

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

CEDAW A/45/38 (1990)

167. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland (CEDAW/C/5/Add.52 and Amend.1-4) at its 155th, 156th, 159th and 160th meetings, on 24 and 26 January 1990 (CEDAW/C/SR.155, 156, 159 and 160).

168. The representative of the United Kingdom, in introducing the report, stated the commitment of the Government to the rights set out in the Convention, to which it subscribed fully and of which it was conscious in terms of its international treaty obligations. The report had been prepared in 1987 and the introduction would present subsequent developments.

169. She noted that each government department was concerned with issues affecting women and that the main forum for co-ordination was the Ministerial Group on Women's Issues chaired by the Home Office Minister and including the ministers with policy responsibility for issues of special concern to women (e.g. health, employment and education). It had reviewed government policy in areas covered by the Forward-looking Strategies, co-ordinated government response to such issues as child care, public appointments and violence against women. It had also agreed on model instructions as the basis for departmental guidelines and organized senior staff seminars.

170. The second main body was the Equal Opportunities Commission (EOC) set up in 1975, which worked to eliminate discrimination and promote equal opportunity and reviewed the 1975 Sex Discrimination Act and had the power to conduct investigations, issue legally enforceable discrimination notices, assist individuals or bring its own cases. It consisted of 14 persons mostly part-time, with a full-time chairperson. A similar body existed in Northern Ireland.

171. To channel the input of non-governmental organizations (NGOs), a Women's National Commission had been set up in 1989 consisting of representative from 50 women's NGOs with a joint chair consisting of one elected by the Commission and one minister nominated by the Prime Minister who represented the Commission on the Ministerial Group.

172. With regard to employment issues, the representative stated that the role of women in the economy had been recognized, public policy and economic growth had led to an increase in the number of women entering the economy, with 18 per cent more working full-time and 23 per cent more working part-time, as well as an increase in self-employed. More were gaining educational and vocational qualifications and entering non-traditional fields including medicine and dentistry, accounting, banking and finance. Women's remuneration was still only 76 per cent of men's on average and there were far too few women in top positions. However, demographic changes, especially the increase in the number of young women entering the labour force, would mean that women would constitute up to 90 per cent of the future growth of the labour force. The Government had begun a campaign to prepare women for re-entry, including public information programmes and the development of child-care grants to trainees. The Government was taking steps to promote flexible working patterns in the public service, which some private sector employers were following. Particular attention was being given to child care, with a five-point plan being implemented from

April 1989.

173. On women's health, she noted that the subject had been specifically assigned to a Minister at the Department of Health since 1989 and the issue had been debated publicly. New services targeted to women had been developed, including a recent concern with AIDS in women and with drug abuse, some of which involved funding programmes by voluntary organizations. Family planning services continued to be available, free of charge, under the National Health Service. Efforts were made to increase the proportion of women on the medical staff and 50 per cent of medical students were women, although the distribution among specialities was still not balanced. Domestic violence was being considered in the context of a Home Office research study and a report from the Women's National Commission.

174. Education continued to be a focus for promotion of equal opportunities, which was a joint responsibility between national and local levels and the teaching profession. The Education Reform Act of 1988 sought to ensure a standard curriculum to prepare young people for adult life and to ensure that school activities were free of stereotyping and thus promoted equal opportunities. The standard curriculum through age 16 would mean that girls and boys were taught the same courses. Special initiatives have been made to make new technologies like microcomputers available and equally accessible and to encourage girls to study science and technology, the success of which was being reflected in examination results. Programmes existed to encourage mature students with domestic responsibilities to pursue higher education.

175. Under social security, successive changes in the law had made the system more equal. Some differences remained that favoured women, particularly those who were older and had not worked, but which would eventually become redundant. Other provisions protected pension rights of persons unable to work because of a need to care for dependants.

176. Efforts had also been made to achieve equality of opportunity in the civil service and public appointments, including a campaign to identify women candidates for public appointments.

177. Discussing the reservations made to the Convention, the representative noted that many were interpretive and all were being kept under constant review with a view to withdrawing them whenever possible. She noted that a new tax law coming into force in April 1990 would permit the United Kingdom to withdraw its reservation to article 13 and that the Employment Act of 1989 would eliminate most discriminatory legislation, although some occupations would still be prohibited if they would endanger the health of an unborn child. Equal pay was being improved through case law and family law had been modified to eliminate differential treatment of children born outside of marriage.

178. The Committee noted with concern the number and coverage of the reservations entered by the Government as they could contravene the objectives of the Convention. Several experts stated that the number and purpose of the reservations seemed to reflect the unilateral interpretations of the Convention. Clarification was requested of those reservations which were (a) interpretive, (b) likely to be withdrawn on the basis of changes in underlying legislation and (c) permanent. The question was asked whether the reservations were similar to those made on the human rights conventions and, if not, what differences might exist. On specific reservations, information was

requested on the relationship of the Convention to national law in general reservations (a), whether reservation (b) was really necessary, and the meaning in reservation (c) of the reference to non-interference in the “affairs of religious denominations”. The general reservation to article 2 that “essential and overriding conditions of economic policy” could invalidate provisions of the Convention was questioned since it implied that if the economy was not buoyant, then equality was sacrificed.

179. Further information was requested on the functioning of the national institutions, including the relationship of the Ministerial Committee to the preparation of legislation, the means by which women’s activities were mainstreamed in the work of government departments, the size of the secretariat, including the budget of the Ministerial Committee and the Equal Opportunities Commission (EOC), on how the Women’s National Commission related to the Ministerial Committee, including the rationalization of differences and the role of women’s organizations generally in the effort to achieve equality.

180. Noting that the report covered the British Virgin Islands, the Turks and Caicos Islands and the Isle of Man, it was asked whether Monserrat and Anguilla were excluded because they were associated states. One member questioned the assumption of sovereignty over the Falkland Islands (Malvinas) in the light of international developments.

181. The amount of statistics presented in the report was noted and it was suggested that even more gender-based statistics would be helpful, particularly when figures were given only for women rather than comparing the relative situation of women with men. An absence of information about crimes committed by women (as opposed to committed against them) was noted. Integration of the statistics into the text of the report would have been helpful.

182. Regarding article 2, the number of cases heard by the courts under the 1975 Sex Discrimination Act was requested along with an appreciation of the extent to which women availed themselves of that remedy and it was asked what authorities other than the Equal Opportunities Commission (EOC) were empowered to apply sanctions for non-compliance. Details of the role of the Ministerial Group in co-ordinating and commenting on legislative proposals were requested.

183. Further details of the approach of the Government to temporary special measures under article 4 were requested.

184. Regarding article 5, issue was raised about the extent to which existing obscene publication laws could be extended to cover “degrading and insulting” publications, as well as the role of the Equal Opportunities Commission (EOC) in this matter and the extent to which it was felt that existing laws permitted control of pornography. In the context of self-regulation by the media, the percentage of women on governing bodies of mass media institutions as well as in media decision-making generally was requested together with an indication of whether any of the existing bodies performed a monitoring function and an appraisal of the results of the negotiations between the Media Action Group and the Advertising Council. The working of the Sex Discrimination Act with regard to job advertising was requested as well as the likelihood of any code on the portrayal of women in advertising. Information on the existence of any sociological studies on sex roles was requested, as well as the effect of having a woman head of government on the image of women.

185. The specific definition of what constituted “consent” in terms of rape legislation was requested in connection with article 6, noting that “reasonable belief” that a woman is consenting had been used as defence in rape cases, with particular reference to the legislation of the British Virgin Islands. In addition, it was noted that only half of those prosecuted for the crime were convicted and the reasons for that queried, including what happened to those acquitted, the normal sentence imposed, whether follow-up support programmes for rape victims were provided by the Government, and what the normal composition was of juries in rape cases. More generally, on the question of violence, whether women’s organizations could become parties to suits, whether there were cases where women refused to prosecute and the extent to which training in domestic violence was part of regular police training. With regard to prostitution, details on prosecution of those living from their proceeds was requested, including sanctions imposed, and also on the kinds of protection and counselling given to prostitutes, the extent to which there was evidence of trafficking in women from developing countries and government policies on that. Information on whether the revisions proposed by the Criminal Law Review Committee had been put into effect was requested.

186. Noting that little space had been given in the report to implementation of article 7, the question was raised about the paucity of women elected to parliament as the percentage was lower than the average for European countries, including the extent to which women candidates were allowed to run in “safe” districts. Information on the views of women’s organizations on that question was requested as well as any measures being adopted by the political parties themselves. The specific proportion of women among government ministers was requested. Regarding public appointments, it was suggested that indirect discrimination might be indicated by the low percentage (7.7) and information on any positive measures to deal with it was requested. The proportion of women in the judiciary was requested as well as information about the prospects for women’s upward mobility in public enterprises. Given the low percentage of women in public service (about which information was requested for the British Virgin Islands), it was asked which positions were restricted to men, what steps were being taken to improve the situation, including provision of child-care services to public employees and the functioning of the voluntary child-care scheme, also whether the new appraisal system was working to the advantage of women.

