

Equality and Human Rights Commission

Women's rights and gender equality in 2018: update report

Formal submission to the UN
Committee on the Elimination of
All Forms of Discrimination Against
Women, in response to the UK List
of Issues, **February 2019**

Introduction

How to read this report

This report represents the response of the Equality and Human Rights Commission (EHRC) to some of the issues raised by the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee) in its 'List of issues in relation to the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland', published in August 2018.¹

This report focuses on relevant developments or evidence to have emerged since our previous report was submitted, and should therefore be read in conjunction with 'Women's rights and gender equality in 2018', provided to the CEDAW Committee in June 2018.²

This short report constitutes our formal submission to the CEDAW Committee. Also submitted as an annex is a longer, more detailed report and a full, merged list of recommendations taken from both the June 2018 and January 2019 EHRC submissions, which serves as a comprehensive statement of how we believe the State Party could improve implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Our aim is to encourage the UK and Welsh governments to use the CEDAW reporting process to continue, and to strengthen, their efforts to assess progress and improve compliance with their human rights obligations.

Devolution and the geographic scope of this report

The UK comprises four countries – England, Scotland, Wales and Northern Ireland. The UK Parliament has devolved various powers to the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, and it maintains

¹ [CEDAW Committee \(2018\), 'List of issues in relation to the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland'](#) [accessed: 3 January 2019].

² [EHRC \(2018\), 'Pressing for progress: women's rights and gender equality in 2018'](#) [accessed: 6 December 2018].

responsibility for matters that have not been devolved ('reserved' matters) and for England. Responsibility for implementing CEDAW therefore lies with the UK and devolved governments.

In addition, there are three separate legal systems in the UK – England and Wales, Scotland and Northern Ireland. The Supreme Court is the UK's highest court of law. It is the final court of appeal for all UK civil cases. It also decides 'devolution issues' about whether the devolved authorities in Scotland, Wales and Northern Ireland have acted, or propose to act, within their powers.

This report aims to cover England and Wales for all areas and Scotland for issues that are reserved to the UK Parliament (although in some cases, statistics and evidence for the UK or Great Britain as a whole are presented).

These recommendations are addressed to the UK and Welsh governments only, though they may also be relevant to other devolved administrations. The separate submission of the Scottish Human Rights Commission will cover areas devolved to the Scottish Parliament, and the separate submission of the Northern Ireland Human Rights Commission will cover Northern Ireland. Cross-governmental working across the whole of the UK will be needed to fully realise the rights set out in CEDAW.

This report contains 10 themes and 25 sub-themes. The start of each section includes a note highlighting the CEDAW articles, the CEDAW Committee's Concluding Observations (COs), the UK List of Issues (LoI) and the Sustainable Development Goals (SDGs) that particular theme relates to.

Role and remit of the Equality and Human Rights Commission

The EHRC was established by the UK Parliament through the Equality Act 2006 as an independent body with a mandate covering equality and human rights. Among other human rights responsibilities, the EHRC is responsible for 'encouraging good practice in relation to human rights'. Our geographic remit for human rights covers England, Wales and those issues in Scotland that are reserved to the UK Parliament.

The EHRC's role as a National Human Rights Institution (NHRI) requires us to assess and report on the UK's progress in realising the human rights in the treaties it has ratified. The EHRC works with other NHRIs in the UK – the Scottish Human Rights Commission and the Northern Ireland Human Rights Commission – and

liaises with government departments and agencies to fulfil this role. All three NHRIs hold 'A status' accreditation with the United Nations (UN).

Engagement with civil society

The UK previously had a separate Women's National Commission, an independent organisation to present the views of women to government; however this was abolished in 2010.³

As part of the EHRC's NHRI role in supporting the implementation of international human rights instruments, we conducted a competitive tender in 2017 and appointed Engender, the Women's Equality Network Wales and the Women's Resource Centre to independently submit a joint civil society shadow report to the CEDAW Committee.

Engender, the Women's Equality Network Wales and the Women's Resource Centre were also provided with EHRC funding to:

- produce three separately submitted reports on gender equality issues in Scotland, Wales and England respectively
- hold consultation events and conduct an online call for evidence on the major gender equality issues affecting women, and
- provide training for civil society organisations on how to engage with the CEDAW treaty reporting process.

