The UK Joint Committee on Women (UKJCW) is made up of representatives from 4 women’s umbrella organisations from the different nations of the UK. The UKJCW was set up about 20 years ago to co-ordinate a UK view with respect to the European Women's Lobby and to provide forums for discussion and information to women and women's organisations. UKJCW holds the single UK seat on the EWL board rotating it between the member organisations to ensure that all 4 nations have representation at the European level. The umbrella organisations are:

Engender - Scotland

NAWO - National Alliance of Women's Organisations - England

NIWEP - Northern Ireland Women's European Platform

WEN Wales – Women’s Equality Network Wales (interim)

UKJCW welcomes the opportunity to participate in the Universal Periodical Review process. We believe it is critical that dialogue with women’s NGOs is integrated into the process to ensure that the human rights perspective is inclusive of a gender perspective. **Integrating a gender perspective fully into the UPR process, as recommended by Slovenia in the UK’s last UPR examination, gives a full perspective of the situation of human rights in the UK.**

UKJCW is built on a 4-nation model and has a unique perspective of human rights within the context of devolution in the UK. Our model of working enables us to have an understanding of the human rights situation for women on the ground across England, Northern Ireland, Scotland, and Wales. Although it is clear that devolution settlements, the Human Rights Act, and the European Convention on Human Rights are interwoven elements of the UK's constitutional framework, a gendered analysis reveals that **human rights in reality differ for women across**
the 4 nations. Historically, discussions at international level have failed consistently to reflect these differences and instead have demonstrated a London-centric perspective, influenced perhaps by UK government analysis. Two examples of difference across the 4 nations are explored below—access to reproductive health services and support for women who have experienced violence against women. It is critical that the UPR takes into account the reality of human rights for women on the ground across all the UK.

Current debate in the UK regarding human rights is centered on the function of the Human Rights Act. The UK government has established a commission to explore the case for a UK Bill of Rights; this could lead to major amendments or a repealing of the Human Rights Act in favour of a new bill of rights. UKJCW has concerns that this may lead to the limiting of human rights especially for women if this debate continues to evidence the lack of an integrated gender perspective. Human right norms and standards need to be analysed from a gender perspective to ensure that the impact on the ground addresses women’s rights as part of human rights. Efforts at ensuring that human rights legislation and implementation integrate gender considerations are essential in achieving implementation of human rights standards and norms that is sensitive to the needs and experiences of women.

We have chosen to focus this brief report on three priority areas: the impact of UK government responses to the global financial crisis on women, lack of reproductive health access in Northern Ireland, and violence against women across the 4 nations.

How the financial sector crisis became a women’s crisis in the UK

The UK economy entered recession in 2009, following a global financial crisis. It emerged from recession in 2010, but growth since then has been weak. The most recent growth figures, for Q2 of 2011, record UK growth of 0.2%.

Part of the UK Government response to the recession has been to implement austerity measures, with a drastic contraction in spending across the public sector
and retrenchment on public sector pay and pensions\textsuperscript{1}. This has disproportionately affected women. House of Commons Library analysis of the June 2010 emergency budget, found that of the £8bn net revenue to be raised by financial year 2014-15, nearly £6bn will be from women, in contrast with just over £2bn from men. Although Scotland, Wales, and Northern Ireland set their own budgets with regard to devolved policy areas, they are funded by transfers from the UK Government\textsuperscript{2}.

\textit{Labour market}

The labour market impacts of recession and recovery have been wide-ranging. After a first-round impact on male-dominated industries within the private sector, such as construction and manufacturing, there has been shedding of female-dominated service sector and public sector labour. Women continue to suffer disproportionately in the labour market: in the year to August 2011, there was a 19% increase in women Job Seekers’ Allowance (JSA) claimants, and a 2.5% increase in the number of male JSA claimants. Concerningly, all indicators of long-term unemployment worsened in the month to August 2011, and youth unemployment has steadily risen to approximately 20%.

Real wages and household incomes are falling rapidly, with the bulk of spending cuts yet to be implemented, so it is highly likely that unemployment will continue to increase through 2011.

