



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Pre-session working group  
Fortieth and forty-first sessions  
16-20 July 2007

### List of issues and questions with regard to the consideration of periodic reports

#### United Kingdom of Great Britain and Northern Ireland

##### Introduction

The pre-session working group examined the fifth periodic report (CEDAW/C/UK/5 and Add.1 and 2) and sixth periodic report of the United Kingdom of Great Britain and Northern Ireland (CEDAW/C/UK/6 and Add.1 and 2).

##### General

1. Please explain whether both the fifth and sixth periodic reports were adopted by the Government and whether they were presented to Parliament.

##### Constitutional, legislative and institutional framework

2. The sixth periodic report notes that the Government is setting up a Discrimination Law Review to undertake a fundamental review of all equality legislation in order to simplify and modernize discrimination law, and that the Government has been amending discrimination laws to bring them into line with EU Directives (paras. 149 and 150). In its previous concluding comments<sup>1</sup> (A/54/38/Rev.1, para. 301), the Committee urged the State party to give consideration to incorporating the Convention on the Elimination of All Forms of Discrimination against Women into domestic law, as had been done with the European Convention on Human Rights and Fundamental Freedoms, and urged the State party to introduce legislative provisions for protections contained in the Convention that were not fully articulated in domestic laws, such as the protections set forth in articles 1 and 2 of the Convention. Please explain how the

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<sup>1</sup> See *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 30 (A/54/38/Rev.1) Part two, para. 301.*

Discrimination Law Review as well as legislation amended or introduced since consideration of the last report, such as the Equality Act 2006 will take the State party's obligations under the Convention into account and harmonize domestic discrimination laws with these obligations.

3. The sixth periodic report indicates that the lead state agency for the elimination of sex discrimination, the Equal Opportunities Commission, will be replaced in October 2007 by a new statutory equality commission, the Commission for Equality and Human Rights. It further states that the CEHR will also take over the responsibilities of the Disability Commission and the Commission for Racial Equality, and will additionally take on new responsibilities regarding discrimination on the grounds of age, faith, belief and sexual orientation (paras. 79-85). Please describe the actions that will be taken to ensure that the creation of the new CEHR and the expansion of its mandate as compared to the EOC does not result in a weakening of efforts to eliminate discrimination against women. Please include information on the composition of the CEHR and resources that will be allocated to the CEHR for its work to eliminate discrimination against women. Also please explain what mechanisms will be available for women to raise claims of sex-based discrimination before the CEHR, and the arrangements in place to ensure that the CEHR will address the multiple forms of discrimination faced by women, especially women from racial, ethnic or religious minority groups.

4. The sixth periodic report notes that the Equality Act 2006 introduced a statutory Gender Equality Duty on public authorities. By this law, from 6 April 2007, public authorities are required to draw up and publish a gender equality scheme with objectives identified and steps to implement them as well as gender impact assessments of all new policies and legislations, including employment and service delivery changes. In complying with the duty, public authorities must fully consult with stakeholders (paras. 9-10, 112-113). In Northern Ireland and Scotland also, the public authorities are subject to a similar statutory equality duty (see CEDAW/C/UK/5, para. 15 and CEDAW/C/UK/6, paras. 145-146). Please provide a preliminary assessment of how this system of Gender Equality Duty is working, including information on what kind of enforcement mechanism has been put in place, whether the public authorities are trained to strengthen their capacities in understanding and implementation of gender equality and how often and in what manner the public authorities are having consultations with relevant stakeholders, including female employees and women's NGOs.

5. In its previous concluding comments<sup>2</sup> (A/54/38, paras. 296 and 297), the Committee expressed concern that the establishment of different regimes in Wales, Scotland and Northern Ireland with responsibility for women's equality issues could lead to uneven protection of women's human rights, and urged the Government of the United Kingdom to ensure that there was a unified national strategy and policy for the implementation of all provisions of the Convention throughout the State party. The fifth and sixth periodic reports describe the gender equality machineries and regulations in place in Northern Ireland, Scotland, Wales, and in the overseas territories (see CEDAW/C/UK/5, paras. 14-18 and CEDAW/C/UK/6, paras. 86-104; Add.1 and 2), but do not discuss the measures in place to ensure that all of the provisions of the Convention are uniformly implemented throughout these areas. Please describe the measures undertaken to respond to the Committee's

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<sup>2</sup> Ibid., paras. 296 and 297.

recommendations including whether there is a unified strategy and plan that would set standards and goals for women's equality and gender mainstreaming and monitor its implementation across all regimes and bodies in the United Kingdom.