This work came to an end in August 2018; however, our engagement with women's rights organisations across Great Britain continues. In 2019 we provided grant funding to a number of civil society groups to support their attendance and input at the CEDAW examination in Geneva.

³ [Women's National Commission. 2010. Closure of the Women's National Commission](#) [accessed: 30 April 2018].

Enhancing the status of international human rights in domestic law⁴

We are concerned about the lack of a joined-up approach to the UK's various human rights commitments, and expressed our concerns to the UK Parliament's Women and Equalities Select Committee during an evidence session on the UK Government's implementation of CEDAW.⁵ We are therefore calling for a national mechanism for implementation, reporting and follow-up, which would oversee the UK's UN treaty obligations and allow the UK Government to coordinate its reporting to UN human rights mechanisms.⁶

To progress equality and human rights protections further, the UK Government should implement the entirety of the Equality Act 2010 (EA 2010) and examine ways to improve access to redress for discrimination to ensure individuals are able to enforce their rights under the act effectively.⁷ Evidence suggests that the complexity and expense of litigation under the EA 2010 and inadequate remedies can be prohibitive.

We welcome proposals to simplify the process of legal gender recognition and recognise the unnecessary barriers under the present system, which amount to an additional burden for trans women who already face a number of obstacles to full participation in wider society. Our consultation response to the UK Government acknowledged concerns that removing barriers to acquiring legal gender recognition may affect women-only spaces and services provided under the single-sex and separate-sex service provisions in the EA 2010.

Our firm legal view is that reform of the Gender Recognition Act 2004 will not erode the special status of these important services and facilities. However, practical guidance is needed to help trans women, and single-sex and separate-sex service providers, understand and navigate the complexities of sex-based exceptions in the EA 2010, without compromising the service provided to women in difficult and vulnerable situations.

⁴ Relates to List of Issues (LoI) paragraphs 2 and 5, CEDAW articles 2 and 3, CEDAW Concluding Observation (CO) paragraphs 9, 11, 13, 17, 29, 66 and 67 and Sustainable Development Goal (SDG) 10.

⁵ [Parliamentlive.tv. 2018. Women and Equalities Committee, Wednesday 14 November 2018](https://www.parliamentlive.tv/Programme/Women-and-Equalities-Committee-Wednesday-14-November-2018) [accessed: 6 December 2018].

⁶ [See more information about national mechanisms](#)

⁷ [The Equality Act 2010 provides a legislative framework to tackle discrimination and advance equality across Great Britain, and places an equality duty on public authorities \(the Public Sector Equality Duty\)](#) [accessed: 21 May 2018].

We also recognise the need for an evidence-based approach for tackling inequality. Through our triennial review of the state of equality and human rights in Great Britain, 'Is Britain Fairer?', we identified data gaps in relation to lesbian, gay, bisexual and trans (LGBT) people, people with a religion or belief, and pregnant women and new mothers, and challenges in getting a comprehensive understanding of intersectional data.⁸ Our equality and human rights measurement framework⁹ has highlighted specific data issues on women and girls in relation to:

- harassment and unfair treatment in employment and education
- the marginalisation of disabled girls in education
- waiting times for health services
- police-recorded sexual assault
- urban–rural divides, and
- applications for legal aid.

There are underlying concerns about the potential impact of the loss of EU funding after the UK leaves the EU. Our 2019 report on these demonstrates that there are a large number of projects across England and Wales in receipt of EU funding that aim to help women develop their skills and support them in preparing to enter the labour market.¹⁰ [There has been no public commitment as yet to replace funding under the Rights, Equality and Citizenship Programme, which has specific objectives to promote equality between women and men and prevent violence against children, young people, women and other groups at risk.](#)

Participation in political and civic life¹¹

The under-representation of marginalised groups in politics and public life continues to be an issue. This is particularly clear in the case of disabled people. In the UK, just over one in five people has a disability, but available data suggests that a much lower proportion of members of the House of Commons are disabled.¹² ¹³ Financial

⁸ [Equality and Human Rights Commission \(2018\) 'Is Britain Fairer? The state of equality and human rights 2018'](#) [accessed: 6 December 2018].

⁹ [Equality and Human Rights Commission \(2017\) 'Measurement framework for equality and human rights'](#) [accessed: 6 December 2018].

¹⁰ Equality and Human Rights Commission (2019) 'If not the EU, then who?'

