



**Equality and
Human Rights
Commission**

Submission of the Equality and Human Rights Commission, A status National Human Rights Institution for the United Kingdom of Great Britain and Northern Ireland on the list of issues for the Convention on the Elimination of Discrimination against Women (CEDAW) Committee pre-sessional working group meeting

October 2012

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Summary List of Questions for the Committee

Theme 1: UK Approach to Tackling Discrimination and Advancing Gender Equality

Equality Law

1. The Committee may wish to ask the Government how it will demonstrate due regard to women's equality and strengthen compliance with CEDAW across the UK (United Kingdom), given the variation in equality duties across the country, its decision not to produce statutory guidance, and the forthcoming review of the Public Sector Equality Duty (PSED).

CEDAW rights across the UK

2. The Committee may wish to ask how, given the UK Government's obligation to implement CEDAW, devolution and the localism agenda may affect progress, and what steps the Government is taking to ensure that all other levels of government are aware of and compliant with the UK's CEDAW obligations, and the principles of sex equality and non discrimination.

National Machinery for Women's Equality

3. The Committee may wish to ask the Government how it has evaluated the effect of the reductions in resources available to the UK's national machinery for women's equality, such as the abolition of the WNC (Women's National Commission), both institutional and financial.

Public Service Agreements

4. The Committee may wish to inquire to how monitoring of gender mainstreaming and public accountability on gender equality will be measured and improved in the context of the termination of these instruments.

Access to justice

5. The Committee may wish to ask the Government what steps it is taking to both monitor and mitigate the impact on women's access to justice of its changes to legal aid and to the cost of applying to an employment tribunal.

Women on boards

6. The Committee may wish to welcome progress and ask the Government what pace and level of change it expects the voluntary approach to achieve and what steps it will take should this be insufficient. The Committee may wish to explore with the Government how far the recommendations in the Davies report have been implemented, and how it is monitoring whether its own government-led initiatives have had an effect.

Theme 2: Women's economic independence

Migrant Women Workers

7. The Committee may wish to ask the Government what steps it is taking to ensure that the relevant regulatory bodies (eg the Gangmasters Licensing Authority and the Health and Safety Executive) are enforcing the law and adequately protecting migrant women workers from exploitation and discriminatory treatment.

Gender pay gap

8. The Committee may wish to ask the Government how organisations are responding to their call for voluntary gender equality reporting and whether they are considering any further measures to tackle the persistent educational and occupational gender segregation that are major contributory factors to the gender pay gap.

Flexible work and childcare

9. The Committee may wish to ask the Government how it is monitoring the gap between the demand for flexible work and affordable, high-quality childcare, and the available supply; and what they are doing to close those gaps, in particular for disabled and disadvantaged children.

Welfare benefits

10. The Committee may wish to ask how the Government is going to monitor the impact on women's economic independence of the move to universal credit.

Theme 3: Violence against women and girls

Support Services for women

11. The Committee may wish to ask the Government how it intends to monitor the provision of local specialised support services to women and girls who have suffered from violence to ensure that women and girls have equal access to services wherever they live in the UK and what action it will take if those services are not so extended because of local decisions on funding.
12. The Committee may wish to ask what steps the Government is taking to ensure that national government commitments to provide support services for women are reflected in local decisions. What is being done to ensure that decision makers understand the concept of substantive rather than formal gender equality, and are aware of both the lawfulness and legitimacy of women-only services? The Committee may also wish to explore how the market for commissioning services can be structured to ensure the provision of specialist women's services.

Female Genital Mutilation

13. The Committee may wish to ask about the absence of prosecutions. What concrete steps are being taken to encourage prosecutions? How are communities being supported to abandon the practice particularly by empowering women leaders within communities? How do you measure the effectiveness of this support? What has the Government learnt from initiatives in other countries with practising communities, which could be applied in the UK?

Gypsy and traveller women

14. The Committee may wish to ask what steps the Government is taking to ensure that Gypsy and Traveller women have adequate access to health services, especially antenatal, obstetric and maternal health services

Women in prison

15. The Committee may wish to ask the Government what steps are being taken to reduce the numbers of women still being sent to prison for minor offences? What further steps are being taken to implement the recommendations of the Corston report? What steps are

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being taken to improve mental health services for women in prison, and to divert women with mental health problems away from custody into therapeutic care?

Trafficking in women

16. The Committee may wish to ask how the Government is evaluating the effectiveness of the support given to trafficking victims and what the results of that evaluation are; and when it expects to sign and ratify the ILO (International Labour Organisation) Domestic Workers Convention. The Committee may also wish to ask what steps the Government is taking to implement the EU (European Union) Directive on trafficking in human beings and when it will ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

No Recourse to Public Funds

17. The Committee may wish to ask how the Government intends to protect the human rights of women who continue to be excluded from access to public funds by the terms of their entry to the UK, but who are thereby inadequately protected against violence.

Theme 4: Monitoring Women's Equality - Data Gaps

18. The Committee may wish to ask the UK Government to comment on the impact that the reduction in statistics may have on its ability to analyse the impact of its policies on women and on intersectional inequality, including ethnicity, migration status, disability, sexuality and age. The Committee may also wish to explore how useful the Government expects the measurement frameworks being developed by the Commission to be for assessing the UK's compliance with CEDAW, and to outline its plans for strengthening the evidence base on which the measurement framework relies.

19. The Committee may also wish to ask how the Government intends to improve official statistics so that it can effectively monitor the effect on women in the Gypsy and Roma community of all policies, for example, on housing, violence against women and girls, health, disability and caring in particular.

Introduction and overview

1. The Equality and Human Rights Commission (the Commission) is a statutory body set up under the Equality Act 2006 with powers and duties to promote progress on human rights and equality. The Commission is the 'A status' accredited National Human Rights Institution (NHRI) for Great Britain and as such we monitor compliance with international human rights treaties. The Scottish Human Rights Commission, which also has 'A status' accreditation has jurisdiction with respect to matters that are devolved to the Scottish Parliament. However, by agreement, we report on implementation of CEDAW in Scotland. The Commission's remit does not extend to Northern Ireland, which is therefore out of the scope of this report. The Equality Commission for Northern Ireland will be presenting a separate submission.
2. The Commission welcomes the opportunity to make submissions to the Committee on UK compliance with CEDAW. This is our submission on the list of Issues on which to examine the UK Government in July 2013. We intend to submit a shadow report on the status of women in Britain shortly before this date.
3. The Commission notes that since the last UK examination the CEDAW Committee has adopted three new General Recommendations¹ on Women Migrant Workers, Older Women and the core obligations of signatory states under CEDAW. We anticipate that the Committee will want to focus its examination on some of these.
4. The Commission welcomes the Government's 7th report to CEDAW, and we recognise the efforts that have been made to promote women's equality since the last periodic review. Notwithstanding these achievements, the Commission considers that there is significant scope for improvement in a number of areas that we have focused on during the review process. However, we wish to place on record our appreciation of the areas where progress has been made.
5. Since the Government's report was submitted, the impact of the economic recession has deepened. Reducing the fiscal deficit was a declared priority for the incoming coalition Government in 2010. The austerity measures taken since then have been targeted at the public sector and have had a particular impact on women. Over 40 per cent of employed women work in the public sector, compared with 15 per cent of employed men,² making women much more vulnerable to reductions in public sector employment. Women's unemployment has increased since 2011, and the increase has been particularly marked for older women (aged 50+).³ In addition, a greater proportion of women than men are reliant on

¹ General Recommendation No. 26 Women Migrant Workers (forty-second session, 2008); General Recommendation No. 27 Older women and protection of their human rights (forty-seventh session, 2010); General Recommendation No. 28 The Core Obligations of States Parties under Article 2 of CEDAW (forty-seventh session, 2010)

<http://www2.ohchr.org/english/bodies/cedaw/comments.htm>

² Equality and Human Rights Commission, How Fair Is Britain. First Triennial Review. (EHRC, 2010), <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/online-summary/employment/>

³ Office for National Statistics, Labour Market Statistics Data Tables August 2012, Table A05 <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-222507>

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some public health and social care services, partly because of their lower incomes and their responsibility for caring for others.⁴

6. The Commission welcomes the implementation of the Equality Act 2010 but is concerned that gender inequalities in the enjoyment of the right to education and employment (amongst other areas) persist, and that public expenditure cuts may regress the realisation of these rights. The Commission is working to ensure that there should be no regression on equality protections in the context of austerity measures and regulation reforms, and that financial decisions made by Government are fair and in accordance with the Public Sector Equality Duty (PSED).⁵
7. In general terms, the Commission notes that much of the Government's (75 page) periodic report comprises descriptive policy narrative. We are concerned that the report includes little specific data on the impact of policies and initiatives on women's substantive equality. A considerable amount of the report is devoted to the Government's work promoting gender equality in other countries and therefore is not relevant to its compliance with its domestic obligations under CEDAW.
8. We address some specific areas thematically throughout this document, following broadly the format of the Government's report. We welcome the various thematic shadow reports being submitted to the Committee by UK (United Kingdom) NGOs (Non-Governmental Organisations), including the shadow report on Older Women being submitted by the Older Women's Network, and have aimed, where possible, to avoid covering the same ground. Where relevant, we have prefaced our comments on issues with references to the Committee's general recommendations or from its concluding observations from its last examination of the UK.

Theme 1: UK Approach to Tackling Discrimination and Advancing Gender Equality

(CEDAW Art 1-4, 7-9 tackling discrimination and advancing gender equality)

Equality law

In its concluding recommendations in 2008 (paragraph 261) the Committee repeated its previous recommendation for all rights under CEDAW to be incorporated into domestic law; and asked for the PSED to be brought into law right across the UK (paragraph 265).

9. Since the last examination, most of the Equality Act 2010 has been brought into law in Great Britain (not Northern Ireland). We welcome the fact that the Act brings together for the first time all the legal requirements on equality that the private, public and voluntary sectors need to follow. The Commission issued three new statutory Codes of Practice on the operation of the Act, covering respectively Employment, Equal Pay, and Services, Public Functions and Associations. These Codes provide authoritative guidance on the law and on good practice, and the application of the Act to gender inequalities.

⁴ Her Majesty's Treasury, Overview of the Impact of the Spending Review on Equalities (2010), http://cdn.hm-treasury.gov.uk/sr2010_equalities.pdf

⁵ EHRC, Making fair financial decisions: an assessment of HM Treasury's 2010 Spending Review conducted under section 31 of the 2006 Equality Act (EHRC, 2012).
http://www.equalityhumanrights.com/uploaded_files/Inquiries/s31exec_summary_final.pdf

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10. The new single PSED came into force on 5 April 2011 and covers all the protected characteristics, replacing the separate gender, race and disability duties.⁶ The Commission regards this duty as an essential and innovative measure for advancing equality. The *general* duty on public authorities (and those exercising public functions) to “have due regard to the need to eliminate discrimination ... (and) advance equality of opportunity”⁷ applies across Great Britain. However, the *specific* duty regulations are different in England, Wales and Scotland. In England, unlike in Scotland and Wales, the specific duty requirements have no explicit gender component.⁸
11. This represents a regression in the framework for monitoring and compliance of promoting gender equality for women in England, where the majority of the UK population lives, as the previous Gender Equality Duty placed specific duties on listed authorities to: publish a gender equality scheme including gender equality objectives which had to address the causes of any gender pay gap; gather and use information on how their policies and practices affect gender equality in the workforce and in the delivery of services; consult stakeholders (i.e. employees, service users and others, including trade unions) and take account of relevant information in order to determine their gender equality objectives; assess the impact of their current and proposed policies and practices on gender equality; implement their scheme within three years, report against it every year and review it at least every three years.
12. Specific equality duties were introduced in Scotland⁹ which require listed public bodies to report progress every two years; to publish every four years a set of equality outcomes which they consider will enable them to better perform the equality duty; to assess the equality impact of applying a proposed new or revised policy or practice, and review any policy or practice to ensure that it complies with the equality duty. A listed authority with 150 or more employees must publish information on its gender pay gap and publish its policy on equal pay and information on occupational segregation. In awarding contracts, it must have regard to the equality duty. Scottish Ministers must publish proposals every four years for activity to enable a listed authority to better perform the general equality duty.
13. Similar specific duties were introduced in Wales¹⁰ in 2011 covering key areas of gender mainstreaming, and requiring public bodies to take action in the following areas: setting equality objectives and strategic equality plans, engagement, assessing impact, equality data, employment data, pay differences, staff training, procurement, annual reporting, publishing, review and accessibility. There is also a duty on ministers to report progress every four years. These reports must set out an overview of the progress made by public authorities in Wales towards complying with the general duty and proposals to coordinate action by public authorities in Wales to bring about further progress on the general duty.

