

Seizing the opportunities of CEDAW  
March 24<sup>th</sup> 2009

Making the European Connection- National Alliance of Women's  
Organisations

**Fifth and Sixth periodic report for United Kingdom of Great Britain and Northern  
Ireland**

**Key concerns and recommendations**

➤ **Principle of equality**

Although the committee welcomes the introduction of a Gender Equality Duty the committee is concerned that the public understanding of the concept of substantive equality have resulted only in the promotion of equality of opportunity and of same treatment. The committee is also concerned that many public bodies, including Government ministries, have faced difficulties in developing result-based and action-orientated equality schemes and in mainstreaming gender equality into all policies and processes. The committee thus encourages the development and implementation of awareness-raising and education campaigns to broaden understanding of the provisions of the Convention.

➤ **Women in prison**

The committee is concerned about the number of women in prison and the large proportion of women who have been imprisoned for committing minor offences as well as the absence of a comprehensive policy for the management of women in Prison, including with respect to family visits and childcare arrangements. The committee therefore urges the State to intensify its efforts to reduce the number of women in conflict with the law and to intensify its efforts to develop alternative sentencing and custodial strategies, to develop comprehensive gender-sensitive policies, strategies and programmes, and to ensure the provision of adequate health facilities and services.

➤ **National machinery for the advancement of women**

With the establishment of new institutional structures and mechanisms the committee is concerned that the issue of gender equality and discrimination against women might lose some of its visibility and receive less attention.

➤ **Non-governmental organisations**

The Committee noticed the changes in the allocation of Government funding from needs-based to "commissioning" frameworks, and the gender neutral interpretation of the Gender Equality Duty, have had a negative impact in funding to women's organisations and the provision of "women-only" services. Following this the Committee recommends that the State ensure that NGO's are able to effectively contribute to the continuing implementation of the convention, including providing increased and sustained funding and conducting an impact

assessment of its “commissioning” frameworks on the funding of women’s organizations.

➤ **Stereotypes and negative cultural practices**

The Committee is concerned with the stereotyped media portrayals of women and of women’s role in the family and in society. Awareness-raising and educational campaigns should be developed for media and advertising agencies and media should be encouraged to project a positive image of women, including ethnic and minority women.

- Elimination of gender stereotypes in education, training and culture
- Elimination of gender stereotypes in the labour market
- Elimination of gender stereotypes in the media

➤ Although the Committee notes the enactment of the Forced Marriage Act and the Female Genital Mutilation Act it is concerned about the lack of targeted prevention strategies and programmes for women at girls at risk as well as the lack of support services for victims. The Committee urges the State to ensure the full implementation of legislations and to increase its efforts to design and implement targeted prevention strategies.

➤ **Violence against women**

The Committee is concerned about the continuing prevalence of violence against women and girls, including domestic and sexual violence, and about the low prosecution and conviction rates of sexual violence cases. It is also concerned about the absence of a comprehensive national strategy and programme to combat all violence against women and girls as well as the lack of adequate support and services for victims, which is compounded by the funding crisis facing NGO’s working in this area. The State should therefore accord priority to adopting comprehensive measure to address violence against women, implement a unified and multifaceted national strategy, training for law enforcement personnel and public awareness raising campaigns.

- Eradication of gender-based violence (Daphne III)

➤ **Trafficking**

The Committee urges the State to continue to take all appropriate measures to combat all forms of trafficking in women and children, including not only prosecution of traffickers but also the protection and rehabilitation of victims of trafficking.

- Elimination of trafficking in human beings

➤ **Political participation and participation in public life**

Despite improvements the Committee is concerned that women continue to be underrepresented in political and public life, especially in leadership and decision-making positions. The Committee calls upon the State to take measures, with benchmarks and concrete timetables, to increase the number of women in political and public life, including increase the availability of training and capacity-building programmes for women wishing to enter or already in public office and

to enhance its awareness-raising campaigns on the importance of women's participation in political and public life.

- Women's participation in politics
- Women in economic decision-making

➤ **Employment**

The Committee is concerned about the persistence of occupational segregation between women and men in the labour market and the continuing pay gap. The State should take proactive and concrete measures to eliminate occupational segregation and to close the pay gap between women and men, including through the introduction of mandatory pay audits, assisting women and men to reconcile family and professional responsibilities by providing more and improved childcare facilities and encouraging men to share responsibility for childcare.

- Eliminating the gender pay gap
- Flexible working arrangements for both women and men
- Increasing care services
- Better reconciliation policies for both women and men

➤ **Health**

The Committee continues to be concerned at the high rate of teenage pregnancies and that the Abortion Act does not extend to Northern Ireland and urges the State to improve the availability and affordability of sexual and reproductive health services and family planning information and services, increase knowledge of, and access to, affordable contraceptive methods and promote sexual education at adolescent girls and boys.

➤ **Economic consequences of divorce**

The Committee expresses concerns about the economic situation of women as a result of divorce and the lack of specific regulations safeguarding the property rights of women and requests the State party to include information on research undertaken in the next periodic report.

➤ **Vulnerable groups of women**

The Committee is concerned that women of different ethnic and minority communities continue to suffer from multiple discrimination in access to education, employment and health care. In the case of immigrant women and women asylum seekers, who may be subject to multiple forms of discrimination, the Committee notes that asylum on the grounds of gender-related persecution, including violence against women, is not frequently granted. The Committee also notes that women in insecure immigration status are not allowed to access public funds, particularly health care services, public housing, and social security benefits and urges the State to review its "no recourse to public funds" policy.

