



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

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**Committee on the Elimination of Discrimination
against Women**

**Information received from the United Kingdom of Great
Britain and Northern Ireland on follow-up to the
concluding observations on its eighth periodic report***

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* The present document is being issued without formal editing.



1. The UK Government is grateful to the Committee on the Elimination of Discrimination against Women (CEDAW) for its recommendations following the oral examination on our eighth periodic report, which took place in February 2019. The Committee requested that we provide an interim report on the steps taken to implement four recommendations identified in its concluding observations. The UK Government's response is provided below.

2. The UK Government is committed to protecting and respecting human rights, of which the work towards gender equality is a key pillar. Indeed this is a key element in the UK's Presidency of the G7 this year. The UK has strong human rights protections within a comprehensive and well-established constitutional and legal system and a longstanding tradition of ensuring rights and liberties are protected domestically and of fulfilling our international human rights obligations.

Recommendation 1: Incorporation of the provisions of the Convention into national legislation

3. The UN human rights treaties, including CEDAW have not been incorporated into UK domestic law, and they do not require States Parties to do so. The UK has put in place a combination of policies and legislation to give effect to the UN human rights treaties that it has ratified. The same approach was followed by the British Overseas Territories and by the Crown Dependencies to which those treaties have been extended. The UK is confident that it is fully complying with its UN treaty obligations.

4. The UK Government's view is that the substantive provisions of CEDAW are already largely reflected in existing domestic legislation right across the UK, such as the Equality Act 2010, which extends to England, Wales and Scotland and the Human Rights Act 1998, which extends to the whole of the UK. The Equality Act prohibits discrimination, harassment and victimisation in respect of nine protected characteristics: sex, sexual orientation, gender reassignment, age, disability, pregnancy and maternity, race, religion or belief, marriage and civil partnership in areas such as the provision of goods, facilities and services, employment and education. The UK Government is committed to using existing state infrastructure to deliver rights for women. Equality legislation across the UK provides a strong legal architecture to ensure robust protections and to uphold our commitment to human rights. CEDAW can and has been invoked before the domestic courts as an interpretive source in respect of existing legislation.

5. To incorporate all provisions of CEDAW risks perceptions of a hierarchy of rights for women compared to other protected groups, such as disabled people or ethnic minorities. More materially, gender equality is mainstreamed in the UK through the Equality Act 2010 and Northern Ireland Act 1998, which place legislative duties on government departments for considering protected characteristics, including that of sex, in the development and implementation of their policies. This means every department is ultimately responsible for considering the impact on women in the development and implementation of policies. The Equality and Human Rights Commission provides guidance to assist with this in practice.

6. The UK Government is committed to making the UK fairer for all and is working to identify and tackle the reasons for socio-economic inequality, and this is reflected in the strategic objectives of the expansive Ministerial 'Fight for Fairness' equality approach.¹

¹ <https://www.gov.uk/government/speeches/fight-for-fairness>.

7. The Equality Act 2010 allows complainants to bring discrimination cases to courts and tribunals under more than one ground, for instance separate claims on age and sex discrimination in response to the same alleged act of discrimination. A court or tribunal may consider these claims in tandem. The UK Government thus does not consider commencement of section 14 to be necessary as it could introduce new complexity into the system without meaningfully providing new protections.

Devolved Administrations

8. Scotland – Following recommendations from the First Minister’s Advisory Group on Human Rights Leadership and the National Advisory Council on Women and Girls, the Scottish Government has committed to incorporating CEDAW into domestic legislation. Further to the recommendations from the National Taskforce for Human Rights Leadership in March 2021, incorporation will be taken forward by a new Human Rights Bill, as part of a broader incorporation of rights.

9. Wales – Research has been commissioned on options to advance equality and human rights, including the possible incorporation of UN conventions into Welsh law. It will consider how such actions would interact with the existing framework provided by the Well-being of Future Generations (Wales) Act 2014 and inform Welsh Government consultations, following the 2021 elections, including with public bodies affected by any new legislative models.

Overseas Territories and Crown Dependencies

10. The UK is already a party to various treaties protecting human rights and combating discrimination. Many of these treaties have also been extended to the Crown Dependencies and the Overseas Territories. The domestic legal framework to protect human rights and combat discrimination in the UK, Territories and Dependencies broadly remains as set out in the Core Document 2014.

11. The Crown Dependencies (CDs) are not part of the UK but are self-governing dependencies of the Crown and have their own directly elected legislative assemblies and their own courts of law. It would not be appropriate for the UK Government to mandate extension of CEDAW to the Crown Dependencies as that is a matter for their own governments to decide upon, but the UK Government would support them if they wished to have CEDAW extended to them.

12. At the time of submission, CEDAW has been extended to most Overseas Territories and in 2021, to the Crown Dependency of the Bailiwick of Jersey. Whilst it has not been extended to the Crown Dependency of the Bailiwick of Guernsey, protections for the rights of women are being considered as part of the Disability and Inclusion Strategy. In phase two of the new legislation, sex, marriage and gender reassignment and may be incorporated, repealing the existing Sex Discrimination Ordinance and extending protection on these grounds beyond employment.²

Recommendation 2: Impact assessment of EU Exit on rights of women

13. Considering equality impact forms a key part of our policy development and the UK Government is committed to taking an evidence-led approach to equality duties.

