

United Nations Convention on Elimination of Discrimination against Women (CEDAW) Shadow Report June 2018

Introduction

Women's Equality Network (WEN) Wales is a membership network of organisations and individuals working to advance the rights of women in all spheres of Welsh life.

The UK and devolved governments have not directly incorporated CEDAW into domestic law and policy. However, several CEDAW rights are given partial effect through the Equality Act 2010 (EA 2010), the Human Rights Act (HRA) and other legislation, policies and programmes. The Wales Act 2017 has devolved more decisions that directly impact on women/girls. However, the constitutional settlement means that funding for devolved matters is still subject to direct Westminster control.¹ The Well-being of Future Generations (Wales) Act 2015, introduced the well-being goal of 'A more equal Wales' for public authorities and presented a fresh opportunity to break down barriers for the 3.1 m people in Wales, 52% of whom are female. However, it has not yet delivered greater equality.

Article 2: Obligations to eliminate discrimination

Welsh Government's commitment to gender equality is set out in the Government of Wales Act 2006 and in the public-sector equality specific duties (PSED), outlining a unique set of specific duties underpinning the general duty which provide Welsh Government with levers and opportunities to measure progress and set effective targets and actions². There is a need to return to Equality Impact Assessments (EIA) that collect, assess and disaggregate information and statistics on gender. In addition, stronger legislation that is monitored for impact and implementation is required.

Questions:

UK Government

- Will the UK Government incorporate all provisions of CEDAW into domestic law³ to guarantee the rights enshrined in CEDAW?
- Will the UK Government use EIAs that collect, assess and disaggregate information and statistics on gender in relation to other protected characteristics, including Wales-specific data?

Welsh Government (WG)

¹ The Wales Act 2017 does allow for some taxation levies to be devolved to Wales.

² <http://www.legislation.gov.uk/ukpga/2006/32/contents>

³ Either through the Equality Act 2010 or new legislation similar to the Human Rights Act 1998.

- How will the rapid Gender Review undertaken by WG recognise the intersectionality of discrimination against girls/women in Wales?
- How will WG recognise that Brexit is likely to be felt most severely in Wales by women and how will they proportionately mitigate against those hit hardest by Brexit?

Article 3: Guarantee of basic human rights and freedoms

The Government of Wales Acts make explicit the commitment to equality for all. These principles and norms should be incorporated into policies/strategies across Wales. There is some good progress in this regard. Welsh Government has appointed a Children’s Commissioner and an Older People’s Commissioner who focus on the rights of older people/girls, a Future Generations Commissioner for Wales and National Advisor(s) on ending Violence against Women. However, there is growing concern in the equality and human rights sector in Wales that since the advent of the Wellbeing of Future Generations (WFG) Act (Wales) 2015⁴ protection of rights has been downgraded under the Act’s ‘a more equal Wales’ goal. Whilst the Act itself is an admirable piece of holistic future-facing legislation, no meaningful accountability mechanism exists, as the Future Generations Commissioner has no enforcement powers. Welsh Government encourages co-production and involvement of service-users as it redesigns strategy. However, it often fails to recognise that participation is hindered when it does not recompense citizens for their involvement, for example, by not providing travel expenses. The power to introduce the Equality Act 2010 socio-economic duty has been devolved to Welsh Ministers and may alleviate some of the economic uncertainties surrounding Brexit.⁵

Independent advocacy for all girls/women who need it is now enshrined in Part 10 of the Social Services and Well-being (Wales) Act 2004, but, due to austerity measures, it is not being funded in any rigorous or consistent way to ensure that it exists for every woman who needs it. Given the delicate nature of health/social issues many women experience, it is vital that these services are funded properly, to give the disenfranchised a voice. This is particularly relevant for Black and Minority Ethnic (BME) women who often take a male partner to appointments and may feel constricted to speak of any abuse that might be taking place.

Questions:

UK Government

- Will the UK Government maintain its international standards of human rights protection by abandoning plans to create a Bill of Rights to replace the Human Rights Act 1998?

Welsh Government

- When will the WG create a Minister for Women, whose role explicitly and exclusively guarantees and enhances the rights and freedoms of women in Wales (with enforcement powers) and ensures WG has gendered understanding of the impact that all decisions will have on women in Wales?

⁴ <https://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

⁵ The Wales Act 2015, s. 45.

- Will the WG enact the socio-economic duty in section 1 Equality Act 2010?

Article 4: Temporary special measures

In the political arena in Wales all political parties have taken a different approach – some working positively to ensure more women Assembly Members (AMs) and Members of Parliament (MPs) – for example, the Labour Party instigates all-women shortlists and this has helped to result in the 43% of AMs who are currently women in Wales. In the 2016 Welsh Assembly election, Plaid Cymru required gender balance for the top two positions on its assembly regional lists.⁶ The Liberal Democrats and Conservatives do not use any form of positive action to ensure more women candidates. The use of quotas and other measures was recommended by the recent Expert Panel on Assembly Electoral Reform in Wales.⁷ The three recommendations on gender equality from the Expert Panel are:

- Gender quotas integrated into the electoral system by 2021 so that all political parties put forward 50/50 candidates.
- Job sharing: electoral law should be changed to enable candidates to stand for election based on transparent job-sharing arrangements
- Compulsory publication on candidate diversity – disaggregated.⁸

A temporary measure could be put in place for the next Assembly Elections in 2021 and for other elected posts.

Questions:

UK Government

- How will the UK Government use temporary measures of gender quotas to accelerate the presence of women in positions of authority and power in employment, political (including within the House of Commons) and public life in the UK?

Welsh Government

- Will the WG endorse the recommendations of the Expert Panel on Assembly Electoral Reform in Wales, including legal quotas to ensure that representation is gender balanced within the National Assembly for Wales?

Article 5: Roles based on stereotypes

In January 2018, Welsh Government launched its 'This is Me'⁹ campaign to challenge gender stereotyping in society, forming part of the Live Fear Free campaign to tackle violence against women and girls. This public awareness campaign around challenging the impact of harmful gender

⁶ <http://www.bbc.co.uk/news/uk-wales-27665486>

⁷ http://www.assembly.wales/en/abthome/about_us-commission_assembly_administration/panel-election-reform/Pages/Assembly-Electoral-Reform.aspx

⁸ http://www.assembly.wales/en/abthome/about_us-commission_assembly_administration/panel-election-reform/Pages/Assembly-Electoral-Reform.aspx

⁹ <http://livefearfree.gov.wales/campaigns/this-is-me?lang=en>

stereotypes (most of which related to occupations/activities) needs to be embedded in ways that can support the people of Wales across a variety of sectors.

