

**Concluding comments of the Committee on the Elimination of  
Discrimination against Women: United Kingdom of Great Britain and  
Northern Ireland**

**Third and fourth periodic reports**

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

**(a) Introduction by the State party**

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

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

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

282. The representative stressed the commitment to Ajoined-up≡ and more open Government, which was reflected in the establishment of new machinery and processes. The appointment of two Ministers for Women, the creation of the Women's Unit in the

Cabinet Office and new cross-cutting mechanisms such as a Cabinet Subcommittee on women and a women's policy group allowed for focused attention to women's issues. It was pointed out that the number of women in Parliament and in the Cabinet had reached the highest level ever. The representative identified a number of continuing challenges, including the implication of the decision to mainstream women's issues and the related relatively low profile of the women's machinery, as well as women's lack of information about government action on their behalf.

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

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

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

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

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

288. In conclusion, the representative noted that the Government had put in place the main structural elements and that progress was being made in addressing the continuing

institutional and cultural obstacles that women continued to face. She underlined the Government's determination to secure further improvement for women.

**(b) Concluding comments of the Committee**

**Introduction**

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

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

**Positive aspects**

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

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

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

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

## **Factors and difficulties affecting the implementation of the Convention**

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

## **Principal areas of concern and recommendations**

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

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

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

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

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

much more Aprogrammatic≡ nature than the European Convention on Human Rights and Fundamental Freedoms and thus difficult to introduce into common law. The Committee considers that nonetheless full implementation of the Convention can be achieved.

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

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

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

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

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

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

307. The Committee is concerned at the continuing pay gap between women and men where figures for 1998 show that average hourly earnings of full-time women employees amounted to around 80 per cent of men's earnings and women's average gross weekly earnings were around 72 per cent of men's earnings. The Committee is particularly concerned that women working in higher education including academic staff consistently receive lower pay than their male counterparts and do not advance in their careers as rapidly or in the same numbers as men.

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

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

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

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

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

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

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

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

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

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

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