**QUESTIONNAIRE**

**“NON - DISCRIMINATION AND EQUALITY IN FAMILY AND CULTURAL LIFE”**

In accordance with its mandate, the UN Working Group on the issue of Discrimination against Women in Law and Practice (hereinafter “the Working Group”) developed this questionnaire to gather information on how laws and practices discriminate against women within the family and cultural life. Additionally, this questionnaire has the objective of highlighting good practices and lessons learned in advancing equality between women and men within the family and in cultural life.

Regarding family life, the questionnaire focuses on issues of equality in marriage and rights and responsibilities within the family. In relation to cultural life, the questionnaire addresses issues linked with the right to have access, participate in and contribute to all aspects of cultural life, including arts, sports and cultural activities.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes the State obligation to “take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations”[[1]](#footnote-1). It also establishes the obligation to modify the socio-cultural patterns and gender stereotypes to eradicate all practices based on the inferiority or superiority of either of the sexes as well as to ensure that family education recognizes the common responsibility in the upbringing and development of children.[[2]](#footnote-2) Moreover, the Convention reaffirms the State obligation to eliminate discrimination and guarantee equality in the cultural sphere.[[3]](#footnote-3)

In addition, the International Covenant on Economic, Social and Cultural Rights recognizes the right of all people to enjoy their cultural rights in conditions of equality as well as the right to enjoy the benefits of scientific progress.[[4]](#footnote-4) Furthermore, the Human Rights Committee in its General Comment 28 on the *Equality of Rights Between Men and Women* also reaffirms that the right to equality before the law include equal status within the family and regardless of marital status.[[5]](#footnote-5)

The UN Working Group wishes to thank all stakeholders for responding to this questionnaire by **31 July 2014.**

**Questionnaire**

**General**

1. What status/hierarchy does your Constitution gives to international human rights treaties versus domestic law?

Please explain.

**The UK Constitution is not codified.  Treaty law is instead governed by constitutional convention.  The primary principle is that a treaty is not automatically incorporated into UK domestic law on ratification, but that it can be incorporated by an Act of Parliament.  Unlike the European Convention on Human Rights, CEDAW and ICESCR have not been so incorporated.  Domestic law therefore takes precedence over these international human rights treaties.**

**To this primary principle there are, however, a number of exceptions (found in case law) which permit the domestic courts to take account of the provisions of unincorporated treaties:**

* **The courts assume that Parliament does not intend to legislate in a manner incompatible with the United Kingdom's international legal obligations, including those arising under human rights treaties. They therefore interpret legislation in a manner consistent with those obligations whenever possible, even if there is no obvious ambiguity in the legislation.  In particular, where a statute was enacted to fulfil an international obligation, the courts will assume that it was intended to be effective for that purpose and will interpret the legislation accordingly.**
* **Where the common law is uncertain or there is a gap in the law, the courts try to make decisions in a manner compatible with international obligations.**
* **Where possible, the courts exercise their discretion in a manner compatible with international obligations.**
* **When reviewing the exercise of discretion by public authorities, the courts subject decisions or acts which interfere with human rights under international treaties to specially anxious scrutiny.  Such decisions or acts require particularly strong justification if they are not to be regarded as irrational or disproportionate and, therefore, unlawful.**
* **The courts regard people dealing with governmental bodies as having a legitimate expectation that, other things being equal, the Government will act in a manner consistent with the United Kingdom's international obligations.  The Government can make it clear that it does not intend to be bound by its obligations in its domestic decision-making, but until it does so the courts are able to quash decisions which disappoint the claimant's legitimate expectation.**
* **When the courts are required to decide what legal public policy demands, they regard it as being part of the legal public policy of this country that courts should give effect to clearly established rules of international law, and so they treat international obligations as an indication of public policy.**
1. Has your State ratified international human rights treaties with reservations to provisions dealing with equality in family life?