The media and the advertising industry play a huge role in tackling or perpetuating stereotypes. The BBC has recognised this and has put in place a target of women/men presenters to be 50:50 by 2020 and this is to be welcomed. More initiatives need to take place.

Questions:

UK Government

- Will UK Government make Advertising Standards Authority (ASA) regulations regarding the perpetuation of stereotypes in marketing of products legally binding?
- When will UK Government provide sustained, long-term funding to tackle issues of gender stereotyping across the UK?
- Will UK Government develop and implement mandatory training for all non-devolved public bodies on sexism, heterosexist, gender stereotyping and racism for all employees and provide compulsory training¹⁰?

Welsh Government

- Will WG develop and implement mandatory training on sexism, heterosexist, gender stereotyping and racism for all their employees and in schools across Wales?
- Given WG's recent campaign 'This is Me', when will they provide sustained, long-term funding to maintain this work into the future to tackle issues of gender stereotyping across Wales?
- How will WG ensure that a whole school approach to gender inequalities, including gender stereotyping, is implemented in the education system?

Article 6: Trafficking and prostitution

Wales is a transit and destination country for human trafficking: in 2017, 193 people were referred into the National Referral Mechanism.¹¹ Multi-agency working on human trafficking was established in 2007 and entails collaboration between the Anti-Trafficking Coordinator, creating a Wales-specific logo (Dewi), Welsh Government's Anti-Slavery Leadership Group seeking to improve collaboration between devolved and non-devolved organisations in Wales, as well as support for survivors.¹² The launching of the Wales Hotelier Modern Slavery training Ethical Employment in Supply Chains – Code of Practice¹³ and a recent conference on ways to combat modern slavery and human trafficking are to be welcomed. However, there is still a long way to go. For example, there is a need for immediate recourse to legal and social protection for women who are potential victims.

¹⁰ Similar to that of Wales' 'Ask & Act', which is compulsory across devolved public bodies and raise awareness of VAWG and referral pathways to specialist services.

¹¹ National Crime Agency Statistics, 2017

¹² <http://gov.wales/topics/people-and-communities/communities/safety/anti-slavery/what-we-are-doing/?lang=en>

¹³ <https://gov.wales/topics/improvingservices/bettervfm/code-of-practice/?lang=en>

Oxfam Cymru's 2011 research¹⁴ highlighted that asylum-seeking women and women with no recourse to public funds are vulnerable to sexual exploitation. There is now evidence that these exploitative practices are becoming mainstreamed with the rise of homelessness, particularly amongst young women. Welsh Government's own data suggests a 10% increase in rough sleeping in 2018.¹⁵ However, women are more likely to experience 'hidden homelessness' and as a result are harder to reach to offer support, particularly around issues of exploitation and abuse.¹⁶ There are also alarming examples of landlords advertising for sexual favours – 'sex for rent' – in exchange for accommodation in Wales.¹⁷ We welcome Welsh Minister for Housing and Regeneration, Rebecca Evan's commitment to clamp down on 'sex for rent' in Wales by amending the Code of Practice for landlords and we call for action to ensure that this code is enforced on the ground so that women have safe and equal access to housing in Wales.¹⁸

Questions:

UK Government

- When will UK Government implement a human rights and criminal justice joined-up approach to human trafficking that does not focus so much attention on border control?
- What is UK Government doing to tackle the recent trend of 'sex for rent' arrangements that exploit women who otherwise cannot secure housing or tenancies?

Welsh Government

- What is WG doing to support women involved in prostitution in Wales and to help women who wish to leave prostitution?
- When will we see the amendments to the Code of Practice for landlords around 'sex for rent' in Wales and how will WG ensure it is enforced on the ground to enable women to have safe and equal access to housing?

Article 7: Women's Representation in Political and Public Life

Women form 52% of the population in Wales, yet do not hold an equal share of power within Welsh life. Only 18% of council leaders in Wales are currently women and women make up 43% of Assembly Members.¹⁹ In Wales 6% of chief executives or equivalent of top 100 businesses are women.²⁰ LGBT,

¹⁴ [Coping with Destitution](#) Survival and livelihood strategies of refused asylum seekers living in the UK, 2011, Oxfam Policy and Practice.

¹⁵ [Rough Sleepers Rise in Wales, latest counts](#), 2018, BBC.

¹⁶ [Women's Hidden Homelessness](#), 2018, Homeless Link.

¹⁷ ['Tenant with Benefits Wanted'](#) – 'The Sleazy online showing landlords are offering vulnerable lodgers rooms in exchange for sex', 2017, Wales Online

¹⁸ <https://www.24housing.co.uk/news/sex-for-rent-landlords-risk-licences-in-wales/> & <https://www.landlordtoday.co.uk/breaking-news/2018/5/welsh-government-to-clampdown-on-sex-for-rent-landlords?source=othernews>

¹⁹ Who Runs Wales? 2017, EHRC Wales

https://www.equalityhumanrights.com/sites/default/files/wrw_2017_english.pdf

²⁰ Ibid

disabled, working-class and BME women face additional barriers to accessing power and representing themselves in Welsh political and public life. Disabled or BME people hold less than 4% of public appointments,²¹ although there is no data to fully understand the experiences of BME and disabled women.