At the start of the recession, women’s labour market position was different from men’s in a number of ways. Women are less likely to be in employment at all, are more likely to work in low-pay, low-value occupations, are more likely to work part-time, and are more likely to work in the public sector. The UK labour market is characterised by persistent occupational segregation, rooted in gendered

\textsuperscript{1} Women are already significantly less likely to qualify for state pensions because of gendered patterns of labour market participation and unpaid workloads. Modelling by the Institute for Fiscal Studies (IFS) suggests that the number of men eligible for state pensions is fully 50% higher than the number of women. IFS, Child and Working Age Poverty and Inequality in UK: 2010, IFS Commentary C121, Joseph Rowntree Foundation, London, Oct 2011.

\textsuperscript{2} The Barnett formula is a mechanism used by The Treasury in the United Kingdom to adjust the amounts of public expenditure allocated to Northern Ireland, Scotland and Wales automatically to reflect changes in spending levels allocated to public services in England, England and Wales or Great Britain, as appropriate.
patterns of skills acquisition, which are underpinned by stereotyping about girls’ and women’s aptitudes, preferences, and capabilities.

Simple quantitative measures of unemployment do not adequately reflect women’s experience of recession, as they are less likely to register as unemployed and are weakly attached to the labour market. However, current evidence, coupled with what we know about women’s over-representation in UK public sector employment, suggests that the impact of the recession on women’s labour market participation will be severe and long-lasting.

Welfare Reform

The UK Government is proceeding with a welfare reform agenda that purports to ‘promote work and personal responsibility’ by incentivising engagement with the formal labour market and simplifying what it describes as a ‘complex system’. The Welfare Reform Bill, currently at committee stage, will substantially reshape the benefits architecture of the UK. A detailed analysis is beyond the scope of this paper, but the measures in the Bill have been criticised for, inter alia, strengthening work incentives for one working adult but creating a benefit withdrawal rate that will be faster for second earners, and reducing subsidies for childcare costs. The Welfare Reform Bill provides for the introduction of a 'Universal Credit' to replace a range of existing means-tested benefits and tax credits for people of working age, starting from 2013. Besides introducing Universal Credit and related measures, the Bill makes other significant changes to the benefits system in the following key areas:

- introduces Personal Independence Payments to replace the current Disability Living Allowance
- restricts Housing Benefit entitlement for social housing tenants whose accommodation is larger than they need
- up-rates Local Housing Allowance rates by the Consumer Price Index amends the forthcoming statutory child maintenance scheme
• limits the payment of contributory Employment and Support Allowance to a 12-month period

• caps the total amount of benefit that can be claimed.

In parallel, the Government is requiring single parents to return to the formal labour market earlier, and is reducing support for disabled people. Services that enable women to combine paid work and unpaid care are being reduced as part of downward pressure on public spending. While parity arrangements are in place for social security across the four nations, no account is taken of the different legislative provisions or service provision such as in relation to childcare.

Rather than ameliorating the impacts of the recession on women’s employment, it is likely that current welfare reform proposals, if implemented, will incentivise women to leave the labour market, thus entrenching existing gendered patterns of care.

Services

It is impossible to provide, within the scope of this paper, a comprehensive survey of the impact of public sector cuts on women. To a limited degree, gendered impacts can be mitigated by devolved administrations prioritising areas of service delivery that are being affected in other parts of the UK. This has happened, for example, with violence against women services, which have had ring-fenced funding maintained at current levels in Scotland. This contrasts with the position in some English counties, which have removed all funding to rape crisis and domestic abuse refuge services.

Work has been carried out, in some local areas, to identify the impacts of the cuts on women. Coventry was the focus of an equalities and human rights assessment of spending cuts, which set out the profound and adverse impact of some £30m reductions in benefits, coupled with the withdrawal of £38m of services, on access to education and training, housing, health and social services, and violence against women (VAW) services.

Although public sector equality regulation is diverging within the four nations\(^4\), there is a broad requirement to consider the impact of policy development, including spending, on women and men. There is little evidence to suggest that this is going on in a robust and substantive way, or that the outcome of equality impact assessment (EQIA) processes is gender-sensitive policy.