Yes ( **x** ) No ( )

**More specifically, the UK has reservations on equality and family life under the ICCPR (Article 24 - children's rights) and ICESCR (Article 7(a)(i) - equal pay; Article 10(2) - maternity leave).**

**With regards to the reservation on CEDAW Article 9:**

**Our reservation to Article 9 reflects the fact that children born to British women prior to 1 January 1983, unlike those born to British men, did not acquire British nationality automatically. There are, however, legislative schemes in place which provide opt-in procedures for all children born to a British woman who would have acquired automatic citizenship had they been born to a British man. Unlike other applications for British citizenship, no fee is charged for an application on this basis, simply a requirement that the applicant be of good character.**

**Reservation on CEDAW article 11:**

**The reservation is still required because of the difference in treatment between men and women when applying the legislative requirements in relation to State Pensions. Equalisation in treatment will occur in most respects from 6 April 2010 under the package of measures linked to the equalisation of State Pension age.**

**The Reservation in respect of Adult Dependency Increases will remain necessary for a longer period and the difference in treatment between men and women will continue in some cases until April 2020 for State Pensions.**

**The equalisation in treatment that was due to commence from April 2010 for State Pensions has now been overtaken by changes introduced by the Pensions Act 2007 in which new claims for an adult dependency increase will be excluded from 6 April 2010. Any entitlement to an adult dependency increase established before 6 April 2010 may continue until 5 April 2020 (subject to the conditions of entitlement continuing to be satisfied). Adult dependency increases will cease from 6 April 2020. We therefore need to retain the reservation to article 11 to protect the current position and for the period up to April 2020.**

**From 6 April 2020 entitlement to an adult dependency increase will cease in State Pensions and the reservation will no longer be required. The 'dependency increase' provisions were a hangover from the immediate post-war period where single breadwinner households were the norm. From 2010 most people are better off claiming a state pension on their own record, rather than relying on an ADI. If the partner is under SPa, then there may be other benefits available - eg: JSA.**

If yes, are there plans to withdraw these reservations?

Yes ( ) No ( **x** )

Please explain.

**The policy rationale behind most UK reservations to international human rights instruments has not changed, and the UK Government is therefore not yet in a position to remove all of its reservations.**

1. Are the principles of non-discrimination on the basis of sex/gender and equality between men and women established in the Constitution of your State?

Yes ( ) No ( **x** )

If yes, please provide references, describe how they are defined (name the specific articles) and whether they cover family and cultural life.

**The UK Constitution is not codified. Equality has historically been governed by the common law. Nowadays, however, the Equality Act 2010 prohibits direct (s.13) and indirect (s.19) discrimination on the ground of sex (s.11) and marital status (s.8). The 2010 Act also specifically prohibits discrimination on the ground of breast-feeding (s.13(6)) and, in both non-work (s.18) and work (s.19) contexts, pregnancy and maternity. Furthermore, s.149 of the 2010 Act requires public bodies to eliminate discrimination, harassment and victimisation on the basis of sex; to advance equality of opportunity between the sexes; and to foster good relations between persons of opposite sex.**

1. Are there any specific anti-discrimination or gender equality laws in your State?

Yes ( **x** ) No ( )

**If yes, please provide references and briefly describe the content of this law(s), in particular whether it covers family and cultural life.**

**The Equality Act 2010 protects people from discrimination in the workplace and in wider society. It sets out the different ways in which it is unlawful to treat someone. The Act replaced previous anti-discrimination laws such as the Sex Discrimination Act 1975, making the law easier to understand. It is available here:** [**http://www.legislation.gov.uk/ukpga/2010/15/contents**](http://www.legislation.gov.uk/ukpga/2010/15/contents)

1. Have there been any recent legal reforms in your State to guarantee non-discrimination and equality between men and women in family and cultural life?

Yes ( ) No ( **x**)

1. If yes, please explain and provide examples. Are there any customary, religious law or common law principles/provisions that discriminate against women in family and cultural life?

Yes ( ) No ( **x** )

If yes, please explain and provide examples.

1. Are there any good practices that you can share regarding the elimination of sex discrimination in family and cultural life in your State?