² <https://www.gov.uk/discrimination>.

14. As outlined in the EU Withdrawal Agreement equality analysis,³ the protections in the Equality Act 2010 continue to apply after exit from the EU. This will ensure the protection of people's rights not to be discriminated against, harassed or victimised in the provision of goods, services and public functions, housing, transport and education.

15. Existing workers' rights, including equalities rights, enjoyed under EU law are available in UK law.

16. A report commissioned by the Scottish Government undertook a comprehensive equalities assessment, including key areas of impact of EU Exit on women:

(a) Legal rights – including considerations arising from loss of EU Charter, Court of Justice of the European Union (CJEU) protections and directives on pregnant and agency workers;

(b) Socioeconomic rights – including considerations arising from potential cuts in public spending, lack of affordable housing and employment vulnerability; and

(c) Civil society partnerships – concerning the resilience of women experiencing compounded discrimination through loss of access to support from women's organisations.⁴

Mitigations

17. Legal protections – the right to equal treatment and non-discrimination in the UK exists (and will continue to exist) irrespective of the general principles of EU law, via a combination of other sources of domestic laws, EU derived laws and international law. There are specific safeguards in the form of Ministerial statements on equality incorporated in relation to changes to legislation required by EU exit.

18. The Equality Act 2010 sets out wide-ranging equality protections and incorporates virtually all existing EU equality law and CJEU case law. In many cases, domestic legislation goes further than EU requirements, such as entitlement to annual leave, paid maternity leave and parental leave, PSED, and regulations requiring employers to publish their gender pay gap.

19. Socio-economic protections – the UK Government is committed to addressing any uneven impact of wider social change on women. In particular, it recognises that many of the specific areas of socio-economic vulnerability that the report identifies overlap with the gendered impact of Covid-19, such as on women with caring responsibilities or who are precariously employed or experience multiple forms of discrimination.⁵ The robust policy measures that the UK Government has initiated in response to Covid-19 safeguard rights of women while also addressing many of the vulnerabilities identified in the CEDAW Committee's report.

20. The Welsh Government has also established a comprehensive data repository to scrutinise equalities issues and introduced targeted policies around childcare and employment programmes to address the impact of Covid-19 on women. This is a clear demonstration of a continuing intention to preserve and extend women's rights beyond the date of EU exit.

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/629244/European_Union_Withdrawal_Bill_equality_analysis.pdf.

⁴ <https://www.gov.scot/publications/social-equality-impacts-brexite/pages/3/>.

⁵ placeholder for Government response to WESC inquiry.

21. The Scottish Government has invested more than £1 billion to support communities during the Covid-19 pandemic, enabling councils, charities and community groups to be flexible and respond swiftly to help people impacted economically and socially.⁶ This included additional funding of £5.5 million for organisations including Women’s Aid and Rape Crisis Scotland to ensure access to support services for women experiencing gender-based violence was maintained.⁷

22. In June 2020, the Scottish Government established an independent Social Renewal Advisory Board to consider how we emerge from the pandemic whilst reducing poverty and disadvantage and advancing equality. The Social Renewal Advisory Board published its final report ‘If Not Now, When,’⁸ on 21 January 2021, to which the Scottish Government published an initial response on 23 March 2021.⁹

23. Civil society engagement – Ministers from across the UK Government have carried out extensive engagement on EU exit with civil society groups including businesses, consumer bodies, trades unions, charities, think tanks, thought leaders and key influencers, academia, community and faith groups and other organisations. Specific programmes have been identified in the response to the final recommendation (paragraphs 36–40).

Northern Ireland

24. The Government has committed, in Article 2 of the Ireland/Northern Ireland Protocol, to ensuring ‘no diminution of rights, safeguards and equality of opportunity protections set out in the relevant chapter of the Belfast (Good Friday) Agreement’ as a result of the UK leaving the EU, with the commitment referencing six relevant EU equality directives.

25. The relevant Belfast (Good Friday) Agreement rights specifically protecting the rights of women, include the right to equal opportunity in all social and economic activity, regardless of gender, and the right of women to full and equal political participation. The relevant EU equality directives are listed at Annex 1 to Article 2.¹⁰

26. In the event that the substantive rights contained in the relevant EU law listed at Annex 1 of the Protocol are updated or replaced by the EU to improve the minimum levels of protection available, the corresponding substantive rights protections in relevant domestic law in Northern Ireland will also develop to take account of this. Enforcement will be a matter for UK courts, and there will not be any direct application in Northern Ireland of the EU law in Annex 1.

Recommendation 3: Inclusion of the provisions of the Convention, ECHR and the *acquis communautaire* in domestic legislation

27. The UK’s domestic framework for protecting and promoting human rights and for combating discrimination is largely based on the Human Rights Act 1998 (HRA), the Equality Act 2010, and other protections in criminal and civil law.

⁶ <https://www.gov.scot/news/helping-communities-through-the-pandemic>.