6. The sixth periodic report acknowledges that women from racial, ethnic or religious minority groups face severe restraints in employment, including the likelihood of higher unemployment, lower pay, a lower glass ceiling and greater segregation in the workplace, and discusses outreach efforts for these women (paras. 197-214). Please provide an overview of the situation of women from racial, ethnic or religious minority groups, including the obstacles faced by these women regarding their participation in economic, social and public life and the situation of violence against them, and the measures in place such as legislation, policy measures, temporary special measures, sanctions and support services, to overcome these obstacles and to address stereotyping.

7. Please explain the mode of cooperation between the Women and Equality Unit and the women's NGOs. Also please provide data on the government funding to NGOs in total and to women's NGOs since 2000.

#### **Violence against women**

8. Please describe the measures in place to target and involve men and boys in efforts to prevent and eliminate violence against women including domestic violence, and the impact of such measures and results achieved.

9. The sixth periodic report states that the Sexual Offences Act of 2003 completely overhauled the legal framework for dealing with sexual offences (para. 135). It further notes that efforts are being taken to review the law on capacity in relation to consent in rape and the admissibility of expert and other evidence, and to analyse statistical data collected since the Act has been in force. Please clarify how the Sexual Offences Act of 2003 addresses standards of proof and evidence for sexual offences, and legal capacity and consent, and the status of any amendments regarding these issues. Please also provide the results of statistical analyses regarding the Act, as well as data for the duration of the reporting period, data on cases of sexual assault on women and rate of convictions.

10. The fifth periodic report explains that a domestic violence concession was introduced into immigration rules to protect those subject to immigration control whose marriages break down during probationary settlement periods as a result of domestic violence. The sixth periodic report indicates that the operation of the concession has "been monitored over its first two years and the findings reviewed" (para. 347). Please provide information on this review and the findings obtained, and explain whether any additional measures to protect immigrant women who are victims of violence, including domestic violence, are under consideration. Also, please indicate whether an assessment has been carried out on the impact of the No Recourse to Public Fund rule with regard to the capacity of immigrant women to escape domestic violence and if so please give details.

#### **Trafficking and exploitation of prostitution**

11. The Special Rapporteur on the sale of children, child prostitution and child pornography has expressed concern about reports received regarding increasing numbers of girls trafficked into the United Kingdom for reasons including domestic

servitude, benefit fraud and cultural practices (E/CN.4/2006/67/Add.1, para. 152). However, the sixth periodic report does not include information on women who are trafficked into (or through) the United Kingdom for reasons other than sexual exploitation. Please provide statistical data on the extent of trafficking in women and girls into, through, and from the United Kingdom, including statistical data on the number of victims trafficked for sexual exploitation, work, domestic service and other forms of exploitation, and information on prosecutions, convictions and sentences imposed.

12. According to the sixth periodic report, the Government published a coordinated prostitution strategy in January 2006 to address the harms associated with prostitution, which includes strategies to prevent individuals from being drawn into prostitution (para. 300). Please elaborate on these measures, the status of implementation so far, and any preliminary results achieved.

### **Participation in political and public life**

13. The sixth periodic report acknowledges that not all political parties have made use of the positive measures for women's participation that are allowed under the Sex Discrimination (Election Candidates) Act (para. 304). Please clarify the types of temporary special measures allowed under the Act, and describe the efforts the Government is making to expand use of such measures and to ensure that the participation of women, including minority women, increases in all parties and at all levels of Government.

14. The sixth periodic report notes that a Judicial Appointments Commission was launched in 2006, and that it has a statutory role in encouraging a wider range of applicants for judicial office (para. 559). Please clarify the Commission's scope of authority and its statutory role with respect to judicial appointments, and measures it has taken to encourage women applicants for judicial office. Please also provide information on efforts undertaken to provide training on gender equality to members of the judiciary.

15. The sixth periodic report notes that the United Kingdom maintains, yet has modified, paragraph A(c) of its general reservation to the Convention relating to the Throne and the Armed Forces, which now states that the United Kingdom's ratification "is subject to the understanding that none of its obligations under the Convention shall be treated as extending to ... any act done for the purpose of ensuring the combat effectiveness of the Armed Forces of the Crown" (para. 71). Please clarify the scope and impact of the remaining reservation regarding the Armed Forces. Please describe the impact of efforts being taken to increase women's participation in senior-level and leadership positions in the Armed Forces, including in United Nations Peacekeeping Missions.

16. What steps has the Government taken to ensure action on United Nations Security Council resolution 1325 in Northern Ireland? Please provide details of the implementation of Section 75 of the Northern Ireland act that requires equality of opportunity is given due regard in all statutory policy formulation and delivery.

17. Please provide statistical information on women's as compared to men's participation in international organizations, public appointments at the international level, and the foreign service, including information on the numbers of women in

high-level positions such as ambassadorships, and the trends over time since consideration of the last report.