There are a number of threats to the progressive realisation of women’s economic, social, and cultural rights, associated with the recession and responses to it:

- Inadequate gendering of recovery and stimulus investment, which has focused on male-dominated, private sector industries such as construction; an increase in the number of modern apprentices, which is a skills acquisition programme that entrenches gendered occupational segregation, and returns negligible, or non-existent, wage premia to those completing the female-dominated frameworks; and funding for start-ups that has not been programmed in such a way as to tackle barriers to women’s entrepreneurship.

- Downward pressure on public spending that is resulting in a reduction in the services available to women to address their specific needs. This includes violence against women services, which are experiencing direct funding cuts and withdrawals of indirect support\(^5\) across the UK. Capacity building work, which enables public and private sector employers and service providers to gender their employment and service delivery practice, is also threatened by reducing budgets.

- The UK Government’s agenda for growth is deregulatory. Despite the World Bank listing the UK as the fourth best country in which to do

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\(^4\) The Equality Act 2010 provided for a single public sector duty in England, Wales, and Scotland, which would require public authorities to proactively promote gender equality (along with eight other protected grounds), eliminate discrimination and harassment, and promote good relations. Regulation of the public sector is devolved to Wales and Scotland, and each nation has regulated, or will regulate, quite differently. Northern Ireland has a similar, but differently cast duty, Section 75 of the Northern Ireland Act 1998.

\(^5\) An example of indirect support might include the reduced rent programmes that many local authorities offer to charitable NGOs, and which are being reduced or removed as a result of pressure on budgets.
business, and despite the OECD describing the UK economy as ‘lightly regulated’, the UK Government is sending clear signals that it perceives equalities legislation and regulation to be a drag on growth. Amid a wider programme of reform of non-departmental public bodies (NDPDs), there has been a transfer of capacity, both in terms of human resources, and in terms of budget, from the independent Equality and Human Rights Commission (EHRC) to the Government Equalities Office, which is a part of the UK Home Office. The EHRC is an NHRI with A status\(^6\), and has statutory powers to regulate around equalities, and to investigate and report on inequalities.

**Recommendation:** The UK government should, as required by its own laws, provide a robust and *evidenced* impact assessment of tax and benefits policies and change policies and programmes where their net effect is to further disadvantage women.

**Reproductive Rights in Northern Ireland**

The 1967 Abortion Act, on which other parts of the United Kingdom rely for law in relation to termination of pregnancy, was never extended to Northern Ireland. This means that women in Northern Ireland are discriminated against in relation to a fundamental aspect of health care. Abortion is legal in Northern Ireland, but only for an *extremely restricted set of circumstances*. Women in Northern Ireland seeking an abortion who do not meet these highly restrictive criteria must make a difficult and costly journey to another jurisdiction in the UK in order to undergo the procedure. Some 1,123 women travelled to England in 2009 to obtain abortions\(^7\). Recorded statistics show that 55,829 women have travelled to

\(^6\) The EHRC is one of three NHRI’s with A status in the UK. The Scottish Human Rights Commission (which works around human rights as they relate to devolved matters), and the Northern Ireland Human Rights Commission (which works around all human rights matters), operate in those nations respectively. Northern Ireland also has a separate equalities commission, the Equality Commission Northern Ireland. The EHRC does not operate in Northern Ireland.

England to access a safe and legal abortion since the 1967 Abortion Act made abortion legal in the rest of the UK. The Family Planning Association (FPA) knows that this figure is an underestimate, as many women will give false addresses to private clinics in England for fear of detection, and the numbers of women who obtained abortions in other European countries is unrecorded. The FPA estimate that since the 1968, as many as 80,000 women have travelled to England and other European countries from Northern Ireland to access safe and legal abortion services.

The requirement to travel creates substantial additional risk to the physical and mental health of the women affected, and the financial burden discriminates against women from poorer socioeconomic backgrounds, rural women, girls, and migrant women. Women from Northern Ireland also have to pay for the procedure which is available free of charge within the state National Health Service to women elsewhere in the UK. The additional financial and logistical difficulties of travelling mean that some women from Northern Ireland obtain abortions later in their pregnancy, at greater risk to their physical health and mental health. There are also cases in which the legal restrictions and financial burden force women to pursue illegal and unsafe abortions within Northern Ireland. Whether the abortion is procured within the jurisdiction or elsewhere, provision for abortion aftercare in Northern Ireland is ad hoc, inadequate, and unsatisfactory.