187. Concerning article 8, information on the types of joint postings of spouses in the foreign service was requested, including the nature of individual entitlements in a joint posting, the frequency of men accepting special unpaid leave status to accompany a spouse, the possible duration or frequency of such leave, and the effects on career and social security. Questions were asked about efforts to recruit more women into the foreign service and the time necessary to reach ambassadorial rank as well as the proportion of United Kingdom women in international organizations and their ranks.

188. On article 9, referring to the new Immigration Act, the question was raised whether discriminatory provisions on immigration had been eliminated in 1987 and if that would encourage the Government to withdraw the corresponding reservation. A differential treatment of male and female spouses of students was noted and it was asked whether the Government intended to change that practice. Questions were also asked about the positions of migrant women in the United Kingdom.

189. Regarding education, in connection with article 10, the existence of both co-educational and

single-sex institutions was noted and it was asked whether there were studies of the relative effects and reasons for the continuation of single-sex schools. Explanation of any differences between the practices of England and Wales in integrating girls in the schools from the practice operative in Scotland was requested. As it was noted that education was compulsory from age 5, information about the existence of nursery schools for younger ages was sought. Questions were raised about education for non-traditional subjects in terms of whether the recommendations of the Cockcroft report on teaching mathematics had been implemented, results of computer-literacy and other technological studies through single-sex groups and the role of the Department of Trade and Industry in encouraging that, as well as any other new means for encouraging women to take up those subjects. Clarification was requested on any information materials on positive action schemes that might be used by other countries. For the British Virgin Islands questions were raised about efforts to bring more students into school, including assisting girls forced to leave school for pregnancy and the relative percentage of illiterates.

190. Regarding article 11, it was noted that a major feature of economic policy was privatization and the question was asked about the existence of any studies on integration of women in the private sector. It was noted that the unemployment rate for women was lower than men and it was asked whether that was related to deregulation, whether that trend was also true for immigrant women, and whether separate statistics were kept on them. Since much of the 43 per cent participation in the labour market was due to part-time employment, the question was raised whether part-time employees had the same protection as full-time and whether that was related to factors such as enterprise size, and what the reason was for the lack of relative growth in the labour force of women since 1975. It was asked whether there had been any significant changes in the percentage of women considering careers in science and technological fields. Information was requested on measures to apply provisions of the Convention to the agriculture sector, which had been noted as being conservative in orientation. The importance of re-entry in the employment of women was noted and the question of how long a duration of absence was normal and whether it was decreasing was asked together with whether relevant statistics were maintained. Concerning legal protection of working women, it was asked whether full equality had been achieved in social security benefits, including a clarification of how pensions for persons caring for severely disabled people were administered, whether the ban on night work had been lifted, on circumstances where a dismissal for pregnancy was illegal. Regarding women's unpaid work, figures on how many work in an unremunerated way in family enterprises were requested as well as information on methodological developments that would permit computation of the contribution of domestic work to the gross national product. It was noted that "lack of self-confidence" was given as a barrier to women's advancement in the economy and the question was asked regarding how extensive that was as a problem and what was being done. With regard to support to economic activity, information was requested on who had the main responsibility for providing child care, the state, the enterprise or the individual and the extent to which older persons relied on public services.

191. Concerning article 12, clarification was requested regarding practices of abortion, including whether the requirement of a recommendation by two doctors was contrary to the Convention's view of women's self-determination, whether there were any new laws under consideration, the position of women's organizations on the question, the number of clandestine abortions, the reasons for pregnancies in girls under 16 and whether abortion at that age required family permission, how often the advice of the two doctors was rejected, and who had to pay for abortion. It was asked how

contraceptives were distributed and what it meant in practice that family planning services were obtained through general practitioners. With regard to AIDS, the higher death rate for women was noted and the reasons for that were requested. Information was requested on what happened to women whose health had been affected by violence and whether there were available any institutional services. In terms of immigrants, the existence of special programmes for health care of non-English-speaking migrant women was queried as well as the effect of the total ban on female circumcision, including information on who practised it and its real incidence.

192. The change in the tax law in conformity with article 13 was noted and it was asked whether a tax reduction of joint filers with only one income would act as an incentive to stay home, whether the reform implied had been controversial, whether the tax assessments would be completely separate, and whether, under open reception provisions, those changes would apply to the overseas territories.

193. Regarding article 14, information was requested on the outcome of work to fund rural transport, on the incidence and effect of rural enterprises headed by women and on job-creation programmes for rural women. For the Isle of Man, it was suggested that the problems of rural women would be difficult to solve there, and information was requested on the procedure of working through members of the House of Keys, on the role of the EOC and also on the extent to which residents co-operated with police in cases of domestic violence. Information was requested on the measures recommended by the National Commission of Women on the co-operation by the police in cases of domestic violence.

194. With regard to article 16, the extension of domestic violence legislation to co-habitees was noted and it was asked whether that would also be extended in the same way regarding property; similarly whether children born outside a marriage could inherit from their fathers and under what conditions. Concerning the British Virgin Islands and the Turks and Caicos Islands, it was asked whether those legislative changes were effective there through the open-reception provision. In view of the increase in families headed by women, the percentage of those families was requested as well as the extent to which they relied on support payments from former spouses or partners or on transfer payments and whether counselling was available to families. Concerning judicial separation rather than divorce, the differences in legal status implied was requested, as was information on how property acquired during a marriage was divided at dissolution, including rights of non-working spouses and the extent of poverty among older women who had been divorced. As there were options in choosing a family name upon marrying, information on the proportion of choices made was requested.

195. The representative of the United Kingdom of Great Britain and Northern Ireland, in replying to questions raised, stated that where statistics disaggregated by gender had not been presented, an effort would be made to incorporate them into the second periodic report.

196. She stated that the number of reservations made should not be taken as a lack of commitment as they reflected the country's practice for all instruments in which detailed declarations of understanding were necessary when, in the view of the government, the wording of the Convention was imprecise because ratification occurred only when the United Kingdom was in a position to implement it in domestic law. Where implementation was not possible, it was reflected in a

reservation, kept under review with a view to withdrawal when possible. Organizations were not consulted on the reservations, but the intention to make them was made known during the debate on the Convention in Parliament and in any case were similar to those found in the Sex Discrimination Act of 1975. The reservations were not similar to those made on the International Covenant on Civil and Political Rights as the purposes of the Convention and the Covenant were somewhat different, but there was no inconsistency between the two sets of reservations.

197. The Ministerial Group on Women's Issues included as members 13 ministers, with the Home Office Minister as chair. The vice-chair was currently the Minister of Education who was also the co-chair of the Women's National Commission and as such reported the Commission's views even when they differed from those of the Government. As each ministry had its own specific responsibility, the Ministerial Group dealt with inter-departmental issues, based on the agenda drawn up by it, to which other ministries were invited as necessary. The secretariat of the Group was located in the Home Office, where it had been given new posts and extra staff. The Home Office responsibilities went beyond those found in the typical ministry of the interior as it retained a number of policy areas including that of equal opportunities for women and ethnic minorities. It made use of a network of officials in other ministries concerned with women's issues, including the Women's National Commission. One outcome was the model guidelines intended to raise awareness of de facto discrimination, which were widely disseminated.

198. The Equal Opportunities Commission (EOC) was a publicly funded non-governmental organization maintaining operational independence, both in Great Britain and Northern Ireland. The Home Secretary appointed commissioners for Great Britain and the Secretary of State for Northern Ireland for that territory. Both commissions reviewed equality legislation and submitted proposals for reform as a public document that could be used by any Member of Parliament to introduce legislation, although in practice the channel was the appropriate ministry. In 1988 the EOC for Great Britain proposed changes in law to cover private clubs and the number and coverage of offices was being considered for expansion.

199. Regarding article 2, employment cases were heard by industrial tribunals while non-employment cases were channelled through County or Sheriff Courts (according to the jurisdiction) and could be appealed. Legal aid was available. Historical statistics were not available but those for 1987-1988 revealed in Great Britain 1,043 equal pay claims in industrial tribunals plus 691 sex discrimination claims with varying results. A number of cases were also heard on appeal. Similarly in Northern Ireland, from 1976 to 1989, 55 equal pay and 157 sex discrimination cases were heard, also with varying results. The EOC itself had limited power to sanction in relation to systemic discrimination derived from its investigation powers, and they could be appealed in the courts, which bore the major responsibility for enforcing legislation. Complaints about education were referred to the Secretary of State for Education for investigation. However, in 1989 a Women's Legal Defence Fund was launched, with government support, to help more women to bring complaints under the legislation. Crimes committed by women differed somewhat from those by men and there were also differences between women and men in terms of processing in the legal and penal systems. There were efforts under way to study and remove those differences.

200. Positive action called for under article 4 existed but was restricted because the Sex Discrimination Act of 1975 prohibited any discrimination against women and men. But in order to

allow special measures to encourage women to enter areas of non traditional work, it permitted special access training for such work, targeted advertising and single-sex training for people returning to work after a period of discharging domestic responsibilities.