¹¹ Relates to CEDAW LoI paragraphs 6, 7, 13 and 14, articles 4, 5, 7 and 8, CO paragraphs 31 and 43.a and SDGs 5, 9, 10, 11 and 16.

¹² [Department for Work and Pensions \(2018\), 'Family Resources Survey 2016/17'](#) [accessed: 6 December 2018].

¹³ [House of Commons Library. 2017. Diversity in the 2017 Parliament](#) [accessed: 6 December 2018].

support for disabled electoral candidates is temporary and inconsistent across England and Wales.¹⁴

Without reliable data, however, it is difficult to assess the extent of under-representation. We recommend enacting section 106 of the Equality Act comes, so that there is a statutory duty for political parties to collect consistent, standardised data on the protected characteristics of elected officials and electoral candidates.

More needs to be done to eliminate gender stereotypes in everyday life. Evidence from our work to develop a national survey of prejudice and discrimination in Britain showed that 22% of people reported having experienced discrimination on the basis of their sex in the past year.¹⁵

We welcome initiatives by the Advertising Standards Authority (ASA), the regulator for the advertising industry, and the Welsh Government. Having presented the evidence base for tackling gender stereotyping,¹⁶ the ASA issued new guidance to address the use of harmful gender stereotypes in advertising.¹⁷ The Welsh Government launched a multimedia campaign aimed at challenging gender stereotypes in Wales in January 2018, which recognised gender stereotyping as both a cause and a consequence of violence against women and girls.¹⁸ We encourage the Welsh Government to evaluate the impact of its campaign on attitudes towards gender stereotypes and to publish the results.

Gender-based violence, harassment and abuse¹⁹

We welcome the UK Government's commitment to introduce new legislation around domestic abuse in 2019.²⁰ We have urged the UK Government to expand the remit of this legislation to include all violence against women and girls (VAWG).²¹ This would align it with the Council of Europe convention on

and the UK Government's own

¹⁴ [UK Parliament. 2018. Access to Elected Office for Disabled People Fund: Written question – 160175](#) [accessed: 6 December 2018].

¹⁵ [Abrams, D., Swift, H. and Houston, D. \(2018\), 'Developing a national barometer of prejudice and discrimination in Britain'. Equality and Human Rights Commission](#) [accessed: 6 December 2018].

¹⁶ [Advertising Standards Authority \(2017\) 'Depictions, perceptions and harm'](#) [accessed: 6 December 2018].

¹⁷ [Advertising Standards Authority \(2018\), 'Advertising guidance on depicting gender stereotypes likely to cause harm or serious or widespread offence'](#) [accessed: 2 January 2019].

¹⁸ [Welsh Government. 2018. This is me.](#) [accessed: 6 December 2018].

¹⁹ Relates to CEDAW LoI paragraphs 8, 9, 10 and 21, articles 1, 2, 5.a, 9 and 16, CO paragraphs 21, 35.a-d and 37 and SDGs 5 and 16.

²⁰ [UK Parliament. 2018. Domestic Violence and Abuse Bill examined](#) [accessed: 31 December 2018].

²¹ [Equality and Human Rights Commission \(2018\), 'Response of the Equality and Human Rights Commission to the consultation: transforming the response to domestic abuse'](#). Available at: [accessed: 17 September 2018].

VAWG strategy.²² We have also urged the UK Government to ensure that the disproportionate impact of domestic abuse on women is acknowledged in the statutory definition.

The review being undertaken by the Ministry of Housing, Communities and Local Government into the delivery of domestic abuse services across England, to understand the impact of services and to identify delivery gaps, is a positive step.²³ We have previously called for a comprehensive review of funding for survivors of domestic abuse and sexual violence and for a requirement on local authorities to provide refuge places on a statutory basis – calls that have been endorsed by the UK Parliament's Home Affairs Committee.²⁴

In April 2018, the first clinic to provide support to victims of female genital mutilation (FGM) opened in Wales.²⁵ However, more needs to be done across England and Wales to prevent FGM and to bring justice to victims. New sentencing guidelines for the offence of failing to protect a girl from the risk of FGM came into force in courts in England and Wales on 1 January 2019,²⁶ but to date no successful prosecutions have been brought under the Female Genital Mutilation Act 2003.²⁷

The UK Government recently announced that the Law Commission would undertake a full review of hate crime legislation in England and Wales, which will consider how sex and gender characteristics should be addressed by new or existing legislation.²⁸ We recommend that the review considers whether or not legislation must be amended to provide adequate protection for women, and fair and appropriate access to justice.

