



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination

against Women

Seventy-second session

Summary record of the 1672nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 26 February 2019, at 3 p.m.

Chair: Ms. Gbedemah

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Eighth periodic report of the United Kingdom of Great Britain and Northern Ireland (continued) (CEDAW/C/GBR/8; CEDAW/C/GBR/Q/8 and CEDAW/C/GBR/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. McCaffrey** (United Kingdom) said that the Government had recently launched an action plan and rolled out a programme to combat bullying against lesbian, gay, bisexual and transsexual students in 1,200 schools. It had also launched the first-ever strategy to tackle abuse within the defence community. In 2016, the Government had published an updated version of its Ending Violence against Women and Girls Strategy, which included targeted support for women and girls facing multiple disadvantages. Its delivery would be overseen by an interministerial group chaired by the Home Secretary. The Government had also updated its 2016 Action against Hate Plan to tackle hate crime. Of the 41 projects announced as beneficiaries under the Violence against Women and Girls Service Transformation Fund in July 2017, 7 included specific provision for victims of violence who had disabilities.

Articles 7 to 9

3. **Mr. Safarov** said that he wished to know what measures had been taken, including in the devolved administrations and Crown dependencies, to achieve equal representation of men and women. In the context of work on the Sustainable Development Goals, he wondered what measures could be taken to develop a strategy to increase women's access to decision-making positions. In addition, updated statistics on the representation of women in the judiciary would be welcome, as would statistics on the representation of women at the local government level. What measures had been taken to increase the number of women chairing parliamentary committees, and how many black women, Muslim women and women with disabilities participated in government structures and Parliament? He would also like to know whether political parties were required to report on the diversity of the candidates they put forward, in accordance with section 106 of the Equality Act 2010. Did political parties publish diversity data via an independent third party? Was the candidate selection procedure subject to systematic diversity and gender monitoring?

4. He would be grateful if the delegation could indicate how many media companies were led by women and provide statistics on women's participation in information technology start-up projects.

5. With regard to Northern Ireland in particular, he would appreciate statistics on the involvement of women from the two main population groups in the peacebuilding and post-conflict process. He wondered what was being done to promote women's participation in public and political life in Northern Ireland and would be grateful for relevant gender-disaggregated data. He would also like to know what budget was made available to non-governmental organizations (NGOs) in Northern Ireland.

6. It would be instructive to hear what measures had been taken to increase the number of women who served as diplomats and occupied decision-making positions. He would appreciate data on the representation of women in medium- and high-level management positions in the Foreign and Commonwealth Office and on the representation of British women in international organizations. Lastly, he wished to know why the State party had not ratified the International Labour Organization Workers with Family Responsibilities Convention, 1981 (No. 156). He noted in that connection that Northern Ireland appeared to lack both a gender equality strategy and a childcare strategy.

7. **Ms. Narain**, welcoming the 2018 judgment of the *Supreme Court in Advocate General for Scotland v. Romein (Scotland)*, which had overturned historic discrimination with respect to the acquisition of British citizenship through the matrilineal line, said that she wished to know whether the State party planned to take immediate action to withdraw its reservation to article 9 of the Convention, which concerned “certain temporary or transitional provisions” that were now obsolete. In the context of the Shamima Begum case, she wondered whether the State party planned to amend section 40 of the British Nationality Act 1981 to establish that a person could not be deprived of British citizenship unless another State had confirmed that the person was one of its citizens and would not be rendered stateless by such a decision. It was unclear whether a woman who had been deprived of British citizenship could have access to legal aid to launch an appeal and whether the decision would be stayed pending the appeal.

8. **Ms. McCaffrey** (United Kingdom) said that, with regard to the equal representation of women and men, the Government recognized the value of diversity in Parliament. It was for political parties to ensure the diversity of their candidates, and the Government supported them in that endeavour. Political parties were encouraged to make candidate information available voluntarily. The requested statistics would be provided subsequently.