201. On article 5, the Government had supported tightening the Obscene Publications Act 1959 to cover material grossly offensive to a reasonable person, although the outcome would partly depend on a review of research evidence on the effects of pornography. The term “corrupt” as a test for obscenity was not defined in the act but the courts had held that it referred to the mind and the emotions as well as to any physical sexual activity. A major study on women in advertising was about to be published by the Advertising Standards Authority on the issue. The EOC’s power to bring legal cases on advertising was limited, but it emphasized education, and films were reviewed by the British Board of Film Classification that would not classify films that breached the criminal law. Detailed information was not available on the percentage of women in the broadcasting authorities, which were independent and made their own judgements on content, although the British Broadcasting Corporation programme guidelines included guidance for procedures on the portrayal of women. EOC had taken cases to court on job advertisements and had produced leaflets. A number of sociological studies were regularly produced on attitudes towards gender equality.

202. Relating to article 6, sex education programmes in the schools were provided within the limits of the 1986 Education (No. 2) Act, which gave school authorities the responsibility for determining whether to provide it and if so within a clear moral framework. In funded schools the national curriculum on science required that pupils understood the process of reproduction in human beings and the need for a responsible attitude to sexual behaviour. On rape, the figures indicated an increase although that might reflect improved reporting. Efforts were being made to deter and reduce opportunities for such crimes. Women’s organizations had no standing in rape trials, jurors were selected randomly and those found not guilty were acquitted. There were shelters receiving support from local-level authorities and a national rape counselling and research project had been funded centrally. In Scotland a circular of guidance had been issued to police to help them treat complaints of sexual assault tactfully and sympathetically. On prostitution, the Criminal Law Revision Committee had recommended combining current separate offences for men to three gender-neutral offences and other reforms had been proposed that were under consideration. There was no evidence of trafficking for prostitution, which would be illegal, and no figures existed on the extent of prostitution nor any rehabilitation programmes. The legal status of the husband of a prostitute living off her earnings was not clear.

203. Regarding article 7, a study had been published on 23 January 1990 entitled “Women at the Top”, examining the barriers faced by women in public life. For parliament, major party candidates were approved centrally and selected by the local party, but women had not put themselves forward as often as they might although that was increasing and there was a group that set themselves a target of getting over 300 members of Parliament (i.e. 50 per cent). In parliament there currently were 41 women MPs (6.3 per cent), which explains why there were only 7 ministers out of 84 (8.3 per cent). No information was immediately available on the positive discrimination approach of the major political parties who, in any case, were in the selection process for the next election. In the public sector, among senior judges there were none in the highest appeals court, one in the next level, one High Court Judge, 17 Circuit Judges and 25 recorders, although that was expected to improve as more women entered lower levels of the judiciary and the legal profession. Over half of the law

students currently were women, as were 43.8 per cent of magistrates. The Civil Service Action Programme begun in 1984 had had the effect of slow but steady improvement that was expected to accelerate during the next 10 years, as 46 per cent of new appointments in the mainstream management grades, 41 per cent of the new entrants in the fast stream administrative grades, among others, were women and improvements were beginning to be registered at the top levels. The proportion of Civil Servants working on a part-time or job-share basis was small but increasing, and efforts were being made to provide child-care and job-return services, as well expansion in maternity benefits. Although women's promotion rates had been slower than men's, recent changes in seniority factors affecting promotion were expected to improve equality in that process; the appraisal system emphasized actual achievements and further work was expected on that aspect. The number of gender-restricted posts had been greatly reduced since 1986, leaving only the Royal Fleet Auxiliary and Royal Navy Supply Transport Services, the Scottish Prison Service and mining inspection as restricted posts. The percentage of women obtaining public appointments was rising, in part thanks to efforts encouraging women to put their names forward and guidelines had been issued to departments with a view to encouraging their selection.

204. On article 8, information was provided on steps to enable diplomatic couples to continue their foreign service careers by sending them to the same duty stations, often split between embassy, consular and mission functions, providing types of leave, including special leave without pay, which could be counted towards promotion. The operation of Special Unpaid Leave programme was described and it was noted that efforts were being made to recruit women in the Diplomatic Service that yielded a higher percentage of women recruited over the preceding four years, varying from 16 to 46 per cent. Figures were not available on United Kingdom women serving in international organizations.

205. Regarding article 9, all nationality and immigration provisions that might have discriminated against women had been eliminated. One rule continued to discriminate in favour of women in terms of the transmission of citizenship to children. The difference between having spouses of male and female students admitted was due to a need to restrict access of immigrants to the job market and was not being considered. In the time available, figures on the number of women refugees could not be obtained, although figures were presented on the total number of refugees.

206. Regarding article 10, about 45 per cent of three to four year olds currently attended funded schools and about 85 per cent participated in some organized educational or care provision. There was no policy in England and Wales to reduce single-sex education, nor was there any research on the effect of those schools, although EOC had sponsored some projects dealing with science and engineering that were being followed up, especially in the teaching of mathematics. There was a concern that teaching methods might have unintentional discrimination (the so-called "hidden curriculum") and that was being approached through teacher training. With regard to the ethnic minorities, the national curriculum should help assure equal standards and access, but there might be a need to provide for specific needs of minorities in such areas as language training.

207. Concerning article 11, the high incidence of part-time work for women was partly caused by the fact that many women in the United Kingdom did not wish to work full-time in view of their family responsibilities and it was a question for which women should be able to exercise free choice. The Government was concerned that part-time jobs would be low-level and low-pay. The Civil

Service was trying to set an example. Protection for part-time workers included coverage by equal pay and anti-discrimination legislation but entitlement to other protections depended on the number of hours worked per week and years of service. Contribution to social security was based on threshold earning levels rather than hours worked and some aspects were unrelated to remunerated work. On earning differentials, there had been a slight improvement in 1989, but that was affected by hours worked and thus reflected the part-time work phenomenon and lower seniority of women. Several major steps were taken to encourage girls' career choices away from traditional areas, including examination of curriculum, information programmes and specific training programmes designed with women's needs in mind. An effect of various programmes was the increase in the number of women in professional and related occupations in science, engineering, technology and similar fields (from 95,000 in 1985 to 108,000 in 1988). Studies had been done on women in the private sector, programmes to increase women's self-confidence and on women's re-entry to the job market, for which statistics were provided, indicating a more rapid return than previously after childbirth. The responsibility for child care was said to rest principally with the parents but employers had a part to play. Women's unemployment, like men's, had been falling, specific figures were not available on the rural informal sector and government policy was to reduce unemployment. Deregulation had impacted favourably on women's employment, minority women were less unemployed than minority men and all anti-discrimination measures applied equally to agricultural employment. Dismissal for pregnancy could be litigated under existing law. The EOC voluntary codes were considered to be working well, labour union membership was not a basis for job advertising and would gradually not be a requirement for hiring, but 32 per cent of trade union members were women and six unions were led by women. The relationship between drugs and employment had not been studied. Night work restrictions had been lifted; statistics on unpaid work in family enterprises were not immediately available and the value of domestic work in the gross domestic product was difficult to calculate. In terms of pension rights, the remaining gender differences were in the main favourable to women. The social security budget had increased over time in real terms, including funding of the National Health Services.

208. On article 12, abortion was generally permitted in only a limited number of circumstances when certified by two medical doctors, including threat to the mother's life, physical or mental health, the physical and mental health of existing children, probable abnormality in the foetus or emergencies. The issue was considered to be a medical question but social factors were also taken into account. Figures on abortions referred to those that were effected legally and there were no figures on clandestine abortions. Although the medical profession believed the current law was working, opinion was divided among women's and other groups. Abortions were free when performed in National Health Services hospitals and while elsewhere there were charges, some financial aid sources existed. For girls under 16, abortion was possible without parental consent if the doctor agreed. Some statistical evidence existed of success in the reduction of deaths from illegal abortions. Family planning was free and some 70 per cent of women in the fertile age range used some form of contraception. It was available to those under 16 with parental consent or sometimes without. Studies were being made of the relationship between prostitution and AIDS but the main vector was thought to be drug users, of whom some were prostitutes. There was a number of local initiatives to prevent the spread of HIV and AIDS. Of those who had died from AIDS 10 per cent were women. Some efforts were made to meet the specific health needs of ethnic minorities, including use of languages, preparation of special material and special outreach programmes. The United Kingdom had made female circumcision illegal, but there had been no

prosecutions under the Act with a reliance instead on education and information.

209. On personal taxation, regarding article 13, some 70 different organizations, including 12 women's organizations, had commented on the Government's Green Paper that had led to taxation reform. The new allowance for joint filing was not sufficiently large to encourage women to opt out of the workforce. A number of Sports Council initiatives to encourage wider participation were described and it was noted that women's participation in sport was a priority for the Sports Council's new campaign starting in 1988.

210. On article 14, programmes of rural transportation to ease economic participation were under way, but no gender figures were available on participation in rural development training.

