Women and Equalities Committee


Wednesday 14 November 2018

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Watch the meeting

Members present: Maria Miller (Chair); Tonia Antoniazzi; Angela Crawley; Vicky Ford; Jess Phillips; Tulip Siddiq.

Questions 1–77

Witnesses

I: Viv Hayes, CEO, Women’s Resource Centre; Umme Iman, Executive Director, Angelou Centre; Andrea Murray, Human Rights and Research Director, Equality and Human Rights Commission; Hayley Willingale, Senior Associate Human Rights and Research, Equality and Human Rights Commission.
Chair: Can I welcome our witnesses and those who will be watching online? This is our oral evidence session on CEDAW ahead of the UK’s formal examination in February. We have one panel of witnesses in front of us today. We are going to do the usual thing of asking questions, but before we start that perhaps I could ask the witnesses to introduce themselves.

Hayley Willingale: I am Hayley Willingale. I am the senior associate at the Equality and Human Rights Commission and I am their CEDAW lead.

Andrea Murray: I am Andrea Murray. I am the director of human rights and research at the Equality and Human Rights Commission, and I am the lead director on our international human rights treaties work.

Umme Iman: I am Umme Iman from the Angelou Centre. We are a black-led women’s feminist organisation based in Newcastle, working across the north-east, advancing economic and social inclusion for black and minority women.

Vivienne Hayes: Good morning. I am Vivienne Hayes from the Women’s Resource Centre. We are the national support body for small local women’s charities across the country.

Chair: Can I start by thanking you all for taking the time to be with us this morning, spending time with us and answering our questions?

Vicky Ford: Welcome. These questions are setting the scene. As a first question, can you tell us what CEDAW is and why it is important for women in the UK? In particular, what importance does it have for women from different backgrounds, such as minority women or women impacted by religious laws, and therefore for diversity as well as women in general?

Andrea Murray: CEDAW is the international bill of rights for women and it is one of the most widely ratified of any of the international human rights instruments. It provides a guarantee in international law for the human rights that a lot of us take for granted. It covers specific issues related to women, such as reproductive services and healthcare, as well as the other main rights that we take for granted.

It sets out expectations for states to take positive action to realise those rights, which makes it a very important accountability mechanism. It is an opportunity for the state to measure itself against those standards every few years. It is also a policy instrument that they can use to embody certain principles in the way that we do things domestically. It takes an intersectional view of women’s rights and it notes the intersection with race, religion, age, socioeconomic background, sexual
orientation and gender identity, and makes recommendations for particular groups of women during all the examinations.

**Umme Iman:** To add to what Andrea said, for minority women CEDAW is particularly important as an instrument to use in lobbying, campaigning and holding Government to account on state compliance with CEDAW recommendations. Small advances have been made, but every four years you know that is something that you could be working towards in lobbying and campaigning for change to bring about better outcomes for black and minority women, disabled women, old women, and women of different sexual orientation, age or religion.

**Vivienne Hayes:** I agree with everything that has been said. It is a critical instrument for women’s rights and, in particular, for our sector to use in influencing policy-making. Possibly, post-Brexit, its importance is going to grow, in having a UN instrument that can forward campaigns such as on no recourse to public funds. It gives extra support for the work that the sector does.

**Q3**  **Vicky Ford:** When we have the inspection in February, what do you expect to happen and who do you expect to represent the Government?

**Hayley Willingale:** We understand that the Government delegation is going to be led by Elysia McCaffrey, who is a civil servant at the GEO. In past Governments, Ministers have attended examinations, but it has been typical over recent years, and in recent examinations under the other treaties, that a civil servant has gone along. That delegation is usually composed of various relevant experts as well as officials from the devolved Governments.

To tell you very briefly how it works, the committee will first meet with NGOs and NHRIs, and our counterparts in Scotland and Northern Ireland. That is our final opportunity to present any priorities and evidence we think they should be aware of. On the day, they have a very involved dialogue with the Government where they will ask various questions, and then they submit their recommendations.

**Q4**  **Vicky Ford:** It would be normal today to have non-Ministers leading it.

**Hayley Willingale:** I believe so, yes. In recent examinations we have had under the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child, I believe it has always been officials that have led the delegations.

**Q5**  **Vicky Ford:** Is there anything else you are expecting to happen in February that we should be aware of in this examination?

**Vivienne Hayes:** We would hope for a delegation of women’s organisations to attend.

**Umme Iman:** There was funding before the decimation of the women’s sector through austerity and commissioning across the country in the last
few years. We had a delegation from the north-east that fundraised, and five representatives attended the last examination. This year, this time round, there has not been the funding. Most of those organisations have disappeared and the funding has not been there for WRC, which led on that, brought us together and represented us. Again, the impact it has had on the sector in the last few years has completely deleted lots of organisations from the face.

**Chair:** Can I ask a supplementary to that before we go on? We are interested in these sorts of issues, but we would not consider it part of our role to go to this examination because we write reports and we communicate in different ways. Why do you think it is important for you to be physically there, as opposed to making submissions in the usual way?

**Umme Iman:** We were there at the last examination. It was really important because the commissioners really listened to us. All the recommendations we had taken through we saw in the concluding observations. You felt that you had been able to influence and make a change. They met with you quite fully. We had two clear meetings with them and one afterwards, and we were asked to contribute to the concluding observations as well.

**Hayley Willingale:** Although on the day that the Government are being examined by the committee we do not have any formal speaking rights before the CEDAW committee, it is quite typical for committee members in breaks or over lunch to consult with NGOs and NHRIs, and say, “Does that statistic that we have just heard on the gender pay gap sound right? What is your feeling about this policy area?” They test the positions and the recommendations that are starting to formulate in the room at that moment.