In short, the current legal position in Northern Ireland criminalises and discriminates against women on the basis of where they live. Women are not afforded the same reproductive rights and choice that are available in the rest of the UK. Abortion law in Northern Ireland is still bound by the 1861 Offences Against the Person Act, which includes life imprisonment for any woman found to have terminated a pregnancy. There is no provision in Northern Ireland for abortions to be legally carried out on grounds of rape, incest and foetal abnormality. An abortion can only be carried out legally in Northern Ireland if continuance of the pregnancy constitutes a serious permanent or long term risk to the woman’s physical and mental health.
The restrictive nature of the law in relation to abortion in Northern Ireland and the pecuniary disadvantage that women face in having to pay for an abortion privately in England and other European countries have more recently led to women illegally procuring medical abortions over the internet. Section 5 of the Criminal Law Act (Northern Ireland) 1967 places a duty and legal obligation on medical professionals to report to the police an ‘arrestable offence’, thus acting as a discouragement for women who encounter medical complications from self-administered medical abortions from seeking medical assistance. These penal provisions contained within the legislation relate to a medical procedure and health risk only experienced by women.

This continuing discrimination against women has been the subject of recommendations in a number of UN reports. The CEDAW Committee in 1999, and again in 2008, in its concluding observations of the examination of the UK government, noted its concern that the government had not addressed this issue. In 2008 it recommended that a process of public consultation should be initiated, that abortion law should be amended to remove punitive provisions imposed on women who undergo abortions, and that health services should be delivered in a gender-sensitive manner to all health concerns of women.\(^8\)

These concerns have been further validated by the Committee on Economic, Social and Cultural Rights, who in their concluding observations on the UK and Northern Ireland in 2009, made the following recommendation regarding the provision of abortion services in Northern Ireland:

‘The Committee calls upon the State party to amend the abortion law of Northern Ireland to bring it in line with the 1967 Abortion Act with a view to preventing clandestine and unsafe abortions in cases of rape, incest or foetal abnormality’.\(^9\)

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\(^8\) Concluding Observations of CEDAW regarding: The United Kingdom of Great Britain and Northern Ireland, 18 July 2008, C/GBR/CO/6, at paras. 41 and 42.

The systematic breach of women’s reproductive rights in Northern Ireland has been repeatedly raised by NGOs, and exhaustive attempts have been made to engage government with this issue. Government’s failure to acknowledge this harm to women or to positively respond to concerns clearly establishes a pattern of failure on behalf of the UK government to adequately address the grave and systematic violation of women’s reproductive rights in Northern Ireland. The UK government continues to bypass and ignore recommendations made by UN Committees and has made no effort to challenge the discriminatory social and cultural patterns that underpin opposition to women’s reproductive rights in Northern Ireland.

There is little optimism that the Northern Ireland Assembly will respond positively to secure reproductive rights for women in Northern Ireland. In 2001, the Family Planning Association in Northern Ireland, concerned by inconsistencies in the interpretation of the law on abortion, sought a Judicial Review of the Department of Health, Social Services and Public Safety (DHSS&PS)’s unwillingness to issue guidance on when abortion is legal in the region. In 2004, the Court of Appeal said that the DHSS&PS must issue guidance in relation to the termination of pregnancy in Northern Ireland and investigate the difficulties in obtaining services for the legal termination of pregnancy.

The DHSS&PS issued guidelines early in 2007, allowing abortion when a woman's mental or physical health is in 'grave' danger of 'serious and permanent damage'. The Northern Ireland Assembly voted in autumn 2007 to reject these as being too liberal. A new draft set of guidelines, allowing abortion only if a woman’s life is in immediate danger, was issued during the summer months of 2008 and, following attempts by the Assembly Health Committee to again amend them, were issued in March 2009 as guidance to all doctors and medical staff. The Guidance was explicit that abortion is not legal in the case of rape or foetal abnormality. However, that Guidance was withdrawn also, following a judicial review taken by the Society for the Protection of the Unborn Child. The revised guidance was issued for consultation in July 2010, with a final date for responses to the consultation of 22 Oct 2010. A year later, the Minister for Health replied to a written Assembly question on when the Guidance would be published with the
statement “I am currently considering the Guidance on the Termination of Pregnancy and as yet, no date has been set for its publication” (AQW 1943/11-15).