211. Concerning article 16, judicial separation rather than divorce seemed to be chosen for a number of reasons, including when the marriage had been of short duration, when there were religious reasons or personal reasons. There were no differences in status when a judicial separation was used. There was no central information on the extent to which divorced women relied on maintenance from an ex-husband, but one third of divorced single mothers and two thirds of all single parents needed to rely on Income Support. The maintenance system was thus under review. Property division upon divorce was made by the courts based on a number of factors, with first consideration being given to the needs of the children. The basis for family breakdown according to the statistics were unreasonable behaviour, adultery and separation with consent. Those figures masked class and other factors and no clear judgment of causes of family breakdown were possible, although it was noted that the figures did not show that a greater number of marriages had broken down, merely that a greater number of divorces were taking place. A number of reforms were being considered, emphasizing conciliation. Programmes were available to older women who had not worked, including single parents, to endure re-entry, maintenance and child-care services, as well as aspects of the pension scheme. On how many women keep their own name at marriage, it was noted that naming was a matter of custom rather than law and therefore no statistics were kept. No particular term had been identified to refer to children born outside marriage, the law of inheritance did not discriminate against those children and under some circumstances a co-habitant could apply for benefits arising from the death of a partner, but no effort had been made to extend maintenance and property distribution rights to co-habitants since that would be hard to determine and would, in any case, remove much of the significance of the institution of marriage.

212. Concerning the dependent territories, the United Kingdom had no doubt about its sovereignty over the Falkland Island (Malvinas). Reporting had only been made on those dependent territories that had opted to ratify the Convention, which did not include Montserrat and Anguilla, and the remit of the EOC did not extend to those territories. Because of differences, the adjustment of law and practices to the Convention proceeded at a different pace in the territories. On specific points, regarding article 6, there were few cases of rape in the British Virgin Islands and prosecutions were difficult when the victims, often visitors, were unwilling to return for the trial, and there had been no cases of prostitution brought to court in 20 years. The proportion of women in the Government of the Turks and Caicos Islands was given. Regarding loss of education for pregnant girls in the territories, in the Isle of Man opportunities were offered to continue education, in Turks and Caicos a new system was being developed but no services were yet available in the British Virgin Islands. Third-level education was now available in the British Virgin Islands. Regarding maternity leave,

new provisions had come into force in both Turks and Caicos and British Virgin Islands. The Finance Act of 1988 would not be extended to the territories as for different reasons there was no need. Information on other questions was not immediately available.

213. Members expressed the hope that the reservations made by the Government on various articles would be re-examined. Despite the evident progress, the general impression remained that more effort was required to achieve a better sharing of responsibilities at home.

CEDAW A/48/38 (1993)

523. The Committee considered the second periodic report (CEDAW/C/UK/2 and Amend.1) of the United Kingdom of Great Britain and Northern Ireland at its 223rd meeting, on 28 January (see CEDAW/C/SR.223).

524. In the opinion of the Committee, the second periodic report of the United Kingdom contained a wealth of valuable information, but it could have been more analytical and could have included the most-up-date information. It would be desirable if future reports would follow the general guidelines regarding the form and content of reports (CEDAW/C/7) and comment in particular on all the general recommendations that had been made by the Committee.

525. In introducing the report, the representative outlined the reformed national machinery and brought the members up to date on the main areas of progress in women's issues. She said that the Secretary of State for Employment coordinated policy issues of special concern to women in a new Cabinet Subcommittee for Women's Issues, consisting of ministers from all the key government departments. The Subcommittee reviewed and developed policy and strategy for women and, most importantly, oversaw the implementation of work in that area. A policy framework had been agreed to ensure that women's issues were considered as an integral part of government policy development. The subcommittee reported regularly to the Ministerial Committee on Home and Social Affairs and to the Prime Minister.

526. The Equal Opportunities Commission, established under the Sex Discrimination Act of 1975, worked towards the elimination of discrimination, promoted equality of opportunity between men and women, kept legislation under review and drew up and submitted proposals for amendment. The Commission was a non-departmental public body, funded by the Government. Its main function was advising and assisting individuals in taking action under the law on sex discrimination or on equal pay. It published guidance and research promoting its objectives. In addition, the Women's National Commission, consisting of members of voluntary organizations, political parties and trade unions as well as religious and professional groups, functioned as an advisory committee to the Government. It represented the views of women's organizations and its reports were sent to government departments in order to raise current issues and, possibly, to review policies. The representative paid a tribute to the active role of women's organizations in the consultative process.

527. Highlighting recent achievements, the representative mentioned the increased number of women elected to Parliament in 1992 (60 had been elected, which was 9.2 per cent of the total), and the progress made in higher positions in the civil service, as well as a government initiative to increase the public appointments of women and members of ethnic minorities. With regard to employment issues, the representative said that women continued to play an ever-increasing role in the workplace; over 70 per cent of women of working age had been economically active in 1991. The wage differential between men and women had narrowed for five successive years and was currently 21 per cent. A new grant scheme to develop an additional 50,000 places for out-of-school child care would begin, and child care for pre-school children would expand further under the Children Act of 1989, so as to enable parents to return to work and have a wider choice of hours in which to work.

528. On women's status and participation, she noted that the aim was not only to get women to the top, but also to extend opportunities for women across a broad spectrum and help them to make progress, as well as to gain a first foothold at all levels of private, public and community life. The Government had recently made publications widely available to promote women in the workplace. Their topics included equal opportunities, flexible working practices, sexual harassment and positive action measures under the law.

529. On women's health, screening for breast and cervical cancer was accorded a high priority; the objective was to reduce the death rates by at least 25 per cent and 20 per cent, respectively, by the year 2000. On social security, the representative stated that the Government was committed to the equalization of the state pension age for men and women. In relation to occupational pension schemes, equalization was already in place. The Child Support Act of 1991 would have a substantial impact on single parents, 90 per cent of whom were women. The aim of the Act was to ensure that parents made fair and consistent financial provision for their children. The Child Support Agency, which would start its work in April 1993, would be responsible for implementing and enforcing the Act.

530. With regard to education the representative stated that, under the national curriculum, girls studied the same range of subjects as boys. Girls were gaining better examination results in nearly all subjects at the age of 16 than boys. She said that women were enrolling in further and higher education as much as men. It was asked whether girls were commended for their achievements. No direct answer was provided.

531. The representative concluded by saying that, although the United Kingdom still had a long way to go, the recent positive developments that had extended women's opportunities were appreciable.

General observations

532. The Committee thanked the representative for the up-to-date information as well as for the detailed and exhaustive answers to the questions raised by the Committee.

533. Noting that the second periodic report covered the dependent territories of the British Virgin Islands, the Falkland Islands (Malvinas) and the Turks and Caicos Islands, a member asked whether Anguilla and Montserrat had been excluded because of their constitutional status or because it was expected that they would submit their own reports. Furthermore, concerning the dependent territories, it was asked whether they had a chance to participate in the preparation of the second periodic report or to review it afterwards. One member questioned the assumption regarding sovereignty over the Falkland Islands (Malvinas) given the existence of a dispute concerning it.

534. A member asked whether women in Hong Kong were covered by the Convention, in view of the fact that China would resume authority over Hong Kong on 1 July 1997 and that both China and the United Kingdom had ratified the Convention. Another member informed the Committee of the proper procedures in the event of any intention to extend the Convention to Hong Kong during the transitional period before 30 June 1997 or thereafter.

535. The Committee expressed its appreciation for the fact that non-governmental organizations had

been consulted both after the initial report had been presented, and before the second periodic report had been prepared, which provided a model for other States parties to follow.

Questions of a general nature

536. Concerning a question on the lower living standards of women in the United Kingdom, which was included in the statement received by the Committee from non-governmental women's organizations, the representative replied that most people lived in families and that their living standards were thus family living standards. She referred to the narrowing gap in earnings, to the lower unemployment rate of women and to the fact that most women worked part time by choice.

537. Asked about the effect of recently adopted laws and programmes and about areas in which progress had been achieved, the representative first referred to the developments that had provided significant role models encouraging women to aspire to leadership in all fields. She mentioned the first woman Speaker of the House of Commons, the first woman Director of Public Prosecutions, the first woman Director of the Security Services and the first British woman in space. She then turned to women's involvement in the workforce, which was increasing steadily. She noted that employers both in the public and the private sectors were introducing family-friendly policies, including flexible working patterns, to ensure that they would be able to attract and retain women workers. Moreover, the Children Act of 1989 provided a framework for local authorities to review and plan child-care provisions, enabling more women to work.

538. She then referred to the increasing role of women in public life. There had been an increase in the number of women appointed to tribunals, the bodies that heard complaints made under the Sex Discrimination Act and the Equal Pay Act. The Prime Minister had launched an employer-led campaign in October 1991 to increase the quality and quantity of women's participation in the workforce. A number of major employers were involved in setting goals for increasing opportunities for women and in monitoring and reporting on the progress made.

539. Concerning specific goals in the national plan of action, the representative stated that plans were made by organizations, including government departments. Those plans set targets for women's participation, especially at the decision-making level, such as doubling the number of women in senior posts in the civil service by 2000 and increasing the amount of women in all public appointments to a level of 25-50 per cent by 1996. The progress in achieving the targets had been increasingly made public.

540. Asked about the Government's intentions to withdraw its reservations, which was a matter of priority, the representative announced that the United Kingdom would remove parts of its reservations to articles 11 and 13. With respect to article 11, the United Kingdom could withdraw the section concerning employment in underground work in mines. With respect to article 13, the section that referred to married men's tax allowances could be withdrawn. Other reservations might be amended in the light of changes to domestic legislation. She stressed that the remaining reservations either preserved greater rights for women or left scope for individual choice; however, all reservations were kept under review and there might be scope for their removal in the coming years.