²² [HM Government \(2016\), 'Ending violence against women and girls: strategy 2016–2020'](#) [accessed: 19 December 2018].

²³ [Ministry of Housing, Communities and Local Government \(2018\), 'Bidding prospectus: 2018/20 fund for domestic abuse services, including refuge and other safe accommodation, to help local areas meet the priorities for domestic abuse services'](#) [accessed: 6 December 2018].

²⁴ [House of Commons Home Affairs Committee \(2018\), 'Domestic abuse: ninth report of session 2017–19'](#) [accessed: 2 November 2018].

²⁵ [Royal College of Midwives. 2018. 'A major step in the campaign to stop FGM in Wales' says RCM on opening of first specialist FGM clinic in Wales](#) [accessed: 6 December 2018].

²⁶ [Sentencing Council \(2018\), 'Child cruelty definitive guideline'](#) [accessed: 6 December 2018].

²⁷ The Crown Prosecution Service brought its third attempted prosecution in August 2018, which is currently ongoing. The trial has been set for January 2019.

²⁸ [Law Commission. 2018. *Law Commission review into hate crime announced*](#) [accessed: 7 November 2018].

Access to civil justice²⁹

The UK Government's review of changes to legal aid under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) was due to be published in December 2018. Our submission to the review highlighted the likely disproportionate negative impact on women due to their over-representation in areas of law that were removed from the scope of legal aid by LASPO, particularly housing and private family law.³⁰

A Commission on Justice in Wales has been established by the First Minister of Wales.³¹ It is currently [consulting on how criminal justice, civil justice and access to legal advice can be improved as part of a long-term vision for the operation of the justice system in Wales](#). This offers an opportunity to address barriers to access to justice that women face and we urge the commission to consider the key findings and recommendations that we published in our 'Is Wales Fairer?' report.³²

Human trafficking and modern slavery³³

The UK Government is committed to reforming the National Referral Mechanism (a framework for identifying victims of human trafficking or modern slavery and ensuring they receive appropriate support) but it has undertaken no public consultation on the reforms and the timetable for implementation is still unclear. The UK Government has proposed the creation of a single expert unit in the Home Office to streamline the victim identification process, an independent panel of experts to review all negative decisions and a new digital system to make it easier for frontline staff to refer victims for support.³⁴

The UK Government has also commissioned an independent review of the operation and effectiveness of the Modern Slavery Act 2015, which will look at several key

²⁹ Relates to CEDAW Lol paragraph 4, articles 2.c and 15, CO paragraphs 23.a-b and 47.e and SDG 16.

³⁰ EHRQuality and Human Rights Commission (2018), 'Response to the post-implementation review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012'. Available at: <https://www.equalityhumanrights.com/sites/default/files/consultation-response-on-post-implementation-review-of-laspo-september-2018.doc> [accessed: 19 September 2018].

³¹ [Welsh Government. 2017. First Minister establishes a Commission on Justice in Wales](#) [accessed: 6 December 2018].

³² [Equality and Human Rights Commission \(2018\), 'Is Wales Fairer? The state of equality and human rights 2018'](#) [accessed: 6 December 2018].

³³ Relates to CEDAW Lol paragraph 11, article 6, CO paragraphs 39.a-b and 55.e and SDGs 5, 8 and 16.

³⁴ [Home Office. 2018. Modern Slavery Taskforce agrees new measures to support victims](#) [accessed: 6 December 2018].

areas of concern that we have previously identified.³⁵ This includes the definition of modern slavery offences, access to legal remedies and compensation for victims, and the need to reinforce existing safeguards for victims to protect them from criminal prosecution. The review will also consider ways of strengthening support for child victims, but stops short of reviewing the act's provisions regarding adult support entitlements.

Detention and asylum³⁶

The UK Government published its female offender strategy in June 2018.³⁷ The strategy sets out the measures the Government will take to enhance mental health services for women in prisons, promote non-custodial sentencing and ensure that women in the criminal justice system are treated in ways that take account of gender and gender-based violence. However, a lack of funding could potentially undermine the effectiveness of the strategy.³⁸ There should be an increased and longer-term funding commitment for a network of women's centres to support liaison and diversion from the criminal justice system and enable rehabilitation, particularly for ethnic minority women.