⁶ S.149 Equality Act 2010: The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

⁷ For the full text of the general duty see <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

⁸ EHRC, The essential guide to the public sector equality duty. Revised (second) edition. (EHRC, 2012) http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/essential_guide_update.pdf

⁹ EHRC, Essential guide to the public sector equality duty: A guide for public authorities (Scotland). (EHRC, 2012). <http://www.equalityhumanrights.com/scotland/public-sector-equality-duty/non-statutory-guidance-for-scottish-public-authorities/>

¹⁰ EHRC, Annual reporting, publishing and Ministerial duties: A guide for listed public authorities in Wales (EHRC, 2011). http://www.equalityhumanrights.com/uploaded_files/Wales/PSED_Wales_docs/8._psed_wales_annual_reporting_publishing_and_ministerial_duties.pdf

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14. The Commission is producing technical guidance on the PSED for England that provides formal, authoritative, and comprehensive legal interpretation of the PSED and its application across public services and functions, although it is non-statutory. Although the Commission has the power to issue statutory codes of practice, it is reliant on the Government to lay codes before Parliament and the Government declined to do so in this instance.
15. In May 2012, the Government announced that it would bring forward its planned review of the PSED, to determine whether it is working as intended. The Commission will be engaging with the review and will make submissions to it, including the findings of our review of England's public authority performance of their duty to publish equality information.¹¹ The Commission considers that in addition to compiling the necessary baseline material, the review should include qualitative work, identifying case studies that reveal where the PSED has made a positive difference. It will also be important to focus on any conclusions in the evidence and to take into account the differences between England, Scotland and Wales.

The Committee may wish to ask the Government how it will demonstrate due regard to Women's equality and strengthen compliance with CEDAW across the UK, given the variation in equality duties across the country; its decision not to produce statutory guidance, and the forthcoming review of the PSED.

CEDAW rights across the UK

The Committee repeats its recommendation of 1999, calling for a unified national strategy to implement CEDAW across the UK in a consistent and coherent manner across its territory, and establish effective coordination and monitoring mechanism on implementation, and to report back in the UK's 7th report (paragraph 261)

16. There is no unified national strategy to implement CEDAW in the UK; however, the Government's national equality strategy, "Building a Fairer Britain", published in 2010, "sets out the Government's commitment to tackling the barriers to equal opportunities and social mobility." Separate strategies exist in Wales and Scotland. Devolution means responsibility for delivery is spread across different levels of government, under a national legislative and policy framework. The emphasis on localism means that funding for many programmes is determined by Local Government.
17. As a consequence of this, women in some parts of the UK enjoy a greater promotion of gender equality than others. We are concerned that, across the UK, there may not be sufficiently developed commitment and leadership, co-ordination of strategies, and systematic monitoring of outcomes. These geographical inconsistencies could hamper overall national progress on the realisation of rights guaranteed by CEDAW. We note that decentralization of power and decision making should not detract from the responsibility of Central Government to fulfil its obligations to all women within its jurisdiction.¹²

The Committee may wish to ask how the UK Government's obligation to implement CEDAW, devolution and the localism agenda may affect progress, and what steps the Government is taking to ensure that all other levels of Government are aware of and

¹¹ This forthcoming publication will be available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/monitoring-and-enforcement/#Monitoring>

¹² Para 39 General Recommendation No. 28, CEDAW/C/2010/47/GC.2

compliant with the UK's CEDAW obligations, and the principles of sex equality and non discrimination.¹³

National Machinery for Women's Equality

The Committee recommends that the State party take the necessary steps to ensure that national machinery for the promotion of equality continues to give priority attention to gender equality and discrimination against women... sufficient resources, both human and financial resources, should be allocated in order to continue and strengthen gender-specific activities and programmes (paragraph 271)

18. Since the last periodic report, the Government Equalities Office (GEO), previously a dedicated Government department has become a unit within the Home Office.¹⁴ The GEO and its antecedents have been moved eight times in the last sixteen years.¹⁵ The Women's National Commission (WNC), the only UK-wide machinery dedicated to women's equality, which used to coordinate the UK's independent shadow report to CEDAW, has been abolished. The Welsh Women's National Commission (WWNC), which fulfilled a similar advisory function in Wales, lost its funding from the Wales Assembly and closed down. It is welcomed, however, that last year the Women's Equality Network Wales secured funding from the Welsh Government to become Wales' Network for Women.
19. The Commission itself has a statutory duty to monitor and promote equality for women and much of our work is referenced in this report. The constraints resulting from the current reduction in the Commission's budget make it all the more necessary for the Commission to adopt a strategic approach to its work. Meanwhile the Commission welcomes the Government's commitment to preserve our independence.

The Committee may wish to ask the Government how it has evaluated the effect of the reductions in resources available to the UK's national machinery for Women's equality, such as the abolition of the WNC (Women's National Commission), both institutional and financial.

The Committee welcomes the introduction of Gender Equality Public Service Agreements (PSAs) (para 255).

20. PSAs were highlighted in the 7th state report as examples of useful mechanisms to drive and monitor equality objectives. However, the Government has now terminated PSAs, including the Equality PSA.¹⁶

¹³ See para 17 General Recommendation No. 28, CEDAW/C/2010/47/GC.2.

¹⁴ <http://www.homeoffice.gov.uk/equalities/equality-government/>

¹⁵ Parental departments were: Department for Education and Employment, 1996; Department of Work and Pensions, 1997; Cabinet Office, 1999; Department of Trade and Industry, 2002; Department of Communities and Local Government, 2005; Government Equalities Office, 2007; Home Office, 2010.

¹⁶ The Equality PSA which was adopted by the government in 2008 set the following key objectives to achieve greater equality by 2011: a reduction in the pay gap for women; improved choice and control for disabled people; greater participation in public life for disadvantaged groups; a reduction in workplace discrimination and a better understanding of and ability to measure fair treatment in the delivery of public services. See Government Equalities Office, Delivering the Equality PSA: 2008-2011 (GEO, 2008)

http://www.lawcentres.org.uk/uploads/PSA_Delivery_Plan_09.08_.pdf

The Committee may wish to inquire as to how gender mainstreaming and public accountability on gender equality will be measured and improved in the context of the termination of these instruments.

Access to Justice

21. Providing a system of legal aid is a significant part of how Britain meets its obligations to protect the right to a fair trial and the right to equality, liberty and security. Changes to legal aid run the risk of weakening this.
22. Article 6 of the European Convention on Human Rights (ECHR) requires free legal assistance to be provided for defendants in criminal proceedings who need legal representation and have insufficient means to pay for it themselves. In civil cases, the right to a fair hearing may require the state to provide legal aid for complex matters or where someone would have difficulty with representing themselves.
23. Calls to the Community Legal Advice Helpline¹⁷ show that in the area of family law, approximately twice as many women as men seek advice. The availability of legal aid is particularly important for women, who are more likely than men to be living on low incomes or in poverty and are less able to access credit and less likely to own assets. Women experiencing violence may need advice on non-molestation or occupation orders, the division of assets and debt following relationship breakdown, rights to the family home, arrangements for child contact and residence and child maintenance. Women separating from their partners may need advice on housing, debt and welfare benefits, and child support.
24. Women at risk from specific forms of violence that disproportionately affect black, minority ethnic and refugee women (such as forced marriage, dowry-related violence and female genital mutilation) may need specialist legal advice on these issues. Women with an insecure immigration status may face additional difficulties in accessing life-saving services.¹⁸
25. Changes to legal aid contained in the Legal Aid, Sentencing and Punishment of Offenders Act 2010-12 could limit women's access to legal advice and services in areas of civil law and for criminal cases. The Government rightly accepts the need for the legal aid system to provide support for women to obtain domestic violence injunctions (non-molestation, occupation orders, restraining orders and forced marriage protection orders).
26. On the wider question of legal aid for family law cases where domestic violence is alleged, the Commission is also pleased that the Government modified its original proposals to limit access to legal aid to those who could show evidence of domestic violence through engagement with the criminal justice system (for example, the criminal conviction of a perpetrator, or the existence of a protective injunction). As most women still do not report domestic violence to the criminal justice system, and those who do continue to have mixed experiences, this condition would have excluded many women. Medical evidence or evidence that a woman is in a refuge will now also be accepted as evidence that domestic violence has occurred.

¹⁷ CLA Helpline 2010-2011, 8,686 calls were from men; 15,528 from women. See Legal Services Commission, Equality and Diversity Information for Community Legal Advice Helpline 2010-2011 (Legal Services Commission, January 2012). http://www.legalservices.gov.uk/docs/about_us_main/LSC-Equality-and-Diversity-Information-about-CLA-Users-Jan-2012.pdf

¹⁸ Rights of Women, Women's Access to Justice: a research report (Rights of Women, 2011). http://www.rightsofwomen.org.uk/pdfs/Policy/Womens_access_to_Justice-a_research_report.pdf

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27. The Commission notes that some women may be reluctant to seek medical help, especially if they do not trust their doctor to respect confidentiality. This has been shown to be the case for some women in tight knit ethnic minority communities.¹⁹ Also, the vast majority of women who approach organisations like Women's Aid do not enter their refuges, but are supported in other ways. The Commission therefore believes that other evidence should also be accepted for access to legal aid in cases involving domestic violence allegations. In addition, the Commission notes that the Government intends to impose a 24 month limit on entitlement in such cases, although domestic violence by definition is characterised by a long-term pattern of coercive control which may continue over many years.
28. Regulations setting out the specific qualifying criteria in domestic violence cases are due to be presented as secondary legislation in the autumn of 2012. The impact of the regulations will need to be assessed for their impact on women's access to legal protection.
29. In relation to access to justice for sex discrimination and harassment at work, the introduction of fees for Employment Tribunals (ET) may have a disproportionate impact on women, as the Commission has pointed out.²⁰ Evidence in the Commission's 2010 report to Parliament 'How Fair is Britain?' (hereafter Triennial Review²¹) noted that in 2008, 13 per cent of British employees had personally experienced unfair treatment in the workplace in the previous 2 years, and that 7 per cent reported experiencing bullying, harassment or discrimination. More women than men reported unfair treatment: 16 per cent compared with 11 per cent respectively.²² Complaints of sex discrimination and equal pay comprise 14 per cent of the total number of complaints lodged with the ET in 2009-10. Most (82 per cent) of these complaints were made by women.²³
30. Women are over-represented in lower income brackets so application fees may have a disproportionate impact on women's ability to bring a discrimination complaint. The proposed fee remission policy itself may be indirectly discriminatory against women because eligibility for assistance is assessed on household income, aggregating the claimant's income with her partner's.²⁴ Given that women are over-represented in lower income brackets, the effect of this is that proportionately more women than men may require the consent and financial co-operation of their opposite sex partner in order to bring a discrimination claim or indeed any work related claim. The Commission believes that consideration should be given to a fee system in which all unlawful discrimination claims would be exempt from fees.

¹⁹ Research funded by the Home Office showed that GPs within the Muslim community where respondents lived were not seen as reliable. It was perceived that GPs were liable to disclose confidential information about patients to their families. Women's National Commission, *She Who Disputes: Muslim Women Shape the Debate*, (Women's National Commission, 2006). http://www.mwnuk.co.uk/go_files/downloads/992754-shewhodisputesnov06.pdf

²⁰ EHRC, Response to consultation on charging fees in Employment Tribunals and Employment Appeal Tribunals. (EHRC, 2011) <http://www.equalityhumanrights.com/legal-and-policy/consultation-responses/response-to-consultation-on-charging-fees-in-employment-tribunals-and-employment-appeal-tribunals/>

²¹ Section 12 of the Equality Act requires the Equality and Human Rights Commission to monitor the progress that society makes towards becoming more equal, and to report findings to Parliament every three years. The EHRC report *How Fair Is Britain?* (EHRC, 2010) reports findings from the Fair Treatment at Work Survey 2008 and the other surveys mentioned.

²² EHRC (2010), *How Fair Is Britain?* (EHRC, 2010) <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/online-summary/power-and-voice/>

²³ Ministry of Justice, 'Charging fees in the Employment Tribunals and the Employment Appeal Tribunal – Initial Equality Impact Assessment', paragraph 20.4

²⁴ For an analysis of the effect of household means testing see Fran Bennett, *Gender and Benefits*, EOC Working Paper No. 30 (Equal Opportunities Commission, 2005) .