- Combating multiple discrimination, in particular against immigrant and ethnic minority women

## **Gender Mainstreaming in European Union**

### **1. The Treaties**

#### **Equal pay in the Treaty of Rome (1957)**

The first provision on gender equality in the early European Community Treaty was article 119 of the Treaty of Rome, which introduced the principle of equal pay for women and men for equal work. This principle was used extensively by the European Court of Justice to ensure equality between women and men in employment in general.

#### **Gender equality reinforced in the Treaty of Amsterdam (1997)**

In 1997, equality between women and men, extending beyond the issue of pay, was introduced for the first time into the European Treaties as a one of the objectives and mission of the European Union (articles 2 and 3 TEC). Article 13 of the same Treaty, which is the general anti-discrimination clause, also makes reference to discrimination on grounds of sex and can be used as a legal basis for proposing further European legislation (directives). Article 141 TEC (ex article 119) allows for further European legislation on gender equality in employment, it contains a reference to equal pay for women and men for equal work or work of equal value and it introduces positive action measures to achieve this.

### **2. The directives**

Directives are "laws" adopted at European level, which must be transposed into national legislation in the Member States (a national law that contravenes a Directive must be changed).

The main **Directives on equality between women and men** are:

- Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of **equal pay for men and women**
- Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. Amended by the Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002
- Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of **equal treatment for men and women in matters of social security**
- Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of **equal treatment between men and women engaged in an activity,**

**including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood**

- Council Directive 92/85/EEC of 19 October 1992 on the introduction of **measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding**
- Council Directive 96/34/EC of 3 June 1996 on the framework agreement on **parental leave** Burden of proof in cases of sex discrimination (1998)
- Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of **discrimination based on sex**
- Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on **part-time work**
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for **equal treatment in employment and occupation**
- Council Directive 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the **principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions**
- 
- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of **equal treatment between men and women in the access to and supply of goods and services**

### **Key Documents**

#### **European Roadmap for equality between women and men 2006-2010**

On the 3 of March 2006, the European Commission issued its Roadmap for equality between men and women laying down Commission's activities in this field for 2006-2010. This Roadmap describes six fields of priority action for the EU in terms of gender equality:

- 1) equal economic independence for men and women;
- 2) reconciliation between professional life and private life;
- 3) equal representation in decision-making;
- 4) the eradication of all forms of violence and trafficking in human beings based on gender;
- 5) elimination of gender stereotypes within society;
- 6) the promotion of equality between the sexes outside the EU. The European Commission also produced a mid term progress report on the Roadmap in 2008.

## **Equality between women and men- 2009**

Every year the Commission produces a report on the status of equality between women and men, including main developments, gender gaps, policy and legislative developments and challenges.

### **Key groups**

#### **The European Parliament**

1. **Committee on Women's Rights and Gender Equality** can act through its own initiative in producing reports and through its legislative role for the adoption of legislation in the area of gender equality. However, the Committee on Women's Rights' existence is regularly called into question
2. The **High Level Group on Gender Equality** was created within the European Parliament, in order "to ensure that the European Parliament takes into account the issues of gender mainstreaming and equal opportunities in all the policy areas which are debated in its committees".

#### **The Council of Ministers**

1. The **Council of Ministers of Social Affairs** is responsible for matters related to equality between women and men. There is no specific Council of Ministers for equality between women and men

#### **The European Commission**

1. Within the European Commission, gender equality policies are mainly the responsibility of the Commissioner and **Directorate General for Employment, Social Affairs and Equal Opportunities**.
2. **Group of Commissioners on Equal Opportunities** in 1996. The Group was initially dealing specifically with gender equality but since 2005, it is called Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities and its remit comprises anti discrimination and equal opportunities in general.
3. The **European High Level Group on Gender Mainstreaming**, one of the main tasks of the Group is to proactively support presidencies in identifying policy areas and topics relevant to address during a European Council. The Group is also the main forum for planning the strategic follow-up of the Beijing Platform for action, including the development of indicators in areas which are not covered by the European co-operation.
4. The **Advisory Committee on Equal Opportunities for Women and Men** is composed of representatives from national state administrations and of social partners and of the European Women's Lobby as observer. Its remit is to help the Commission formulate and implement Community measures aimed at promoting equal opportunities for women and men and to encourage the continuous exchange of information between its members.
5. The **Unit Equality between Women and Men**, located in the European Commission Directorate General for Employment and Social Affairs is in charge of implementing European gender equality policies and strategies.

6. The Unit dealing with "**Equality, Action against Discrimination: Legal Questions**" ensures the effective transposition and implementation of Community legislation and initiates new legislative proposals if necessary. Awareness raising is an important aspect of the effective implementation of gender equality legislation.

### **Creation of a European Gender Institute**

The Draft Regulation establishing the future European Gender Institute was adopted by the European Commission in March 2005, it contains rules on the role, structures and budget of future Institute, budget 52.5 million for 2007 to 2013. The European Parliament adopted its report in Plenary on 14th March 2006 and political agreement was reached in Council on 02.06.2006. The Board of administration of the Institute was nominated in the summer 2007.

For more information:

Council of Europe- [www.coe.int/T/E/Human\\_Rights](http://www.coe.int/T/E/Human_Rights)

European Women's Lobby- [www.womenlobby.org](http://www.womenlobby.org)

European Commission- [www.ec.europa.eu](http://www.ec.europa.eu)

Parliament

[www.europarl.europa.eu:80/activities/committees/homeCom.do?language=EN&body=FE](http://www.europarl.europa.eu:80/activities/committees/homeCom.do?language=EN&body=FE)  
MM