**Andrea Murray:** The UN really values the role of civil society organisations in providing that independent voice and evidence from the ground. We have seen it work extremely well. There are different roles: there is a different role for civil society organisations and for national human rights institutions like us. I can confirm that the committee really values people being there.

There is an expectation from the UN for all the treaties that Government will fund and that support civil society to engage with the process, and there is also an expectation that national human rights institutions will do so. We have funded organisations in the past and will continue to do it, but we would like to see Government starting to do that again. In recent years, they have stepped back from that responsibility.

**Vicky Ford:** For the February meeting, there is funding through you for civil society to be represented at that event.

**Hayley Willingale:** It is going to be advertised very soon.
**Andrea Murray:** We cannot give it directly in a grant format. We have to advertise it.

**Chair:** What do you advertise?

**Andrea Murray:** We advertise opportunities for civil society organisations to represent.

**Chair:** Then you make a judgment as to which.

**Andrea Murray:** Yes.

**Vicky Ford:** Maybe that meets part of the concern that we just heard from the Angelou Foundation about there being funding to be represented.

**Andrea Murray:** It does, but we are very conscious, every time this happens, that it almost gives an excuse for Government not to step up and fund it if we are funding it. The expectation from the UN and from us is that both Government and we have a role in supporting that process, and every time we think the choice is between funding people to go and nobody going, of course, we are going to step up and fund it, but we would prefer to see Government taking a role.

**Vicky Ford:** Who in Government is responsible for ensuring that CEDAW is implemented?

**Hayley Willingale:** The Government Equalities Office takes the lead. Many of the provisions are outside of its remit, so it is about making sure relevant Government Departments are aware of CEDAW and the obligations under it.

**Vicky Ford:** Does that work?

**Vivienne Hayes:** It does not work. The GEO is a fairly small Department in the scheme of things. It does not have sufficient influence and power and, critically, the Department moves around every year or so. There is no consistency. Additionally, the Department does not consult effectively with NGOs, as the CEDAW committee instructs it to do, in the compilation of its report. They are failing considerably in their duties on CEDAW, and we do not have cross-Government monitoring of CEDAW or any strategy to implement it. Although women are half the population, we get the message that CEDAW is an afterthought.

**Vicky Ford:** We have made some comments about that before, have we not?

**Chair:** We have, in terms of giving it a permanent home.

**Vicky Ford:** There is a need to ground the GEO in one place, and we have done some work on that. Hopefully that has already been captured.

**Umme Iman:** Yes, it would be really important, but it is really important to drill down to the local and regional areas, because people do not even know about CEDAW in local government, in local authorities and others. We went back after the last examination, and we were raising awareness
and trying to use CEDAW in lobbying and campaigning for change within those structures, but because there is no statutory guidance or any directive from central Government, each region will interpret these policies and procedures according to its understanding and any institutional racism that there might be.

_Hayley Willingale:_ If I might make a quick point, there are two key responsibilities. One is about providing the evidence and the input to the UN. Then there is taking the outputs and the results of the review, and making sure they are being implemented over the four or five-year period in between these reviews. We have a unique oversight, in that we engage with all the treaties, and different Departments do this differently. For example, the Department for Education has a fairly positive practice. After the review on the rights of the child, they set out a so-called framework of actions, explaining what steps they were going to take following the review. They also set up a group, which they co-chair with civil society, called the action group, and they meet regularly to oversee that progress.

Similarly, the Office for Disability Issues has now created an inter-ministerial group on disability and society, although it looks like that might not take human rights as the framework. Different Departments oversee their treaties slightly differently. Other states often have a central co-ordinating body to make sure strategic action is being taken, so you can see the overlap and there can be some consistency in how Government approaches these obligations.

_Q14 Vicky Ford:_ Do other countries do that?

_Hayley Willingale:_ Yes. From Mexico and Georgia to Portugal, Australia and Belgium, they often have what they call national monitoring, implementation, reporting and follow-up mechanisms, which is a very long-winded way of saying a central co-ordinated point.

_Chair:_ We have particularly the work of the Department for Education, following its convention, being distinctly different to GEO.

_Q15 Tonia Antoniazzi:_ The CEDAW committee last examined the UK in 2013. What did it find then and what were the key recommendations to the UK, in your view?

_Hayley Willingale:_ It is hard to prioritise when there were something like 60-plus recommendations. The report that we submitted in June found that lots of the areas that they raised in 2013 were still very relevant. Something like 73%, we considered, were not implemented or still outstanding in some way. They covered a huge range, from ensuring that the frameworks are in place so that women are consulted, so that human rights are protected in law, down to really specific things such as ensuring asylum-seeking women have access to healthcare and criminalising enforced marriage.
The areas we have prioritised, which are still very relevant, are issues around detention and asylum. Violence against women and girls is a big priority for us, as are women’s political participation, women’s economic empowerment and social security issues.

**Umme Iman:** On the recommendations in terms of violence against women and girls, the ratification of the Istanbul convention is really important, particularly to minorities, because it does away with this focus on immigration, and the prioritising of immigration policy over protection for victims and survivors of domestic and sexual violence. That is really important in relation to recognising that that is still outstanding and, if that happens, there is the whole issue of women with no recourse to public funds being left in destitution and poverty, not being able to have the protection that all women should have through the Government policies that there are and the structures that exist for welfare support.

In terms of disadvantaged women, as mentioned earlier, access to justice and healthcare to all women, asylum seekers as well, until they return to their country of origin was an important one. So is training for officers to be gender sensitive in their approaches when dealing with women through the asylum system, because we have recognised that that just does not happen. We welcome that some provision has come in, with childcare provided for some aspects of that process. But if it was followed through, so women can have that childcare when they are taking children along to make their representations initially, that would be really helpful.