The Committee may wish to ask the Government what steps it is taking to both monitor and mitigate the impact on women's access to justice, changes to legal aid and the cost of applying to an employment tribunal.²⁵

Women in Public Life

31. The Commission's last survey on women in public life²⁶ indicates that at the current rate of progress it will take another 70 years to achieve an equal number of women directors in the FTSE 100²⁷ and another 45 years to achieve an equal number of women in the senior judiciary. It will take another 14 general elections to achieve an equal number of women members of the UK parliament (MPs).
32. Progress has been very slow, or in some cases, there has been regression since the last report in 2008. By 2011, women MPs increased from 19.3 per cent to 22.2 per cent, but the number of women who were Local Authority council leaders decreased slightly, from 14.3 per cent to 13.2 per cent.²⁸ Following the Cabinet reshuffle in September 2012, four members of the Cabinet were women, 16.7 per cent of the total. This compared with 26.1 per cent in March 2008.²⁹
33. Demonstrating the variability of progress across Britain, women members of the Scottish Parliament increased by one person between 2008 and 2011 from 34.1 per cent to 34.9 per cent, and although there was a decrease of three women members of the National Assembly for Wales from 46.7 per cent to 41.7 per cent in the same period, this remains a significantly higher proportion than elsewhere in the UK.
34. The Government has adopted temporary special measures to increase the number of women in Parliament, by extending until 2030 the provision allowing political parties to adopt women-only shortlists for parliamentary candidates.³⁰ Women's representation in the UK parliament rose significantly in 1997, primarily as a result of special measures, and has continued to rise slowly since, although still well below 25 per cent. The Scottish Parliament and Welsh Assembly are much closer to gender parity. In all three nations, local councillors are predominantly male.³¹
35. There was a slight reduction in the percentage of women in public appointments from 34.4 per cent in 2008 to 32.6 per cent in 2010/11. Increases in the percentage of women holding senior positions in the public and voluntary sector over the same period have generally been small, in the region of a few percentage points.³²

²⁵ Para 34 of CEDAW General Recommendation 28 requires States Parties to ensure that women can complain of discrimination and 'have recourse to affordable, accessible and timely remedies, with legal aid and assistance as necessary...' etc

²⁶ EHRC, Sex and Power 2011 (EHRC, 2011) <http://www.equalityhumanrights.com/key-projects/sexandpower/>

²⁷ The FTSE 100/250 is a share index of the 100/250 companies listed on the London Stock Exchange with the highest market capitalisation.

²⁸ EHRC, Sex and Power 2011 (EHRC, 2011) <http://www.equalityhumanrights.com/key-projects/sexandpower/>

²⁹ There are currently 24 full members of the Cabinet, including four women; seven others, including one woman, also attend Cabinet meetings but are not full members.

<http://www.parliament.uk/mps-lords-and-offices/government-and-opposition1/her-majestys-government/>. Data for 2008 are from EHRC, Sex and Power 2008 (EHRC, 2008) <http://www.equalityhumanrights.com/key-projects/sexandpower/>

³⁰ S.104 & s.105 Equality Act 2010.

³¹ EHRC, How Fair Is Britain? (EHRC, 2010) <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/online-summary/power-and-voice/>

³² EHRC, Sex and Power 2011. (EHRC, 2011) <http://www.equalityhumanrights.com/key-projects/sexandpower/>

Women on boards

36. In the largest listed companies on the London stock exchange, between 2008 and January 2012 the number of women on boards (executive and non-executive directors) increased from 11.7 per cent to 15.0 per cent in the largest 100 companies by market capitalisation (FTSE 100); and from 7.0 per cent to 9.4 per cent in the next largest 250 companies (FTSE 250). The figure for Executive Directors alone is lower, at 6.6 per cent in January 2012 within FTSE 100 companies.³³
37. The Government-commissioned Davies report³⁴ recommended that all Chairmen of FTSE 350 companies should set out the percentage of women they aim to have on their boards in 2013 and 2015. FTSE 100 boards should aim for a minimum of 25 per cent female representation by 2015.
38. In October 2011, a six month monitoring report was published.³⁵ FTSE 350 companies showed an increase in the percentage of women on boards from 12.5 per cent in 2010 to 14.2 per cent in September 2011, with 22.5 per cent of all appointments from March to September 2011 going to women (21 new female appointments overall). The report noted that the pace of change was too slow to achieve the targets suggested by the Davies Review. At that rate, women would account for only 18.0 per cent of Board members by December 2013, not the Davies Review target of 25 per cent, and 21.4 per cent of Board members by December 2015, not 23.5 per cent. However, Cranfield School of Management's Female FTSE Report, published in February 2012, notes that should the current momentum be maintained then women will make up a record 26.7 per cent of board members in FTSE 100 companies by 2015.³⁶
39. The 2012 Female FTSE Report also showed that between September 2010 and January 2012, the number of all male boards in the FTSE 100 had reduced from 21 to 11 and that women accounted for one in four new appointments in this period.³⁷
40. The Government is confident that the voluntary, business-led approach to increasing the representation of women is working so there is no need to follow the example of Norway and others³⁸ and legislate on this issue. The Davies report noted, however, that Government may need to introduce more prescriptive alternatives if the voluntary approach does not achieve significant change.

³³ Ruth Sealy and Susan Vinnicombe, The Female FTSE Board Report 2012 (Cranfield University, 2012). <http://www.som.cranfield.ac.uk/som/dinamic-content/research/documents/2012femalfse.pdf> 2008 figures are from the 2008 Female FTSE report:

<http://www.som.cranfield.ac.uk/som/dinamic-content/research/documents/ft2008.pdf>

³⁴ Department for Business, Innovation and Skills, Women on Boards (The Davies Report), (BIS, 2011)

<http://www.bis.gov.uk/assets/biscore/business-law/docs/w/11-745-women-on-boards.pdf>

³⁵ Ruth Sealy et al, Women on Boards - 6 month Monitoring Report (Cranfield University, October 2011)

[http://www.som.cranfield.ac.uk/som/dinamic-content/media/Research/Research per cent20Centres/Centre per cent20for per cent20Women per cent20Leaders/6 per cent20month per cent20monitoring per cent20report-final per cent20pdf.pdf](http://www.som.cranfield.ac.uk/som/dinamic-content/media/Research/Research%20per%20Centres/Centre%20per%20for%20per%20Women%20Leaders/6%20per%20month%20per%20monitoring%20report-final%20pdf.pdf)

³⁶ Ruth Sealy and Susan Vinnicombe, The Female FTSE Board Report 2012 (Cranfield University, 2012).

<http://www.som.cranfield.ac.uk/som/dinamic-content/research/documents/2012femalfse.pdf>

³⁷ Ruth Sealy and Susan Vinnicombe, The Female FTSE Board Report 2012 (Cranfield University, 2012).

<http://www.som.cranfield.ac.uk/som/dinamic-content/research/documents/2012femalfse.pdf>

³⁸ As a result of quota legislation, Norway has 40.1 per cent women on boards.

http://www.catalyst.org/file/725/qt_women_on_boards.pdf

From January 1 2010 listed companies in Finland must have at least one woman on the board.

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41. The Commission has published research on the role of executive search firms,³⁹ which play a key role in identifying and recruiting talent and could influence the number of women on boards, and the impact of the newly introduced Voluntary Search Code.⁴⁰
42. The research found that the Board appointment process remains opaque and subjective, and is typically driven by a corporate elite of predominantly male Chairmen who tend to favour those with similar characteristics to themselves. Non-executive director appointments are still informed by how much candidates 'fit' with existing Board members. Due to the male-dominated nature of corporate Boards, female candidates are often disadvantaged.
43. The Commission believes that there is need for greater transparency, professionalism, and rigour in the selection process. Selection criteria should be clearly set out, posts advertised openly and selection interviews conducted against competencies rather than experience to reduce the likelihood of shifting criteria and subjective judgements. Post-appointment, more attention should be given to induction to ensure that it is gender-inclusive.
44. Ongoing review of the impact of the Voluntary Search Code is needed to assess whether it needs to be revised and strengthened and whether it is driving the necessary change, or whether stronger measures are needed.

The Committee may wish to welcome progress and ask the Government what pace and level of change it expects the voluntary approach to achieve and what steps it will take should this be insufficient. The Committee may wish to explore with the Government how far the recommendations in the Davies report have been implemented, and how it is monitoring whether its own Government-led initiatives have had an effect.

Theme Two: Women's Economic Independence

(CEDAW Articles 10, 11, 13)

CEDAW general recommendation 28: The policy must identify women within the jurisdiction of the State party (including non-citizen, migrant, refugee, asylum-seeking, and stateless women) as the rights-bearers, with particular emphasis on the groups of women who are most marginalised and who may suffer from various forms of intersectional discrimination.

45. Women are still generally disadvantaged in employment and the labour market. In particular this applies to minority groups of women, for example ethnic minority women and disabled women, who can be doubly disadvantaged in relation to employment levels, pay gaps, job security, and harassment at work.⁴¹

³⁹ Elena Doldor et al, Gender Diversity on Boards: The Appointment Process and the Role of Executive Search Firms. EHRC Research Report No. 85.(EHRC, 2012). <http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-81/>

⁴⁰ The Davies report recommended that executive search firms should draw up a Voluntary Code of Conduct addressing gender diversity and best practice which covers the relevant search criteria and processes relating to FTSE 350 Board level appointments.

⁴¹ See EHRC, How Fair is Britain? (EHRC, 2010), Chapter 11 pp. 410, 415-416, 428, 443.

<http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/online-summary/power-and-voice/> For example ethnic minority women are clustered in an even narrower range of jobs than white British women, and disabled women are four times more likely than other employees to report being bullied.

Migrant women workers

46. In 2010, the Commission published the findings of its inquiry into recruitment and employment in the meat and poultry processing sector in England and Wales. The report⁴² revealed widespread mistreatment and exploitation of migrant and agency workers in the sector. Specifically, pregnant women were liable to be (unlawfully) dismissed and were denied the health and safety protection to which they were entitled. Migrant workers felt that employers and agencies expected them to put up with poor treatment, knowing that they had limited options. The Commission made recommendations designed to reduce the vulnerability of migrant women workers and improve standards in the industry. It has worked with the relevant industry bodies and regulators to achieve this. The Commission is currently reviewing the outcomes of the inquiry.
47. The Commission recommends that the Government sign the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

The Committee may wish to ask the Government what steps it is taking to ensure that the relevant regulatory bodies (e.g. the Gangmasters Licensing Authority and the Health and Safety Executive) are enforcing the law and adequately protecting migrant women workers from exploitation and discriminatory treatment.

The Gender Pay Gap

48. The main structural causes of the continuing UK gender pay gap are:
- Occupational segregation reflecting gendered traditions, stereotyping and educational pathways. This consists of vertical segregation where women are under-represented in senior jobs,⁴³ and horizontal segregation where for example women are under-represented in scientific occupations and manual trades
 - The undervaluing of work traditionally associated with, and done by, women
 - The 'motherhood penalty' which affects women's pay and opportunities for taking maternity leave and career breaks or the expectation that they will (and in its most extreme manifestation, is evidenced by the unlawful dismissal of pregnant women)⁴⁴
 - The 'part-time penalty', linked to the unequal gender division of childcare and domestic work and the poor quality and low pay of much part-time work
 - Direct and indirect discrimination in pay policies and practices
 - Lack of transparency in pay and pay systems which indirectly allows pay inequality to continue unchecked.
49. Men working full-time continue to have higher average hourly, weekly and annual earnings than women. Across the United Kingdom, in 2011 the mean full-time gender pay gap (the difference in percentage terms between the average earnings of women and men working full-time) was 14.8 per cent for hourly earnings excluding overtime, and 20.9 per cent for

⁴² EHRC, Inquiry into recruitment and employment in the meat and poultry processing sector (EHRC, 2010). <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-the-meat-and-poultry-processing-sectors/>

⁴³ Women hold only 1 in 3 managerial jobs in Britain. Office for National Statistics, Labour Market Statistics Data Tables (Excel Spreadsheets), May 2012. <http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/july-2012/table-emp08.xls>

⁴⁴ 1900 cases of unfair dismissal or detriment related to being pregnant or on maternity leave were lodged at the Employment Tribunal in 2011-12. Ministry of Justice, Annual tribunals statistics, 2011/12: 1 April 2011 to 31 March 2012 (Ministry of Justice, 2012). <http://www.justice.gov.uk/statistics/tribunals/annual-stats>

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gross weekly earnings.⁴⁵ The gap is wider in weekly than hourly earnings as men tend to do more hours of paid work. Men are also more likely to receive overtime and bonus payments.