If yes, please explain and provide examples.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**The UK Government hosted the first Girl Summit in July 2014, in an effort to galvanise international support and inspire local and national efforts to end Female Genital Mutilation (FGM) and Child, Early and Forced Marriage (CEFM) in a generation. FGM The Summit was co-hosted by UNICEF and gathered UK Ministers, heads of state, domestic and international practitioners, survivors, charities, community groups and celebrities. During the Summit, faith leaders, civil society organisations and governments have committed to taking action to tackle these harmful discriminatory practices and the public pledged their support via a dedicated website (**[**www.girlsummitpledge.com**](http://www.girlsummitpledge.com)**).**

**There is more information about the actions taken to tackle Female Genital Mutilation, Early Forced Marriage in the answers to questions 39-49.**

**More information about the actions coming out of the Summit can be found here:** [**https://www.gov.uk/government/topical-events/girl-summit-2014**](https://www.gov.uk/government/topical-events/girl-summit-2014) **.**

***Welsh Government Response:***

***Equal pay***

**In Wales, there is a ‘equal pay duty’ which the Welsh Government introduced under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.**

**All public sector employers in Wales with more than 150 employees are required to report annually, not only on gender pay gaps, but on the gender disparities in grade, occupation and different working patterns (full and part time, permanent/temporary/ fixed contracts) between men and women, that can lead to disparities in pay.**

**The Welsh Government’s Strategic Equality Plan includes an Equality Objective to work with partners to identify and address the causes of the gender, ethnicity and disability pay and employment differences.**

***Childcare***

**Access to high quality, affordable, flexible childcare plays a key role in enabling women to access training and work opportunities. The Welsh Government’s Strategic Equality Plan contains actions for the provision of affordable and high quality childcare as well as improving the availability of childcare to more vulnerable or disadvantaged children. In July 2013, the Welsh Government launched the ‘Early Years and Childcare Plan – Building a Brighter Future’. The plan sets out the Welsh Government’s direction for the next 10 years, highlighting its commitment for all children of seven years and younger to have access to affordable, accessible and high quality childcare.**

***Women and Poverty***

**Tackling poverty and improving the outcomes of low income families is a key priority for the Welsh Government. The 2012 Tackling Poverty Action Plan sets out what the Welsh Government is doing help prevent and reduce poverty in Wales. A refresh of this Action Plan Building Resilient Communities: Taking forward the Tackling Poverty Action Plan was published in July 2013.**

**The 2013 Action Plan sets out key milestones and targets that support the delivery of better outcomes for families living in poverty. The targets and milestones included in the Action Plan have a strong focus on 3 key themes: preventing poverty in the longer term, helping people into work, and mitigating the impact of poverty.**

**The 2013 Tackling Poverty Action Plan identifies six key priorities for tackling poverty and improving the outcomes of low income families: early years; closing the educational attainment gap; reducing the number of people who are NEET; tackling workless households; addressing the Inverse Care Law; and housing and regeneration.**

***LIFT Programme***

**The Tackling Workless Households Programme (LIFT) will focus on eight Communities First Clusters across Wales. Dedicated staff are being put in place to support people from workless households into training, work experience and employment. The LIFT programme was launched on 24th March 2014.**

**LIFT will combine two main elements: Work across Welsh Government and with partner agencies to identify opportunities to support workless households; and work in the eight pilot Communities First Cluster areas to exploit these opportunities with dedicated support from the Employment Brokers and other local partners.**

**The intention is that experience gained from intensive work in the eight pilot areas will inform wider efforts to reduce the number of workless households in Wales.**

***50/50 by 2020***

**The 50/50 by 2020 campaign invites individuals and organisations to show their support and personal commitment to working towards equal gender representation for decision making roles in Wales.**

**The campaign is in response to the under-representation of women in Wales in positions of influence across public, private and third sectors.**

**The campaign has been set-up to encourage organisations to:**

**• Publically show their support in progressing towards gender balance across their decision making roles, by signing-up to this campaign;**

**• Work to proactively get as close as possible to achieving a 50/50 gender balance by 2020;**

**• Share their progress and success to encourage others to work towards 50/50 by 2020.**

 **The campaign has been founded by key organisations including: Chwarae Teg, The Equalities and Human Rights Commissioner, Welsh Government, National Assembly for Wales, Sport Wales, Wales CBI, Institute of Directors, Women Making a Difference, South Wales Police Commissioner, University of South Wales, Women Count, Business in Focus, Welsh Local Government Association, BBC Wales, Wales Probation Trust, National Museum Wales.**