9. **Ms. McCabe** (United Kingdom) said that, in 2016, the Northern Ireland Executive had agreed a number of targets and measures aimed at achieving gender equality and greater diversity in public appointments, subject to the overarching principle of appointment on merit. The majority of recommendations contained in the 2014 diversity report of the Commissioner for Public Appointments had already been implemented, and any outstanding actions would be incorporated into an interdepartmental strategic action plan. The Gender Equality Strategy of the Department for Communities, which had responsibility for gender equality, had ended in 2016. It would be for incoming ministers to determine the form of any future gender equality initiative.

10. **Ms. Bird** (United Kingdom) said that women accounted for 35 per cent of members of the Scottish Parliament and 29 per cent of Scottish local government counsellors.

11. **Ms. Chapman** (United Kingdom) said that the Government continued to work closely with the Lord Chief Justice, the Chair of the Judicial Appointments Commission and other members of the Judicial Diversity Forum to improve diversity in the judiciary and the legal profession. The Government was funding the Pre-Application Judicial Education Programme, which would offer targeted support to underrepresented groups, including via an online learning platform. The representation of women had increased across the judiciary between 2014 and 2018. According to the Judicial Appointments Commission, women had accounted for 43 per cent of applications and 47 per cent of those ultimately recommended for appointment in 2018.

12. The year 2019 marked 100 years since women had been granted the right to practise law. Women currently accounted for 48 per cent of all solicitors in law firms and 51 per cent of new barristers. The Government worked closely with professional bodies, regulators and other stakeholders to encourage greater diversity across the profession.

13. **Ms. Bird** (United Kingdom) said that women accounted for 26 per cent of judicial office holders in Scotland. Of the 108 persons recommended by the Judicial Appointments Board for Scotland since 2015, 52 were women. Nevertheless, it would take a number of years before parity was achieved, as appointees could serve until the age of 70 years, or 75 years if they were reappointed.

14. **Ms. Solomon** (United Kingdom) said that the reservation to article 11 of the Convention was expected to be withdrawn in 2020. Although it followed from the judgment of the Supreme Court in *Advocate General for Scotland v. Romein (Scotland)* that applicants for citizenship who had been born to a British mother in a foreign – but not Commonwealth – country were no longer required to prove that their birth had been registered with the appropriate British consulate, and the Home Office guidance had been updated accordingly, the broader interpretation of the applicable legislation remained unchanged, and persons born before 1983 to British mothers continued to have to apply for British citizenship. Hence, the reservation to article 9 would be maintained, although it would continue to be reviewed.

15. **Ms. McCaffrey** (United Kingdom) said that the Government had made efforts to reduce the gender pay gap in the information technology sector, including by encouraging girls to study relevant subjects at school. While she could not comment on individual cases, various tough measures, including deprivation of citizenship, could be taken against persons who posed a threat to the United Kingdom. British citizens who returned from taking part in a conflict abroad would be questioned, investigated and potentially prosecuted. Nevertheless, the Government recognized the need to protect individuals from statelessness, follow due process and respect all applicable laws.

Articles 10 to 14

16. **Ms. Nadaraia** said that she wished to know what strategies had been introduced to mitigate the impact of austerity measures on the education of girls in rural areas and ensure that all girls had access to equal educational opportunities, including access to online education. It would be interesting to learn whether anti-bullying strategies were being reviewed with an eye to eradicating gender-based bullying and what steps were being taken to offer guidance on detecting, recording and monitoring incidents of sexual harassment in schools. She also wondered what activities were being conducted to promote coverage of issues affecting lesbian, gay, bisexual and transgender persons in school curricula. It was unclear whether the State party planned to introduce specific policies to improve the access of girls with disabilities to sex education. Lastly, she invited the delegation to indicate whether the forthcoming review of the “Prevent” counter-terrorism strategy would include consideration of the State party’s compliance with its human rights obligations, including those under the Convention.