50. The full-time gender pay gap is narrower for median than for mean hourly earnings (9.2 per cent in 2011 for median earnings, compared with 14.8 per cent for mean earnings). This is also the case for weekly earnings (17.3 per cent for median earnings, compared with 20.9 per cent for mean earnings). This reflects the impact of the very high earnings of some men, and the fact that men continue to dominate the highest paid occupations, while women predominate in the lowest paid.⁴⁶
51. There has been much less progress in closing the part-time women's pay gap (that is the difference in the mean hourly earnings of men who work full-time and women who work part-time) which was 34.5 per cent in 2011.⁴⁷ There are indications that there are a lack of choices for part-time workers where wages are artificially depressed either by the absence of alternative full-time work (for example, in Wales)⁴⁸ or by the absence of affordable, good quality childcare which would enable the primary carer (still usually a mother) to undertake full-time work.
52. The Commission's Triennial Review included evidence that the gender pay gap can be compounded by other aspects of inequality, although there is limited data on intersectional pay inequality. However, disabled women experienced a 22 per cent pay penalty compared to non-disabled men in 2004-07.⁴⁹ Age is a key variable in the gender pay gap: it is lowest for the under 30s, and grows with age. Women aged 40-49 experienced a 19 per cent penalty than men of the same age in 2011.⁵⁰
53. The full-time mean gender pay gap was widest in England and narrowest in Wales and wider in England than in Scotland in every year between 1998 and 2011. Within England, the widest gaps are to be found in London and the South East.⁵¹

The Committee recommended that the UK take proactive and concrete measures to eliminate occupational segregation (paragraph 40)

54. Although girls/ women now do better than boys/men in many areas of educational achievement there is still marked subject segregation and a chronic under-representation of

⁴⁵ Office for National Statistics, Annual Survey of Hours and Earnings 2011 (ONS, 2011); data are based on the 2000 Standard Occupational Classification and were published in November 2011.

http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm_per_cent3A77-235202 Data are based on For a detailed analysis of the gender pay gap, see David Perfect, Gender Pay Gaps. EHRC Briefing Paper No. 2 (EHRC, 2011). <http://www.equalityhumanrights.com/publications/our-research/briefing-papers/>

⁴⁶ The full-time gender pay gap in Scotland (mean earnings) was 10.7 per cent in 2011; the part-time gender pay gap was 32.1 per cent. Office for National Statistics, Annual Survey of Hours and Earnings 2011 (ONS, 2011). http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm_per_cent3A77-235202

⁴⁷ Office for National Statistics, Annual Survey of Hours and Earnings 2011 (ONS, 2011). http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm_per_cent3A77-235202

⁴⁸ Alison Parken and Adele Baumgardt, The Business Benefits of Equal Pay: Local Authority Case Study. (EHRC Wales, 2008).

⁴⁹ Simonetta Longhi and Lucinda Platt, Pay Gaps Across Equalities Areas. (EHRC Research Report, No. 9, 2008). <http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-1-10/>

⁵⁰ Office for National Statistics, Annual Survey of Hours and Earnings 2011. (ONS, 2011). http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm_per_cent3A77-235202

⁵¹ Office for National Statistics, Annual Survey of Hours and Earnings 2011 (ONS, 2011). http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm_per_cent3A77-235202

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girls and young women studying maths, science and technology. In 2009-10, 84 per cent of UK Higher Education students in Engineering and Technology were men, in Computer Science it was 82 per cent and in Architecture, Building and Planning it was 69 per cent.⁵² This is reflected in persistent gender patterns of occupational segregation, which is a key cause of the pay gap. Overall in 2011, women accounted for 77 per cent of Administrative and Secretarial posts and 81 per cent of Personal Services posts, but only 6 per cent of Professional Engineers, 16 per cent of ICT Professionals and 11 per cent of Architects, Planners and Surveyors.⁵³ Women continue to be under-represented in better paying, higher status managerial and professional occupations. In 2012, women held 35 per cent of managerial positions, and 44 per cent of professional jobs; they also held 51 per cent of associate professional jobs.⁵⁴

55. Full-time gender pay gaps are much wider in some occupations than in others. The gap in both mean (between 20 and 24 per cent) and median hourly earnings (between 20 and 25 per cent) was widest for managers and senior officials and for skilled trades in 2011. Among major industrial groupings, the full-time gender pay gap was widest for financial and insurance activities at 39-40 per cent for mean/median earnings.⁵⁵ The Commission's Inquiry into Sex Discrimination in the Finance Sector⁵⁶ showed that women working full-time earned up to 55 per cent less in gross annual salary than men, mainly due to the large bonuses paid to men, despite the fact that women and men entered the sector in equal numbers. 2011 data suggest that this substantial gap in annual earnings of women and men in this sector remains.⁵⁷
56. The Commission would like to see the adoption of a national strategic approach to tackle the structural causes of the gender pay gap described above, including initiatives to widen educational and employment opportunities for girls and women as well as direct support to employers to improve job evaluation, pay transparency and flexible work options.
57. The Government launched *Think Act Report*, a voluntary gender equality analysis and reporting initiative, in 2011. It is aimed at private sector and voluntary organisations employing at least 150 people. The Government is asking these businesses to undertake gender equality analysis and reporting on a voluntary basis. The UK Arbitration, Conciliation and Advisory Service (ACAS) has published start-up guidance on voluntary reporting, which refers people who need further information to the Commission.⁵⁸
58. There is an uncommenced provision in the Equality Act 2010 (s.78) which would give the Government the power to make regulations for compulsory reporting on their gender pay gap by employers with at least 250 employees.

⁵² Equality Challenge Unit, Equality in higher education: statistical report 2011, Part II (ECU, 2011).

<http://www.ecu.ac.uk/publications/files/equality-in-he-stats-11-part-2-students.pdf/view>

⁵³ Office for National Statistics, Labour Force Survey, Employment status by occupation, April-June 2011

<http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/july-2012/table-emp16.xls>

⁵⁴ Office for National Statistics, Labour Market Statistics Data Tables (Excel Spreadsheets), May 2012.

<http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/july-2012/table-emp08.xls>

⁵⁵ Office for National Statistics, Annual Survey of Hours and Earnings 2011. (ONS, 2011).

http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm_per_cent3A77-235202

⁵⁶ EHRC, Financial Services Inquiry: Follow Up Report (EHRC, 2011).

http://www.equalityhumanrights.com/uploaded_files/Inquiries/fsi_follow-up_report.pdf

⁵⁷ Office for National Statistics, Annual Survey of Hours and Earnings 2011. (ONS, 2011).

http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm_per_cent3A77-235202

⁵⁸ Office for National Statistics, Annual Survey of Hours and Earnings 2011. (ONS, 2011).

http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm_per_cent3A77-235202

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59. In June 2012, the Government announced that it will introduce legislation in 2013 to require an employment tribunal to order an equal pay audit in cases where an employer loses an equal pay claim. The Commission supports this proposal, although it should be noted that only 1 per cent of equal pay claims (or fewer) succeed at tribunal.⁵⁹
60. In May 2012, the European Parliament passed a detailed equal pay resolution that calls for Member States to ensure their legislation is effective, and makes a number of proposals including for increased focus on job evaluation, for Governments to appoint an Equal Pay Champion, and for urgent action to address the part-time wage penalty.⁶⁰ The Commission believes that the resolution is a useful frame of reference to support further work in the UK.

The Committee may wish to ask the Government how organisations are responding to their call for voluntary gender equality reporting and whether they are considering any further measures to tackle the persistent educational and occupational gender segregation that are major contributory factors to the gender pay gap?

Part-time and flexible work

61. Research suggests that around half of part-time workers, who are mostly women, are in jobs below their potential, often because it is the only way they can combine work and caring.⁶¹ A recent survey found that female employees were more likely than male employees to report that flexible working was available in their workplaces (91 per cent, compared to 69 per cent); those working in female dominated industries were more likely to report this than those in male dominated industries.⁶² Full-time working is still seen as a prerequisite for career progression for parents.⁶³ Whilst this norm prevails, part-time workers will not be able to access promotion and men will be reluctant to reduce their hours.
62. A recent survey found that women, those with higher qualifications, those in managerial/professional occupations, public sector employees, trade union members or those whose pay and conditions were agreed between the employer and a union were most likely to report that flexible working was available. Part-time working was the most commonly available form of flexible working (reported by 80 per cent of employees), followed by temporarily reduced hours (56 per cent) and flexitime (48 per cent). Women are more likely to request a change to their working arrangements than men (28 per cent

⁵⁹ Ministry of Justice, Annual tribunals statistics, 2011/12: 1 April 2011 to 31 March 2012 (Ministry of Justice, 2012). <http://www.justice.gov.uk/statistics/tribunals/annual-stats>

⁶⁰ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0225+0+DOC+XML+V0//EN>

⁶¹ EHRC, Working Better: Meeting the changing needs of families, workers and employers in the 21st century, (EHRC, 2009). http://www.equalityhumanrights.com/uploaded_files/working_better_final_pdf_250309.pdf

⁶² Sarah Tipping et al, The Fourth Work-Life Balance Employee Survey, Employment Relations Research Series No. 122, (London: Department for Business, Innovation and Skills, 2012).

<http://www.bis.gov.uk/assets/biscore/employment-matters/docs/f/12-p151-fourth-work-life-balance-employee-survey> Flexible working in this survey included: annualised hours; compressed hours; flexitime; job sharing; part-time work; reduced hours for a limited period; term-time working; and working from home.

⁶³ Verity Campbell-Barr and Alison Garnham, Childcare: A Review of What Parents Want, (EHRC Research Report, No. 66, 2010). <http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-61-70/>

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compared to 17 per cent). Men are more likely than women to have their requests declined, as are full-time workers than part-time workers.⁶⁴

63. The Government has announced it will extend the right to request flexible working to all employees, which the Commission welcomes. The extension of the right would enable more people, including grandparents and workers with adult caring responsibilities, to manage their working and caring roles.⁶⁵ However, at the same time, the statutory procedure obliging the employer to consider a request will be removed and may weaken the right in a context where the employer may already refuse a request for flexible work based on business reasons.

Childcare

64. The UK has amongst the highest charges of any OECD (Organisation for Economic Cooperation and Development) country for childcare. The Commission notes the OECD view that cutting back on childcare services will make it difficult for the UK to achieve its policy aim of making work pay for all. The OECD's analysis shows that in the UK, before accounting for childcare, the cost of entering work for an average-wage family's second earner is lower than the OECD average. After accounting for childcare, over two-thirds of the family's second wage was effectively taxed away in 2008: a rate that was well above the OECD average (68 per cent in the UK compared to 52 per cent).⁶⁶ Moreover, in 2011, the Government cut support within the tax credit system from 80 per cent to 70 per cent of eligible childcare costs. This saved £335m in 2011-12, but meant that eligible families had to pay 30 per cent rather than 20 per cent of childcare fees – a 50 per cent increase.⁶⁷ This could contribute to an increase in the gender gap identified in the Commission's Triennial Review, that in 2009, mothers of children under the age of 16 were four times more likely than fathers to be economically inactive.⁶⁸

65. The Childcare Act 2006⁶⁹ requires Local Authorities in England and Wales to secure sufficient childcare for the needs of working parents in their area, for children up to age 14, and 18 in the case of children with a disability. Unfortunately, there are no routine and repeat surveys at national level that enable parental preferences and needs to be identified.