**Vivienne Hayes:** I agree with everything said, but I want to highlight the fact that Hayley said, “We think that 73% of the concluding observations have not been implemented”. This feeds into the idea that we do not have any national machinery. This is critical, because women’s voices do not go into the heart of Government. In terms of the least heard or the most marginalised, their voices are absolutely absent.

We need a mechanism that supports our sector to bring those voices to Government because, yes, we will not always agree but there are times when we can help to improve policy-making, for example for universal credit and single payments. Had we had a structure that was a constant vehicle for engagement, I do not think that policy would have happened, because decision-makers would have realised how damaging it was for women. We really urge the Committee to support our call for some kind of structure that engages women’s voices and brings them into the heart of Government. I did not say this, but I wanted to really say thank you for holding this inquiry and giving us the opportunity to speak to you about it, because it is quite critical to us. Thanks for giving us the chance to come.

**Angela Crawley:** On the point you mentioned, Vivienne, the Scottish Women’s Convention has quite an active role in influencing Scottish Government policy and UK Government policy. Should something like the Scottish Women’s Convention be rolled out across the UK, in England and
Wales as well?

**Vivienne Hayes:** You are right. Also, Wales has WEN Wales, which I believe is funded from its Parliament. We had a mechanism 10 years ago. We could improve on that and think of doing it a little more creatively to bring in regional concerns, as Umme said. I have met with Elysia McCaffrey from GEO and said, “We can do this really easily for you. We have the reach into the smallest organisations. We are not issue based. We are across the board. We have an intersectional focus. It would not be difficult to do”. I hate to offer to do things on the cheap, but it would not cost that much money either. The message it would give to women is that the Government cares about us, because women feel that nobody cares about them.

Q17  **Tonia Antoniazzi:** That 73% figure is quite shocking, is it not? I think I know how you are going to answer this next question. How would you assess the UK’s implementation of the CEDAW committee’s recommendations in 2013? What is your opinion on how well they have done or not done?

**Vivienne Hayes:** Personally, I think the report from the Government in November was one of the most lacking that I have ever seen. I do not know if that is because Brexit has taken over the whole life of Parliament but, again, it gives the message that women are just not a priority. For half the population, that is just unacceptable to us. It is not just about giving money away; it is about investing. There is lots of research that shows, if you invest in women and their organisations, the return on your investment is anything between four and 11 times. It is not just a moral argument. There is an economic argument here too.

Q18  **Tonia Antoniazzi:** In your view, what are the top three issues for the CEDAW committee to consider when it examines the United Kingdom?

**Hayley Willingale:** I have already listed our top five.

Q19  **Tonia Antoniazzi:** Do you agree with them?

**Vivienne Hayes:** There are lots. We want to focus on the strategic overarching issues, such as the national mechanism that I have just spoken about, bringing women’s voice into Government, and improving the engagement with women’s organisations through that mechanism. The collection of intersectional data is really critical, because if we do not have the data broken down by and across protected characteristics, so black women or disabled women—

**Chair:** We are going to come on to the issue of data a bit later on.

**Vivienne Hayes:** Okay. Another one is incorporating CEDAW into domestic law. Those are our key overarching issues.

Q20  **Tonia Antoniazzi:** Can you give us any examples of where CEDAW has influenced Government policy?
**Vivienne Hayes:** We have no recourse to public funds, and legal aid. Those are two of the most recent ones.

**Umme Iman:** Legislation criminalising forced marriage is one of the recommendations of the committee.

**Hayley Willingale:** Definitely, we have noted that. There is some positive progress to report and that is definitely part of it. It is important to think of CEDAW alongside the Istanbul convention. Both of those have been helping add momentum to Government movements. The violence against women and girls strategy has also been influenced by these mechanisms.

**Q21** **Tonia Antoniazzi:** Do you think the UK’s state report on CEDAW gives an accurate account of the Government’s implementation of the convention?

**Hayley Willingale:** The Government have a very difficult job to explain a lot of complicated issues in quite a tight word count. We were slightly disappointed that, while it set out a lot of the policies and legislation, it was lacking in the evidence of outcomes and the analysis. On modern slavery, for example, there are lots of positive things to report since 2013 in terms of legislation, policy, and funding commitments. But it did not explain to what extent women are affected by human trafficking and modern slavery, or to what extent Government’s interventions in identifying and supporting victims have been effective. That is the kind of thing the committee would be looking for and that we would have hoped to see.

**Umme Iman:** There is no connection made, for example, between domestic slavery and domestic servitude, particularly in terms of BME women, those on spousal visas and others on other sorts of visas, and modern slavery. At a local level, the modern slavery unit will be excluding women’s organisations that really focus on that and highlight domestic slavery as an issue from any discussion, any provision, any support that comes out of that.

**Q22** **Chair:** Sorry, I did not understand that. The Home Office is excluding them?

**Umme Iman:** It is not the Home Office. I am talking about local government structures.

**Q23** **Chair:** Okay, sorry. Local government is excluding women’s organisations.

**Umme Iman:** It is excluding women’s voices and women’s organisations from bringing the issue of domestic slavery, domestic servitude, trafficking and exploitation into those discussions about the provision, the support and the funding that there is to respond to modern day slavery.

**Q24** **Angela Crawley:** The UK’s state report referred to the Government’s
gender equality strategy. What is your assessment of the Government’s gender equality strategy?

**Hayley Willingale:** We were not 100% sure what they were referring to in the state report, in all honesty, unless anybody has any insights that we do not have.