17. **Ms. McCabe** (United Kingdom) said that, in 2016, the Department of Education under the Northern Ireland Executive had published the Teacher Professional Learning Strategy. Higher education institutions prepared student teachers to address a range of inclusion and diversity issues, including gender. The General Teaching Council for Northern Ireland published professional competences for teachers, which called for teachers to develop the skills needed to address issues such as relationships and gender.

18. The Addressing Bullying in Schools Act (Northern Ireland) 2016 established a common definition of bullying; required all schools to record incidents of bullying, their motivation and their outcomes; and expanded the responsibilities of school governors with respect to development, implementation and review of anti-bullying policies and procedures. The Act recognized gender and sexual orientation as potential motivations for bullying. Training on the Act was currently being conducted, and schools would be required to comply with its provisions from September 2019.

19. The sex education curriculum had limited prescribed content so as to give schools as much flexibility as possible. However, all publicly funded schools were required to cover sex and relationship education at both the primary and post-primary levels. The Department of Education had requested the Council for the Curriculum, Examinations and Assessment to conduct a further review of existing guidance and resources in that regard. The review would involve the development of guidance and curriculum resources covering sexual consent, domestic and sexual violence and abuse, and issues affecting lesbian, gay, bisexual, transgender and queer persons.

20. **Ms. Francis** (United Kingdom) said that the Welsh Government had adopted a rural education action plan and had introduced a small and rural schools grant, from which over 370 schools had benefited. Its purpose was to promote innovation and the development of digital skills, provide additional administrative support and foster collaboration among rural schools. The Welsh Government was in the process of updating its anti-bullying guidance, particularly in relation to gender-based harassment and stereotyping. Persons aged 16 to 18 years – and soon those aged up to 21 years – were entitled to discounted bus travel, which would facilitate their access to educational opportunities.

21. **Ms. McCaffrey** (United Kingdom) said that all schools were required to develop a behaviour policy that included measures to prevent bullying and were accountable to the Office for Standards in Education, Children’s Services and Skills in that regard. Between September 2016 and March 2020, the Department for Education was providing over £2.8

million to four anti-bullying organizations. In England, relationship education was compulsory in primary schools and relationship and sex education was compulsory in secondary schools.

22. The Prevent Strategy was part of the Government's counter-terrorism strategy (CONTEST), which did not address specific identities, as research had shown that terrorists came from a wide range of backgrounds. The Prevent Strategy was intended to safeguard and support individuals vulnerable to radicalization.

23. **Ms. Bird** (United Kingdom) said that the Scottish Government had invested £600 million in broadband and was committed to ensuring that every home and business had "superfast" broadband by 2021. Scotland had a system of regional transport partnerships to ensure that plans for the sector were tailored to the needs of communities. Going forward, the role of transport in addressing inequalities would be explored.

24. Scotland had an anti-bullying strategy, entitled "Respect for All", which established various requirements for schools, particularly with regard to data collection. Rape Crisis Scotland received significant investment and implemented a national sexual violence prevention programme in schools. A number of recommendations concerning the inclusion in school curricula of issues affecting lesbian, gay, bisexual, transgender and intersex persons had been accepted and a dedicated group set up to implement them. Performance in that area would be assessed as part of the public sector equality duty in Scotland.

25. **Ms. McCaffrey** (United Kingdom) said that the Government had carried out a range of initiatives to tackle sexual violence and sexual harassment in schools, including gathering evidence to determine the scale of the problem and revising its Keeping Children Safe in Education guidance, which provided specific guidance on the response to reports of abuse, with a focus on safeguarding and supporting victims.

26. **Mr. Bergby** said that he would like to know whether any protections for women's employment rights would be lost or weakened after the United Kingdom had left the European Union and how the State party intended to ensure that its obligations under the Convention in that regard would continue to be met, given that the provisions of the Convention were not fully incorporated into domestic law.