The existence of devolution in the UK does not detract from the responsibilities of Westminster Government with regard to the implementation of the various human rights conventions, although Government attempts to argue (as it does in its most recent report to the CEDAW Committee) that responsibility rests with devolved governments. Indeed the CEDAW Committee in its 2008 report noted its concern that devolution was resulting in the uneven application of the Conventions across the UK and was clear that overall responsibility rests with the State party.

The UK Government appears also to take a contradictory approach to the issue of reproductive rights in that, while Northern Irish women are at the peril of an outdated, arbitrary, and restrictive law on abortion and are denied the same rights that are available to those throughout the rest of the UK, the Government supports the extension of reproductive rights internationally. The Department for International Development (DFID) released a position paper in October 2009 on safe and unsafe abortion. In their policy paper it is stated that in countries where abortion is legal that they will support programmes that make safe abortion more accessible, and where abortion is not legal that DFID will make the consequences of unsafe abortion more widely understood. It does not appear however that DFID follows their own policy in relation to their own country, in that women in Northern Ireland, which is part of the UK, are still at risk of unsafe abortion.

Recommendation: The UK government should ensure that the legal regulation of abortion in Northern Ireland acknowledges and is compliant with the state’s international human rights obligations; women in Northern Ireland should be able to secure early access to abortion services; there should be consultation on

this issue that is widespread and not confined to conservative or religious organisations.

**Roma Gypsy and Irish Traveller Women**

Around 300,000 Gypsy Roma and Irish Travellers live in the UK, and, since 2002, Travellers have been recognised as an ethnic group and are protected under the Race Relations Act. A study in Wrexham, cited in a paper by the Equality and Human Rights Commission, 2007, found that 61% of married English Gypsy women and 81% of Irish Travellers had experienced domestic abuse, most of which was more severe and sustained violence than those within mainstream communities. It is rare for women to call the police for help for fear of rejection by the community, a situation not helped by the fact that there is only one, 10-room refuge dedicated to Traveller women in the UK, in London. Additionally, Traveller women and girls are:

- Three times more likely to miscarry or have a still-birth
- Have a significantly higher suicide rate and lower life expectancy with one third dying before the age of 59
- Are taken out of education prior to secondary school to prevent them mixing with boys from other cultures, so illiteracy rates are high.

This is the backdrop to the high-profile events at Dale Farm in which up to 86 Irish Traveller families were evicted with no culturally suitable alternative being offered. This eviction was “contrary to international human rights standards on housing and evictions.” The Committee on the Elimination of Racial Discrimination condemned the eviction as disproportionate and expressed serious concerns that it may worsen the already high levels of discrimination and hostility towards Travellers and Gypsies. Of grave concern was the

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12 [Amnesty International](http://action.amnesty.org.uk/eaction/action?ea.client.id=1194&ea.campaign.id=11724&gclid=COH6mKr7rqwCFYEZ4QodrCB0GQ)
13 [http://www2.ohchr.org/english/bodies/cerd/docs/statements/DaleFarm_Statement.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/statements/DaleFarm_Statement.pdf)
Government’s unwillingness to accept the offer reportedly made by the OHCHR’s Europe representative, Jan Jarab, to help broker a peaceful solution.\textsuperscript{14}

It is important to note that whilst Dale Farm was a high profile eviction, only 19 days after the general election last year, £50 million that had been allocated to building new sites across London was scrapped from the budget, and the only remaining traveller liaison worker in London is funded by the Irish government.\textsuperscript{15}

The burden of all of this is unduly born by the women in the community, who are left to organise the living arrangements, health, education, and other services for the family.

**Recommendation:** The UK government should ensure that adequate provision of culturally appropriate sites and support services are granted to Travellers and Gypsies, to reinsert the duty on local councils to provide sites for Travellers and Gypsies, and for the UK government to ensure it complies with its international obligations.