### **Education and stereotypes**

18. The sixth periodic report mentions efforts being taken to revise school curricula, such as the review of the National Curriculum for ages 11 to 16 being conducted by the Qualifications and Curriculum Authority (paras. 357-361). Please provide information on the extent to which human rights education, in particular women's human rights education and information on multiple forms of discrimination faced by women, is included in school curricula at different levels.

19. Please explain the steps the Government is taking to increase the proportion of women in academic posts such as professorships, especially in non-traditional fields, and the impact of such measures. Please also provide information on the numbers of women candidates for headship that have successfully obtained headship appointments and trends since consideration of the last report.

### **Employment and reconciliation of work and family life**

20. The sixth periodic report notes that women make up most of the employees participating in flexible work arrangements (para. 392), and that the EOC has conducted research and developed recommendations for the Government regarding flex-time policies (Annex 1, pp. 2-3). Please provide information on the efforts being undertaken to ensure that women flex-time workers, including women returning from maternity leaves, are not discriminated against in terms of hiring, pay, opportunities, benefits, and other aspects of employment, and the impact of such measures.

21. The fifth periodic report describes the creation of Gender Equality Public Sector Agreements which set targets for women's participation in leadership posts and other areas such as equal pay in the public sector (see CEDAW/C/UK/5, para. 13). The sixth periodic report explains that the PSA has been expanded, and includes equal pay reviews (paras. 20, 227-235). It also notes that all 88 Government departments and agencies completed equal pay reviews in 2003, and the departments are encouraged to carry out full equality proofing of their reward policies and practices every three years (para. 406). Please describe the results of these equal pay reviews. Please also describe the measures taken to pursue full equality proofing in Government departments and agencies in 2003 and onward, and results achieved.

22. The sixth periodic report indicates that while women are eligible for maternity leaves for 26 weeks to one year, men are entitled to two weeks' paternity leave and longer if their partner returns to work early, but that a majority of men (55 per cent) do not use all of their two-week paternity leave (para. 392). Please explain the reasons behind the low use, and trends over time, and indicate the measures being taken to encourage men to share childcare responsibilities with women.

### **Health**

23. Please provide statistics on trends regarding the rates of HIV/AIDS and other sexually transmitted diseases in women as compared to men, since 2000, and disaggregated by groups of women, especially at high-risk groups. Please also provide

information on the steps being taken to reduce such rates and increase access to information and services on sexually -transmitted diseases.

24. The sixth periodic report mentions that the Government conducted the first baseline review of contraceptive services in 2006, and produced a best practice guidance which covered access to contraception services, contraception methods, and access to abortion services (para. 470). Please provide information on the results of this review, and the use of the guide and any other reforms, legislative or otherwise, that resulted from the review.

25. The report indicates that the Court of Appeal requested guidance on the adequacy of termination of pregnancy services in Northern Ireland and that a draft guidance on Termination of Pregnancy in Northern Ireland was to be issued in 2007 (para. 485). Please provide information on the results or status of this guidance, as well as statistics on the rates of illegal abortions and deaths and complications from illegal abortions in Northern Ireland, and trends since 2000.

#### **Women in vulnerable situations**

26. The fifth and sixth periodic reports note that the Government has set up a Cabinet Sub -committee on Ageing Policy to address the situation of older women and men ( see CEDAW/C/UK/5, para. 14 and CEDAW/C/UK/6, para. 196). Please provide information on the situation of older women, and by race and ethnicity, in the State party, and all of its territories, including with respect to older women's health, employment, access to social services and benefits, access to housing, information on elder abuse, and the legal and other protections available to older women.

27. The sixth periodic report states that while affordable housing policy is not determined on the basis of gender equality, data indicates that women make up a substantial portion of the persons in need of housing support; for example, the report notes that 57 per cent of new homelessness acceptances in July -September 2006 were for single women, often with children (para. 526). Please describe the measures taken to integrate gender perspectives and gender equality principles in affordable housing policy. Please also provide statistics on the provision of affordable housing for women.

28. Please provide data on trends in women convicted of crime as of the last report including details of types of offences and by ethnic and age groups and by region. Please provide information on the situation and conditions of women in prison and steps taken to remedy adverse conditions. What steps are being planned to implement the recommendations of The Corston Report of March 2007 with regard to a holistic approach to addressing the issue of women in prison, as well as the United Kingdom High Court ruling that sending girls to adult prison is unlawful?

#### **Optional Protocol**

29. Please provide information about the measures taken in order to make widely known the Optional Protocol to the Convention, which the United Kingdom of Great Britain and Northern Ireland ratified on 17 December 2004.