541. The Committee expressed its satisfaction that parts of the State party's reservations were to be withdrawn. At the same time, it noted with grave concern that the remaining reservations, which were not only numerous but also substantially important, did not provide a good model for other States parties. It hoped that the improvements made in that respect would be included in the third periodic report. It asked whether the Government had made similar reservations to other human rights treaties that it had signed.

Questions related to specific articles

Article 2

542. Replying to the questions which social groups of women committed the most common crimes, such as theft, fraud and forgery, and whether there was a programme curbing such crimes, the representative regretted that no data were collected routinely on the social class of female offenders. The Government was required, under the Criminal Justice Act of 1991, to publish information annually about women, crime and criminal justice. Fraud and forgery constituted only 7 per cent, and theft 69 per cent, of women's offences. The programmes for all offenders included attendance centres, supervision or probation and community service orders.

543. Asked about the conditions under which women with infants were held in prisons, the representative noted that there were three mother-and-baby units, whose facilities were said to be of the highest standard. The Social Services Inspectorate had carried out inspections in 1990 and 1992 and its practical advice had contributed to the development of those units. The improved conditions included more spacious accommodation, with access to outside exercise and recreation areas. In another prison, the staff included nursery nurses, and a nutrition policy following professional advice had been adopted. New guidance had been issued and, for mothers whose children were not with them, all-day children's visiting hours and family open days were offered.

544. Regarding new legislation, and de facto changes since the submission of the initial report, the representative listed recent measures, which included independent taxation for husbands and wives, and clarification of the law that rape in marriage was an offence. Furthermore, the Church of England General Synod had voted to allow women to become priests, which, subject to approval by both Houses of Parliament, would become law; discrimination in occupational pensions had been made illegal; discrimination against women serving in the armed forces had been made illegal, and the anonymous complaints procedure had been expanded in cases of rape or sexual assault.

545. In an additional question, members requested information on the increase in the budget of the Equal Opportunities Commission, on its personnel and its main objectives. The representative announced that its budget had increased, also in real terms, recently. Its personnel numbered approximately 160, located at Manchester. With regard to the objectives of the Commission, she referred to her presentation.

Article 3

546. Referring to general recommendation 18 (tenth session), 14/ members requested statistics on disabled women. Furthermore, they asked whether disabled women had equal opportunities in the labour market, in education and in public life. The representative said that legislation and all positive programmes were equally applicable to disabled women. In addition, there was a quota system, requiring employers of 20 or more persons to employ at least 3 per cent of registered disabled people. It was generally recognized that the quota scheme was not operating as intended as not all eligible employees registered as disabled. However, after a consultation exercise on the employment and training of disabled people in 1990, ministers had decided to retain the quota system for the time being.

547. Members asked whether the Government should rethink its position on the additional protocol on social policy to the Treaty on European Union (Treaty of Maastricht), since those social issues had a considerable impact on women's issues as well. Europe could be more effective in advancing all women in Europe if the European Community worked together. The representatives answered that that was not appropriate as the issues surrounding the protocol on social policy to the Treaty of Maastricht went much farther than those related to women and concerned the principle of subsidiarity and institutional matters. The Government was, however, committed to the recently adopted European Directives, which helped women in such matters as maternity rights.

Article 4

548. The Committee said that temporary special measures under article 4 remained a live issue. Referring to an additional question about the possibility of introducing a so-called flexible or "soft" quota system for women, the representative said that in the United Kingdom the word "target" was used instead of the word "quota". It meant setting numerical targets to improve the representation of women, but the Government did not favour fixed quotas for women, which could lead to tokenism.

Article 5

549. When asked if the Government believed that the provisions of section 38 of the Sex Discrimination Act were effective in preventing advertising of a discriminatory nature, the representative said that both newspapers and job centres refused to accept discriminatory job advertisements and reported anyone doing so to the Equal Opportunities Commission. Asked about the number of cases that had been brought to court and the number that had been ruled as unlawful, the representative noted that, in 1991, the Commission had received 4,650 inquiries, including 191 complaints.

550. To the questions why there was so little media coverage on the problems of women, why women were not employed at senior positions in the broadcasting industry and why no training was

14/ [Official Records of the General Assembly], Forty-sixth Session, Supplement No. 38 (A/46/38), chap. I.

arranged to enable women to occupy those positions, the representative replied that the responsibility for the content and scheduling of programmes rested with the broadcasters, who were

independent of the Government. Under the Broadcasting Act of 1990, the independent broadcasting regulatory bodies were charged to make conditions in granting broadcasting licences, requiring their holders to promote equal opportunity policies.

551. Regarding the incidence of violence against women, the implementation of the recommendations to deal with it and the prosecution level for offences of violence, the representative noted that more than half of all cases of assault against women involved domestic violence. She referred to local victim support services, to the Safer Cities programme and to the policies of all police forces to deal with cases of domestic violence. She mentioned that the civil law to provide remedies and safeguards for women was under review. Additionally, she mentioned the alleged disparity in the law's reaction to women and men who killed, which had recently received considerable publicity. There had been successful appeals on the basis of diminished responsibility as a consequence of domestic violence. The clarification of the law that rape in marriage was an offence was mentioned, as was the strengthened protection of the anonymity of rape victims.

552. In an additional question, praising the judicial clarification of rape in marriage, a member asked whether victims of rape increasingly asked for help and contacted the police. In her answer, the representative noted an increasing and encouraging trend of victims turning to the police. She said that many sympathetic counselling practices were used by the police to handle cases of violence. In addition, the number of women in the police force had been increased. Asked about rapists among boys under 14, the representative referred to the pending bill on kerb-crawling, which would have removed the presumption that boys could not commit rape.

553. Members asked whether the Government considered the current law adequate with regard to rape and pornography in the light of the continued pictures of women. In the reply, the legislation was said to be adequate; however, the continued exploitation of women in the media by means of sexually explicit pictures was a grave concern and needed to be remedied. One member, being a citizen of a country in which decisions of United Kingdom courts carried some weight, welcomed the ruling whereby rape in marriage was considered a crime. Reference was made to a study that had reviewed the relationship between pornography and crimes of violence and that had found the evidence of such a link to be inconclusive. The Government was committed to enforcing laws in a manner that excluded improper publications, controlled proper standards and upheld decency.

Article 6

554. In reply to the question why Parliament had not passed a bill that would have made kerb-crawling an offence, the representative said that the passage of the bill had been obstructed, but the Government was looking for a suitable opportunity to introduce such a measure. In answer to the question how many men had been convicted for accosting women on the street and what their sentences were, the representative cited the number 1, 132.

555. Concerning the question of eliminating prostitution, the representative mentioned laws aimed at discouraging women from becoming prostitutes as well as penalizing those who made financial gain from it. Recent figures showed that the number of women convicted for prostitution was still considerably higher than the number of persons convicted for brothel-keeping and procuration offences. The representative said that the prevention policies of the Government concentrated on the

most vulnerable, including the very young.

556. In an additional question, clarification was requested concerning prostitution in the Falkland Islands (Malvinas) as the report was felt to be contradictory. The representative said that the information concerning the dependent territories was not immediately available and would be provided later.

Article 7

557. The representative explained the cause of the disproportionately low number of women at the managerial level by saying that it would take time for changes to be felt and that a fair appointments policy meant filling posts only with those with the appropriate ability and experience. The Committee's concern was that the increase in the proportion of women in the civil service was so slight that it could not be regarded as noticeable progress. The representative replied that a target of 15 per cent in the top three grades by the year 2000 had been set. The representative stressed the importance of the infrastructure - training possibilities, flexible working patterns and child-care facilities - in achieving sustained improvement. She added that traditional attitudes had not been eliminated entirely.

558. With regard to changes in the number of women members of Parliament, she noted that a record number of 60 women had been elected in the general election in 1992. Asked about female candidates and electors appearing on television, she replied that that was a matter for parties and broadcasting authorities. Regarding the position that the United Kingdom occupied within EEC in terms of the percentage ratio of women and men in Parliament, she said the United Kingdom ranked seventh among the 12 member States.

559. Replying to a question on women gaining access to public appointments and on relevant affirmative action plans, she referred to a new programme of action that had been launched by the Prime Minister. The legislation of the United Kingdom did not allow quotas and the emphasis was on ensuring fair procedures and open opportunities for qualified women. In reply to a question about the recruitment of women graduates in government service, she said that women were recruited at the professional and administrative levels.

560. Concerning equal opportunities for women in the police force and in the probation service, the representative acknowledged that the police service was still largely male, even though real improvements had been made. The proportion of women in the police force was 12.1 per cent in 1991 and the recruitment level of women was over 25 per cent of the total. In the chief officer ranks, the number of women had doubled in two years. The Equal Opportunities Commission was assisting the forces to develop policies and practices, and all forces had published equal opportunities policies. Development was linked to servicing the community representatively and, consequently, successfully. Furthermore, all probation services were required to have equal opportunities policies; 45 per cent of the probation officers were women.