66. A review of childcare provision carried out for the Commission⁷⁰ found that despite increases in childcare places under the National Childcare Strategy, 93 per cent of Local Authorities reported gaps in childcare provision including: childcare before and after school, holiday care, provision for disabled children, childcare for parents working atypical hours,

⁶⁴ For further details see Sarah Tipping et al, The Fourth Work-Life Balance Employee Survey, Employment Relations Research Series No. 122, (London: Department for Business, Innovation and Skills, 2012). <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/f/12-p151-fourth-work-life-balance-employee-survey>

⁶⁵ Verity Campbell-Barr and Alison Garnham, Childcare: A Review of What Parents Want, (EHRC Research Report, No. 66, 2010). <http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-61-70/>

⁶⁶ OECD, Doing Better for Families (OECD, 2011). <http://www.oecd.org/dataoecd/61/32/47701096.pdf>

⁶⁷ HM Treasury, Budget 2011, Table 2.2 http://cdn.hm-treasury.gov.uk/2011budget_complete.pdf

⁶⁸ EHRC, How Fair is Britain? (EHRC, 2010) p.391

http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_ch11.pdf

⁶⁹ <http://www.legislation.gov.uk/ukpga/2006/21>

⁷⁰ Verity Campbell-Barr and Alison Garnham, Childcare: A Review of What Parents Want, (EHRC Research Report, No. 66, 2010). <http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-61-70/>

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and, in some places, care for children under two.⁷¹ In addition, smaller studies identified the importance of investigating supply at more localised levels within regions, as the supply was not always matched to where there was demand.⁷²

67. An annual survey carried out by the Daycare Trust⁷³ indicates large gaps in childcare provision in Britain. Their 2012 survey shows that 46 per cent of authorities in England report having enough childcare in their area to meet the needs of parents working full-time. This figure drops to just 12 per cent for parents working atypical hours. It would appear that the requirements of the Childcare Act are not being met by many English and Welsh Local Authorities.
68. The survey showed particular gaps in childcare for older children, while only 19 per cent of Local Authorities in England said they had enough childcare to meet the needs of parents in rural areas. No Local Authorities in Wales who responded to the survey, and only 10 per cent of those in Scotland, reported sufficient childcare in rural areas.
69. More than half of Local Authorities (51 per cent) did not believe they currently had enough childcare to fulfil the Government's commitment to extend the right to 15 hours of free early education to 40 per cent of two year olds from 2014.
70. In Scotland, there is no equivalent legal duty on Local Authorities to secure childcare. A 2007 study found that childcare supply and take-up varied across rural and urban locations, the proportion of families with babies using childcare in small, remote towns and remote rural areas being lower than in all other areas. Around three-quarters (74 per cent) of families in the least deprived areas indicated that they had regular childcare arrangements in place compared to 58 per cent of families in the most deprived areas.⁷⁴ Childcare for disabled children is both scarce and expensive, and care for children of disabled parents is an under-explored area of research. In the 2012 Daycare Trust survey, 12 per cent of Local Authorities in England said they had enough childcare to meet the needs of all disabled children compared with 15 per cent in Scotland and none of the Local Authorities who responded to the survey in Wales.⁷⁵
71. Children experiencing multiple disadvantages⁷⁶ have low levels of childcare use and yet arguably have the most to gain from it. Research from 2010 showed that the most multiply disadvantaged pre-school and school-aged children were less likely to receive formal childcare (including the 3/4 year-old free entitlement) and also less likely to receive care from grandparents.⁷⁷

<p>The Committee may wish to ask the Government how it is monitoring the gap between the demand for flexible work and affordable, high-quality childcare, and</p>

⁷¹ Office for Public Management, Reviewing childcare sufficiency assessments. Report for the DCSF. London: OPM, 2008.

⁷² Verity Campbell-Barr, 'Contextual Issues in Assessing Value for Money in Early Years Education', National Institute Economic Review, 207, 1 (2009): 90-101.

⁷³ Daycare Trust, Childcare costs survey (Daycare Trust, 2012). Available from the Daycare Trust.

⁷⁴ Simon Anderson et al, Growing Up In Scotland: Sweep I Overview Report. (Scottish Executive, 2007). <http://www.scotland.gov.uk/Resource/Doc/163083/0044329.pdf>

⁷⁵ Daycare Trust, Childcare costs survey (Daycare Trust, 2012). Available from the Daycare Trust.

⁷⁶ Multiple disadvantage is defined as those families who have five or more points of disadvantage (see Speight et al., 2010).

⁷⁷ Svetlana Speight et al, Families experiencing multiple disadvantage: their use of and views on childcare provision. DCSF Research Report No. 191. (NatCen/DCSF, 2010).

the available supply; and what they are doing to close these gaps, in particular for disabled and disadvantaged children.

Welfare benefits

72. The Government is reforming social security benefits with the stated aim of reducing welfare dependency. The reformed system will bring together into a single payment (called "Universal Credit") almost all the means-tested benefits and tax credits previously paid separately. In the case of couples, these rolled-up benefits will be paid monthly to one member of the household chosen by the couple (or into a joint account).
73. A key and legitimate aim of the reforms is simplification of the system, but a likely unintended consequence of making one payment to a single recipient on behalf of the whole family is a reduction in the amount of independent income received by women in poorer households. Statistics on income and poverty in the UK are commonly based on the level of the household, but research that has been done on intra-household income allocation questions the assumption that income entering a household is shared equally between the household members. Therefore measures may be needed to mitigate the possible exacerbation of the woman's economic disempowerment within a couple under Universal Credit, especially as this could make her more vulnerable to domestic violence.⁷⁸
74. The Commission's assessment⁷⁹ of Her Majesty's Treasury (Treasury) compliance with the PSEDs in the UK Government's Spending Review 2010 included aspects of welfare reform. The Commission found that ministers and officials had made a serious effort to meet their obligations under these duties. However, there was a lack of transparency in some of the decision-making and no department had responsibility for working out the cumulative impact on women of the measures proposed. Specifically with regard to the introduction of a household benefits cap,⁸⁰ there is no evidence of any gender analysis or equality screening of the measure provided to Treasury ministers before it was announced on 4 October 2010. Subsequent analysis showed that around 60 per cent of those likely to be affected would be single women, but only around 10 per cent would be single men. Most of the single women affected would be lone parents, because the vast majority of households affected by this policy (89 per cent) would have children.⁸¹

⁷⁸ Home Office research shows a link between poverty and vulnerability to violence. Women are 3½ times more likely to be subject to domestic violence if they find it impossible to find £100 at short notice, than if this was no problem. Sylvia Walby and Jonathan Allen, Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey. Home Office Research Study No. 276 (Home Office, 2004)..

⁷⁹ EHRC, Making fair financial decisions An assessment of HM Treasury's 2010 Spending Review conducted under Section 31 of the 2006 Equality Act, (EHRC, 2012) http://www.equalityhumanrights.com/uploaded_files/Inquiries/s31_final.pdf The assessment was conducted under Section 31 of the Equality Act 2006 to assess whether decisions were taken in accordance with the duties, whether improvements in the decision-making process were needed, and to propose ways to make future exercises more effective, more transparent, and better value for money by ensuring that spending is better targeted. See also paragraphs 123, 126 below.

⁸⁰ Measure as announced in the Spending Review para 161 'Cap household benefit payments from 2013 at around £500 a week for couple and lone parent households and around £350 a week for single adult households, so that no workless family can receive more in welfare than median after tax earnings for working households. All Disability Living Allowance (DLA) claimants, War Widows, and working families claiming the working tax credit will be exempt from the cap.' HM Treasury, Spending Review 2010 http://cdn.hm-treasury.gov.uk/sr2010_completereport.pdf

⁸¹ 'Department for Work and Pensions, Household Benefit Cap: Equality Impact Assessment', October 2011. <http://www.dwp.gov.uk/docs/eia-benefit-cap-wr2011.pdf> . Cited in EHRC, Making fair financial decisions An

75. Guidance provided by Treasury to departments did not address all of the obligations on public authorities under the Race, Gender and Disability Equality Duties, including the duty to promote equality of opportunity. In some cases ministers may have had inadequate information as to the potential impacts of their decisions.

The Committee may wish to ask how the Government is going to monitor the impact on women's economic independence of the move to universal credit.

Theme 3: Violence against Women and Girls

(CEDAW Article 6)

General Recommendation 19 makes it clear that violence against women and girls (VAWG) violates their rights under CEDAW. Violence against women and girls may also constitute torture as defined under the terms of the UN Convention against Torture. Rape, domestic violence, trafficking and female genital mutilation can be treated as a breach of human rights by the state because of a failure to protect victims or prosecute offenders.

76. VAWG is a cause and consequence of women's inequality. Its impact on many women's health and independence reduces their ability to work, and creates a cycle of economic dependence. Women's inequality limits their ability to escape from abusive relationships. It can make it more difficult for them to enforce their rights and more liable to be subject to sexual harassment and sexual violence. Disability, especially learning disability, can exacerbate this vulnerability.⁸² Women are much more likely than men to experience particular forms of violence such as rape, repeated/severe domestic violence or partner abuse, forced marriage and so-called 'honour' crimes, and are uniquely affected by female genital mutilation (FGM). Despite some improvements, under-reporting to the police is still a problem and high attrition rates in moving from report to prosecution and conviction give cause for concern.
77. While older people, who are mainly women, are generally less likely to be affected by violent crime, they are more likely to worry about it, while older and disabled people who experience domestic abuse by carers or relatives are particularly vulnerable to repeat occurrences. Research suggests that lesbians are more likely than straight women to have experienced sexual assault and domestic violence: they are also more likely than average to be worried about crime.⁸³
78. ***The Committee called for a national strategy on violence against women and girls, including training for parliamentarians, the judiciary and health workers/ police (para 281)***

assessment of HM Treasury's 2010 Spending Review conducted under Section 31 of the 2006 Equality Act, (EHRC, 2012) http://www.equalityhumanrights.com/uploaded_files/Inquiries/s31_final.pdf

⁸² Disabled people are often reliant on the person who is abusing them who may be their partner. This can leave them at risk of sexual violence and/or financial abuse. Research by Women's Aid Federation England shows that disabled women experience a greater need for services because of the abuse to which they are subject. Gill Hague et al, Making the links: Disabled women and domestic violence (Women's Aid Federation England, 2008). <http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200080001&itemid=1722>

⁸³ EHRC, How Fair is Britain? (EHRC, 2010) <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/online-summary/legal-and-physical-security/>

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79. In 2010 the Government launched its national strategy on VAWG, noting that in the previous year alone, there were over 1 million female victims of domestic abuse in England and Wales. Around 400,000 women are sexually assaulted and 80,000 women are raped each year. In the UK, more than one in four women will experience domestic abuse in their lifetimes.⁸⁴
80. The Commission appreciates the efforts of successive UK Governments in recent years to adopt a strategic approach on violence against women and girls. We welcome the new national strategy but regret that it does not include trafficking or prostitution, which are dealt with separately. Trafficking and prostitution are inextricably linked to unacceptable levels of vulnerability, coercion, exploitation, violence and abuse.⁸⁵ As the key benefit of the strategy is to apply a comprehensive, joined up approach to all aspects of violence against women and girls, it would be helpful to integrate these issues into the strategy.
81. The strategy has no central budget line attached to it, which limits and obscures the resources available to implement it. Resources must be allocated by individual departments out of their own budgets, which have been subject to cuts. Some departments, such as the Crown Prosecution Service, have developed their own groundbreaking strategies and programmes independently; other departments have demonstrated less engagement. A national strategy should bring greater consistency of approach and commitment across government.
82. In 2010, the Welsh Government published 'The Right to be Safe', the Welsh Government's integrated strategy for tackling all forms of violence against women and domestic abuse. The Commission welcomes the First Minister's announcement that the Welsh Government's legislative programme will include the 'Ending VAW and Domestic Abuse Bill'. Expected in 2013, this will place a statutory duty on relevant bodies to have a strategy and support elements in place.
83. The Commission notes with appreciation that the UK Government has signed the Istanbul Convention⁸⁶ on violence against women and recommends that it ratify without delay.
84. Prevention has been identified as a key objective of the Government's VAWG strategy. As such, the Department for Education is well placed to give a lead. However, the Department has decided to exclude personal, health and social education from the new mandatory schools national curriculum, which is where education on equal, non-violent relationships can be included. The Department's VAWGs Advisory Group, referred to in the UK's one year on report to CEDAW in 2009,⁸⁷ has been disbanded.