27. He wondered whether women's high employment levels had more to do with the increase in the State pension eligibility age for women than with incentives enabling them to work. In that connection, he wished to know why employees could not request flexible working arrangements from the start of their employment and what measures were envisaged to increase access to affordable childcare, particularly in Northern Ireland, where childcare costs were higher than in the rest of the country. He would also like to know whether the impact of shared parental leave had been assessed and whether the Government would consider introducing incentives, such as a "use it or lose it" requirement, to encourage fathers to use their parental leave entitlements. In addition, he would welcome information on what steps the Government was taking to combat gender stereotyping in employment and to provide more opportunities for women to pursue careers in the fields of science, technology and mathematics. Information on how the Government intended to enable more women with disabilities to enter the workforce would also be welcome.

28. Sexual harassment in the workplace was reportedly prevalent. Surveys indicated that it also went unreported in about 50 per cent of cases, and when it was reported, employers often failed to take any action. Did the State party envisage the introduction of a mandatory duty for employers to take reasonable steps to protect workers from sexual harassment?

29. Although the pay gap had narrowed, it was still relatively large. He noted that there were different approaches to pay gap reporting in England, Northern Ireland and Scotland and wondered whether the Government intended to conduct a comparative assessment in order to identify best practice with regard to reporting methods. It would also be interesting to know whether it planned to carry out additional campaigns, similar to the #PayMeToo campaign, to heighten awareness of the pay gap.

30. Aligning the pension age for men and women was laudable. However, he wondered how the Government intended to address the resulting negative impact on the pension entitlements of women born in the 1950s, who were now reportedly experiencing financial

hardship. More women than men were employed on so-called zero-hours contracts that failed to guarantee a minimum number of paid hours of work, which was worrying, especially in light of social budget cuts and the fact that most lone parents were women. What measures would the Government take to address that situation?

31. **Ms. McCaffrey** (United Kingdom) said that the Government was confident that the measures it had put in place would ensure that women's rights would remain protected after the country's withdrawal from the European Union. The Government had taken steps to close the gender pay gap more quickly, including through the reporting requirement, which had certainly helped to raise awareness of the issue. It was encouraging that, in the first year after the introduction of the requirement, all the companies required to report on salary differences had done so and about half had also submitted an action plan for reducing the pay gap.

32. Occupational stereotyping was a major cause of the gender pay gap. In addition to initiatives to encourage girls and women to enter higher-paid fields, such as engineering and technology, one of the ways the Government sought to balance out gender disparities was to attract more boys and men into traditionally female areas of employment, such as education, health and retail. Employees were entitled to request flexible working arrangements after 26 weeks' service, although the Government strongly advised employers to offer that option from the start. It was hoped that an awareness-raising campaign would increase the number of couples taking advantage of shared parental leave. The Government would review the policy's effectiveness, taking other countries' practices into consideration.

33. **Ms. Fannon** (United Kingdom) said that, since the Government believed that work was the best solution to poverty, the Universal Credit scheme aimed to ensure that it was more financially advantageous for claimants to work than not. The scheme's impact on women from an equality and human rights perspective had been assessed, and it had been determined that it met the requirements established under relevant domestic law and under the Convention. Universal Credit offered strong employment incentives for claimants with children; for instance, they were allowed to keep more of their benefits when they returned to work and their childcare responsibilities had to be taken into account when setting their expected working hours. Childcare subsidies were also provided.

34. **Ms. Pearce** (United Kingdom) said that the State pension eligibility age had been raised in order to ensure the sustainability of the pension system in the face of increased life expectancy and other demographic changes. Transitional arrangements had been introduced in the period after the reform's implementation to ensure that no woman's pension age would rise by more than 18 months. At the same time, the Government was taking steps to encourage older workers to remain in the workforce and to encourage employers to employ them. There were currently 40 per cent more women in their early 60s working than 10 years previously. There was no longer a default retirement age, and measures had been introduced to help older women improve their skills and look for work. The pension credit benefit ensured a minimum level of income for persons who had reached the State pension age.

