation of a fully integrated gender identity service across Wales, and monitor the impact on health outcomes for trans women in Wales.

Sexual and reproductive health and rights

The EHRC recommends that the UK and Welsh governments should:

take steps to ensure that all women can enjoy access to mainstream sexual and reproductive healthcare and maternity services, including disabled women, on an equal basis with others.

The EHRC recommends that the UK Government should:

* ensure that trans women are able to access gamete storage services, free from discrimination, and

standardise eligibility criteria for IVF treatment, in line with the guidelines from the National Institute for Health and Care Excellence (NICE), to ensure that all eligible women receive three cycles of IVF, regardless of where they live.

10. Equality in education

Bias in subject choices

The EHRC recommends that the UK and Welsh governments should:

* ensure that careers guidance and work experience opportunities tackle gender stereotypes and encourage a wider range of subject and career choices for women and girls from primary school onwards, and

increase their efforts to tackle barriers to, and encourage girls’ uptake of, STEM subjects, while demonstrating regard to different protected characteristics and socio-economic groups, so that all girls have the opportunity to consider and pursue this career path.

Personal, social, health and economic (PSHE) and relationships and sex education

The EHRC recommends that the UK and Welsh governments should:

* make personal, social, health and economic education mandatory in its entirety, in all schools and educational settings from key stages 1 to 4, with a curriculum that offers comprehensive coverage of human rights and equality issues
* ensure that statutory RSE meets the needs of all young women and girls, and other groups with protected characteristics, so that they are equipped with the knowledge they need to stay safe and prepare for life beyond the classroom[[5]](#footnote-5)
* ensure human rights education, which cuts across all subject areas including relationships and sex education and health education, is fully embedded in the curriculum. This includes education about human rights, through human rights and for human rights. In particular, children should be taught about their human rights relating to health, education and bodily integrity
* balance rights of parents to choose how their children are educated with the rights of children as set out in the UN Convention on the Rights of the Child. The guidance and regulations concerning decisions to withdraw children should reflect these rights, as well as parents’ rights. Further, certain topics should be exempt from the right to withdraw, such as: consent, sexual abuse and harassment, and sexualised bullying, grooming, sexual exploitation and domestic abuse, and

ensure teaching is evidence-based, not values-based, and inclusive of children with different protected characteristics.

The EHRC recommends that the Welsh Government should:

accept and act on the recommendations from the Sex and Relationships Education Expert Panel.

Bullying and harassment in schools

The EHRC recommends that the UK and Welsh governments should:

* conduct regular surveys to determine the extent of bullying and prejudice-based bullying, sexual harassment and violence in schools, so they have a better understanding of the issue, and to provide a baseline to track progress and to take appropriate action on the findings
* disseminate best practice on how schools can address sexual harassment and violence, including advice on supporting teachers to feel confident in recognising and addressing such behaviour
* ensure that schools receive consistent guidance on preventing and tackling bullying, including sexual harassment and violence; and make sure that this guidance requires all schools to gather, record by protected characteristic and use the information on bullying to develop and evaluate their anti-bullying strategies, in line with their obligations under the Public Sector Equality Duty, and
* ensure initial teacher training includes support on how to prevent and tackle prejudice-based bullying, sexual harassment and sexual violence.

1. A ‘forced marriage’ is any marriage that occurs without the full and free consent of one or both of the parties and/or where one or both of the parties is/are unable to end or leave the marriage, including as a result of duress or intense social or family pressure. OHCHR (2014), ‘Preventing and eliminating child, early and forced marriage’, UN doc. A/HRC/26/22, para. 6. Available at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-22_en.doc> [accessed: 5 January 2018]. [↑](#footnote-ref-1)
2. ‘Child marriage’ is a marriage in which at least one of the parties is under 18 years. [↑](#footnote-ref-2)
3. HM Government (2014), [‘Modern slavery strategy’](https://www.gov.uk/government/publications/modern-slavery-strategy) [accessed: 18 January 2018]. [↑](#footnote-ref-3)
4. National Institute for Health and Care Excellence (2014), ‘Domestic violence and abuse: multi-agency working: public health guideline [PH50]’. Available at <https://www.nice.org.uk/guidance/ph50/chapter/1-Recommendations#recommendation-6-ensure-trained-staff-ask-people-about-domestic-violence-and-abuse> [accessed: 5 December 2018]. [↑](#footnote-ref-4)
5. This should include coverage of sexual and reproductive health and rights, and discussion of same-sex as well as heterosexual relationships. [↑](#footnote-ref-5)