**Q25 Angela Crawley:** To be clear, you do not perceive that the Government currently have a gender strategy.

**Andrea Murray:** We are not aware of one.

**Hayley Willingale:** DFID has a gender equality strategy, but we are not aware of GEO’s.

**Q26 Angela Crawley:** The next question I was going to ask was what strategy the Government have for complying with CEDAW.

**Vivienne Hayes:** I am at a bit of a loss to answer that question, because I am not aware of any strategy from the Government or the GEO to implement recommendations of CEDAW. Occasionally, they might take one or two forward. They set up the Women’s Business Council quite some years ago, but we just see it as lacking, really.

**Q27 Angela Crawley:** Your understanding is that there is not a strategy at this current moment in time? Are you aware of what strategies or mechanisms other states have for implementing human rights treaties that might be useful for the UK to consider, in that case?

**Hayley Willingale:** That goes back to what I was saying earlier about these countries that have central points that co-ordinate both the reporting into the UN and then the follow-up.

**Q28 Angela Crawley:** Can you give an example?

**Hayley Willingale:** Yes, Georgia, Mexico, Portugal, Australia. There are many different models. Some are very high level, sitting in the Prime Minister’s office or an inter-ministerial group. Some are very operational and sit with civil servants across different Departments.

**Q29 Angela Crawley:** If you were to make a recommendation, then, to the UK Government, what mechanism do you suggest would be the best option for the UK?

**Hayley Willingale:** We would naturally say that the UK finds that out for itself. There is not a one size fits all. There was a global study by the UN that recommended that there is not just one way of doing this. In lieu of Government having a body like this, the Equality and Human Rights Commission has a treaty monitoring working group, where we meet quarterly with the civil servants that have responsibility for the different treaties and discuss the examination processes, but we also have substantive conversations about what follow-up is happening. That is the kind of thing Government should be doing but we are doing in lieu of it.
Q30  **Chair:** Can I ask a supplementary there? It is an interesting group of countries you have just quoted as countries that are doing this better than we are in terms of co-ordination. None of them are EU countries. Does that mean the UK is not that different from other EU countries? Why would you choose to say Georgia, Mexico—except for Portugal—and Australia? In terms of similar economies, are there no other economies that you would ask us to look at?

**Hayley Willingale:** There are EU countries. It is quite interesting that very different countries with very different backgrounds all have central co-ordinating points.

Q31  **Chair:** What about countries like France and Germany?

**Hayley Willingale:** Germany possibly does. We can get back to you on that. As I said, there is a global study. There is also, at the UN, a group of friends of nearly 50 states that have these mechanisms or are setting them up. The UK is not part of that group of friends.

Belgium is a really interesting example. Quite often when we talk to civil servants, they say that devolution makes this a bit too tricky. I do not know an awful lot about Belgium, but I understand it has quite an interesting structure as well. They have found a way to make that work. I have encouraged the officials we work with to find out more about how they have set that up.

**Andrea Murray:** If the Committee is interested, we could pull together a short briefing on some of these models and what the UN recommends.

**Vivienne Hayes:** We have worked on an alternative model, too.

**Angela Crawley:** Would you care to submit that to the Committee as well?

**Vivienne Hayes:** Absolutely.

Q32  **Angela Crawley:** Great, thank you. Coming back to the point you made about devolutionary arrangements, what impact do the UK’s current devolutionary arrangements have on its compliance with CEDAW? I am thinking particularly in relation to women’s access to abortion in Northern Ireland.

**Andrea Murray:** I should prefix this by saying we do not have a mandate in Northern Ireland. There is a separate Equality Commission for Northern Ireland and a separate Northern Ireland Human Rights Commission. We work quite closely with the Scottish and Northern Irish equality and human rights bodies. It adds an extra layer of complexity and it is certainly a challenge for the UN to understand what is devolved and what is not devolved.

One thing we have tried to do, with other NHRIs, is to advise the UN on where its recommendations are at a UK level and where they might relate to devolved policy. It makes it harder but nobody ever said devolution
was simple. An interesting benefit of it, though, from the UK’s point of view, is that in Scotland and Wales the Governments are often trialling things that are not happening in the non-devolved areas.

**Q33**  
Anita Crawley: Are there examples of where the devolutionary trialling has been successful, would you say?

**Andrea Murray:** They are mostly early days. The Welsh Government and the Scottish Government are looking at incorporating some of the Convention on the Rights of the Child into their domestic legislation. We are looking at that with quite a close eye to see what evidence it will provide of the benefits of that approach. On Northern Ireland and abortion particularly, your question was about—

**Q34**  
Anita Crawley: It was about the impact of the UK’s devolutionary arrangements on the compliance with CEDAW. Is women’s access to abortion in Northern Ireland an example of a sticking point in terms of compliance with CEDAW?

**Andrea Murray:** It possibly is. I do not think I am qualified to comment on it.

**Vivienne Hayes:** They are taking an option protocol, I believe, to CEDAW on that. There has been a lot of activity in the House around it. It is a challenge. As Andrea said, the CEDAW committee sometimes struggles with where responsibility lies. We overcame that by working across all four nations in our shadow report. Yes, it presents challenges and, because of the word limit of reports, sometimes it is difficult to clarify what is happening where. It also gives people a bit of a get-out clause, sometimes, to not do things.

**Andrea Murray:** This is true. Yes, it was a slightly mysterious obstacle to the implementation of the Istanbul convention at one point. People cited devolved Governments and we could never quite pin down what the objection was supposed to be. To flip the question slightly, CEDAW has been a very powerful argument in relation to abortion in Northern Ireland and reproductive rights generally.

**Hayley Willingale:** As far as the UN is concerned, it is the UK state that is responsible for implementing this obligation. It may go about that in various ways. It might be local authorities or it might be devolved Governments, but eventually, when they are being held to account at the UN, it is the UK state that will be responsible.