35. **Ms. McCaffrey** (United Kingdom) said that the Government had set a target of enabling 1 million more people with disabilities to find work by 2027, including through training opportunities and tailored support. The Disability Confident scheme was designed to challenge employers' attitudes towards disability and provide them with guidance on employing people with disabilities. Thus far, 10,000 employers had signed up to participate in the scheme.

36. The Government would introduce a statutory code of practice on sexual harassment to raise employers' awareness about their responsibilities. The Government would also work with public sector officials and regulators to ensure they were addressing the issue and would collect survey data on sexual harassment to better inform policymaking.

37. **Ms. Ameline** said that the State party's health-care system was a good international example as it offered universal coverage, although the system was showing signs of strain. She wished to underscore the need to continue to ensure access to health care for the most

vulnerable members of society. Access to health services for women in rural areas also needed to be ensured.

38. She would like clarification of the situation of Northern Irish women who travelled to England, Scotland or Wales for an abortion. In particular, she would like to know whether they were guaranteed the best possible services and would not be prosecuted for their actions. She would also like more information about their access to the abortion pill.

39. Mental health problems appeared to be on the rise not only among women in prison, women migrants and women trafficking victims, but among women in general. She would appreciate a comment from the delegation in that regard.

40. **Mr. Ramsden** (United Kingdom) said that it was the responsibility of the devolved administrations – the Northern Ireland Executive and Assembly in the case of Northern Ireland – to ensure that their laws complied with the international obligations of the United Kingdom. Restoration of the devolved administration therefore remained a priority for the Government.

41. Northern Irish women could have an abortion without charge in England, Scotland and Wales. The service included a consultation with a provider and an assessment of whether the legal grounds for the procedure were met. Women were also offered contraception and testing for HIV and other sexually transmitted infections. Women in financial hardship could have their travel costs and those of a travel companion covered. A central booking service enabled women to schedule appointments in accordance with their specific requirements and medical condition.

42. **Ms. McCabe** (United Kingdom) said that she would provide information about the morning-after pill in writing.

43. **Ms. McCaffrey** (United Kingdom) said that the number of female prisoners taking their own lives had decreased, although women were five times more likely than men to engage in acts of self-harm in prison, with nearly 250,000 incidents the previous year. The Government was working to address the issue through the National Health Service. In her view, there was growing awareness and willingness to talk about mental health issues in the country.

44. **Ms. Peláez Narváez** said that she would appreciate more specific information about measures to support women with disabilities, for example in the area of employment. In addition, she would like to hear what steps the State party was taking to end the practice of forced sterilization and forced sex-change procedures.

45. **Mr. Bergby** said that he wished to know whether the Government would encourage companies with fewer than 250 employees to report their gender pay gaps on a voluntary basis. It would also be interesting to know whether the Government considered that zero-hours contracts adversely affected women. He wished to emphasize the benefits to the whole family of fathers being present during a child's first year of life.

46. **Ms. Ameline** said that she would encourage the State party to empower girls by giving them the chance to practise sports and to learn about their rights. Perhaps, to mark the fortieth anniversary of the adoption of the Convention, it could be displayed in British schools.

47. **Mr. Safarov** said that the data provided did not make it possible to gauge progress in increasing women's representation in managerial or executive roles. He would appreciate an answer to his questions concerning the budgets allocated to human rights NGOs in Northern Ireland and the State party's ratification of the International Labour Organization Workers with Family Responsibilities Convention, 1981 (No. 156).

48. **Ms. Narain** said that she would like to know what steps the Government was taking to make it easier for women barristers to be appointed Queen's Counsel. Although she did not question the State party's right to deprive someone of their citizenship, she wondered what safeguards were in place to ensure that a person would not become stateless as a result of the loss of their citizenship.

49. **Ms. Nadariai** said that she would like to know how the central Government and the local authorities planned to extend broadband access in rural areas in England. She also wondered what would be done to improve rural bus services and keep them affordable for low-income families in order to facilitate school attendance for girls from such families.

50. **Ms. Tisheva** asked whether the Government intended to review the impact of the rise in the State pension eligibility age on women born in the 1950s, who had been the group most adversely affected by the change.