Increasing women's participation and leadership makes a positive impact on politics and businesses. Research by McKinsey & Co. found that in the UK, greater gender diversity on a senior management team corresponded to higher performance with an increase in financial performance.²² With equal representation of women in the National Assembly for Wales, women will be in a better position to shape the political agenda to advance gender equality. Research has found that women Assembly Members are much more likely to raise issues, ask questions and intervene on equal pay, domestic abuse, women's health and child care.²³

64% of women across the UK have reported that they have experienced sexual harassment in public places²⁴ and 1 in 5 people working in Westminster have been subjected to sexual harassment.²⁵ In the National Assembly for Wales, the well overdue Dignity and Respect policy is currently being developed for Assembly Members. However, conversations around sexual harassment in Welsh politics were largely silenced following Cabinet Secretary Carl Sergeant's suicide, days after being fired following allegations of harassment.²⁶

Apart from the health and education sectors, women in Wales remain largely absent from positions of power and underrepresented in areas of decision making and budget allocation. In terms of public appointments, whilst 47% of the 2015-2016 appointments were women, there is still gender segregation, for example, fewer women are Chairs or head Audit Committees and remain underrepresented in economic development bodies and advisory groups such as the City and Region Boards.²⁷

Questions:

UK Government

- Following sexual abuse and harassment allegations against politicians across the UK, are new sexual harassment policies up to international standards to hold abusers to account and to eliminate this behaviour?

Welsh Government

- How will WG dramatically and without delay increase women's representation in CEO, Chair of Trustee and local government roles?

²¹ Ibid

²² Diversity Matters, Hunt, Layton and Prince, McKinsey & Company, 2015

<https://www.mckinsey.com/~media/mckinsey/business%20functions/organization/our%20insights/why%20diversity%20matters/diversity%20matters.ashx>

²³ Women and policy-making: Devolution, Civil Society and Political Representation. Paul Chaney, 2016

²⁴ YouGov/End Violence Against Women poll 2016. There is also serious trans and gender harassment currently.

²⁵ <https://www.independent.co.uk/news/uk/politics/westminster-sexual-harassment-one-five-report-leaked-mps-lords-staff-a8199401.html>

²⁶ http://www.bbc.co.uk/news/uk-wales-politics-43031781?intlink_from_url=http://www.bbc.co.uk/news/topics/cw5m7rq7z8rt/westminster-sexual-harassment-scandal&link_location=live-reporting-story

²⁷ [Who Runs Wales? 2017](#), EHRC Wales.

- Will WG ensure the ‘Dignity and Respect’ policy to deal with sexual harassment at the National Assembly includes:
 - a clear set of sanctions for those that breach the policy
 - mechanisms to allow complaints that date back over 12 months to be investigated
 - those dealing with the complaints have the expertise and experience to deal with sexual harassment cases
 - protection of the identity of the complainant

Article 8: Women as International Representatives

In the immediate aftermath of the EU referendum, the number of hate crime offences recorded by the UK police in July 2016 was 41% higher than the previous year²⁸ and hate crimes against Muslim women are estimated to have increased by over 300%.²⁹ In Wales there was a 76% rise in racist hate crime in the summer of 2016.³⁰ Leaving the EU will mean that women from Wales have less influence over EU legislation and less opportunities to push for greater gender equality. The impact of leaving the EU could also mean a roll-back of legal rights for women, reduced funding for women’s organisations and put extra pressure on specialist services.³¹

No longer being a signatory to the EU Charter of Fundamental Rights³² will create gaps in human rights protection. For example, it includes ‘a free-standing right to non-discrimination, protection of a child’s best interests and the right to human dignity.’ It will also mean there is less power to protect women’s rights.

Losing the protection and arbitration of the Court of Justice of the European Union (CJEU) will mean an end to our current safeguards to equalities legislation. EU equalities legislation that has not been finalised or incorporated into UK law will be lost – for example the EU is currently considering new legislation that further protects parental leave, flexible working and breastfeeding in work. It will also limit Wales’ ability to stay at the forefront of global equalities legislation and policy as we will no longer be taking an active role to help shape EU equalities law and automatically incorporating this within UK law.

Wales is set to lose £680m funding from the EU annually which will have a disproportionate effect on women.³³

Questions:

UK Government

²⁸ H. Corcoran & K. Smith, ‘Hate Crime, England and Wales, 2015/16’ Home Office, 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/559319/hate-crime-1516-hosb1116.pdf, (accessed 7 February 2017)

²⁹ ‘If ‘Brexit means Brexit’ what will that mean for women?’, Women’s Budget Group, [website], 2016. <http://wbg.org.uk/analysis/brexit-meansbrexit-will-mean-women/>, (accessed 7 February 2017).

³⁰ Reported by Race Council Cymru from Victim Support Cymru hate crime reporting figures

³¹ <http://www.welshwomensaid.org.uk/wp-content/uploads/2016/03/WWA-Future-of-equality-and-human-rights-in-Wales-consultation.pdf>

³² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

³³ WEN Wales et al, Equality for Women and Girls in Wales: Our Manifesto, 2018 <http://www.wenwales.org.uk/resources-2/wen-publications/>

- How is the UK Government dealing with increased hate crime across the UK following the EU referendum?
- When will the UK Government enshrine the rights of women, currently protected in EU legislation, into domestic law to guarantee that no women's rights or human rights will be lost post-Brexit?

Welsh Government

- How will WG challenge hate crime and discrimination based on nationality that is experienced frequently by certain EU nationals and those of other countries?
- How will WG ensure relationships with Europe are maintained post-Brexit and that women are involved in positions of influence in these continuing international relationships?

Article 9: Nationality

The financial criteria placed on couples wanting to be together in the UK discriminates against women who are UK nationals with a foreign/non-EU spouse. The law currently requires UK residents to have an annual income of around £18,600 per year for her spouse to join her in this country (Immigration Rules). This sum is supposed to represent the amount at which you would be able to support your spouse without him requiring assistance from the public purse. The law does not allow for the fact that the average earnings of women in Wales are less than the rest of the UK or that women are far more likely to be in low-paid/part-time work than men.

Questions:

Welsh Government

- How will WG support EU nationals living in Wales post-Brexit and those with partners and children with dual identity but not necessarily legal dual nationality?

Article 10: Education

The Donaldson Review³⁴ recommended a major shake-up in education for Wales which provides a real opportunity to improve the current curriculum. It is meant to give all pupils a fuller and more rounded education, to include proper, consistent provision of political, personal, social, health topics. All schools need to adopt a whole education approach to violence against women, human rights and politics education, including CEDAW and use existing guidance, where already available.