561. Information was requested on cooperation between women's organizations and political parties, especially with a view to ensuring that women's interests were represented in politics. The representative replied that women's organizations were active in pressuring the political parties into

including women in their activities. An additional question was asked about the distribution of the 60 women in Parliament among the political parties, as well as on any specific plans the parties might have to attract more women to participate. No information was provided immediately to the first question; as to the latter one, the representative said that she understood that they all had plans.

Article 9

562. Members asked about the new Immigration Act and its purposes and whether it represented progressive legislation that would improve the situation of women. The representative replied that the new legislation had been introduced to simplify and accelerate decision-making in view of the increasing volume of applications for asylum. Around 20 per cent of the applicants were female and were covered by equal opportunities legislation.

563. The members thought that the problem of migrant women had not been addressed adequately in the second periodic report and thought that the subject should be given more attention in the next one.

Article 10

564. When asked about elementary-school curricula and whether they took into account the equal rights of both sexes, the representative noted that the introduction of a national curriculum in schools ensured women equal access to all subjects. The national curriculum was also taken into account in independent schools. Whether children attended single-sex or coeducational schools was, according to the representative, a matter of parental choice.

565. Regarding the question whether sufficient information was provided in schools on family planning and on the prevention of AIDS, the representative said that the national curriculum included certain health issues, including aspects of sex education and the HIV virus.

566. When asked about the Government's response to the low percentage of women in higher education, the representative said that the proportion of women students had increased in most of the subjects studied and that there was now parity between the numbers of men and women entering higher education. Women accounted for 40 per cent of all postgraduate students in 1990, and for about three quarters of the increase in the numbers enrolling in further education courses between 1980 - 1990. Among the full-time academic staff at universities, the proportion of women was 21 per cent.

Article 11

567. Referring to a continuous rise in the proportion of women in the country's workforce, members asked whether the encouragement given by the Government reflected a radical policy change towards the role of women in society. The representative answered that Government policy did address changes in society and that employers were increasingly attracting and retaining female staff so as to achieve maximum economic efficiency. Women were also choosing self-employment to a greater extent. Improved and more affordable child care would further contribute to the number of women entering and advancing in the labour market.

568. Regarding the social consequences of converting military manufacturing facilities into civilian production facilities, the representative said that women were generally underrepresented in those industries, and that the decline in employment would therefore affect men more than women.

569. Answering a question on the effective implementation of the Equal Pay Act, the representative referred to a continuously narrowing pay gap between men and women. She noted that, during the period 1986 - 1991, almost 3,300 equal pay claims had been lodged, 80 per cent of which had been settled in favour of the complainant. With regard to the work evaluation system, she noted that the law was complex - indeed the law needed to be complex - and that the procedures required reports from independent experts. It could take time to compare jobs properly on the basis of skill, effort and other criteria. Asked for information on the income of both sexes in various occupations, she said that figures for relative pay by broad occupation were only available on a comparable basis up to 1990. From 1984 - 1990, the pay of women in comparison to that of men had risen in the majority of occupations.

570. Commenting on the narrowing wage differential between men and women, members asked whether the Government intended to expand its legislation, as the principle of equal pay for equal work was so far implemented only at the same-employer level and not on the basis of a comparison with other employers or other industries, which was the actual source of the discrimination. The representative replied that a comparison was made not only between exactly equal work, but also between work of equal value for the same employer; however, because wage rates were negotiated with individual employers, a full comparison of wage rates across all job levels between different companies was not possible. The Committee stated that such a comparison would be desirable.

571. Concerning the reasons for women choosing part-time work, the representative replied that the burden of domestic responsibilities was only one of the reasons, although it was evident that women undertook a far greater share of household tasks. Only 22 per cent of couples shared tasks equally, but it was a matter to be discussed by couples themselves and not for government intervention. Women might choose part-time work in order to participate in other activities. With regard to the regulation of part-time work, she said that significant employment rights, including equal pay, legislation on sex and race discrimination, regulations on health and safety and the provision of time off for antenatal care were available to all employees.

572. An additional question was asked concerning working mothers, especially those working part time. The Committee wanted to obtain, possibly in the third periodic report, more information on the sharing of work and family responsibilities; why women tended to work part time; how many men worked part time; the amount of time that men and women devoted to household tasks and child care; and how the responsibility was shared of taking care of elderly and disable adults who could not manage for themselves. The representative replied that opinion polls had revealed that, although men felt that household duties should be shared equally, in practice they were not shared. She said that if those duties were shared more equally women would have a fairer chance of working full time. She said that many family-friendly policies, introduced by the Government, had further increased the numbers of women working part time. The policies were not limited to the taking care of children but of other population groups as well. Moreover, the demands of the labour market had contributed to the part-time work phenomenon.

573. When asked whether the State provided allowances for periods of vocational retraining, the representative said that there were a number of schemes supporting such training. Government-funded training concentrated on school-leavers and the long-term unemployed. Special rules enabled those who had been out of the labour force for some years to join training schemes; 95 per cent of the returnees were women and they received allowances during the free training. Women might also qualify for means-tested mandatory grants and loans to attend full-time higher education courses with a vocational element.

574. In answer to the Committee's request for statistics on the women employed on an unremunerated basis in family businesses, the representative said that it was difficult to measure that phenomenon reliably. In the regular Labour Force Survey (1992), there were 126,000 female unpaid workers, representing about 70 per cent of all unpaid family workers. When asked if that work was included in the gross national product, she replied that the United Kingdom followed international conventions and definitions and recognized the difficulties of valuing unpaid work.

575. Concerning sexual harassment, members asked about government measures to protect women's dignity. The representative said that sexual harassment might constitute sexual discrimination under the Sex Discrimination Act. The Government had issued a booklet on the law, the steps to be taken to prevent harassment and the handling of complaints.

576. Asked what percentage of working mothers and of those wishing to work were able to use child-care facilities, the representative answered that no data had been collected in the form requested. Child care facilities were provided on the basis of need, in the interests of the welfare of the child. About 70 per cent of children under five years of age were affected by some form of child care. The Children Act should encourage expansion to meet local needs. Moreover, the number of private and voluntary day nurseries had been increasing fast. A clearly majority of the women who were not working had a positive commitment to looking after their children at home.

577. Asked about exceptions to the principle of equal treatment in some social security matters, the representative said that legislation usually discriminated in favour of women and those measures were to be retained. In line with its EEC treaty obligations, the United Kingdom had implemented equality in relation to occupational pension schemes. In relation to the age of entitlement to a State pension, the Government was considering the matter.

578. In response to an additional question about hidden unemployment and that unrealistically low unemployment rate of women, the representative said that it was clear that some women who wanted to work did not register themselves as unemployed. The number was, however, very hard to calculate. With regard to whether allowances were too low for survival, she said that in addition to unemployment benefits, which were a pure income-replacement device, there were other income-related benefits, which were sufficient when they were combined.

579. Members asked whether the Equal Opportunities Commission had special provisions regarding immigrants, who were usually more vulnerable and had less access to the labour market than others. The representative from the Home Office stated that the Government was very much aware of the problem and of the cultural barriers those people faced. There were special programmes for immigrants, who often experienced double disadvantages. In addition to the Equal Opportunities

Commission, there was the Commission for Racial Equality, which was responsible for enforcing the Race Relations Act and further promoting equal rights. In addition, activities at the local level, grants for training and education, English teaching, and urban programmes such as Safer Cities were directed to immigrants.

580. With regard to women's participation, members asked whether the Government intended to translate various affirmative action programmes into legislation. The representative replied that the results of programmes were being carefully monitored, and that much depended on the goodwill of employers and their ability to recognize the benefits of fully utilizing the talents of women. Cooperation was the primary goal, and legislative measures were seen to be useful only if no positive results were otherwise achieved,

581. Asked whether discrimination against those who had HIV/AIDS was prohibited, the representative replied that the mandate of the Equal Opportunities Commission allowed it to pay attention only to discrimination based on sex, although the Government was very conscious of such serious impediments to entering the labour market.

Article 12

582. Asked about the social considerations in setting a 24-week limit in the new Abortion Act, the representative replied that the limit was medical and not social. A clinical judgement of two registered medical practitioners was required to terminate a pregnancy. Members asked about the reaction of women's organizations to health-care reform. The representative said that the reforms in the National Health Service had clarified each local authority's responsibility to provide appropriate health care for those within its jurisdiction. The reaction had been both favourable and less favourable. The Government had, moreover, adopted a strategy, consisting of five key areas for preventive action on improving the health of the country. No answer was provided to the question whether treatment institutions were maintained in the same way as formerly. Instead, information was given on family planning.

583. Concerning a question on the effects of HIV/AIDS on women and on the action taken, the representative said that, according to the latest figures from September 1992, there were 2,174 (12 per cent) reported cases of women with the HIV virus, as against 15,887 reported cases of men, and 579 (5 per cent) reported cases of women with AIDS, as against 9,940 reported cases of men. Although the proportion of women was lower, the situation was alarming as the rate of increase for women for both HIV and AIDS was higher than for men over the previous years. An amount of £200 million had been provided in 1992/93 for both preventive and treatment services. Preventive work included a booklet for those working with HIV/AIDS and research on drug-using prostitutes. A suggestion had been made that health authorities should offer antibody testing to all women receiving antenatal care. HIV/AIDS was one of the five priority areas for action in the health promotion programme of the Government.