There are also concerns about the lack of detailed information on some of the policy areas. For example, there is limited information on a pilot to secure more community sentence treatment requirements for 'vulnerable' offenders with mental health, drug and alcohol problems, which is currently in the trial stage of development.

While we welcome the emphasis on providing appropriate treatment in this pilot scheme,³⁹ there is a risk that compulsory treatment in the community as an alternative to imprisonment may violate the human rights of disabled women.⁴⁰ This type of sentence raises complex issues in relation to consent and forced treatment,

³⁵ [Home Office. 2018. *Review of the Modern Slavery Act 2015: terms of reference*](#) [accessed: 6 December 2018].

³⁶ Relates to CEDAW Lol paragraphs 10, 21 and 22, articles 2 and 15, CO paragraphs 55.a-d, 57.a-b and 59.a and SDGs 3 and 16.

³⁷ [Ministry of Justice \(2018\), 'Female offender strategy'](#) [accessed: 21 September 2018].

³⁸ [Clinks. 2018. *Ensuring a distinct approach: the Ministry of Justice launch their female offender strategy*](#) [accessed: 18 September 2018].

³⁹ [Joint Committee on Human Rights \(2018\), 'Annex: community sentence treatment requirements'](#) [accessed: 21 September 2018].

⁴⁰ [Convention on the Rights of Persons with Disabilities \(2014\) 'General comment 1, para 31'. Also paras. 21 and 42](#) [accessed: 1 November 2018]. Also [Guidelines on Article 14, especially paras 15 and 22](#) [accessed: 1 November 2018].

and must be monitored closely to ensure that women are not unduly pressured to receive mental health treatment in order to avoid detention.⁴¹

Stephen Shaw's report on the progress made by the Home Office in implementing the recommendations of his 'Review into the welfare in detention of vulnerable persons' was published in July 2018.⁴² This new report expressed 'significant concerns' about the number of women held in immigration detention and described worrying conditions at Yarl's Wood Immigration Removal Centre. In response to the report, the UK Government announced that it would pilot a community-based alternative to detention scheme for vulnerable women who would otherwise be detained at Yarl's Wood.⁴³ Immigration detention should be used as a last resort, and the UK Government should commit to setting a maximum limit of 28 days on the length of time an individual can be held.

Our 2018 research into the healthcare experiences of asylum seekers and refused asylum seekers highlighted several barriers, many of which affect women and pregnant women in particular, including lack of control over accommodation (leading to interrupted or delayed care), communication issues and an inability to afford items necessary to accessing healthcare.⁴⁴ In our research, pregnant women seeking asylum reported experiencing difficulties in affording the costs associated with accessing healthcare appointments, including for antenatal care, and not being able to act on healthcare professionals' nutritional advice because of a lack of money for appropriate food. The UK and Government should exempt all people who have been in the asylum process from NHS healthcare charging in England, in line with policy in devolved nations. Those women should also have free and full access to all family planning services and pregnancy and maternity services, regardless of immigration status.

We have also voiced our concerns regarding information-sharing practices between the police and immigration enforcement in relation to victims of domestic abuse.⁴⁵ The UK Government should ensure that victims of crime, including survivors of

⁴¹ [For a parallel issue, see: Secretary of State for Justice v. MM; Welsh Ministers v PJ \[2017\] EWCA Civ 194, concerning Article 5 ECHR](#) [accessed: 21 September 2018].

⁴² [Shaw, S. \(2018\), 'Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons'](#) [accessed: 18 September 2018].

⁴³ [Home Office \(2018\), 'Home Secretary statement on immigration detention and Shaw report'](#) [accessed: 18 September 2018].

⁴⁴ [Nellums, L.B., Rustage, K., Hargreaves, S., Friedland, J.S., Miller, A., Hiam, L. and Le Deaut, D. \(2018\), 'The lived experiences of access to healthcare for people seeking and refused asylum'](#) [accessed: 31 December 2018].

⁴⁵ [Equality and Human Rights Commission \(2018\), 'Response of the Equality and Human Rights Commission to the Home Affairs Committee inquiry: domestic abuse inquiry'](#) [accessed: 27 December 2018].

violence, are able to seek the assistance of the police and law enforcement authorities without fear of having their immigration status reported to authorities.