Equal access for girls to education is threatened by 'period poverty.' Plan International has found that 10% of girls aged 14-21 in the UK have been unable to afford a sanitary product at some stage, whilst 1 in 7 struggle to afford them.³⁵ 64% of girls have missed physical education or sport due to

³⁴ Available at: <https://www.nasuwt.org.uk/asset/A788604C-3046-4005-A1EA0EAF023E0DD/>
<https://www.uwtsd.ac.uk/media/uwtsd-website/content-assets/documents/wcee/successful-futures.pdf>

³⁵ <https://plan-uk.org/media-centre/freeperiods-research-on-period-poverty-and-stigma>

menstruation, of which 52% of girls have made up a lie or excuse.³⁶ Too many girls are missing school regularly as a result of period poverty. In March 2018 Welsh Government announced a £1m fund to help 'those in most need'.³⁷

Welsh Government has accepted all 33 recommendations from the independent report Talented Women for a Successful Wales, which calls for improving gender balance in Science, Technology, Engineering and Maths (STEM), in educational policies and programmes for teacher training, curriculum reform, careers advice, apprenticeships and further and higher education funding.³⁸

In terms of ending violence against girls and healthy relationships, Welsh Government has produced Whole Education Approach Good Practice Guidance³⁹ and a Resource Toolkit. Cardiff University, NSPCC Cymru, Welsh Women's Aid and Children's Commissioner for Wales and Welsh Government also developed the 'Agenda' resource.⁴⁰ Each agency aims to work in schools to support young people and educational practitioners to learn about and raise awareness of issues related to healthy relationships as part of a whole school approach. However, there is insufficient funding to roll out the workshops across Wales. In 2017-18, Estyn conducted a thematic review of healthy relationship education in primary and secondary schools and produced a report⁴¹ with recommendations. An expert panel on Sexuality and Relationship Education (SRE) was set up by Welsh Government, and the group provided 11 recommendations⁴² on the future SRE curriculum in Wales, advocating for a gender-equity and rights-based approach. We welcome WG's recent commitment to all these recommendations, making SRE a statutory part of the curriculum for 5–16 year olds in Wales including a fully inclusive LGBTQI+ understanding of sexuality⁴³.

More must be done to tackle the sexual harassment of girls attending schools in Wales: between 10-20% of girls at secondary schools reported they have experienced unwanted touching, groping or kissing by a boy whilst in school at least once.⁴⁴ Anti-bullying resources – currently in development – and which include sexist, sexual and transphobic bullying also highlight the serious issue in schools and these resources need to make the connection between VAWG and bullying in relation to peer-to-peer 'violence'.⁴⁵

³⁶ Ibid

³⁷ <http://www.bbc.co.uk/news/uk-wales-politics-43513354>

³⁸ <https://gov.wales/topics/science-and-technology/science/women-in-science/?skip=1&lang=en>

³⁹ <https://gov.wales/docs/dsjlg/publications/commsafety/151020-whole-education-approach-good-practice-guide-en.pdf>

⁴⁰ <http://agenda.wales/>

⁴¹ <https://www.estyn.gov.wales/sites/default/files/documents/A%20review%20of%20healthy%20relationships%20education.pdf>

⁴² <https://gov.wales/docs/dcells/publications/180104-future-of-the-sex-and-relationships-education-curriculum-in-wales-en.pdf>

⁴³ <https://gov.wales/newsroom/educationandskills/2018/kirsty-williams-announces-focus-on-healthy-relationships-in-major-reforms-to-relationships-and-sexuality-education/?lang=en>

⁴⁴ School Health Research Network survey of 35,071 students from 87 secondary schools in Wales (SHRN, 2015).

⁴⁵ As highlighted in annex 7 of the Sex and Relationship Expert Panel report:

<https://gov.wales/docs/dcells/publications/180104-future-of-the-sex-and-relationships-education-curriculum-in-wales-en.pdf>

Questions:

Welsh Government

- How will WG ensure that there is a co-ordinated approach to adopting the agreed changes to SRE in Wales and how will WG provide strong guidance to build capacity, create meaningful investments and plan appropriately for these ground-breaking changes?
- When will adequately funded compulsory human rights education be implemented in schools and can WG learn from the work of the Children’s Commissioner for Wales’ work on ‘right respecting schools’ based on the UNCRC⁴⁶?
- When will WG accept the recommendation from the Sex and Relationship expert panel to establish an SRE excellence mark to highlight exemplary whole school approaches to gender equality, equity and SRE⁴⁷, by working with Estyn to ensure that all educational institutions in Wales take a whole educational approach to violence against women and girls and use available resources and guidance⁴⁸?
- How will WG ensure girls’ safety, through monitoring, by better tackling sexual harassment in schools and training teachers in how to respond appropriately and sign-post for all forms of VAWG?
- When can the initiatives around STEM education translate into better paid career paths for women/girls?

Article 11: Employment

Women still face direct discrimination within the workplace. Research by the EHRC found that one in five mothers said they had experienced harassment or negative comments related to pregnancy or flexible working from their employer.⁴⁹ The TUC found that 52% of women reported being sexually harassed in the workplace in 2016.⁵⁰

BME and disabled women face multiple barriers within the workplace, often experiencing discrimination at every stage of the recruitment process.⁵¹ The Runnymede Trust found that BME women are more likely to be unemployed than their White counterparts, even when qualifications are taken into account, facing language barriers and gender stereotyping.⁵² BME women are less

⁴⁶ <https://www.childcomwales.org.uk/uncrc-childrens-rights/>

⁴⁷ <https://gov.wales/docs/dcells/publications/180104-future-of-the-sex-and-relationships-education-curriculum-in-wales-en.pdf>

⁴⁸ For example, the Spectrum Cymru programme from Hafan Cymru is currently being delivered for Welsh Government, though on limited funding and is being delivered locally, not nationally, <http://www.hafancymru.co.uk/our-services/spectrum/>,

⁴⁹ Pregnancy and maternity related discrimination and disadvantage: Summary of key findings, EHRC 2018. <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings>

⁵⁰ <https://www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf>.

⁵¹ [Intersecting inequalities: The impact of austerity on Black and Minority Ethnic women in the UK](#), Runnymede Trust and Women’s Budget Group with RECLAIM and Coventry Women’s Voices, 2017.