51. **Ms. Bird** (United Kingdom) said that the Scottish Government was firmly committed to empowering persons with disabilities and would shortly be publishing a document entitled “Keys to Life” that would outline ways of enhancing the life choices of such persons and examine the factors preventing them from fully enjoying their rights. It would also shortly publish an action plan on fair work that would examine issues surrounding equality in the workplace. It was currently taking steps to encourage private companies to sign a commitment to adopt fair practices.

52. **Ms. McCaffrey** (United Kingdom) said that an access-to-work scheme provided grants to offset extra costs associated with the employment of persons with disabilities. The Government was encouraging companies with fewer than 250 employees to report on their gender pay gaps. Additional information on broadband access in England and various other matters raised by Committee members would be provided in writing.

53. **Ms. Chapman** (United Kingdom) said that, although the percentage of women barristers appointed as Queen’s Counsel had increased by 1 per cent between December 2017 and December 2018, the total percentage, around 15 per cent, remained low. In order to remedy that situation, the Government was working closely with the various regulators and organizational bodies responsible for the careers of barristers and other legal professionals. In December 2018, a review had been announced that would include consideration of how to enhance diversity within the legal profession.

54. **Mr. Ramsden** (United Kingdom) said that the Government had commissioned the Taylor Review of Modern Working Practices in recognition of the fact that the labour market had changed significantly in recent years. That review had recommended that persons on zero-hours contracts who had been working for a company for at least 12 months should have the right to request a contract guaranteeing them a certain number of hours per week. The Government had accepted that recommendation and was considering how to apply it to a wider group of workers.

55. **Ms. Nadariai** said that tax evasion, especially in combination with austerity measures, had an adverse effect on the most vulnerable members of the population, as it resulted in cuts to public services. Unfair tax practices had a disproportionate effect on women as they reduced the amount of tax paid by the wealthy, the majority of whom were men. The Committee would welcome information on any measures being taken to ensure that women were not adversely affected by the taxation system, particularly as the United Kingdom underwent the process of withdrawing from the European Union, and how women’s rights were prioritized through the allocation of tax revenue. Given that British overseas territories and Crown dependencies reportedly served as havens for tax avoidance, it would be interesting to learn what measures were being considered to strengthen the fight against all forms of capital flight.

56. **Ms. Reddock** said that, although the United Kingdom had the fifth largest economy in the world, one fifth of its population was living in poverty. Women and children were particularly affected. According to the United Nations Special Rapporteur on extreme poverty and human rights, the increase in the working population had not resulted in a reduction in income inequality or poverty. The Committee would welcome an explanation of why poverty and inequality were increasing and what long-term or temporary special measures would be taken to address the situation.

57. In view of reports indicating that the social benefits system known as Universal Credit had had a disproportionately negative impact on women and children, the Committee would welcome information on any attempts to assess that system and any adjustments made in the light of such assessments. She wondered whether an intersectional

perspective had been incorporated in the assessments in order to determine the social, psychological, economic and gender-related impact of Universal Credit on vulnerable women, children and communities. It would be interesting to learn to what extent the expanded Shared Ownership and Affordable Homes Programme 2016–2021 had benefited gypsy and traveller women and girls.

58. **Ms. Haidar** said that the Committee was concerned to note that the Equality Act (2010) did not address intersectional discrimination. In Northern Ireland, which lacked a single legislative instrument consolidating the protection of equality, existing legislation did not recognize intersectional discrimination. In view of that situation, she wished to know what measures were being taken in order to ensure a coherent approach to the issue of equality.

59. Noting that climate change had a disproportionate impact on marginalized groups, including women, she asked whether any assessment of the potential impact of fracking had been carried out, how the gender perspective was taken into account in the State party's climate policies and whether the State party collected and disseminated disaggregated data on its greenhouse gas emissions and on any mitigation and adaptation measures that it had introduced.