⁷ <https://www.gov.scot/news/preventing-and-eradicating-violence-against-women-and-girls/>.

⁸ <https://www.gov.scot/publications/not-now-social-renewal-advisory-board-report-january-2021/>.

⁹ <https://www.gov.scot/publications/scottish-government-response-report-social-renewal-advisory-board/>.

¹⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840230/Revised_Protocol_to_the_Withdrawal_Agreement.pdf.

28. The HRA, which extends to the whole of the UK, gives further effect to rights contained within the European Convention on Human Rights (ECHR). In addition, the HRA makes it unlawful for a public authority to act incompatibly with the Convention rights, except in very narrow and specific circumstances. The UK is committed to membership of the Council of Europe and to the ECHR. This will not change as a result of our departure from the EU, or of the Independent Human Rights Act Review. Under the Scotland Act 1998, Northern Ireland Act 1998 and the Government of Wales Act 2006, the Devolved Administrations cannot legislate incompatibly with the Convention rights.

29. Fundamental rights that were previously protected by EU law continue to be protected in the UK:

(a) Rights continue to be protected through the EU law that is preserved and converted by the EU (Withdrawal) Act 2018;

(b) Many of the articles of the EU Charter of Fundamental Rights correspond, entirely or largely, to articles of the ECHR and are, as a result, protected both internationally and, through the HRA and the devolution statutes, domestically; and

(c) The substantive rights protected in many articles of the Charter are also protected in domestic law through common law or domestic legislation.

30. In recognition of the democratic decision to exit the EU, although the UK Government does not include the entirety and current form of the *acquis communautaire* in its national legislation, it is fully and demonstrably committed to meeting the objective of “includ[ing] human rights and the empowerment of women at the centre of its approaches to tackling the current challenges” as set out in the recommendation. This is a continuation of the UK’s longstanding tradition of domestically and internationally protecting women’s rights and wider human rights and is not affected by our departure from the EU.

Recommendation 4: Establishment of a national oversight mechanism

31. The new Equality Hub, in the Cabinet Office, brings together the Disability Unit (DU), Government Equalities Office (GEO), Race Disparity Unit (RDU) and, from 1 April, the sponsorship of, and secretariat to, the Social Mobility Commission (SMC).

32. The Government Equalities Office’s remit relates to gender equality, LGBT equality and the overall framework of equality legislation for Great Britain, including our international commitments. The other units’ areas of focus are on cross-government disability policy, ethnic disparities and social mobility respectively. The units that make up the Equality Hub work closely together, under a single Director.

33. This work is examined by the Women and Equalities Select Committee (WESC) who hold the Government to account on equality law and policy, including the Equality Act 2010 and cross-government activity on equalities. WESC have nine current inquiries to consider oral and written evidence from the Government on a range of topics, including the gendered impact of Covid-19, reform of the Gender Recognition Act, and the role of the GEO including scrutiny of our work on international commitments.

34. WESC also scrutinises the Equality and Human Rights Commission (EHRC), which is a statutory non-departmental public body established by the Equality Act 2006. The Commission is the regulatory body responsible for enforcing the Equality Act 2010. It is accredited by the United Nations as an “A status” national human rights

institution. The EHRC is sponsored by the Minister for Women and Equalities but functions independently of the UK, Scottish and Welsh Governments in its responsibility to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote the human rights of everyone in Britain.

35. The UK Government can thus evidence robust national oversight mechanisms that identify, deliver and scrutinise an ambitious equality agenda, including protections for women and girls.

Engagement with women's organisations

36. GEO works continuously to ensure the Government can hear and be influenced by a wide range of women's voices and this direct engagement at the heart of its policymaking. GEO has engaged with numerous women's organisations by phone, email, online and in person since 2019 and regularly meets with relevant umbrella organisations including, most recently, Equally Ours, the UK Civil Society Women's Alliance, National Alliance of Women's Organisations, Women's Resource Centre and Business in the Community in order to feed their views into policy advice.

37. In recognition of the multiple barriers that women face and to ensure the government can hear and be influenced by a wide range of women's voices, listening projects reaching over 2,500 women so far have been held across the country.

38. The Welsh Government approaches civil society engagement on equalities issues through both the Ministerial-chaired Strengthening and Advancing Equality and Human Rights Steering Group and the dedicated Third Sector Partnership Council. Additionally, the rights of women and girls experiencing intersecting forms of discrimination are also identified and addressed through the Race Equality Action Plan.

39. The Scottish Government participates in the Open Government Partnership, which brings together governments and civil society organisations as partners. The National Advisory Council on Women and Girls (NACWG) advises the First Minister on measures to tackle gender inequality and has members from the third sector, Government and business. NACWG consults a range of stakeholders, including from across civil society, before the publication of its annual report where it makes recommendations to the Government.

Conclusion

40. The UK Government is committed to levelling up and making the UK a country where equality of opportunity exists for everyone. Notwithstanding the challenges posed by Covid-19, robust policy responses continue to ensure that women's rights remain at the forefront of our wider commitment to safeguarding human rights. The UK Government shares CEDAW's vision of the protection of women's rights and is committed to tackling all forms of gender inequality.