⁵² [The time for talking is over, now is the time to act: Race in the workplace](#), McGregor-Smith, 2017.

represented across apprenticeships in Wales.⁵³ Research by the EHRC found that disabled people are less likely to be employed than non-disabled people and when employed are lower paid.⁵⁴ Despite qualifications, disabled women have lower participation rates in higher skilled jobs and work fewer hours than non-disabled women.⁵⁵

Occupational segregation, low paid part-time work, women's responsibility for unpaid care and more women working in low-paid, feminised sectors contribute to a persistent gender pay gap (currently 15% for full time and 22% between disabled and non-disabled women)⁵⁶ and a greater risk of poverty for women. Average hourly pay for women in Wales is £10.38 compared to £12.19 for men.⁵⁷ For part-time workers average pay is £8.80 per hour, compared with £12.52 for full-time workers.⁵⁸

Low pay is common within the Welsh care sector with 56% on zero-hour contracts.⁵⁹ ⁶⁰ As a result, workers often earn a completely different sum each month, making it difficult for them to budget or get a mortgage. The impact of zero-hours contracts is felt even more strongly by lone parents who rely on formal childcare. Welsh Government has announced plans to curb zero-hours contracts in the domiciliary care sector, but results of this should be carefully monitored.

Unpaid care work for disabled, seriously ill or older people is mainly done by women and amounts to £8.1 billion a year in Wales – almost doubling in the last 15 years.⁶¹ Women remain the primary carer for children with 94% of UK Child Benefit Claims paid to women,⁶² and nearly half of mothers in Wales say they are solely or mainly responsible for child care (compared with just 4% of fathers).⁶³

Low uptake of shared parental leave has seen just 250 men in 2016/17 in Wales taking it up.⁶⁴ The right to request flexible working has not yet changed our workplace cultures⁶⁵ and men's ability to access support for childcare responsibilities within the workplace is restricted.⁶⁶

Women's ambitions, achievements and health can be curtailed by a lack of affordable and flexible childcare and social care.⁶⁷ Recent data is scarce, however gaps in provision for disabled children are

⁵³ Barriers to Apprenticeship: Difficulties experienced by learners from black and minority ethnic groups and those with disabilities when entering apprenticeship programmes, November 2014, Estyn.

⁵⁴ [The disability pay gap](#), Executive Summary, EHRC,

⁵⁵ [Women Returns Annual Report](#), All Party Parliamentary Group for Women and Work. 2016. 2016.

⁵⁶ [Disability in the United Kingdom](#), The Papworth Trust 2014.

⁵⁷ Office for National Statistics, Annual survey of Hours and Earnings, 2017.

⁵⁸ Bevan Foundation / JRF *Prosperity without Poverty* 2016.

⁵⁹ A zero-hour contract allows employers to hire staff with no guarantee of work i.e. no contracted hours, enabling employers to pay employees only when needed, often at short notice and significantly reducing employment stability and some employment rights (e.g. sick pay).

⁶⁰ Social Care Wales, March 2016.

⁶¹ State of Caring 2017 Carers Wales, www.carerswales.org/stateofcaring

⁶² Fawcett Society (2013) Benefits. <http://www.fawcettsociety.org.uk/2013/02/benefits/>

⁶³ Chwarae Teg (2013) A Woman's Place. <http://chwaraeteg.com/a-womans-place/>

⁶⁴ <http://www.bbc.co.uk/news/uk-wales-40265334>.

⁶⁵ Fathers and the workplace, Women and Equalities Committee, House of Commons, 2018

⁶⁶ Ibid

⁶⁶ State of Caring 2014, Carers Wales

⁶⁷ Young women carers, especially those providing 50 hours or more of unpaid care, are less likely to participate in further and higher education than non-carers: NUS (undated) Learning with care – experiences of student carers in the UK. National Union of Students.

increasing in Wales. In 2015, 7% of Welsh local authorities had enough childcare for disabled children, compared with 18% in 2014.⁶⁸

Women aged 45-54 were over twice as likely as other carers to have reduced their working hours because of caring responsibilities.⁶⁹ Welsh Government's childcare offer of 30 hours a week for over 3-year olds for working parents does not extend to self-employed parents or unemployed parents. Women disproportionately take responsibility for unpaid child care and this inequality has been identified as a contributory factor to the gender pay gap.⁷⁰ A recent report found that while many salaries have remained stagnant, the average nursery cost for a child under two has risen by 1.7% to £92 per week for 25 hours of care.⁷¹

Questions:

UK Government

- How will UK Government increase male take-up of shared parental leave?
- In recognising the aging population in the UK, will UK Government legislate for workers to have 5-10 days paid care leave entitlement a year?
- When will UK Government invest in care work that does not rely on the unpaid care work of women, many of whom are forced out of equal employment due to inadequate care provided by the State?

Welsh Government

- How will WG address the price of childcare as a barrier to women returning to work, and ensure that the needs of self-employed, unemployed, single parents, and parents of disabled children are met?
- Will WG reduce their childcare offer to be available from six months?
- When will WG provide financial incentives for childcare providers to deliver for disabled children?
- How does WG plan to address the fact that the Welsh economy relies heavily on free care delivered by women for the young, old and infirm?

Article 12: Health

With an ageing population, there will be increased demand for care. Public Health Wales estimates there will be 184,000 people in Wales aged 85 or over by 2036, an increase of 145% since 2011.⁷² There is a stark inequality in many different aspects of healthcare in Wales. Disabled women living in Wales do not have equal access to health care and disabled people are more likely to die younger,

⁶⁸ Family and Childcare Trust (2015) [Childcare costs survey 2015](#)

⁶⁹ Employers for Carers and Carers UK (2015) Caring and isolation in the workplace

⁷⁰ Gender Pay Gap, Second report of session 2015-16, Women and Equalities Committee, House of Commons.

⁷¹ <https://www.familyandchildcaretrust.org/file/3479/download?token=mnu16-9Y>

⁷² BBC News, 23 August 2016

experience health inequalities and major health conditions, than other people.⁷³ Disability Wales found that 42% of Deaf British sign language users say communication at their appointments is not adequate because they do not have an interpreter.⁷⁴ Action on Hearing Loss found that 29% of people surveyed said that they have to ask a family member, friend or support worker to call their GP surgery on their behalf.⁷⁵ The Committee for the UN on the Rights of Disabled People noted that in the UK, disabled women and girls faced multiple barriers when accessing sexual and reproductive health services, with a lack of accessible information.⁷⁶

Research conducted by Stonewall⁷⁷ indicated that 41% of trans people said that healthcare staff lacked understanding of specific trans health needs when accessing general healthcare services in the last year. This number increases to 51% of trans people living in Wales. In addition, 7% of trans people said they have been refused care because they are LGBT, while trying to access healthcare services in the last year.⁷⁸ Welsh Government has committed to providing Wales' first transgender healthcare clinic in Cardiff, which will be supported by a network of GPs with specialist interest in gender care.