⁸⁴ <http://www.homeoffice.gov.uk/crime/violence-against-women-girls/strategic-vision/>

⁸⁵ Research shows high levels of client violence experienced by sex workers over the lifetime. In the six months prior to interview, 37 per cent had experienced some form of client attack. Streetworking prostitutes most often reported being 'slapped, kicked or punched' (47 per cent), 28 per cent reported 'attempted rape' (vaginal or anal). Of violence reported by indoor prostitutes, the most frequently reported was vaginal or anal 'attempted rape' (17 per cent). Marina Barnard et al, Client Violence Against Prostitute Women Working From Street and Off-Street Locations: A Three City Comparison (Economic and Social Research Council Report, 2005) <http://www.esrc.ac.uk/my-esrc/grants/L133251025/read>

⁸⁶ Opened for signature in May 2011, the Istanbul Convention is the first legally binding instrument in Europe to prevent and combat violence against women and domestic violence

⁸⁷ Response by the United Kingdom (UK) And Northern Ireland (NI) to select recommendations of the United Nations Committee On The Elimination Of All Forms Of Discrimination Against Women following the examination of the UK And NI's 5th And 6th Periodic Reports on July 10 2008, July 2009.

paragraph 31. <http://www2.ohchr.org/english/bodies/cedaw/docs/followup/UKFollowupRep2009.pdf>

85. Research suggests that attitudes that contribute to the perpetuation of violence against women and girls, including the construction of masculinity and male privilege, are developed during childhood. A 2010 survey of schoolgirls' experiences of sexual harassment in the classroom indicated both its prevalence and a failure by some teachers and schools to challenge it.⁸⁸ The Commission supports Ofsted's⁸⁹ recommendation that 'schools should ensure that their curriculum, including their personal, social and health education (PSHE) and citizenship curriculum systematically teaches pupils about all aspects of individual difference and diversity, including those related to appearance, religion, race, gender, sexuality, disability and ability'.⁹⁰

Sexual and domestic violence and the criminal justice system

86. Under-reporting of sexual and domestic violence to the criminal justice system is acute and persistent. Government figures from the British Crime Survey show that only around one in ten women who experienced serious sexual assault in the last year have reported it to the police.⁹¹ As a result, the prevalence of these crimes is underrepresented in official police recorded crime statistics. Research shows that this is mainly due to complainants' lack of confidence in the criminal justice system, including a fear that they may not be believed, and awareness that the chances of a conviction are low. Police reporting procedures vary from area to area. This is evidenced by wide variations between local areas in the rate at which rape complaints are recorded as "no crime" by the police, meaning that they decide no offence has taken place. The rate at which rape complaints are "no-crimed" varies between 2 per cent and 30 per cent of complaints. Allegations of rape are "no-crimed" four times as often as allegations of grievous bodily harm.⁹²

87. Since the Crown Prosecution Service adopted its own VAWG strategy the volume of prosecutions has risen year on year, from 68,930 in 2006-07 to 95,257 in 2011, a rise of 38 per cent. Convictions have also risen by 52 per cent, from 44,836 to 68,154. In 2010-11 alone there was an 11 per cent rise in the volume of both prosecutions and convictions. This is against an overall drop in the volume of cases heard at magistrates' courts of 3.6 per cent where the majority of VAWG crimes are heard.⁹³ It demonstrates that practices can be improved by adopting a strategic approach and with strong leadership.

⁸⁸ One in 3 girls aged 16 to 18 years has experienced unwanted sexual touching at school; one in three teenage girls has experienced sexual violence from a partner. End Violence against Women Coalition, A different world is possible (2011)

http://www.endviolenceagainstwomen.org.uk/data/files/resources/19/a_different_world_is_possible_report_email_version.pdf

⁸⁹ OFSTED – Office for Standards in Education, Children's Services and Skills, which inspects and regulate services which care for children and young people, and those providing education and skills for learners of all ages.

⁹⁰ OFSTED, No Place for Bullying (OFSTED, 2012) <http://www.ofsted.gov.uk/resources/no-place-for-bullying>

⁹¹ Philip Hall, 'Intimate Violence: 2009/10 BCS', in Kevin Smith et al, Homicides, Firearm Offences and Intimate Violence 2009/10 (Home Office Statistical Bulletin 01/11, 2011) <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb0111/hosb0111?view=Binary>

⁹² HMIC, HMCPsi, Forging the links: Rape investigation and prosecution, A joint review by HMIC and HMCPsi (2012).

http://www.hmcpsi.gov.uk/documents/reports/CJJI_THM/BOTJ/forging_the_links_rape_investigation_and_prosecution_20120228.pdf

⁹³ Crown Prosecution Service, Violence against Women and Girls Crime Report, 2010-2011, (Crown Prosecution Service, 2011), 4

http://www.cps.gov.uk/publications/docs/CPS_VAW_report_2011.pdf

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88. In Scotland, reported rapes rose by 19 per cent during the year 2011-12, and when attempted rapes are included there was a rise of 13 per cent in reported incidents of these crimes.⁹⁴ But this should be treated with caution as the new and wider definition of rape in the Sexual Offences (Scotland) Act, which came into force in December 2010, means that the rise in reported rape is likely to be at least in part due to the fact that some sexual crimes which would previously have been investigated as sexual assaults now constitute rape. This trend needs to be monitored further.
89. The Government estimates the economic cost of violence against women in the UK to be £37.6 billion annually⁹⁵, including police and court costs, health and housing costs and effects on people's work and employment. Specialist services which provide women and girls with support to leave violent and abusive relationships, navigate the criminal justice system and to recover and rebuild their lives, receive only a fraction of this in funding. Funding for specialist support and preventive services should be seen as an investment or an offset that would reduce the overall economic costs of this violence.
90. In its 7th periodic report, the UK Government describes the success of initiatives in reducing the attrition rates of VAWG cases, which is a key priority. These measures include the funding of independent sexual violence advocates (ISVAs) and independent domestic violence advocates (IDVAs) whose primary focus is working with women and girls to improve engagement with the criminal justice system. In addition, specialist domestic violence courts were established. In 2011 however, of eight major IDVA providers supporting 13,180 clients, two faced a total loss of funding, three faced cuts of 50 per cent, three of 40 per cent and two of 25 per cent.⁹⁶

Support services for women

91. The last three years have witnessed a considerable change in policies affecting the funding and commissioning of women-only services. Prompted by this, and by the concerns raised in the last CEDAW examination of the UK, the Commission conducted further research into the provision of specialist services for women. This shows a complex picture with many services experiencing difficulties in securing sustainable funding.⁹⁷
92. The UK Government has ring-fenced approximately £5 million per year (April 2011 – March 2015) to provide a range of specialist sexual abuse support services in England and Wales, delivered in the main by a network of Rape Crisis Centres.⁹⁸ Three year contracts for this

⁹⁴ Scottish Government (2012), 'Recorded crime in Scotland, 2011-12, Statistical Bulletin, Table A2, p.33.

⁹⁵ Justine Järvinen et al, New Philanthropy Capital Hard Knock Life: Violence against women, A guide for donors (New Philanthropy Capital, 2008)

www.philanthropycapital.org/publications/community/violence_against_women/default.aspx

Sylvia Walby, The Cost of Domestic Violence: Up-date 2009. (Lancaster University, 2009).

Sources cited in HM Government, The Equality Strategy - Building a Fairer Britain, (HM Government, 2010)

⁹⁶ Data from a poll carried out by Coordinated Action Against Domestic Abuse (CAADA), cited in Jude Towers and Sylvia Walby, Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls. Report for Northern Rock Foundation and Trust for London (Lancaster University, 2012) <http://www.nr-foundation.org.uk/wp-content/uploads/2012/03/Measuring-the-impact-of-cuts-in-public-expenditure-on-the-provision-of-services-to-prevent-violence-against-women-and-girls-Full-report-3.pdf>

⁹⁷ Hirst, A. and Rinne, S. EHRC, Women Only Services: the Effects of Commissioning and Cuts (EHRC, forthcoming, 2012).

⁹⁸ Home Office (2011, p.15-16) Ending Violence Against Women and Girls (VAWG): Action Plan Progress Review states that £1.72m has been annually ringfenced for the ISVA support and another £3.5m annual pot has been distributed via the Ministry of Justice to support Rape Support Centres.

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service have provided a degree of sustainability and the Government has announced that centralised funding is set to continue.⁹⁹

93. This is welcome, but apart from services supporting victims of trafficking, rape and murder, the UK Government is ending central funding of support services and instead devolving responsibility for funding most services to Local Authority level in England and Wales.
94. The Government has removed the ring-fence from funding for domestic violence services in England and reduced the annual Supporting People programme by 3 per cent over four years.¹⁰⁰ In 2009, £1.6 billion was allocated to the programme, compared with £1,027 million in 2012-13.¹⁰¹ Decisions about where to allocate these funds are now at the discretion of Local Authorities, at a time when their grants from central government are being cut. Whilst there is at present no secure funding for domestic violence refuges, central government has indicated that it will consider how to address this problem.¹⁰²
95. The Welsh VAW strategy pledges £4.4m per annum for 2010-11 onwards, an increase from £1.6m in 2004-2005.¹⁰³ The Scottish Government has committed to fund all VAW programmes at the same level in nominal terms for the next three years to 2015. Despite this, Women's Aid Scotland reports that it has to turn away one woman in three.¹⁰⁴

The Committee may wish to ask the Government how it intends to monitor the provision of local specialised support services to women and girls who have suffered from violence to ensure that women and girls have access to services wherever they live in the UK and what action it will take if those services are not provided or extended because of local decisions on funding.

96. Women-only service providers have reported that in some cases, the move from grant funding to commissioning of services has reduced their income and jeopardised their sustainability. A number of reasons have been suggested for this, some of which are to do with the way the market is structured. There is a preference by commissioning bodies to tender services on a large scale, through a single contract rather than multiple smaller contracts, to reduce transaction costs. This can exclude smaller women's service providers, particularly dedicated black and ethnic minority women's services.¹⁰⁵

⁹⁹ Ministry of Justice, Getting It Right for Victims and Witnesses: Government Response (Ministry of Justice, 2012) <https://consult.justice.gov.uk/digital-communications/victims-witnesses>

¹⁰⁰ House of Commons (2012) The Supporting People programme. Research Paper 12/40. www.parliament.uk/briefing-papers/RP12-40.pdf

¹⁰¹ House of Commons (2009) The Supporting People Programme Communities and Local Government Committee 13th Report of Session 2008-09.

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmcomloc/649/649i.pdf>

and DCLG (2012) Local Authority Revenue Expenditure and Financing, Statistical Release. July.

<http://www.communities.gov.uk/documents/statistics/pdf/2178912.pdf>

¹⁰² Ministry of Justice, Getting It Right for Victims and Witnesses: Government Response (Ministry of Justice, 2012) <https://consult.justice.gov.uk/digital-communications/victims-witnesses>

¹⁰³ Welsh Government (2010) 'The Right to be Safe'.

<http://wales.gov.uk/topics/housingandcommunity/safety/domesticabuse/publications/besafe/?lang=en>

¹⁰⁴ http://www.scottishwomensaid.org.uk/assets/files/publications/general/SWA_per_cent20Census_per_cent20Leaflet_per_cent20ARTWORK.pdf

¹⁰⁵ Women's Resource Centre, Why Women Only? (Women's Resource Centre, 2007).

http://www.wrc.org.uk/resources/wrcs_research_and_reports/why_women_only.aspx. See also Imkaan (2008) 'A right to exist' and Imkaan, Equality Now and City University, London (2011) The Missing Link: A joined up approach to addressing harmful practices in London, Available at <http://imkaan.org.uk/resources>

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97. Women's organisations also reported that equality law and the equality duty may be misinterpreted by some public authorities to mean that they could only commission services that are equally available to both men and women, although the Commission's codes of practice and guidance explicitly rebut this.¹⁰⁶
98. This last point is specifically addressed in the U.K.'s 7th report, which states that 'Independent research commissioned by GEO found no evidence that the Gender Equality Duty affected the stability or sustainability of the women's voluntary sector. An evaluation of the 2009/10 Special Fund found that, while some recipients had been encouraged to provide services to male victims of sexual violence, there had been a range of responses to this by individual organisations from providing separate services for men to retaining exclusively women-only services. Nor was evidence provided to the CEDAW Committee during the 2008 examination to substantiate these assertions.'
99. However, research for the Rape Crisis England and Wales' report on their funding in 2012 found that about 1 in 3 of their members have been challenged by funders about the fact that they provided women-only services.¹⁰⁷
100. The Commission's own research concludes that while national policies recognise the need for women-only services across a range of sectors, the move to more localised funding arrangements, and the imperfect understanding of substantive equality among some decision makers, are having an adverse impact on the viability of some women's support services, especially those for black and ethnic minority women. The report suggests that the lack of a national 'champion for women's services' may be a threat to the future of these services.¹⁰⁸

The Committee may wish to ask what steps the Government is taking to ensure that national government commitments to provide support services for women are reflected in local funding decisions. What is being done to ensure that decision makers understand the concept of substantive rather than formal gender equality, and are aware of both the lawfulness and legitimacy of women-only services? The Committee may also wish to explore how the market for commissioning services can be structured to ensure the provision of specialist women's services.