Adequate standard of living and social security⁴⁶

Our 2018 report demonstrated that the combined impact of tax and welfare reforms and other public spending changes made between 2010 and 2018 had the biggest impact on lone-parent households⁴⁷ – 90% of which are lone female parent households.⁴⁸ By 2021/22, the losses will be around 18.7% in England, 10.5% in Wales and 7.6% in Scotland. In England and Scotland, lone female parent households will have experienced greater losses than lone male parent households. Similar concerns about the impact of tax and welfare changes were raised by the UN Special Rapporteur on extreme poverty, who conducted an official visit to the UK in November 2018.⁴⁹ The UK Government should uprate all benefits in line with inflation and review the level of benefits to ensure it meets adequate living standards.

The domestic abuse-related risks under Universal Credit were the subject of a report by the UK Parliament's Work and Pensions Committee.⁵⁰ The committee noted that single payments potentially allow perpetrators to take charge of some, or all, of the household budget, leaving survivors and their children dependent on the abusive partner for their basic needs. The committee recommended that the UK Government should:

- support the Scottish Government to pilot different approaches to split payments
- provide training for work coaches to identify the warning signs of abuse
- appoint domestic abuse specialists in every Jobcentre Plus, and
- pay Universal Credit to the main carer by default.

⁴⁶ Relates to CEDAW Lol paragraphs 5 and 21, articles 2, 3, 13 and 14, CO paragraphs 21, 61.b and 63, and SDGs 1, 3, 5, 8 10 and 11.

⁴⁷ [Equality and Human Rights Commission \(2018\) 'The cumulative impact on living standards of public spending changes'](#) [accessed: 5 December 2018].

⁴⁸ [Hudson-Sharp, N., Munro-Lott, N., Rolfe, H. and Runge, J. \(2018\), 'The impact of welfare reform and welfare-to-work programmes: an evidence review'](#). Equality and Human Rights Commission [accessed: 31 December 2018].

⁴⁹ [Office of the High Commissioner for Human Rights \(2018\), 'Statement on visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights'](#) [accessed: 5 December 2018].

⁵⁰ [Work and Pensions Committee. 2018. Government must act on domestic abuse risk under Universal Credit](#) [accessed: 5 December 2018].

In its response to this report, the UK Government noted that only 20 households had taken up split payments to date, but confirmed that it has not collected any information on the reasons for split payment requests.⁵¹

Parliamentarians and other stakeholders continue to raise concerns about the impact of increasing the state pension age (SPA) on women born in the 1950s. By June 2018, 3,521 complaints about maladministration by the Department for Work and Pensions had been received by the Independent Case Examiner (on the basis that these women had been denied the chance to make informed choices about their future pension provision).⁵² The campaign group BackTo60, which has coordinated various public actions on the changes to the SPA for women, has now received permission from the court to bring a legal challenge to the policy.⁵³

Just and fair conditions of work⁵⁴

According to information gathered through a Freedom of Information request, only 500 more people took shared parental leave (SPL) in 2017/18 compared with the previous year.⁵⁵ Despite the low uptake, the UK Government was planning to extend SPL to grandparents. However, research conducted by the Chartered Institute of Personnel and Development showed that employers had mixed views about this proposal, with just a quarter welcoming the extension. The proposal has now been put on hold until an evaluation of the SPL policy has been completed.⁵⁶ Meanwhile, we recommend that the UK Government incentivise the take-up of parental leave by fathers by introducing non-transferrable leave at a more attractive rate of pay.

In July 2018, the UK Parliament's Women and Equalities Committee published its report on sexual harassment in the workplace.⁵⁷ The report endorsed key recommendations from our own report, calling for a mandatory duty on employers to

⁵¹ [House of Commons Work and Pensions Committee \(2018\), 'Universal credit and domestic abuse: Government response to the committee's seventeenth report'](#) [accessed: 5 December 2018].

⁵² [UK Parliament. 2018. State retirement pensions: females: written question – 146343](#) [accessed: 5 December 2018].

⁵³ [BBC News. 2018. Women's state pension changes to get legal review](#) [accessed: 5 December 2018].