There are also problems with perinatal healthcare. For example, according to a Hywel Dda Perinatal Outcomes Audit, rather than improving outcomes, the centralisation of services appears to have had a detrimental effect on perinatal and intrapartum stillbirth rates in Pembrokeshire residents and across Hywel Dda as a whole.⁷⁹

WEN Wales' research into the menopause found that there was inconsistency in information, advice and support for women experiencing the menopause.⁸⁰ Almost 27% of women who responded to a TUC survey on the issue said that in their workplaces the menopause is treated negatively and 56% said the menopause was treated as a joke.⁸¹ WEN Wales also found anecdotal evidence that women and girls with endometriosis are being ignored and their health needs not recognised by health professionals.⁸²

Questions:

Welsh Government

- How will WG ensure that women who face multiple inequalities can access health services on an equal basis, including LGBT women, disabled women and girls, and women with hearing loss?

⁷³ [Being Disabled in Britain: A journey less equal](#), EHRC.

⁷⁴ [Action on Hearing Loss Cymru](#).

⁷⁵ Ibid.

⁷⁶ Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland, Committee on the Rights of Persons with Disabilities, 2017 accessed at http://www.disabilitywales.org/crpd_c_gbr_co_1_28817_e/

⁷⁷ <https://www.stonewall.org.uk/sites/default/files/lgbt-in-britain-trans.pdf>

⁷⁸ <https://www.stonewall.org.uk/sites/default/files/lgbt-in-britain-trans.pdf>

⁷⁹ <http://thhb.co.uk/2017/05/03/hospital-services-baby-deaths/>

⁸⁰ A call to action on the menopause, 2016 WEN Wales

⁸¹ The Menopause, A Workplace Issue, TUC, 2017

⁸² Evidence provided by Fair Treatment of Women in Wales to WEN Wales' CEDAW Consultation, due for publication June 2018

- How does WG plan to increase recognition of the menopause and other health conditions such as endometriosis so that employers can support women in their workforces?
- How will WG better improve mental health provision in Wales so that services are accessible for all, including survivors of violence and abuse, so that those who cannot afford private services can still access life-changing support without detrimentally long waiting lists?
- How will WG ensure that women are involved in the decisions being made around the designing of healthcare services and allocation of funding, so that women's health needs are recognised, and under research medical conditions that affect women are better understood?

Article 13: Economic and social life

Between 2010-15, there were £26 billion of UK welfare cuts, £22 billion worth were borne by women.⁸³ On average, women suffer an annual loss of £940 as a result, almost double that of men.⁸⁴ Single mothers, who make up 90% of all single parents, are predicted to face an average loss of £5250 per year, while disabled single parents who have at least one disabled child will face average losses of £10,000 per year.⁸⁵

Cardiff Met University found that there have been issues with Universal Credit rollout, including claimants having to wait more than six weeks until receiving their first payment and having to use foodbanks as a direct result.⁸⁶ The use of food banks has risen dramatically across the UK, including Wales. In April 2018 the Trussell Trust reported '98,350 three-day food bags were given out from April 2017 to March 2018 – 35,403 of which were to children.'⁸⁷ Around 29% of referrals came because of low incomes or the length of time families had to wait for benefits.⁸⁸

The benefit cap was initially introduced as a reduction in the housing element of claimants' benefits and thus primarily affecting those living in areas of high housing costs (e.g. London). However, the Chartered Institute of Housing estimates that even where housing is cheapest (e.g. Wales) there are over 12,000 one-to-four child families affected. As the benefits that claimants receive are capped at the same level irrespective of the number of children they have, those with larger families are disproportionately affected. BME families and particularly single household families are the hardest hit.

Welfare reforms are having dire consequences for survivors of domestic and sexual abuse and are controlling low-income women's reproductive rights. With one-in-five British adults having experienced financial abuse in a current or past relationship⁸⁹ the change to Universal Credit being made as a payment to one member of the household will increase the control that one partner has

⁸³ The Fawcett Society, *Where's the Benefit? An Independent Inquiry into Women and Jobseeker's Allowance* 2015

⁸⁴ Poorest hit hardest by tax, social security and public spending reforms, 2017, EHRC Independent report

⁸⁵ Ibid

⁸⁶ https://chcymru.org.uk/uploads/general/The_Experience_of_Universal_Credit_03.17.pdf

⁸⁷ <http://www.bbc.co.uk/news/uk-wales-43870934>

⁸⁸ <http://www.bbc.co.uk/news/uk-wales-43870934>

⁸⁹ Money Matters: Research into the extent and nature of financial abuse in the UK, Nicola Sharp-Jeffs <http://www.refuge.org.uk/files/Money-Matters.pdf>

over the other. Changes to Child Tax Credits have limited payments to two children with a 'rape clause' creating an exemption when a mother can prove that a child was conceived through rape. Welfare changes reduce the amount of money that a woman can access to support her family on her own and creates additional barriers to leaving a relationship.

Questions:

UK Government

- Will the UK Government immediately remove the two-child limit on child tax credit and the so-called 'rape clause', so that women do not have to disclose sexual abuse and every child has the same opportunity to live free of poverty?
- Will the UK Government change the way that it pays Universal Credit into one bank account per family, which makes some women more vulnerable to financial abuse?

Welsh Government

- Will WG introduce the Equality Act (2010) socio-economic duty to alleviate some of the adverse impact of austerity measures?
- How will WG mitigate the adverse effects of Universal Credit, which disproportionately affect women and will have a devastating effect across Wales?
- Will WG produce an Action Plan to mitigate the impact of welfare reform on women in Wales?