Female Genital Mutilation

101. In a study by Dorkenoo et al (2007), nearly 66,000 women¹⁰⁹ living in England and Wales in 2001 were estimated to have experienced female genital mutilation (FGM), and over 24,000 girls under the age of 15 were estimated to be at risk of FGM¹¹⁰. This remains the only national prevalence estimate of FGM. Figures obtained by a Freedom of Information request to London NHS hospitals indicate that over 2,100 women and girls have had hospital treatment for FGM since 2006, with 708 women needing hospital admission or

¹⁰⁶ Equality Act 2010 Code of Practice on Services, public functions and associations, 195-96 and Andy Hirst and Sine Rinne (forthcoming). Women Only Services: the Effects of Commissioning and Cuts (EHRC, 2012).

¹⁰⁷ Sheila Coates, Lee Eggleston and Linda Regan (forthcoming) Impact Of Rape, Support Fund On Existing Rape Crisis Centres, Rape Crisis England and Wales.

¹⁰⁸ Andy Hirst and Sine Rinne (forthcoming). Women Only Services: the Effects of Commissioning and Cuts (EHRC, 2012).

¹⁰⁹ <http://www.homeoffice.gov.uk/crime/violence-against-women-girls/strategic-vision/>, figures from Forward

¹¹⁰ EHRC submission to the UN committee against torture: List of Issues on the U.K.'s Fifth Periodic Report (EHRC, forthcoming, 2012).

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surgery¹¹¹. There is evidence that families are taking their children abroad to have the procedure done, although this has been illegal since 2004 when the original Act was amended.¹¹² There have also been media reports that individual practitioners in the UK are willing to perform the procedure.¹¹³ However, despite the fact that FGM has been illegal in the UK since the Prohibition of Female Circumcision Act was originally passed in 1985, there has never been a single prosecution. The Commission is also raising this issue with the UN Committee on the Convention Against Torture.

The Committee may wish to ask about the absence of prosecutions. What concrete steps are being taken to encourage prosecutions? How are communities being supported to abandon the practice particularly by empowering women leaders within communities? How do you measure the effectiveness of this support? What steps have been taken to ensure that doctors in the UK are aware that the practice is illegal? What has the Government learnt from initiatives in other countries with practising communities, which could be applied in the UK?

Gypsy and Traveller Women

102. Evidence from Scotland and elsewhere in Britain has shown a poor take-up of preventative healthcare by Gypsy and Traveller women, especially well-women care and immunisation programmes.¹¹⁴ A study published in 2001 found that many women who had several children had never had access to cervical cytology screening, greatly reducing the likelihood of cervical cancer being detected; a more recent study found that women may be reluctant to access cervical screening facilities if no female staff are available to both take smears and discuss the results of tests. The extreme shortage of official sites for travellers means that women will often move on, and access to services of all kinds is difficult for those without a permanent address and with an itinerant lifestyle. This has an impact not only on the ability to access health services, but also on education for girls.¹¹⁵
103. A 2004 study examining the health status of Gypsy and Traveller people indicated that Gypsy and Traveller mothers may be 20 times more likely than the rest of the population to have experienced the death of a child. There is also evidence to suggest that being forced

¹¹¹ Figures from 11 London NHS trusts, including Guy's and St Thomas', UCL and St George's in Tooting, showed a peak of 442 women seeking treatment in 2010 - a 30 per cent increase on 2007. Craig Woodhouse and James Clayton, '2,100 women seek treatment for mutilation', London Evening Standard, 16 February 2012.

<http://www.standard.co.uk/news/health/2100-women-seek-treatment-for-mutilation-7443780.html?origin=internalSearch> See also Imkaan, Equality Now and City University, London (2011) The Missing Link: A joined up approach to addressing harmful practices in London, <http://imkaan.org.uk/resources>

¹¹² See Home Office information page on FMG, at <http://www.homeoffice.gov.uk/crime/violence-against-women-girls/female-genital-mutilation>

¹¹³ The Guardian, Sunday 22nd April, 'Female genital mutilation 'offered by UK medics'', see <http://www.guardian.co.uk/uk/2012/apr/22/female-genital-mutilation-uk-medics>

¹¹⁴ Philip Brown et al, Assessing Local Authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update. EHRC Research Report No. 68. (EHRC, 2010), p. 54. <http://www.equalityhumanrights.com/key-projects/good-relations/gypsies-and-travellers-simple-solutions-for-living-together/gypsies-and-travellers-research-reports/>

¹¹⁵ Philip Brown et al, Assessing Local Authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update. EHRC Research Report No. 68. (EHRC, 2010) <http://www.equalityhumanrights.com/key-projects/good-relations/gypsies-and-travellers-simple-solutions-for-living-together/gypsies-and-travellers-research-reports/>

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to move on results in a lack of continuity of care, the late detection of abnormalities and the misdiagnosis of maternal and child health complications¹¹⁶.

The Committee may wish to ask what steps the Government is taking to ensure that Gypsy and Traveller women have adequate access to health services, especially antenatal, obstetric and maternal health services.

Women in Prison

The Committee urges the State party to intensify its efforts to develop alternative sentencing and custodial strategies including community interventions and services for women convicted of minor offences...[and] to take further steps towards the establishment of small custodial units and community establishments..(paragraph 267).

104. Far fewer women go to prison than men, but the rate of imprisonment of women is increasing faster than the rate of men. The number of women in prison increased by 85 per cent between 1996 and 2011. On 22nd of June 2012, there were 4,116 women in prison, making up 5 per cent of the total prison population¹¹⁷. Much of this increase is due to changes in sentencing rather than increases in offending. The pattern of offending for women prisoners is different from that of men: 68 per cent of women were in prison for non-violent offences, compared with 47 per cent of men¹¹⁸.
105. Not only are the patterns of offending of a less serious nature, but there is also a clear link between having mental health problems¹¹⁹ and the likelihood of being in prison. Over a third of women who are in prison say they have attempted suicide at some time in their life.¹²⁰ Similarly, there are strong links with having experienced some form of abuse. Up to 50 per cent of women in prison report having experienced violence at home compared with a quarter of men. One in three women in prison has suffered sexual abuse compared with slightly less than one in ten men. In a case study of 50 prolific self-harmers in women's prisons, 38 reported that they had experienced abuse or rape while 18 had been abused as a child.¹²¹
106. In this context, in 2010, there were a total of 26,983 incidents of self harm in prisons, involving 6,639 prisoners. Women accounted for 47 per cent of all incidents of self harm,

¹¹⁶ EHRC, Guide to the CEDAW Optional Protocol: A Lever for Change (EHRC, 2010), 36-37.

http://www.equalityhumanrights.com/uploaded_files/humanrights/a_lever_for_change.pdf

¹¹⁷ EHRC submission to the UN committee against torture: List of Issues on the U.K.'s Fifth Periodic Report, Equality and Human Rights Commission, 2012 (forthcoming)

¹¹⁸ All Party Parliamentary Group on Women in the Penal System, Women in the Penal System: Second Report on Women with Particular Vulnerabilities in the Criminal Justice System [The Corston Report], 2011.

http://www.howardleague.org/fileadmin/howard_league/user/pdf/Publications/Women_in_the_penal_system.pdf

¹¹⁹ The EHRC welcomes the Bradley Review of people with mental health problems or learning disabilities in the criminal justice system and the Government's response to its recommendations

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_098694

¹²⁰ Prison Reform Trust, Bromley Briefings Prison Fact File (Prison Reform Trust, June 2012).

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/FactfileJune2012.pdf>

¹²¹ The Corston Report,

http://www.howardleague.org/fileadmin/howard_league/user/pdf/Publications/Women_in_the_penal_system.pdf

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despite representing just 5 per cent of the total prison population, partly due to those who self-harm doing so more frequently on average than men who self-harm.¹²²

107. Successive reports¹²³ into the position of women in the criminal justice system have made proposals for change, and there are government initiatives to increase community sentencing options for example.¹²⁴ However, the most important recommendation has still not been implemented. This is the recommendation that women's prisons should be replaced with smaller suitable and geographically dispersed multifunctional custody suites. There are currently 13 women's prisons in England, 1 in Scotland and none in Wales. This means that women in England who are sent to prison are likely to be, and women from Wales are very likely to be, incarcerated at some distance from home, exacerbating the problems of separation from their families.
108. Offender support to help keep women out of prisons is delivered by a wide range of mainstream and specialist organisations, including specialist women's centres, and is funded through the National Offender Management Service (NOMS) and other third sector funders. In the future these services will be commissioned by the 35 Local Probation Trusts, together with their local partners, in England and Wales. In Scotland, services are funded by the eight Community Justice Authorities (CJAs) and delivered by a range of local specialist providers. The issues raised above about the commissioning and funding of women's services are relevant here and are addressed in our research report.¹²⁵

The Committee may wish to ask the Government what steps are being taken to reduce the numbers of women still being sent to prison for minor offences? What further steps are being taken to implement the recommendations of the Corston report? What steps are being taken to improve mental health services for women in prison, and to divert women with mental health problems away from custody into therapeutic care?

Trafficking in Women

The Committee asked the UK to provide adequate support services for protection/rehabilitation /grant victims of trafficking indefinite leave to remain (paragraph 283)

109. The Commission's Inquiry into human trafficking in Scotland assessed to what extent Scotland is meeting its international and domestic human rights obligations to prevent and prohibit trafficking, prosecute traffickers and protect victims. Scotland has already introduced legislation but, unlike other parts of the United Kingdom, and despite evidence of

¹²² Ministry of Justice, Safety in Custody 2010, England and Wales, (Ministry of Justice, 2011).

<http://www.justice.gov.uk/statistics/prisons-and-probation/safety-in-custody>

¹²³ All Party Parliamentary Group on Women in the Penal System, Women in the Penal System: Second Report on Women with Particular Vulnerabilities in the Criminal Justice System [The Corston Report], 2011.

http://www.howardleague.org/fileadmin/howard_league/user/pdf/Publications/Women_in_the_penal_system.pdf

¹²⁴ Ministry of Justice, Punishment and Reform: Effective Community Sentences (Ministry of Justice, 2012)

<https://consult.justice.gov.uk/digital-communications/effective-community-services-1>

¹²⁵ Andy Hirst and Sine Rinne (forthcoming). Women Only Services: the Effects of Commissioning and Cuts (EHRC, 2012).

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trafficking, by 2011 there had been only one successful prosecution, resulting in two convictions compared to over 150 successful prosecutions in England and Wales.¹²⁶

110. The Inquiry found it impossible to establish the extent of trafficking in Scotland. Reliable figures are not available and numbers provided by some support organisations are hard to verify. However, trafficking undoubtedly exists and has to be taken seriously.
111. Police who had investigated trafficking cases spoke about the near impossibility of securing courtroom testimony from witnesses, especially when their immigration status was uncertain, and they could face deportation.
112. The Commission welcomes the Government's establishment of a National Referral Mechanism for victims of trafficking. The Commission is concerned about the lack of data and investigations into trafficking, specifically for forced labour, and wishes to see authorities better equipped to recognise people who may have been trafficked and avoid their criminalisation. The Commission is concerned with protection of migrant domestic workers who may be particularly vulnerable to domestic servitude and forced labour. Low levels of awareness among officials, and proposed changes in the visa requirements, may make it more difficult for them to find protection.
113. The Commission has recommended that the Government review trafficking legislation and policy to ensure victims are identified and adequately supported, and that it signs and ratifies the Domestic Workers Convention.

The Commission welcomed the Welsh Government's creation of Wales' first anti-human trafficking co-ordinator.

The Committee may wish to ask how the Government is evaluating the effectiveness of the support given to trafficking victims and what the results of that evaluation are; and when it expects to sign and ratify the Domestic Workers Convention. The Committee may also wish to ask what steps the Government is taking to implement the EU Directive on trafficking in human beings and when it will ratify the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.