⁵⁴ Relates to CEDAW LoI paragraphs 16 and 18, articles 2, 5 and 11, CO paragraphs 47.a-d, 49, 59.b and 61.a and SDGs 4, 5, 8 and 9.

⁵⁵ [People Management. 2018. Number of parents taking shared parental leave 'remarkably low' for third year](#) [accessed: 5 December 2018].

⁵⁶ [UK Parliament. 2018. Parental leave: grandparents: written question – 147297](#) [accessed: 5 December 2018].

⁵⁷ [House of Commons Women and Equalities Committee \(2018\), 'Sexual harassment in the workplace'](#) [accessed: 5 December 2018].

protect workers from harassment and victimisation in the workplace.⁵⁸ Breach of the duty should be an unlawful act enforceable by the EHRC, carrying substantial financial penalties. In December 2018 the UK Government responded to the report by saying it would introduce a statutory code of practice 'to help employers understand and demonstrate that they have taken "all reasonable steps" to prevent harassment'. It fell short, however, of agreeing to introduce a new duty.⁵⁹

[All employers required to report their gender pay gap in compliance with new regulations did so by July 2018](#). We analysed pay gap data from 440 employers,⁶⁰ and their accompanying narrative reports, identifying where improvements need to be made by employers to address the root causes of inequality for women in the workplace. We also commissioned research with over 2,500 employees, which found that a company's gender pay gap had a significant impact on women's motivation and behaviour at work.⁶¹

Following our calls for a mandatory reporting duty on ethnicity and disability employment data, the UK Government has announced its intention to introduce mandatory ethnicity pay gap reporting and has launched a consultation.⁶² Just 3% of employers are currently able to report their ethnicity and disability pay gap data.⁶³ We also call on the UK and Welsh governments to develop national action plans to close gender, disability and ethnicity pay gaps, and to report regularly on progress.

⁵⁸ [Equality and Human Rights Commission \(2018\), 'Turning the tables: ending sexual harassment at work'](#) [accessed: 5 December 2018].

⁵⁹ [Women and Equalities Committee \(2018\), 'Sexual harassment in the workplace: government response to the committee's fifth report of session 2017–19'](#) [accessed: 3 January 2019].

⁶⁰ Two hundred employers were assessed from the five sectors identified as the poorest performing in their treatment of women and new mothers, as identified in a report by IFF Research, together with a further sample of 200 employers chosen at random and 40 FTSE350 organisations that had published gender pay gap figures. See [IFF Research's 2016 report for EHRC, 'Pregnancy and maternity-related discrimination and disadvantage: experiences of employers'](#) [accessed: 19 September 2018].

⁶¹ [BMG Research \(2018\), 'Gender pay gap employee poll'](#) [accessed: 31 October 2018].

⁶² [Department for Business, Energy and Industrial Strategy \(2018\), 'Ethnicity pay reporting: government consultation'](#) [accessed: 5 December 2018].

⁶³ [Adams, L., Luanaigh, A. N., Thomson, D. and Rossiter, H. \(2018\), 'Measuring and reporting on disability and ethnicity pay gaps'. Equality and Human Rights Commission](#) [accessed: 19 September 2018].

Highest attainable standard of health⁶⁴

The UK Government continues to commit to improving access to mental health services and outcomes for the population as a whole,⁶⁵ but questions persist as to whether or not women and girls are receiving the care they need.

Evidence points to worrying trends in relation to detentions under the Mental Health Act 1983. A 2018 report found that women and girls in England were more likely to be held in mental health detention under emergency short-term sections than men and boys, and that women from ethnic minorities were disproportionately at risk of being detained compared with the general population.⁶⁶ The use of restraint against women and girls in mental health settings has been found to be widespread, with girls more likely to be physically restrained than boys and women are more likely to be repeatedly restrained than men.⁶⁷ The UK and Welsh governments, where relevant, should take steps towards eradicating the use of physical, mechanical and chemical restraint and other restrictive practices in mental health settings.

In September 2018, NHS England reported notable disparities among particular groups of women being able to access health services on a routine basis.⁶⁸ For example, Gypsies, Travellers and Roma and some vulnerable migrants, including pregnant women, victims of trafficking and survivors of gender-based violence, were still being refused registration in general practice. Reasons given for these refusals included the inability to provide ID, proof of address or immigration status. Gender equality objectives should be set by the NHS to address health inequalities experienced by women, which should provide focus to gender-specific and gender-sensitive health policies and services where evidence demonstrates targeted interventions would be effective.