Article 14: Rural Girls & Women

The Public Policy Institute for Wales 2016 Report⁹⁰ highlighted many aspects of rural poverty including a lack of access to services and infrequent expensive public transport. In addition, the provision of health care has been problematic, with the possible closure of several hospitals, for example Withibush Hospital in Pembrokeshire. Rurality makes it difficult for girls to discretely access sexual health services as there are few opportunities for girls/women to travel to other areas where such services may be offered.

The availability of broadband is a particularly challenging issue in rural Wales.⁹¹ There is a need to invest in affordable technology so that women/girls can routinely and easily participate in the design/delivery of services and employment opportunities.

Questions:

Welsh Government

- When will WG ensure rural women and girls have an equal voice in decision-making and equal services?
- Will WG improve infrastructure, transport and internet connectivity to rural parts of Wales?

⁹⁰ <http://ppi.w.org.uk/files/2016/06/An-introduction-to-Rural-Poverty.pdf>

⁹¹ <http://www.bbc.co.uk/news/uk-wales-politics-42808272>

Article 15: Equality before the law

Access to justice is a human right and essential to promoting the rule of law. Accessing justice is even more difficult for women/girls, due to gender inequality in society and in the justice system. Persistent economic and social inequalities between women and men, gender bias and gender stereotypes result in unequal access of women and men to justice.

Cuts to public expenditure over the last ten years and regressive moves at UK government level around access to redress mechanisms via legal aid (Legal Aid, Sentencing and Punishment of Offenders Act, (LASPO) 2015) have significantly impacted on women/girls (who tend to be of lower income). There is an urgent need to re-examine the provision and access to legal aid for women, especially those with multiple needs.

Welsh Women's Aid's research showed that the family justice system⁹² was the public service most negatively experienced by survivors of domestic and sexual abuse.⁹³ Lack of access to legal aid has led to many survivors being cross-examined by their perpetrators in court, who then use the criminal justice system as an instrument for continued abuse. The Ministry of Justice has announced changes to evidence requirements to enable more survivors to have access to legal aid.⁹⁴ It is imperative that all survivors of domestic and sexual abuse have access to justice and that specialist VAWG services are sustainably funded to support survivors.⁹⁵ While these changes are positive, there needs to be a review of legal aid criteria to ensure that all women can have equal access to legal aid across civil and family court systems.

Questions:

UK Government

- How will UK Government ensure that all VAWG survivors have adequate access to legal aid and that new guidance to Judges in Practice Direction J12 is fully implemented to support domestic abuse survivors through the Family Court and High Court?

Article 16: Marriage and family life

Many women in Wales are having their access to abortion artificially delayed, as they must see two GPs before they can have an abortion, and many are paying £600 to access timely gynaecological services via private clinics. Delays can also lead to the need for surgical abortions because it is too late for medical termination. In Wales, 77.8% of abortions are medical rather than surgical procedures.⁹⁶ At present, women who choose to have an abortion are unable to take a pill at home – Welsh Government is currently looking at changing its policy and this would be welcomed.⁹⁷ Access to

⁹² This included problems with legal aid, CAF/CASS, social workers, contact centres and family courts.

⁹³ http://www.welshwomensaid.org.uk/wp-content/uploads/2016/03/Are_you_listening_and_am_I_being_heard_FINAL_July_2016.pdf

⁹⁴ <http://researchbriefings.files.parliament.uk/documents/CDP-2017-0239/CDP-2017-0239.pdf>

⁹⁵ <https://www.womensaid.org.uk/womens-aid-responds-moj-s-changes-legal-aid-rules-survivors-domestic-abuse/>

⁹⁶ <http://www.bbc.co.uk/news/uk-wales-politics-43803251>

⁹⁷ <http://www.bbc.co.uk/news/uk-wales-politics-43803251>

abortion requires further financial investment across Wales, so that all women can receive excellent and time-appropriate support.

Questions:

UK Government

- Following the Republic of Ireland referendum, when will UK Government relax abortion rights for women in Northern Ireland?

Welsh Government

- How will WG improve health services for women in Wales to access abortions, as current delays are forcing women to seek private health care or have surgical rather than medicalised abortions because of the waiting list?
- Given that WG has stated that NHS Wales will allow women from Northern Ireland to use abortion services in Wales, how will they ensure they will not experience similar issues around provisions and waiting times as women in Wales currently face?

Violence Against Women and Girls (VAWG)

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (VAWDASV⁹⁸) provides the framework for a strategic and co-ordinated approach to ending VAWG. Since its enactment three years ago, implementation has been slow. The National VAWDASV Strategy 2016-2021⁹⁹ has been published, but a delivery plan for the strategy remains 'in progress'. Post-legislative scrutiny of the Act has raised concerns over the pace and consistency of its implementation, and the delay in producing a delivery plan with detailed actions and timescales.¹⁰⁰ In addition, there is a need to encompass all the offences as enunciated in the 'Istanbul Convention'¹⁰¹, including non-state torture, stalking and crimes against migrant women.

Disabled women are more likely to experience domestic violence, emotional abuse, and sexual assault than non-disabled women.¹⁰² Negative welfare reforms increase the risks to women of suffering economic abuse and the change to pay Universal Credit allowance into one bank account per household is a major concern.¹⁰³ In 2016/17, 14,129 survivors of abuse were supported by specialist services in Wales, including 1,596 women, 1,221 children and young people and 31 men

⁹⁸ In line with the Welsh legislation, violence against women, domestic abuse and sexual violence, and the acronym VAWDASV is used to cover all forms of violence against women.

⁹⁹ <https://gov.wales/docs/dsjlg/publications/commsafety/161104-national-strategy-en.pdf>

¹⁰⁰ Equality, Local Government and Communities Committee Post legislative scrutiny 2016 [Is the Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015 working?](#)

¹⁰¹ <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>

¹⁰² Welsh Women's Aid, Disability Wales and University of Glamorgan, 'Domestic Abuse of Disabled Women in Wales', 2011

¹⁰³ <https://www.ft.com/content/aaaaf2fa-4c63-11e8-8a8e-22951a2d8493>

supported in refuges in Wales.¹⁰⁴ 24% of survivors accepted into refuges identified as BME and 61% reported having a mental health issue.¹⁰⁵

It is crucial that the doors of essential support services remain open. Sustainable, long term funding must be allocated from across national and local government funding streams. There is a significant risk to the sustainability of sexual violence services, refuges and specialist services for BME women and children.¹⁰⁶

According to the Crown Prosecution Service VAWG Report 2016-17¹⁰⁷ VAWG crimes currently account for almost 20% of the UK's Criminal Prosecution Service's total caseload and more than 80% of those crimes are domestic abuse related.¹⁰⁸ In 2016/17, 7,631 VAWG crimes were prosecuted in Wales at a 75.6% conviction rate.¹⁰⁹

Wales' first FGM Clinic opened in Cardiff in May 2018, offering support to women/girls affected by FGM. School holiday campaigns on FGM in Welsh airports helped raise awareness of the specialist support available for girls being taken out of the country for FGM procedures.