**A key focus of the campaign is to involve men from the start as ambassadors of change and as champions for gender equality. Men in positions of power will be encouraged to become engaged from the outset to encourage them to identify with the campaign’s vision and to support women to progress.**

***Women’s Equality Network Wales***

**Welsh Government has provided funding for the Women’s Equality Network Wales since November 2011. Three year funding via the Equality and Inclusion Grant (2014-2017) has been agreed for the network. In 2014-2015 they will receive £84,110 which will, through the appointment of a director and project coordinator, work to strengthen the presence of the network and increase its membership in organisations and communities across Wales.**

**The network is charged with bringing the issues and challenges facing women from all communities in Wales to the Welsh Government. Recent work includes a report on the impact of welfare reform changes on women in Wales (2013) and a report on the issues facing older women (2014). Funding support was also provided in 2013 and 2014 for their attendance at the Commission on the Status of Women in New York.**

1. What actions have been taken by your State to eradicate negative gender stereotypes, including in the media?

Please provide examples.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**The latest actions taken by the UK Government to eradicate gender stereotypes include:**

* **Preparing an academic seminar on gender stereotyping and effective social policy responses, to be held October 2014**
* **An expert roundtable to explore the impact of gender stereotyping on young women’s aspirations**
* **An expert roundtable on men as change agents for gender equality**
* **Developing a careers toolkit for parents of teenage girls, with a strong focus on resisting gender stereotyping and gender-based restriction (to be published October 2014)**
* **Continuing a programme of work on body image: recent outputs have included a report on the impact of poor body image during pregnancy and early motherhood, research into the links between body image and girls’ aspirations, and development of a toolkit to encourage young people develop active citizenship projects in this area.  This work programme aims to build a strong evidence base and facilitate public debate about body image in order to foster positive cultural change and tackle sexism, stereotyping and objectification.**
* **Hosting a side event at CSW58 on everyday sexism.**
* **A high profile work programme to encourage girls to consider careers in science, technology, engineering and maths, thereby tackling the pressures to conform to gender stereotypes in career choice.**

**The UK Government has also taken steps to prevent discriminatory treatment in relation to the portrayal of women by adopting regulatory controls on media and advertising. In 2011, it set up set up an independent review led by Reg Bailey, Chief Executive of the Mother’s Union, to report on the issue and recommend ensuing actions. His report and the Government’s response were published in 2011, and the majority of the Bailey review recommendations have been implemented. Following the publication of the Bailey Review the Advertising Standards Authority (ASA) issued new tougher guidelines on the use of sexualised imagery in advertising and has subsequently banned a number of on-street ads that failed to meet these new requirements. There is evidence – from the number of queries to the ASA for copy advice – that advertisers are changing their behaviour in response.**

**In addition, public bodies (or organisations carrying out public functions) are required to follow duties set out in the Equality Act 2010 and the Communications Act 2003. This includes the BBC and some other public service broadcasters (Channel 4 and S4C).**

***Welsh Government actions***

**The Welsh Government supported the Get on with Science (GOWS) project from January 2012 - March 2014. Led by CAST Cymru and Chwarae Teg, this work helped schools to tackle perceived gender issues in STEM (Science, Technology, Engineering and Mathematics) – and promoted wider engagement by young people in these subjects; in particular, it supported improved approaches to the way science is delivered in primary and secondary schools to better reflect the needs of girls.**

**Encouraging more young people, particularly girls, to continue with STEM subjects in school (for example in Physics, where there is a significant drop-off rate of girls at A-level) is a vital first step in helping to increase the talent pool pursuing careers in the STEM industries – to help meet demand and shortages in this area to support the economic growth and prosperity of Wales. For more information, please follow:** [**http://chwaraeteg.com/get-on-with-science/**](http://chwaraeteg.com/get-on-with-science/) **.**

1. Are tribunals upholding the principles of equality and non-discrimination in matters relating to family and cultural life?

Yes ( x ) No ( )

If yes, please provide any relevant case-law/jurisprudence.