Article 14

584. In answer to a question on the problem of unpaid labour in family businesses in rural areas, the representative stated that the proportion of paid women employees in agriculture had been

increasing. Training for women in agriculture recognized the role of unpaid family members in the administrative and financial aspects of farm management. In Northern Ireland, a programme was being funded to assist women in developing rural businesses.

585. Concerning the findings of the research financed by the Rural Development Commission on women's employment in rural areas, the representative said that the study highlighted problems - low pay, lack of services, poor transportation and housing - and suggested innovative local solutions to them. Transportation had been deregulated and subsidies provided for services that were socially necessary. Training for work in rural areas was supported by the Commission with locally based Training and Enterprise Councils and community councils.

Article 16

586. Asked about Government measures to ensure that family responsibilities were carried out, considering the high number of single-parent families, the Committee was informed that 17 per cent of families with dependent children were single-parent families. The Child Support Act of 1991, and equivalent legislation in Northern Ireland, was intended to provide a consistent and fair approach to child maintenance through administrative procedures rather than the courts. The Act would provide an income to single parents.

587. Regarding the impact on children of the high incidence of free unions and separation, the representative said that consideration was being given to reforming the divorce law to require conciliation before granting divorce. The smooth transition of and assurance of continuity for responsibilities for children were the main purposes of conciliation, and it might also lead to reconciliation. In addition, the Government supported the work of marriage guidance councils.

588. The Committee pointed to the trend of family dissolution and wanted to know if it was a deliberate trend, if there had been any surveys about it and what was the position of the Government. In her reply, the representative said that there seemed to be a trend towards an increase in the number of single-person households and that it reflected a person's free choice. Additional information on the matter could be provided in the next periodic report if the Committee so requested.

Concluding observations

589. The Committee remarked that, irrespective of the development status of a country, women seemed to encounter obstacles to the full enjoyment of their rights. Members stated that women in developed countries faced new types of problems, related to entry to the labour market, professional skills, part-time work and violence, which was a most serious concern. Therefore, although a great deal had been accomplished in the United Kingdom, there was still room for improvement.

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278. The Committee considered the third and fourth periodic reports of the United Kingdom of Great Britain and Northern Ireland (CEDAW/C/UK/3 and Add. 1 and 2; and CEDAW/C/UK/4 and Add.1-4) at its 429th and 430th meetings, on 10 June 1999.

(a) Introduction by the State party

279. In introducing the third and fourth periodic reports, the representative noted that since the submission of the third periodic report, and following the election in 1997, substantial policy changes had occurred. The fourth periodic report represented the current situation in the State party. She also drew attention to the presence in the delegation of experts to address the situation of women in Scotland and Northern Ireland, where responsibility devolved, and of representatives of different parts of the Government with responsibility for women's issues. Emphasis was placed on the clear vision for equality for women, represented by a new range of policies, and of new institutions and structures within Government.

280. The representative stressed the Government's commitment to equality of opportunity and fairness for all and to the elimination of discrimination against women. This encompassed the positive goal of improving women's overall position in society and included a commitment to giving men the chance to take on roles traditionally assumed by women. The obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the policy recommendations of the Beijing Declaration and the Platform for Action were catalysts for helping the Government to deliver its goals. Through a process of gender mainstreaming, the major departments of State had policy and programme responsibility to promote the women's agenda as an integral part of their wider responsibilities. Other partners also played a critical role in achieving the goal of equality for women, including the private sector, non-governmental organizations and civil society. Close cooperation was maintained with the Equal Opportunities Commission and with non-governmental organizations. The Equal Opportunities Commission and the Women's National Commission contributed to the preparation of the fourth periodic report.

281. In highlighting key policy developments relating to the Convention, the representative noted, in particular, the National Childcare Strategy, budgetary reforms such as an increased child benefit, working families tax credit, the introduction of the national minimum wage, pension reform, employment programmes (the New Deals), including those benefiting women, implementation of the Social Chapter of the European Union and family-friendly employment.

282. The representative stressed the commitment to "joined-up" and more open Government, which was reflected in the establishment of new machinery and processes. The appointment of two Ministers for Women, the creation of the Women's Unit in the Cabinet Office and new cross-cutting mechanisms such as a Cabinet Subcommittee on women and a women's policy group allowed for focussed attention to women's issues. It was pointed out that the number of women in Parliament and in the Cabinet had reached the highest level ever. The representative identified a number of continuing challenges, including the implication of the decision to mainstream women's issues and the related relatively low profile of the women's machinery, as well as women's lack of information

about government action on their behalf.

283. The process of devolution reflecting the diversity in the State party represented a major constitutional change. While the Government of the United Kingdom retained overall responsibility for implementation of the Convention, certain responsibilities were being devolved to the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales, respectively. The representatives provided an overview of the legislative powers and institutional structures and of mechanisms responsible for women's issues and of planned as well as ongoing activities. It was noted that detailed post-devolution working arrangements would be decided by Ministers in due course.

284. Women in Northern Ireland had played a very active role in the peace process and 14 women had been elected to the new Northern Ireland Assembly, which had a total of 108 seats. Transferred responsibilities included responsibility for equality legislation, including sex discrimination and equal pay legislation, for women's issues generally, and for the administration of the new Equality Commission. The representative stressed the commitment to a continuing and effective process on women's issues in Northern Ireland.

285. A commitment to promoting equal opportunities underpinned the devolution settlement with regard to Scotland. The Equal Opportunities Committee of the Parliament had a wide remit, including power to initiate new legislation. A new Equality Unit in the Scottish Executive would play a key role in supporting mainstreaming of all policy and programme developments, implementation and evaluation in areas of gender, race, and disability. Women's representation in the Scottish Parliament (37 per cent) and in the Cabinet (3 out of 10) was noted, and consultative processes with women's organizations were highlighted.

286. With regard to Wales, the representative noted that the Welsh Assembly would have no new powers to create legislation, but will have transferred to it the powers currently held by the Secretary of State for Wales. A standing Committee on equality was to be created, supported by an equality policy unit. Of those elected to the new Welsh Assembly, 28 were women (42 per cent), and four women had been appointed to the 8-person Cabinet.

287. In addition to the important developments in devolution, the representative highlighted the role of the Treasury and of the 1999 budget with regard to women. The new budget process had a more strategic orientation, which sought to address the causes of problems, rather than to remedy their effects. It also required a gender impact assessment, as well as mainstreaming. The overall emphasis of the 1999 budget was on poverty reduction, which had a series of implication for women and children, including a new tax rate that benefited low-earning women; a new low basic tax rate; reduction in National Insurance contributions for 8 million women; extension of maternity pay to low-paid women in part-time work; new maternity grants; a further real increase in child benefit; and additional support for lone parents.

288. In conclusion, the representative noted that the Government had put in place the main structural elements and that progress was being made in addressing the continuing institutional and cultural obstacles that women continued to face. She underlined the Government's determination to secure further improvement for women.

(b) Concluding comments of the Committee

Introduction

289. The Committee expresses its appreciation to the Government of the United Kingdom of Great Britain and Northern Ireland for submitting detailed third and fourth periodic reports containing data disaggregated by sex. It commends the Government for the comprehensive written replies to the Committee's questions and its oral presentation that further clarified recent developments in the State party. It appreciates the open manner in which the report was prepared and presented and, in particular, the breadth of the consultative process with non-governmental organizations during the preparation of the fourth periodic report. This enriched the reports and enabled a large number of women to become informed about the Convention and the rights protected by it.

290. The Committee commends the Government of the United Kingdom of Great Britain and Northern Ireland for having sent a large delegation with a high degree of expertise, which was led by the Director of the Women's Unit, Cabinet Office, and included officials from various branches of Government and from the Scottish and Northern Ireland offices. Their participation enhanced the quality of the constructive dialogue between the State party and the Committee. The Committee notes that the reports refer to steps taken by the Government to implement the Beijing Platform for Action.

Positive aspects

291. The Committee commends the Government for withdrawing some reservations entered to the Convention upon ratification and on the fact that remaining reservations are kept under review. The Committee notes that this is in keeping with one of the Government's commitments made at the Fourth World Conference on Women.

292. The Committee notes the commitment to "joined-up" and open Government and especially the programme of consultation on public policy issues with women who are not members of representative organizations. It also commends the decisions to mainstream women's issues into all areas of work of the Government, particularly into the work of the Treasury and the budget process. The Committee welcomes the establishment of the Cabinet Subcommittee on Women and the creation of governmental machinery on women's issues and its role as catalyst and facilitator for mainstreaming.

293. The Committee welcomes the adoption of the regional human rights instruments and the enactment of the Human Rights Act 1998. This will create an environment in which women's human rights can be developed to comply fully with the Convention.

294. The Committee also welcomes legislative changes since the consideration of the second report in 1991, including the amended Sex Discrimination Act (1996), the Protection from Harassment Act (1997), the Sex Offenders Act (1997), and the National Minimum Wage Act (1999).