Welsh Women's Aid State of the Sector Report 2017¹¹⁰ highlighted significant uncertainty regarding funding for specialist services in Wales as the sector attempts to maintain year-on-year funding, facing a 'postcode lottery' dependent on whether local commissioners prioritise them, while continuing to feel the impact of accumulative funding cuts. The Supporting People Programme is by far the largest contributor to VAWDASV specialist services¹¹¹ in the third sector in Wales, and even a small reduction in this funding represents a risk to services, yet it is hugely concerning that Welsh Government is strongly considering removing the ring-fence around the fund entirely. Support services for BME women are also facing severe funding cuts and insecure futures, and Bawso, lead provider of specialist services for certain forms of violence, emphasizes the need for consistency of funding for all forms of violence.

In 2016/17 500 survivors of domestic abuse could not be accommodated because of lack of resources and capacity.¹¹² Regional needs-assessments often fail to identify the needs of BME women¹¹³

¹⁰⁴ Welsh Women's Aid State of the Sector report 2017, Welsh Women's Aid

<http://www.welshwomensaid.org.uk/2017/12/welsh-womens-aid-state-sector-report-2017/>

¹⁰⁵ Welsh Women's Aid State of the Sector report 2017, Welsh Women's Aid

<http://www.welshwomensaid.org.uk/2017/12/welsh-womens-aid-state-sector-report-2017/>

¹⁰⁶ State of the Sector report 2017, Welsh Women's Aid <http://www.welshwomensaid.org.uk/2017/12/welsh-womens-aid-state-sector-report-2017/>

¹⁰⁷ https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2017_1.pdf

¹⁰⁸ 83.4% were domestic abuse related, 4.6% were for rape crimes and 12.0% for sexual offences (excluding rape).

¹⁰⁹ 83.4% were domestic abuse related, 4.6% were for rape crimes and 12.0% for sexual offences (excluding rape).

¹¹⁰ <http://www.welshwomensaid.org.uk/wp-content/uploads/2017/12/WWA-State-of-the-Sector-2017-ENG.pdf>

¹¹¹ State of the Sector report 2017, Welsh Women's Aid <http://www.welshwomensaid.org.uk/2017/12/welsh-womens-aid-state-sector-report-2017/>

¹¹² State of the Sector report 2017, Welsh Women's Aid <http://www.welshwomensaid.org.uk/2017/12/welsh-womens-aid-state-sector-report-2017/>.

¹¹³ State of the Sector report 2017, Welsh Women's Aid <http://www.welshwomensaid.org.uk/2017/12/welsh-womens-aid-state-sector-report-2017/>.

meaning that services that are run by and for BME women are not being appropriately commissioned at a local level.

It is disappointing that a disproportionately small amount of the Tampon Tax Fund has come into Wales and no lead bids from Welsh women's organisations were awarded in 2018.¹¹⁴ A high proportion of the fund was given to organisations that are not women-led or primarily delivering to women and many of those funded this year which are 'England and Wales' do not have the relationships or partners in Wales to deliver this.¹¹⁵ The so-called 'Tampon Tax' should not exist, while 'essentials' such as men's razor blades are not taxed, and this fund certainly should not be used to limit women's human rights by supporting the anti-abortion work of the England-based charity Life – awarded £250,000 in 2017.¹¹⁶

Questions:

UK Government

- When will the UK Government ratify the 'Istanbul Convention'?

Welsh Government

- Will WG commit to ring-fencing Supporting People and homelessness grants and to sustainable funding for VAWG services, in line with the National VAWDASV Strategy 2016-2021?
- How will WG successfully implement, across all departments, the National VAWDASV Strategy 2016-2021 commitments including delivering the 'Istanbul Convention' state obligations that are relevant to Wales?
- Will WG formally adopt the Istanbul Convention to provide internationally recognised standards for responding to and eliminating VAWG, to make Wales the "safest place in Europe to be a woman"¹¹⁷?

¹¹⁴ <https://www.gov.uk/government/news/charities-across-the-uk-benefit-from-tampon-tax-fund>

¹¹⁵ <https://www.gov.uk/government/news/women-and-girls-set-to-benefit-from-15-million-tampon-tax-fund>

¹¹⁶ <https://www.theguardian.com/politics/2017/oct/28/anti-abortion-life-charity-will-get--tampon-tax-funds/> / https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604984/Tampon_Tax_Fund_regional_list.docx

¹¹⁷ The aspirations to make Wales the 'safest place to be a woman in Europe' were stated by Wales' First Minister Carwyn Jones on International Women's Day 2018. <http://www.bbc.com/news/uk-wales-politics-43335203>

ANNEX

Co-ordinating NGO:

[Women's Equality Network \(WEN\) Wales](#) is a membership network of over 1,000 organisations and individuals working to advance the rights of women in all spheres of Welsh life. WEN Wales aims to create a fairer society in which women live free from sexism and gender discrimination and enjoy equality in all aspects of their daily lives.

Assisted by:

The [Wales Assembly of Women \(WAW\)](#) was established in 1984 to provide evidence from Wales and to take part in activities marking the end of the UN Decade for women (1975-1985). WAW is committed to the [United Nation's Global Platform for Action](#) agreed by governments in Beijing, based on the need for Equality, Development and Peace. The objectives of WAW are the advancement of equality and human rights for the women of Wales and the promotion of equality.

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- Bawso
- Chwarae Teg
- Disability Wales
- Prof Jackie Jones, University of West of England
- Llamau
- Oxfam Cymru
- Prof Emma Renold, Cardiff University
- Stonewall Cymru
- Wales Assembly of Women

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Women's Equality Network (WEN) Wales

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