60. A number of groups of women were subjected to marginalization, discrimination and restricted access to basic services, including rural women, older women, women with disabilities, women belonging to minority ethnic and religious groups, women in detention, migrant women, women asylum seekers and women refugees detained in holding centres. For example, only 53 per cent of women with disabilities were economically active, and only 32 per cent of women of Bangladeshi origin had been in employment in 2017. In view of that situation, she asked whether the Government would consider amending the Equality Act and developing a multisectoral plan to address intersectional discrimination in education, health and employment.

61. **Ms. McCaffrey** (United Kingdom) said that the tax authorities carefully considered the impact of their decisions on vulnerable groups, in line with the Government's legal obligations and its strong commitment to promoting fairness. With regard to the involvement of overseas territories and Crown dependencies in tax evasion schemes, it should be noted that those territories were self-governing jurisdictions that were responsible for setting their own fiscal policies and rates of taxation. The Public Sector Equality Duty, adopted in 2011, was the main mechanism for ensuring gender mainstreaming and protection against discrimination. That mechanism was now well embedded and was taken into consideration in the decisions made by all government departments.

62. **Ms. Fannon** (United Kingdom) said that the Government was committed to ensuring that Universal Credit, its flagship welfare reform policy, provided all claimants with the right support. Statistics published by the Office for National Statistics showed that, in 2017, 85 per cent of families with dependent children, and 87 per cent of single-parent families, had a maximum of two children. In the Government's view, the policy of placing a two-child cap on the benefits made available through Universal Credit and Child Tax Credit systems ensured that a fair balance was struck in the treatment of persons receiving benefits and persons supporting themselves solely through work. Exceptions to the two-child cap had been implemented to protect certain groups, including women who had conceived a child as a result of non-consensual sex. Applicants for a non-consensual exception were interviewed by a doctor, social worker or other independent professional, who determined whether the woman's circumstances met the criteria for the application of the exception, although they did not express an opinion on the veracity of the woman's statement. The Government had originally intended to extend the two-child cap to all new claims from families, irrespective of when their children had been born. In accordance with legislation adopted in January 2019, however, families would now continue to receive support for each child born before 6 April 2017.

63. **Ms. McCaffrey** (United Kingdom) said that the policy of placing certain migrants and asylum seekers in detention for indeterminate periods was continually reviewed by the Government. Detention was used only in limited circumstances and for as short a time as possible; 95 per cent of persons subject to a removal order were living in the community.

As at 30 September 2018, 91 per cent of migrants placed in detention had left detention within one month and, of those, 66 per cent had left in under 29 days. The majority of persons detained for longer periods were foreign nationals who had been determined to be offenders. Pregnant migrants were detained only as a last resort and not for longer than 72 hours.

64. The Government recognized that climate change posed a serious threat to the environment, national security and economic prosperity. It was committed to ensuring that domestic energy sources, such as shale gas, were exploited in a safe and environmentally responsible manner and had put in place a robust regulatory regime. In establishing its policy on fracking, the Government had reviewed independent reports drawn up by experts, including Public Health England, and was confident that it had given due consideration to the impact of fracking on women and girls.

65. **Ms. Solomon** (United Kingdom) said that article 14 of the Equality Act, which addressed dual discrimination, was not currently being enforced because, in the Government's view, the provisions of the law currently in force offered sufficient protection, as they enabled victims to submit two or more claims of different types of discrimination in relation to the same incident. All provisions of the Act that had not yet been enforced remained under active consideration, however. The Government's position on dual discrimination was in line with the judgment of the European Court of Justice in the case of *David L. Parris v. Trinity College Dublin and Others* (case No. C-443/15), in which the Court had ruled that the grounds for each claim of discrimination had to be established in its own right before a claim of dual discrimination could be considered.