Factors and difficulties affecting the implementation of the Convention

295. The Committee notes that there are no significant factors or difficulties which prevent the effective implementation of the Convention in the United Kingdom of Great Britain and Northern Ireland.

Principal areas of concern and recommendations

296. The Committee notes the fundamental constitutional changes in the State party, including the devolution of a degree of power and responsibility for government to elected bodies in Wales, Scotland and Northern Ireland. The Committee notes, however, that the obligation for implementing the Convention rests with the Government of the United Kingdom. The Committee notes that different regimes are being established in Wales, Scotland and Northern Ireland with responsibility for women's equality issues, including legislative and administrative provisions and mechanisms. The Committee is concerned that the protection of women's human rights will be uneven.

297. The Committee urges the Government to ensure that there is unified national strategy and policy for the implementation of all provisions of the Convention so that all women in the entire territory of the State party can benefit equally as a result of the Government's obligations under the Convention and its stated commitment to the goal of *de jure* and de facto equality for women. The Committee urges the Government to extend the legislative provisions for mainstreaming equality for women in Northern Ireland to the rest of the United Kingdom. The Committee also calls on the Government to monitor the implementation of the Convention carefully and, in particular, the practical arrangements that are being put in place on equality issues.

298. The Committee recognizes that only a short period of time has elapsed since the introduction of new legislation and policies in areas such as the national minimum wage, the New Deals (employment programmes) for women, the new outcome-oriented budgeting process and budgetary reforms, the commitment to family-friendly employment, and since the decision was made to mainstream women's issues into all areas of Government.

299. The Committee urges the Government to ensure rigorous analysis and evaluation of recently introduced and planned policies and their implications for *de jure* and de facto equality for women. It also invites the Government to continue to refine its mainstreaming approach and the cross-sectoral and cross-cutting approach to issues. The Committee requests the Government in its fifth periodic report to provide a comprehensive assessment of the impact of these efforts so that the Committee can evaluate changes in relation to the Convention. In particular, the Committee requests the Government to monitor the implementation of policies in the entire territory of the State party.

300. While welcoming the adoption of the Human Rights Act 1998, the Committee emphasizes that the European Convention on Human Rights and Fundamental Freedoms does not provide for the full range of women's human rights incorporated in the Convention on the Elimination of All Forms of Discrimination against Women. In particular, the European Convention on Human Rights and Fundamental Freedoms does not expressly provide for the rights to equality in article 2 of the Convention. Nor does it contain a positive obligation for Governments to eliminate indirect discrimination as defined in article 1 of the Convention or provide for temporary special measures as set out in article 4.1 of the Convention. The Committee is concerned that the Government, as

stated in the oral replies, considers the obligations under the Convention to be of a much more “programmatic” nature than the European Convention on Human Rights and Fundamental Freedoms and thus difficult to introduce into common law. The Committee considers that nonetheless full implementation of the Convention can be achieved.

301. The Committee recommends that the Government give further consideration to the introduction of legislation covering all aspects of the Convention, in particular the provisions of article 1 to prohibit indirect discrimination and to provide women with effective remedies against indirect discrimination. The Committee also urges the Government to introduce legislative protection for the rights in article 2, and to take further measures to implement article 4.1, including legislative measures, and to set goals for women’s equal representation in all areas and at all levels. It also recommends that the Government give consideration to incorporating the Convention on the Elimination of All Forms of Discrimination against Women into domestic law, as it has incorporated the European Convention on Human Rights and Fundamental Freedoms.

302. The Committee notes with concern that the numbers and percentage of women in public and political life, in the judiciary, in positions of higher education and in other areas remain far from equal with men. The Committee recommends that the State party undertake a critical evaluation of the impact and sufficiency of current measures to comply fully with its obligations under articles 7 and 8 of the Convention. The Committee recommends that specific strategies be adopted to encourage women to seek public office and governmental appointments, including mentoring, networking and review of merit qualifications to reflect a broader range of experiences and skills.

303. The Committee is concerned at the lack of information provided by the State party with regard to the implementation of the Convention, as well as at the limited follow-up to commitments made at the Fourth World Conference on Women in the overseas territories, most notably the Isle of Man, the Turks and Caicos Islands, the Virgin Islands and the Falkland Islands (Malvinas).

304. The Committee recommends that the State party take all necessary measures to implement the Convention in its overseas territories, and to provide comprehensive information on steps and measures taken in this regard in its next report.

305. The Committee expresses concern at the disadvantaged situation of women belonging to ethnic minorities, notwithstanding the existence of legislative protection against discrimination on the basis of race and ethnicity. Ethnic minority women continue to experience higher levels of unemployment, lower levels of education and training, lower wages and salaries and fewer benefits than white women.

306. The Committee recommends that steps be taken to ensure the elimination of direct and indirect discrimination against ethnic minority women, including through positive action in recruitment, awareness campaigns and targeted training, education, employment and health-care strategies.

307. The Committee is concerned at the continuing pay gap between women and men where figures for 1998 show that average hourly earnings of full-time women employees amounted to around 80 per cent of men’s earnings and women’s average gross weekly earnings were around 72 per cent of men’s earnings. The Committee is particularly concerned that women working in higher education

including academic staff consistently receive lower pay than their male counterparts and do not advance in their careers as rapidly or in the same numbers as men.

308. The Committee recommends that the Government use its new employment policies to address the pay gap between women's and men's earnings. It urges the Government to review the Equal Pay Act, taking into account developments that have refined the concepts of equal pay for equal work and for work of comparable value. It urges the Government to implement any recommendations that might be contained in the report on higher education pay with a view to eliminating discrimination. It also recommends that the Government assess the impact of cultural stereotypes and women's reproductive responsibilities on the continuing pay gap. In this regard, it invites the Government to pursue its efforts towards providing men more opportunities to take on roles traditionally assumed by women, to continue to review and rationalize maternal and parental leave and benefits, and to share its findings and insights with the Committee in its next report.

309. Noting the Government's efforts and will to address the issue, the Committee is nonetheless seriously concerned at the level of teenager concept in the State party, which is the highest rate among the countries of Western Europe, and at the consequences of early motherhood, such as lower educational achievement, higher levels of poverty and greater reliance on social welfare. The Committee is also concerned at the high rates of sexually transmitted diseases, especially among teenagers aged 16 to 19. The Committee notes with concern that the Abortion Act 1967 does not extend to Northern Ireland where, with limited exceptions, abortion continues to be illegal.

310. The Committee recommends that teenage conception and pregnancy be addressed by a multiplicity of measures, including a greater focus on male responsibility and a review of the primary school curriculum with a view to introducing age-appropriate sex education. It also recommends the allocation of resources for prevention and treatment programmes for sexually transmitted diseases directed at adolescents within a holistic approach to sexual and reproductive health, including sexual violence. The Committee also recommends that the Government initiate a process of public consultation in Northern Ireland on reform of the abortion law.

311. While noting the legislative and measures in place to address violence against women, the Committee is concerned at the absence of a national strategy on the prevention and elimination of violence against women. According to information available to the Committee, women in Northern Ireland are particularly affected by violence. The Committee recommends that a unified and multifaceted national strategy to eliminate violence against women be implemented to include legal, educational, financial and social components, in particular support for victims.

312. The Committee is concerned at several aspects of the criminal justice system in relation to women. It notes the high number of women in prison, particularly those from ethnic minorities. Many women have been imprisoned for drug-related offences or because of the criminalization of minor infringements, which in some instances seem indicative of women's poverty. It also notes that in the United Kingdom, and particularly in Northern Ireland, young female offenders are held in adult prisons, there are inadequate educational and rehabilitative programmes for women prisoners and they are often held in prisons situated far from their families. It also notes that the defence of provocation is not widely available to women victims of violence who are charged with murder and that there is a low level of convictions for rape and sexual violence.

313. The Committee recommends that the Government intensify its efforts to understand the causes for the apparent increase in women's criminality and to seek alternative sentencing and custodial strategies for minor infringements. It also calls on the Government to improve the education of judges with regard to domestic violence so that these cases are given the same attention and consideration as cases brought under other provisions of the criminal law.

314. The Committee notes that demographic change in the State party requires urgent action with regard to the situation of older women, and of related implications for women's health, poverty and especially pension entitlements, elder abuse, and accommodation.

315. The Committee recommends that the situation of older women be addressed in a cross-cutting and cross-sectoral manner, with a view to ensuring adequate provision for their physical, mental, economic and social well-being.

316. The Committee requests that the Government include in its next report a comprehensive discussion of measures, including legislation and policies, taken to alleviate women's poverty and the results of these measures both in terms of remedying existing poverty and preventing women from falling into poverty and breaking the inter-generational cycle of poverty. The Government is also requested to provide detailed information on progress in devolution and its impact on women's enjoyment of their rights covered under the Convention.

317. The Committee requests that the Government responds in its next periodic report to the specific issues raised in these concluding comments.

318. The Committee requests the wide dissemination in the United Kingdom of Great Britain and Northern Ireland, including its overseas territories, of the present concluding comments, in order to make the people of the United Kingdom, and particularly government administrators and politicians, aware of the steps that have been taken to ensure *de jure* and *de facto* equality for women and the further steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular, to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.