The 'No Recourse to Public Funds' rule

114. Immigration law in the UK stipulates that those entering on visas must be self funding and are not entitled to any support from the state (the "No Recourse to Public Funds" rule). This year, the Government announced a concession for women who are suffering from domestic violence. However, this concession only applies to women who have entered on spousal visas. Other women, who have entered for example on student visas, may continue to be trapped in violent situations. These rules threaten women's human rights. The Commission considers that all women who are subjected to domestic violence or abuse and immigration control should be exempt from the restriction on access to public funds and health and social care services.

¹²⁶ Equality and Human Rights Commission (2011) Inquiry into human trafficking in Scotland. http://www.equalityhumanrights.com/uploaded_files/Scotland/Human_Trafficking_in_Scotland_/inquiry_into_hum_an_trafficking_in_scotland-full-report_pdf_.pdf

Theme 4: Monitoring Women's Equality - Data Gaps

States parties have an international responsibility to create and continuously improve statistical databases and the analysis of all forms of discrimination against women in general and against women belonging to specific vulnerable groups in particular. ...Mechanisms that collect relevant sex-disaggregated data, enable effective monitoring, facilitate continuing evaluation and allow for the revision or supplementation of existing measures and the identification of any new measures that may be appropriate. (CEDAW General Recommendation 28)

Equality statistics - the losses

115. The Commission values the range and quality of official statistics produced in the UK which, despite gaps in some areas, provide a rich source of information on equality and human rights. The Commission is therefore concerned that recent cancellations of official surveys will reduce the ability of the Commission, government and other public bodies including Local Authorities to understand the effect of policies and practices on equality groups as required by the PSED, and measure progress towards equality. It will also reduce the Government's ability to report on its compliance with CEDAW.
116. Appropriate, high-quality data may not be available to allow public bodies to target resources well, to deliver services effectively and to publish information on outcomes as required by the PSED. It is important that these are available to the public, given that the Government has determined that public accountability through transparency shall become a key lever in delivering equality in the public sector, rather than relying on regulation.
117. The Commission considers that reductions in the statistics available will hamper its ability to provide comprehensive reports to Parliament on equality, human rights and good relations in Britain, as it is required to do by law. The Wealth and Assets Survey measures assets, debt and savings by employment status. In 2010 it showed a high degree of inequality.¹²⁷ As far as the Commission is aware, no further waves of this survey are planned, which would have an adverse impact on the Commission's statutory reports to Parliament. The measure 'Share of total personal wealth' in the Commission's measurement framework relies on the availability of data from this survey, disaggregated by sex, ethnic group, religion, disability and age.
118. The Citizenship Survey was cancelled in 2011¹²⁸; this was a key source for the Commission's 2010 Triennial Review¹²⁹. It covered a broad range of equality characteristics: sex, age, disability, ethnic group, marital and civil partnership status, religion, and sexual identity. Uniquely, it asked questions relating to community cohesion, racial and religious prejudice and discrimination and identity. Its loss will have a substantial impact on development of the measurement frameworks as it provided data for 14 measures.¹³⁰

¹²⁷ The wealthiest half of British households have 91 per cent of total wealth, with the least wealthy half accounting for only 9 per cent of wealth, according to the 2010 Wealth in Great Britain report.

<http://www.ons.gov.uk/ons/rel/was/wealth-in-great-britain-wave-2/2008-2010--part-1-/index.html>

¹²⁸ Announcement of cancellation by CLG:

<http://www.communities.gov.uk/communities/research/citizenshipsurvey/surveycancellation/>

¹²⁹ EHRC, How Fair Is Britain? (EHRC, 2010) <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/>

¹³⁰ Sabina Alkire et al, 2009, Developing the Equality Measurement Framework: selecting the indicators. . (EHRC Research Report No. 31) (EHRC, 2009); Andrea Wigfield and Royce Turner, Good relations measurement

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119. Far from cancelling the survey, the Commission would like to see the survey improved and developed: for example, a boost sample is needed to provide estimates for Wales.
120. The Tellus survey¹³¹ was discontinued by the Department for Education in 2010. This will have a particular impact on the measurement framework through the loss of information on, for example, children's and young people's healthy living, bullying and fear of crime, transport and leisure activities, planning for the future and girls' influence over their own lives.
121. It is important that when government considers reducing its data collection that it shows due regard to equality. For many public sector organisations, this information is vital in shaping policy and informing service delivery.

Gaps in Existing Data

122. The UK has no reliable baseline estimate of how many women identify themselves as lesbian, bisexual or transgender. Without this, it is hard to gauge the extent to which different institutions reflect these populations or meet their needs. None of the routine childcare surveys currently collect data on the sexual orientation, religion or belief, or transgender status of parents.¹³² There is a lack of data disaggregated by gender and older age in some areas,¹³³ as well as a general lack of statistics disaggregated by multiple aspects of identity, such as disability and gender. There are also gaps in basic information about women who are institutionalised, and women, such as Travelling and Roma women, who do not live in fixed locations. In some cases, small-scale studies and other available evidence suggest that these may also be among some of society's most marginalised and vulnerable groups. The Commission's own research on Gypsies and Travellers suggests they are the most disadvantaged group in the UK, and women in this community are worse off on a number of indicators. However, further data is needed.
123. The Commission's research suggests that disability-related harassment is widespread¹³⁴. However, comprehensive statistics are not available. This is a gap that needs to be addressed if organisations are to set their priorities and monitor the impact of efforts to tackle the problem. Local Authorities need such information to prioritise how resources should be spent as part of the Government's 'localism agenda'. Information, analysis and regulatory scrutiny of public authorities in England has been further reduced by the abolition of the Audit Commission and changes to the role of the Care Quality Commission in respect of Local Authorities.
124. Under its statutory powers, the Commission recently made an assessment of the extent to which the UK's finance department, Her Majesty's Treasury, met its legal obligations to

framework. (EHRC Research Report No. 60) (EHRC, 2010). <http://www.equalityhumanrights.com/publications/our-research/>

¹³¹ Tellus survey was developed by Ofsted and the Department for Education and gathered the views of children and young people and was used by inspectors to identify potential aspects to investigate.

¹³² Verity Campbell-Barr and Alison Garnham, Childcare: A Review of What Parents Want, (EHRC Research Report, No. 66, 2010). <http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-61-70/>

¹³³ Elizabeth Sclater, NGO Thematic Shadow Report, Older Women's Rights in the United Kingdom, (Older Women's Network, Europe and National Alliance of Women's Organisations, 2012).

¹³⁴ EHRC, Hidden in Plain Sight, Inquiry into Disability Related Harassment, (EHRC, 2011) <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-disability-related-harassment/>

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consider the impact of decisions taken in the Government's Spending Review on protected groups. The report identifies, as a key concern, the gap in common equality indicators across government.

125. The Scottish Government¹³⁵ is developing an Equality Data and Evidence Framework, to help public authority officials meet their duty to set and measure progress on equality outcomes. It will assess the evidence available across all areas of Government and identify the gaps in the equality evidence base. It will also contain guidance documents on:

- Recommended questions to ask when gathering equality information;
- The Scottish Government's proposed approach to equality outcome setting; and
- How the Scottish Government approached the equality impact assessment of its Scottish Budget.

126. The Scottish Government is also developing an equality evidence website that presents statistical data and research evidence across a range of policy areas broken down by equality characteristics. This provides links to datasets and further analysis.¹³⁶

Creating a gender responsive budget

127. Government spending cuts are leading to significant job losses in the public sector. This is a concern for the Commission, as over 65 per cent of public sector employees are women and around two-fifths of women employees are in public sector jobs.¹³⁷ The Commission has been sufficiently concerned about the potential equality impact of these cuts to invoke its enforcement powers to assess the compliance of the Treasury with the Public Sector Equality Duties (under Section 31 of the Equality Act 2006). We note that the Scottish Government has published an equality statement with its spending review and draft budget.¹³⁸ The Welsh Government has also published documentation around an equality impact assessment of its recent budgets and has engaged in further considerations of its approach.

128. The Treasury has a key role to play in ensuring that the state budget is gender sensitive. Since budgets play such a crucial part in determining what it is possible to achieve through public policy and services, it is particularly important that Treasury should apply the principles of gender budgeting. However, the Commission's Section 31 assessment showed that there continues to be an absence of gender disaggregated data in key areas of expenditure.

129. The assessment noted a number of positive indicators of equality mainstreaming such as the production, for the first time, of an equalities overview document, alongside the Spending Review, while HM Treasury made an attempt to analyse the effects of its proposals on different income groups and sometimes used this as a proxy for understanding the impact on protected groups.

130. Compliance with the PSED requires an analysis of likely outcomes for women (inter alia), based as far as possible on objective data, using data sets that should be common to all

¹³⁵ The Scottish Government, the Equality and Human Rights Commission Scotland and the Improvement Service Roadmap for Improving Equality Data, 2012 (2012)

http://www.equalityhumanrights.com/uploaded_files/Scotland/Projects_and_Campaigns/ILED/iled_roadmap.pdf

¹³⁶ <http://www.scotland.gov.uk/Topics/People/Equality/Equalities/DataGrid>

¹³⁷ Annual Survey of Hours and Earnings, 2011, Table 13: <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcM%3A77-235202>

¹³⁸ Scottish Government, Equality Statement Scottish Spending Review 2011 and Draft Budget 2012-13 (Scottish Government, 2011) <http://www.scotland.gov.uk/Resource/Doc/358418/0121145.pdf>

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departments; and the data should be applied to a rigorously developed common model to make the analysis reliable. The Commission's formal assessment found that this is not yet the case for every area of policy.

131. The Commission recommended to the Government:

- Greater transparency, including clear guidance on data and analytical requirements for the whole of government
- Common rules to allow easier sharing of equality data within government, such as standardised data collection rules
- Authoritative sources of advice and support for government departments on equality impact analysis
- The development of a common model of analysis to predict the likely equality effects of policy
- A single point of government responsible for monitoring and assessing the cumulative impact of future Spending Reviews and budgets
- Independent and authoritative equality analysis of public spending.

132. The Commission is currently developing its measurement frameworks which will enable assessment of equality and human rights across a range of domains. This is not intended to measure performance in itself, but to provide a baseline of evidence for evaluating progress and deciding priorities, and, inter alia, support the monitoring of individual treaties and the Universal Periodic Review.

133. The measurement frameworks^{139, 140} monitor the central and valuable things in life, such as an adequate standard of living, being healthy, opportunities for education and learning, legal security, and being free from crime and the fear of crime. They are particularly concerned with the position of individuals and groups with regard to the protected characteristics of gender, age, disability, ethnicity, religion or belief, sexual orientation, transgender and social class. They allow the relative position of each main equality strand (gender, ethnicity etc.) to be compared and for progress over time to be monitored.

134. However, only some data for these measures are available, in the main for the following five protected characteristics: gender, age, disability, ethnicity, and religion or belief. Data are less frequently available for sexual orientation and no data are available for gender reassignment.

The Committee may wish to ask the UK Government to comment on the impact that the reduction in statistics may have on its ability to analyse the impact of its policies on women and on intersectional inequality including ethnicity, migration status, disability, sexuality and age. The Committee may also wish to explore how useful the Government expects the measurement frameworks being developed by the Commission will be for assessing the UK's compliance with CEDAW, and to outline its plan for strengthening the evidence base on which the measurement framework relies.

¹³⁹ The ten domains of the equality frameworks are: Life, Health, Physical security, Legal security, Education and learning, Standard of living, Productive and valued activities, Individual, family and social life, Identity, expression and self-respect, Participation, influence and voice.

¹⁴⁰ The Human Rights MF takes a slightly different approach, focusing on specific rights in the Human Rights Act and the International Covenant on Economic, Social and Cultural Rights, and incorporating qualitative information, for example, on the protection of human rights in domestic law (including in 'higher' law), the status of ratification of regional/ international human rights instruments; and international precedents in legal judgements and principles.

The Committee may wish to ask how the Government intends to improve official statistics so that it can effectively monitor all policies and the effect they have on women in the Gypsy and Roma community. Particularly those policies which focus on housing, violence against women and girls, health, disability and caring.

Government reservations to CEDAW – Annex 5 of Government report

The Committee welcomes the State party's expressed intention to review regularly its remaining reservations to the Convention. It urges the State party to consider actively the withdrawal of its reservations, commencing with those that, in the opinion of the Committee, have the character of interpretive declarations or may no longer be necessary in the light of recent developments (paragraph 258)

The UK maintains a number of reservations on the Convention. The Commission recommends that the Government remove its remaining reservations and interpretative statements to CEDAW. The Commission believes that none of these reservations reflects a genuine conflict with the principles of the Convention.