**The Human Rights Act 1998, which extends to the whole of the UK, makes most of the rights contained in the European Convention for the Protection of Human Rights (ECHR) directly enforceable in UK courts. In addition, the Act:-**

* **Requires all legislation to be interpreted and given effect as far as possible compatibly with the ECHR rights (and also requires the Government Minister introducing a Bill to Parliament to make a statement on the Bill’s compatibility with the ECHR rights);**
* **makes it unlawful for a public authority to act incompatibly with the ECHR rights; and**
* **requires UK courts and tribunals to take account of the jurisprudence of the Council of Europe European Court of Human Rights when considering a question concerning ECHR rights.**

 **Under the Scotland Act 1998, Northern Ireland Act 1998 and the Government of Wales Act 2006, the devolved administrations cannot act or legislate in breach of Convention rights.**

1. Are there any other mechanisms to monitor draft legislation, specific provisions in draft legislation or reverse decisions discriminating against women in family or cultural life?

Yes ( **x** ) No ( )

If yes, please provide any relevant examples.

**The UK Government introduced the Public Sector Equality Duty (PSED) in April 2011 which requires public bodies to have ‘due regard’ to the need to eliminate discrimination, advance equality of opportunity and foster good relations, when making policies and delivering services. The Equality and Human Rights Commission (EHRC), an independent statutory body, is responsible for the enforcement, monitoring and assessment of how public bodies comply with the PSED and specific duties. The Commission has powers to issue compliance notices to public bodies which have failed to comply and can also bring judicial reviews to challenge decisions and intervene in court proceedings.**

 **The Human Rights Act 1998 requires the Government minister introducing a bill to Parliament to make a statement on the bill’s compatibility with Convention rights.**

 **The Joint Committee on Human Rights monitors, amongst other roles, the executive’s compliance with human rights by undertaking inquiries on human rights issues and reporting its findings and recommendations to the UK Parliament**

**Family Life ­- Equality within marriage**

1. Is there a legal designation of head of household?

Yes ( ) No ( **x**  )

If yes, is the head of household the male member of the family? What rights or obligations are attributed to the head of household?

1. Do women have the same rights as men in your State in relation to:

( **x** ) The minimum age for marriage – if the age of marriage is different for men and women, please provide information

( **x** ) The right to enter into marriage

(  **x** ) The freedom to choose a spouse and to express consent

1. With permission or authorization from parents/guardians/courts, at what minimum age can men and women marry in your State? What enforcement measures are provided by law in this regard?

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**Men and women can marry at the age of 16 in England and Wales.**

**In England and Wales, the provisions for the age at which a person can marry are contained in the Marriage Act 1949. The Act provides that no person under the age of 16 can marry and that any marriage contracted by a person under the age of 16 will be void. For a child (defined in the Act as a person under the age of 18) to marry, the consent of every parent and guardian of the person concerned is required, unless the person has already been married or in a civil partnership.**

**In Scotland, people can marry at 16. There is no need for parental consent.**

1. Is there a reference to dowry in the legislation of your State, for example, in marriage contracts or in traditional practice?

Yes ( ) No ( **x** )

If yes, please explain.

1. Are forced marriages prohibited in your formal and customary laws?

Yes ( **x** ) No ( )

If yes, please provide any relevant references.

**We have criminalised forced marriage in England and Wales. The Forced Marriage Unit (FMU), a joint Foreign and Commonwealth Office, and Home Office Unit was set up in January 2005 to lead on the Government's forced marriage policy, outreach and casework. It operates both inside the UK, where support is provided to any individual, and overseas, where consular assistance is provided to British nationals, including dual nationals. The FMU operates a public helpline to provide advice and support to victims of forced marriage as well as to professionals dealing with cases. The assistance provided ranges from safety advice, through to aiding a victim to prevent their unwanted spouse moving to the UK, and, in extreme circumstances, to rescues of victims held against their will overseas.**

(For more information, please visit <https://www.gov.uk/stop-forced-marriage> )

1. Are forced marriages or arranged marriages practiced in your State?

Yes ( **x** ) No ( )

If yes, please explain.