**Q35**  
Anita Crawley: In your report to the EHRC on CEDAW, you have recommended that original provisions of the Equality Act including the socioeconomic duty be reinstated. How would you secure women’s rights under CEDAW? I do not know why that is all part of one long question. If we go back a step, ultimately you have recommended in your report that there should be a socioeconomic duty. Why is that?
Andrea Murray: We spoke to some members of the committee a couple of weeks ago about this and our regular report on the state of equality and human rights in the country. It is the third time we had done it. Every time we report on it, we are very conscious of the intersection between socioeconomic disadvantage and many of the issues, in that it is a combination of race, for certain groups, and poverty, or vulnerability because of caring responsibilities and poverty. It is generally always the poorer groups within the protected characteristic groups who end up at the bottom of the heap and whose outcomes are so much worse than those of other groups in society. We feel that the socioeconomic duty is really crucial to tackling inequalities in general and that that would help focus public authorities and Governments on the root causes of what is going on here, rather than separating off poverty from our mandate.

Q36 Angela Crawley: Do you think it would hold the Government to account, then, on their compliance with CEDAW, if they were to have that socioeconomic duty?

Andrea Murray: It would be another tool and another lever. It would not be a magic bullet, because it is all about commitment and implementation.

Q37 Angela Crawley: You are nodding encouragingly.

Umme Iman: Yes. For black and minority women in particular, that is significant because there is no dearth of evidence that shows we are the hardest hit by austerity, by continuing policies around commissioning, decommissioning, all of that. Also, thinking about the all-party parliamentary committee, around the time of CEDAW in 2013, it concluded that unemployment for black and minority women had stagnated in 30 years. Something like that duty would make sure that the Government really tried to do something about it, rather than not have any provision to address those huge gaps and disadvantages.

Q38 Chair: Can I challenge that? The lack of enforcement by the Equality and Human Rights Commission of the Equality Act makes me rather cynical as to whether introducing another duty will have any impact at all. Surely, we need to see more action from the Equality and Human Rights Commission on helping enforce the law, because we are not seeing that at the moment. Why would having another duty make any difference whatsoever?

Andrea Murray: I will take that one, but it seems the others have things to say. It is all very closely related to the question of how effective the public sector equality duty is and how you make the public sector equality duty effective. It is possible to enforce and take compliance action, and we have enforced and taken compliance action, against provisions of it. It is essentially a third-generation equality duty. It is less about proving active discrimination, and more about requiring organisations to take action systematically and build the thinking about who is going to benefit
and who is not going to benefit from their policies into the way they design what they do.

It is the kind of area that is amenable to political will and push from the top and leadership in Government, in local authorities and in devolved Governments, which pushes this and says, “You have to be thinking about these groups when you design your policies, when you spend your money and when you look at the impact of things you are proposing to do”. It is very much a systematic structural thing. We engaged with the Treasury around the 2010 spending review on those critical high-level structural decisions.

It is quite a process duty. It is a difficult duty to enforce against. I fully accept the same difficulties and challenges might come with a socioeconomic duty. As a piece of legislation, it is almost a symbolic push, saying, “The Government care about this. We expect the public sector spending taxpayers’ money to care about this, and to look at who is benefiting and who is not”. Enforcement and compliance unquestionably have a role, but it is a bigger picture.

Q39 Angela Crawley: The public sector equality duty has been implemented in parts of Scottish policy and has been successful, so it is less symbolic and more practical in reality. It does hold the Government to account. It also holds practitioners to account in terms of the implementation. That can only be a good thing.

My last question is this. The CEDAW committee has repeatedly recommended that the UK Government incorporate the convention into domestic law. What impact would this have in practical terms for women in the UK?

Vivienne Hayes: We agree with that. As you say, the recommendation has been made several times. It embeds CEDAW into the country and, importantly, gives us, women’s human rights defenders, tools and opportunities to hold the Government to account. The issue of political will is critical. I just want to say that successive Governments have failed, so it is not party political. History shows us that women’s rights are only improved by women’s collective action, using the tools that are available to them.

Q40 Angela Crawley: The Government’s report on CEDAW says that incorporating the convention would give women more rights than other groups. Is that an accurate view?

Vivienne Hayes: I would question the thinking behind that. I think it is mistaken.

Q41 Angela Crawley: No, that is great. To come back to an earlier point, do you foresee any issues around, for example, devolved areas of Government progressing ahead of the rest of the UK in terms of policy around CEDAW, or could that be to the benefit of the whole of the UK?
Vivienne Hayes: Sorry, are you asking whether they have made progress in the last four years?

Angela Crawley: Yes. For example, are there any areas like Scotland or Northern Ireland where they have been able to progress things more successfully, so that the UK could follow by example?

Vivienne Hayes: In Scotland, there are examples of things being done better. The recent one is that they are trialling split payments and some of the work around rape and sexual violence. There are differences. It would be great if we could take the best from each devolved area but, again, it is about political will and leadership. In our sector, we feel that women’s rights are just not a priority. If you think about the numbers of women who are murdered, the reporting of it is not taken seriously. It is semi-normalised. As a good example, the Home Office has just announced a £2 million youth endowment fund, which is fabulous, but the deaths and violence that women experience are probably higher, yet we do not get that. Why do we not have some money to do the work that we need to do to save women’s lives? That is a question that I would really appreciate somebody asking.