**Violence against Women**

Despite recommendations from CEDAW and ICESCR concluding observations over the last 4 years, the UK government has made little progress on creating or delivering a coordinated, 4-nation strategy on violence against women. The UK government has adopted what it calls a “national” strategy that covers England and departments whose business is reserved to the UK Parliament (not devolved to Northern Ireland, Scottish or Welsh governments), and this plan is meant to locate the issue within the international human rights framework. A Gender Directors Network has been set up by the Government Equalities Office, but its members meet rarely, its objectives and outcomes are neither transparent nor

\textsuperscript{14} \url{http://www.guardian.co.uk/uk/2011/sep/19/dale-farm-evictions-un-negotiation}

\textsuperscript{15} Julie Bindel \textit{The Guardian}, Friday 25 February 2011
published, and no negotiation of agreed outcomes around VAW (or gender, for that matter) is evident.

At the same time funding for the women’s sector, and especially those organisations providing frontline support to women survivors of violence, is precarious across England and Northern Ireland, with a series of ad hoc and insufficient arrangements raising doubts about the sustainability of the sector. In Scotland, the new government has committed to level funding for both equalities work and for VAW services, and in Wales, the government has protected the violence against women budget within the then-Department for Social Justice and Local Government at a time of significant spending cuts.

In England, the VAW strategy is viewed as “guidelines” with local areas deciding on implementation, and it is clear that sufficient funding is not being allocated to properly implement the plan.

**VAW more than domestic violence?**

There is commitment to violence against women at policy level across 4 nations, but substantial and sustained support is missing for any form of violence other than domestic violence, and as mentioned above, that is endangered in the current public sector cuts. Welfare reform contains significant retrenchment of housing benefit (a reserved matter), and local authorities will be faced with increasing numbers of women fleeing violence who no longer have access to housing benefit.

There is little sign of more than marginal change of levels in support available for women in communities who are experiencing rape, prostitution, forced marriage, female genital mutilation or the other forms of VAW. This is true in varying degrees across the 4 nations, for instance, rape and sexual assault services have received increased funding in England and Scotland, although existing supports are far from adequate.

In Wales, there has been a huge amount of progress to tackle domestic abuse and other forms of violence against women over the past year:
• Delivery of two innovative publicity campaigns aimed at challenging attitudes that normalise violence against women and allow it to continue unabated;

• Expansion of the Wales Domestic Abuse Helpline (managed by Welsh Women’s Aid) to also support survivors of sexual violence;

• Publication of online guidance for teachers to deliver lessons on domestic abuse and other forms of violence against women in schools;

In Wales as elsewhere, national policy has not always translated into local delivery. Local authorities and other public sector institutions have no notion of “substantive equality,” leading to threats to women’s-only VAW services and accusations of “discriminating against men” because they provide specialist, single-sex services due to the very protection they should be experiencing under the Equality Act 2010.

A critical component to improving women’s human rights in relation to VAW across the 4 nations would be compulsory education from a human rights and gender equality perspective, from an early age, on healthy relationships, women’s human rights and gender stereotypes. The government needs to ensure there is greater attention on the VAW prevention agenda to reduce the prevalence of VAW rather than just providing services after the incident. And of course, real prevention outcomes will be progress on reducing women’s economic inequality and unequal access to public participation and power in government and other seats of decision making.

Recommendations:

1. The UK government, in collaboration with the devolved administrations, should coordinate a VAW strategy across the 4 nations that includes action plans across both devolved and reserved policy areas.

2. The governments of Wales, Scotland, Northern Ireland and the UK government at Westminster should commit funds over a minimum of a 3-year period to support existing levels of specialist services for women and
children experiencing VAW and indicate how support will be increased to address service needs for FGM, victims of forced marriage, rape and sexual assault survivors, women, men and children involved in prostitution and other sex industry activity.

3. The UK government should ratify the Council of Europe Convention on Violence against Women, including Domestic Violence (CAHVIO).

Women with no recourse to public funds

Women who are non-UK nationals have no recourse to public finds (NRPF) and are being denied access to even the minimal support that other women across the 4 nations can find. These women are not eligible for benefits, such as housing benefit whilst in refuge, and are prohibited from employment. Similarly, access to education and health and social care services is restricted. The UK government recently established a fund that local agencies can apply to for token payments to support women; this fund has had little impact on women with no recourse or on the women’s sector agencies that continue to struggle to support them.

Recommendation: The UK government should change its current position on housing and benefits so that ALL women in the UK can access safe housing and support, education and health and social care services, regardless of their immigration status.

From UK Joint Committee on Women

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