Articles 15 and 16

66. **Ms. Narain** said that the outcome of the case of *Owens v. Owens* had demonstrated the absurdity of a fault-based divorce system, which failed to define clearly what constituted unreasonable behaviour and created unnecessary hostility that had a negative impact on children. The Committee would like to know when the option of no-fault divorce would be introduced in England and Wales; whether women's rights organizations, legal professionals and academics had been consulted about the divorce law reform proposals; whether responses had been received from women or women's rights organizations; and whether the new law would provide for better protection for women's property rights in the event of divorce or the breakdown of a de facto union, in line with article 16 of the Convention and the Committee's general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution. It would be interesting to learn whether there were any proposals for the reform of divorce law in Scotland or Northern Ireland, how the proposals would affect Islamic and other religious marriages and whether the "triple talaq" divorce procedure was applicable to Islamic marriages in the United Kingdom.

67. At present, women could be forced to remain in a religious marriage even after their civil marriage had been dissolved and could consequently be pressured into accepting certain custodial and financial arrangements. She wished to know whether the Divorce (Religious Marriages) Act 2002 would be extended to include Islamic religious marriages, whether new legislation on divorce would require couples to enter into a civil marriage before a religious marriage could take place and whether that legislation would prevent a civil divorce from being pronounced before the corresponding religious divorce had been completed. She wondered how the Government proposed to ensure that religious marriages did not lead to, or involve, de facto discriminatory practices against women.

68. Noting that 25 per cent of forced marriages reported in the United Kingdom took place in the country, she asked what was being done to make parents aware that the full and free consent of their daughters for marriage was required. She also wished to know why there were so few convictions in cases of forced marriage and whether it was true that police, social workers and teachers often declined to take meaningful action in response to complaints of forced marriage out of fear of causing cultural offence.

69. Although the Government's Forced Marriage Unit assisted in rescuing and repatriating victims of forced marriages that had taken place abroad, recent press reports

indicated that victims aged 18 years or over were required to reimburse the Government for the cost of their repatriation. She would like data on the number of requests for such assistance submitted to the Government in 2017 and the number of victims repatriated to the United Kingdom. The Committee would welcome the delegation's views on whether the fear of incurring a financial burden might deter such victims of forced marriage from requesting assistance and whether victims might be rendered destitute in the United Kingdom if they could not afford to pay for their repatriation. Would the Government consider waiving the repatriation costs in such cases? Lastly, she wished to know what impact the State party's withdrawal from the European Union would have on binational couples and what transitional measures were being taken to safeguard their rights.

70. **Ms. Chapman** (United Kingdom) said that consultations concerning the proposed reform of divorce legislation had taken place and that the Government was currently considering the responses received.

71. **Ms. McCaffrey** (United Kingdom) said that written responses would be provided to Ms. Narain's other questions.

72. **Ms. Peláez Narváez** said that she wished to know whether the Government would consider amending the Mental Capacity Act (2005) to provide for the repeal of all laws that prevented or deterred women from reporting gender-based violence, such as guardianship laws that deprived women of legal capacity or restricted the ability of women with disabilities to testify in court.

73. **Ms. Reddock** said that it was still not clear how the Government could justify establishing that a maximum of two children could receive support through the Universal Credit system. The children of larger families, who were not responsible for the number of children that their parents had, would be punished by that policy, which represented an attempt to shift responsibility for children from society as a whole to individual parents. The Committee would like to know whether any measures would be taken to address the disparity between women's State pensions and those of men, which were reportedly five times higher in some cases.

74. **Ms. Haidar**, noting that the Committee had asked questions about women offenders in detention as well as about women migrants in detention, said that she would welcome information on any measures being taken to implement the recommendations in the Corston Report on women in the criminal justice system and women at risk of offending.

75. **Ms. McCaffrey** (United Kingdom) said that she wished to thank the Committee for its insight, wisdom and tireless commitment to promoting and protecting women's rights. The members of the delegation were humbled to have had the opportunity to listen to, and learn from, the Committee and would be returning to the United Kingdom with a clear idea of the commitments that they must make to promote women's rights and tackle the injustices that continued to exist.

The meeting rose at 5.20 p.m.