Umme Iman: Interestingly, in Wales the courts have just ruled that a civil marriage is to be recognised as an Islamic marriage. That is really important because we find, again, with austerity, decommissioning, the loss of the women’s sector and the loss of public services and welfare services, that faith organisations are stepping into those gaps and setting up a parallel legal system in terms of religious laws. It is really alarming for us as an organisation, and we see it very often, that young second and third-generation women who were born in this country are going for these religious marriages that do not give them any rights and they are not being recognised. At the end of the day, the man can walk away and marry again, and register that second wife. Where do they stand then? They do not have any rights. For the young women, it is all tied up with a sense of identity and the discrimination that they are facing. A religious identity is what they catch on to, not recognising what the losses are going to be in relation to that.

Hayley Willingale: We have lots of examples of where Wales has shone a light and gone forward with best practice in different policy areas. As an example, leading on from what Viv was saying, Wales has the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill. That is an approach we recommended the UK Government take with the Domestic Violence and Abuse Bill that they have been consulting on. Going back to what Andrea was saying about the measures that have been taken in Scotland and Wales to enhance the rights of children, they are forging ahead in some areas. There are different models for incorporation and, depending on what approach they take, there are different benefits, but all these things are happening in the devolved nations and we are constantly flagging them to the UK Government.

Angela Crawley: While the UK Government are accountable for CEDAW,
there are examples of good practice in the devolved areas and that should continue to be the case.

Q43 Jess Phillips: The Government say in their state report that GEO is the national machinery for women. How do the Government currently draw on the expertise of the women’s sector?

Vivienne Hayes: It leaves a lot to be desired, to say the least. Initially, in 2011 and 2012, women would be invited to meetings at the GEO rather randomly. I do not think we ever received any minutes. There is no strategic approach to addressing women’s inequality. The engagement in the report that the Government produced in November was with 16 organisations. For our England report alone, we engaged over 100 organisations.

I would say they are not able to perform that role without close working with the women’s sector. It is setting them up to fail, almost, to expect them to do it. We are the ones on the ground working with women. That is the expertise and intelligence we have. We want an effective national machinery that assists Government in meeting their obligations under CEDAW.

Q44 Jess Phillips: How do they actually do it? Is it just invites to meetings?

Vivienne Hayes: From my knowledge, they are not really doing it.

Q45 Jess Phillips: Do they go out into the country? I have not noticed them passing by.

Vivienne Hayes: They had three meetings prior to the writing of their reports. Also, the country, the state party, has an obligation under CEDAW to raise awareness of it. That simply does not happen. We are the ones who do that, with practically no resources. We have to acknowledge EHRC this year in resourcing us, but we do not have the resources. I know everybody gets sick of us going on about resources but the reality is that, as a sector, we are being starved of resources. It is probably the worst time in my 30 years’ work in the sector for how the sector is faring. If you look at black women’s organisations, they are disappearing at a rate of knots. If you do not have the links into the community to women who nobody else has access to, how can you know what is going on in their lives?

Q46 Chair: Do you want to comment on this? Do you feed into the Government’s work on this? That is one of your roles, is it not?

Hayley Willingale: Yes, absolutely. Ahead of writing the CEDAW state report, the Government, as we have just said, held three events. I do not believe there was one in Northern Ireland at all. There was one in Scotland, Wales and London. I think that the London event had half a dozen people there.

Q47 Chair: I mean the EHRC has a policy role to feed views into Government.
**Hayley Willingale:** Yes. We attended each of those events, and we shared with them our views about the policy priorities they should be considering.

Q48 **Jess Phillips:** Can I ask for your assessment of those events? What were they like?

**Hayley Willingale:** I did not attend the London one. It was a colleague of mine. Viv, were you there?

Q49 **Jess Phillips:** There were six people there, you are saying.

**Hayley Willingale:** There were half a dozen people there, which is just slightly odd because we know that GEO has a wider contact base than that. I believe it was a free-flowing, open conversation: “Tell us what you think the priorities are”.

Q50 **Chair:** So you, as an organisation, do not feed into the Government on gender issues. Sorry, I was asking you as an organisation, not about the process related to this particular event. Generally, you do not see yourself as having a role in advising Government on policy.

**Andrea Murray:** Yes, we do.

**Hayley Willingale:** Sorry, I misunderstood.

Q51 **Chair:** Did you feed into the CEDAW process as an organisation?

**Andrea Murray:** Yes.

Q52 **Chair:** Could you talk to us a bit about your direct role?

**Hayley Willingale:** Do you mean the process on the Government side or the process generally?

Q53 **Chair:** What is your role, as the EHRC, feeding into the Government’s state report?

**Hayley Willingale:** We do not give them information for the state report. They write their report independently. We give our views as to what we think the priority areas are and they are well aware of the evidence we have. We write our own report completely independently.

Q54 **Chair:** Do you advise Government on what should go in there and do you feel that advice has been listened to?

**Hayley Willingale:** We attend their consultation events and we share our priorities. I believe all of those were in the report. Whether they were described in a full or accurate way is a different question.

Q55 **Chair:** It would be really helpful to the Committee if the EHRC could write to us to say what issues you felt should have been in the report that were not.

**Hayley Willingale:** Sure.

Q56 **Chair:** As I see it, your role is to advise Government on these issues. If
they are not listening to that advice, that is very important for us to know. It is probably the most important thing you could have told us today. It is all very good to talk about others giving information, and that is very important, but the EHRC has a statutory duty or a statutory role there. If they are not listening to you, you should be telling us that and not keeping it to yourself.

**Hayley Willingale:** Absolutely. Thank you.

**Q57 Jess Phillips:** Umme, do you feel there is a good conversation with GEO, in the process that it uses, with BME organisations, for example?

**Umme Iman:** No, not that I know of.

**Q58 Jess Phillips:** What about outreach-wise?

**Umme Iman:** I really welcome this opportunity today, because usually, for Government consultations, north of Watford Gap is as far as you go. That is what generally happens. It was really good to be able to come in.