⁶⁴ Relates to CEDAW Lol paragraph 21, articles 12 and 16, CO paragraphs 53.a-b and 61.a and SDGs 3 and 5.

⁶⁵ [HM Treasury and Hammond, P. 2018. *Budget 2018: Philip Hammond's speech*](#) [accessed: 31 December 2018].

⁶⁶ [Agenda \(2018\), 'Women in crisis: how women and girls are being failed by the Mental Health Act'](#) [accessed: 5 December 2018].

⁶⁷ [Agenda \(2017\), 'Agenda briefing on the use of restraint against women and girls, March 2017'](#) [accessed: 5 December 2018].

⁶⁸ [NHS England. 2018. *Improving access for all: reducing inequalities in access to general practice services. A resource for general practice providers and commissioners*](#) [accessed: 5 December 2018].

Equality in education⁶⁹

The UK Government announced that all schools in England will be required to teach health education from September 2020, as well as relationships education (RelEd) in primary schools, and relationships and sex education (RSE) in secondary schools.⁷⁰

While the UK Government's proposal falls short of mandatory status for all personal, social and health education (PSHE), the PSHE Association welcomed this development as a step towards improving standards across all schools and ensuring that every child in school will be guaranteed a PSHE education that covers mental health and wellbeing, physical health, and learning about safe and healthy relationships.⁷¹

The draft guidance highlights a need to teach children about different forms of abuse of women and girls as part of RSE, including sexual violence and harassment, FGM and coercive control.⁷² Some stakeholders suggest the guidance should be more specific on obligations to teach about relationships, respect, boundaries and the law as part of RelEd teaching in primary schools.⁷³ We also have concerns about the draft guidance, such as the meaning of 'age appropriate' teaching and the right of parents to withdraw their children from sex education, which potentially removes an opportunity for children to learn about topics such as consent and abusive behaviour. We recommend that teaching is evidence-based, not values-based, and inclusive of children with different protected characteristics. Parents' rights to choose how their children are educated must also be balanced with the rights of children as set out in the UN Convention on the Rights of the Child.

Following our own work to raise English and Welsh schools' awareness of the scale and impact of identity-based bullying,⁷⁴ we also support the UK Government's

⁶⁹ Relates to CEDAW Lol paragraph 17, articles 5 and 10, CO paragraphs 45.a-d and 61.a and SDG 4.

⁷⁰ [Department for Education \(2018\), 'Relationships education, relationships and sex education, and health education in England'](#) [accessed: 14 September 2018].

⁷¹ [PSHE Association. 2018. *Government takes 'major step' towards better PSHE for all*](#) [accessed: 14 September 2018].

⁷² [Department for Education \(2018\), 'Relationships education, relationships and sex education \(RSE\) and health education: guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers'](#) [accessed: 14 September 2018].

⁷³ [End Violence Against Women. 2018. *Plans for relationships and sex education don't go far enough*](#) [accessed: 14 September 2018].

⁷⁴ [Equality and Human Rights Commission. 2017. *Tackling identity-based bullying in schools video animation*](#) [accessed: 31 October 2018].

encouragement of 'whole school' approaches to help ensure that anti-bullying and equality policies are effectively aligned with the teaching of ReEd and RSE.

Contacts

This publication and related equality and human rights resources are available from [our website](#).

Questions and comments regarding this publication may be addressed to: correspondence@equalityhumanrights.com. We welcome your feedback.

For information on accessing one of our publications in an alternative format, please contact: correspondence@equalityhumanrights.com.

Keep up to date with our latest news, events and publications by [signing up to our e-newsletter](#).

EASS

For advice, information or guidance on equality, discrimination or human rights issues, please contact the [Equality Advisory and Support Service](#), a free and independent service.

Telephone 0808 800 0082

Textphone 0808 800 0084

Hours 09:00 to 19:00 (Monday to Friday)
10:00 to 14:00 (Saturday)

Post FREEPOST EASS HELPLINE FPN6521

© 2019 Equality and Human Rights Commission

Published February 2019

ISBN: 978-1-84206-786-4

You can download this publication from

www.equalityhumanrights.com

© 2019 Equality and Human Rights Commission

Published: February 2019

ISBN: 978-1-84206-786-4