**Q59 Chair:** Would you feed into the EHRC, though? They have a really strong voice with Government. Would you, as an organisation, be asked to give information to the EHRC on the things you think should be addressed in the Government’s report?

**Umme Iman:** We feed into the shadow report through the WRC.

**Vivienne Hayes:** It is a bit of a different process, because our report is from, if you like, the coalface for women. Women’s organisations feed into us.

**Q60 Chair:** Would it not be great if you could feed into the EHRC?

**Jess Phillips:** You are funded by the EHRC to do that work.

**Vivienne Hayes:** That is right.

**Jess Phillips:** So that is fed in.

**Q61 Chair:** You are feeding into the EHRC, which then feeds into Government.

**Vivienne Hayes:** We are, through a process. We welcome the EHRC recognising our independence to produce our own report. That is critical, because the things we raise in our concluding observations are the things the committee tells the Government they need to do. We would not want to not be able to have that independence, because there could be occasions when we do not agree with the EHRC. Who knows?

**Q62 Chair:** Completely, but equally, as our equalities organisation nationally, they have a duty to listen to people like you.

**Vivienne Hayes:** Yes, and they do.

**Chair:** I am really glad they are doing that, but then they need to make sure that the Government are listening again and, if they are not, to tell organisations like this. We could improve this system.
Q63 **Jess Phillips:** Do you think there are any alternative models in the UK or elsewhere for drawing on civil society expertise? What is happening in Scotland, for example?

**Vivienne Hayes:** As we said, there is the Scottish Women’s Convention and WEN Wales, which are funded by those Parliaments, whereas here we have no funding to bring civil society and women’s voices into Government or any processes. It is very telling that a lot of policy-making is gender neutral or gender blind, which means it is gender biased. Given we are half the population, we think all policies should be viewed through a gender lens. It is not hard or impossible to do. I feel that there is a lack of willingness somewhere within the corridors of power.

Q64 **Jess Phillips:** When you say it is gender blind, what do you mean?

**Vivienne Hayes:** If something is gender blind, it does not take into account how it would impact—

Q65 **Jess Phillips:** Can you give an example of where the Government have consulted on something that was gender-blind?

**Vivienne Hayes:** The DV Bill is classic. We have been fighting, lobbying, for 20 years to have domestic violence renamed as “violence against women and girls”, to incorporate all forms of violence. We have made great progress. The Prime Minister herself has set up the cross-Government stakeholder group on violence against women and girls. We had a violence against women and girls strategy. Then out comes the Domestic Violence and Abuse Bill, which does not cite this as predominantly a crime by men against women. We are going backwards, and those messages are loud and clear. They have massive implications as to what the policy is, where the resources go and whether women get help or not.

**Umme Iman:** To add to that in terms of black and minority women, what was key that was missing from the domestic abuse consultation, in terms of the structures that were looked at, was harmful practices. If there is honour-based violence and somebody presents to the police or another statutory organisation, they are not going to recognise that and respond in the same way.

Q66 **Jess Phillips:** That leads on to my next question. Do the Government have sufficient sex-disaggregated data to report their compliance to CEDAW and help them tackle sex discrimination?

**Andrea Murray:** I said that I would pick up the data question, because it is quite complicated. In terms of reporting against CEDAW, the UN committee has asked for more information on the part-time pay gap and age-disaggregated data on women in prison particularly. There are quite a few other areas where we would like to see greater analysis, such as harassment and unfair treatment in employment and education. We are very pleased that the Government Equalities Office is looking at piloting some kind of a sexual harassment survey. We are meeting with them to
discuss what we would advise the design and focus of that might be. Generally, there is a lack of information on sexual harassment, particularly outside the workplace.

There is a relationship between underreporting and under-recording of crimes that particularly affect women such as rape, sexual assault and domestic abuse. There is more that can be done to improve the data in those areas. We have picked up quite a few of the data gaps issues in the *Is Britain Fairer?* report that we published last month. We would be happy to provide a bit more detail on where we think the gaps are.

**Q67 Jess Phillips:** Is the underreporting of domestic abuse that you cite an underreporting issue or just the way the data is being collected centrally?

**Andrea Murray:** It is a complex combination of several different factors. As you know, there is reporting at different layers, to different authorities, in different ways. I would have to give you a more complicated technical answer. I have colleagues who know this stuff inside out. I am very happy to do a two-pager or even a one-pager.

**Vivienne Hayes:** The data is not disaggregated intersectionally or by protected characteristics. If we want to talk about what is happening to black women or disabled women, it is quite difficult to evidence that. That is highly problematic.

**Umme Iman:** That is also true for black, disabled women. If you look at equality impact assessments, the Government have done away with them, but with the LASPO coming in the equality impact assessment was siloed. There as a BME bit looking at how it was going to affect BME people, but within it no recognition that it would have a disproportionate effect on women in BME communities. Often, they will look at protected characteristics, but it is a very siloed approach and it does not look at intersectionality within each of those characteristics.

**Q68 Jess Phillips:** What about data collection with specific regard to refugee and asylum-seeking women?

**Vivienne Hayes:** That is going to be very difficult, is it not? A lot of those women are under the radar, because they are afraid of coming above the radar for fear of punitive measures and what is called the hostile environment.

**Umme Iman:** As an example from our area, things do not get recorded. Despite the fact that the police—specifically, I am talking about the Northumbria area—have recognised targets and protocols on enforced marriage and honour-based violence, in 2015-16 they only recorded two cases of forced marriage when we referred 20 cases in that year. It is sometimes about how data is recorded or the lack of that recording, which will then not give the evidence that is needed, which might then further disadvantage women when it comes to immigration or other aspects.
Q69 Jess Phillips: With regard to the nikah, there is no data for that, is there? There is no data being collected for women getting married with the nikah or not.

Umme Iman: No, not at all. There is no way in which that is counted.

Q70 Jess Phillips: How do you suggest it would be improved? Is it just the intersectional nature?

Andrea Murray: We have ongoing conversations with the Office for National Statistics about the big national datasets. Again, it is one of those questions to which the answer is that it needs co-ordinated action because different Government Departments are collecting things in different ways. The ONS is our best hope for that central standard. Particularly on intersectionality, it is very difficult. It is very difficult on LGB issues, also age in some areas, and certain forms of disability. You can get disability but not particular types of disability. It is a technical challenge but it is also a challenge of political leadership, to persuade people that they need this data to do something about it.

Hayley Willingale: It really relates to the work you have already done on the SDG 5 inquiry as well. We had ONS in last week to talk with the team that is leading the data collection under the SDGs. “No one left behind” is a really key part of that. They have gone from something like having 45% of the SDG data to 65%, but there is still a gap to close.

Andrea Murray: The SDG framework could produce a useful lever for getting that kind of action.

Q71 Jess Phillips: We will be considering the evidence taken from you today and all the evidence provided to the CEDAW committee when deciding how we are going to proceed. Are there any other matters before we finish that you feel you wanted to say, did not get to say or want to raise?

Hayley Willingale: We want to echo what Viv said earlier. We are so thrilled the Committee is looking at this and that you have been so proactive in routinely considering CEDAW and the Istanbul convention in your work recently. That is something we are really keen to see more committees do, and we have an open invitation to all the committees and staff to have these kinds of conversations, because that is a really important part of your scrutiny role. Thank you.

Andrea Murray: Parliament and civil society are the really key players in getting some momentum going in between the examination points. Historically, a team of civil servants will be pulled together to put in a report, turn up in Geneva and then be disbanded subsequently. There is no sense of momentum. Parliament and civil society can work together with us in keeping up that pressure.

Vivienne Hayes: I would absolutely second what Andrea said. It is like a mad rush, but women’s lives do not stop in between. The reason we are
able to gather the evidence is that we have established relationships with women’s organisations. You cannot just go and find women on one day. It is about building relationships with the organisations around the country. We need support to maintain that.

Q72  **Angela Crawley:** Hopefully this will add to what you have just said. Coming back to the point from earlier, there is the Scottish Women’s Convention; there is WEN Wales. Women in the north of England probably feel as unheard as women in other parts of the UK and Northern Ireland. Should there be a platform available throughout this process to ensure that women are constantly being heard?

**Vivienne Hayes:** Absolutely.

Q73  **Chair:** Can I ask Hayley a question? There is a real unhappiness about the way expertise from groups is taken into account by the Government in the drawing up of their report. The shadow report process, while it might be admirable, is leaving people feeling frustrated. What should we do? What process should we have in place so we do not have this sense of frustration, given your expertise in these things? What process should be followed to make people’s voices clearly heard and then acted upon?

**Hayley Willingale:** We would like to see some meaningful consultation. As I said, we have this perspective of seeing Departments doing it quite differently. I remember MoJ in 2012 having a roadshow for the universal periodic review and other mechanisms. We would have liked to see full, meaningful consultation with organisations across the country. As that did not happen, we funded WRC, Engender in Scotland and WEN Wales in Wales. We reached out to over 200 women’s rights organisations to consult them on their views and what the issues are, and to give them information about CEDAW. All that evidence was made publicly available unless people asked for it not to be so. That evidence is there and we would like Government to take that into account.

Q74  **Chair:** There is no lack of gathering the evidence.

**Hayley Willingale:** There is no lack of evidence.

Q75  **Chair:** You would have preferred that it was done by Government, not you, though. That is something interesting that we should explore with the Minister, as to why perhaps they think you should be doing it or they do not think they should be doing it. The follow-up question for you is this: why do you feel that has not been taken into account in what the Government have drawn up?

**Hayley Willingale:** It is partly about the practicalities of timing. The Government’s state report is the first part of this process. A lot of the evidence that we gathered, or part of it anyway, was after they submitted their state report.

Q76  **Chair:** That is pretty material.
*Hayley Willingale:* It is material. Had they done the consultation themselves, they would have already had it. We have another state report that was due last week, so they respond to the committee’s initial concerns. It was due in on 7 November. I am really hoping to see a marked improvement in that state report, based on the volume of evidence that was submitted to the UN that we gathered across Great Britain. I am really hoping to see that marked improvement.

*Vivienne Hayes:* We would welcome a more robust process of the Government gathering evidence, but we would not want that to replace the women’s sector shadow report. We would absolutely not want that to happen because, no matter how robust the Government’s report or consultation is, it cannot match ours in the reach we have or the issues we uncover. Additionally, we do not belong to a political party. We just bring women’s voices. There are politics involved in the Government’s reporting. We cannot deny that. We need both.

Q77  
*Chair:* My final question is about the second iteration of the report. What is that called? Is there a technical term for that?

*Hayley Willingale:* It is called the state response to the list of issues. The list of issues was the initial area of concerns that the committee highlighted in August. It asked specific questions of Government. They have should have responded to that by last week.

*Chair:* It is in response to those specific issues. Sorry, I have got you now.

*Hayley Willingale:* Yes.

*Chair:* Lovely. Thank you very much for your time today. That has been incredibly helpful. It is a complex process and it is a very specialised area. We are really, really grateful to you for taking the time to come and share your expertise with us. Thank you very much.

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1 Correction by witness: £200 million youth endowment fund.