**Forced marriage is a crime in England and Wales.**

**In 2013, the Forced Marriage Unit provided advice or support in 1300 cases.**

**Between November 2008, when the Forced Marriage (Civil Protection) Act 2007 came into force, and June 2013, 580 Forced marriage Protection orders were made to prevent marriages from taking place and to assist in repatriating victims.**

**There is no legislation to prohibit arranged marriages.**

1. Is polygamy illegal in your State?

Yes ( ) No **( x** )

 If no, is it legal for both men and women?

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**Under the law of England and Wales a polygamous marriage where one of the parties is domiciled in England and Wales is void, wherever the marriage has taken place. A polygamous marriage which is valid where it was entered into is recognised in England and Wales.**

***Scottish Government response:***

**It is not possible to enter into a polygamous marriage in Scotland. There may be some limited recognition of polygamous marriages validly entered into overseas.**

1. Is the registration of marriage compulsory in the following cases?

( **Yes**  ) civil marriage

( **Yes** ) religious marriage

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

In Scotland, civil and religious marriages (and marriages carried out by belief bodies) are recognised by the state. However, it is possible to have a religious marriage ceremony in Scotland which is not recognised by the state.

1. Are same sex-marriages allowed in your State?

Yes ( x ) No ( )

If yes, please provide references.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**The [Marriage (Same Sex Couples) Act 2013](http://www.legislation.gov.uk/ukpga/2013/30/contents) enables same sex couples in England and Wales to marry. The Act and explanatory notes can be found at** [**http://www.legislation.gov.uk/ukpga/2013/30/contents**](http://www.legislation.gov.uk/ukpga/2013/30/contents)**. A summary of what the Act does can be found here:** [**https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/equal-marriage-for-gay-lesbian-bisexual-and-trans-people-and-protecting-lgbt-rights**](https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/equal-marriage-for-gay-lesbian-bisexual-and-trans-people-and-protecting-lgbt-rights) **.  The Marriage and Civil Partnership (Scotland) Act 2014 separately provides for same sex couples to marry in Scotland, but this Act has yet to come into force. It can be found at** [**http://www.legislation.gov.uk/asp/2014/5/contents/enacted**](http://www.legislation.gov.uk/asp/2014/5/contents/enacted) **. The Equality and Human Rights Commission has produced guidance on the Act which can be found at** [**http://www.equalityhumanrights.com/publication/marriage-same-sex-couples-act-2013-quick-guide**](http://www.equalityhumanrights.com/publication/marriage-same-sex-couples-act-2013-quick-guide)**.**

**Same sex couples throughout the UK can enter into a civil partnership by virtue of the** [**Civil Partnership Act 2004**](http://www.legislation.gov.uk/ukpga/2004/33/contents) **. A marriage of a same sex couple formed under the law of England and Wales will be treated as a civil partnership in Scotland until the Marriage and Civil Partnership (Scotland)  Act 2014 comes into force, and in Northern Ireland.**

***Scottish Government response:***

**The Marriage and Civil Partnership (Scotland) Act 2014 will introduce same sex marriages. We aim to have this in force by the end of the year.**

1. Are same-sex relations criminalized in your State?

Yes ( ) No ( **x** )

If yes, please provide references.

1. Is equality guaranteed between husband and wife in law and practice with respect to:

( **x** ) The right to choose a family name

( **x** ) The right to choose a profession and occupation

( **x** ) The right to choose the place of residence

( **x** ) The right to have and retain one’s nationality

( **x** ) The freedom of movement (including the right to travel abroad)

NB: Any change of name on marriage is in fact rather than in law: historically a wife assumed her husband’s name but it is now a matter of choice between the parties.

1. Do both spouses have the same rights in law and practice with respect to:

( **x** ) ownership of property and land

( **x** ) management and administration of property and land

( **x** ) enjoyment and disposition of property and land

Please provide references.

**Historically, the Married Women’s Property Act 1882 provided for a married woman to have full capacity to own or manage property and the Law Reform (Married Women and Tortfeasors) Act 1935 set out that a wife’s property could be owned as if she were a single female as well as abolishing a husband’s liability for his wife’s torts. Nowadays, property can be held jointly or separately by spouses. The courts have powers under Part II of the Matrimonial Causes Act 1973 to make provision for the division of finances and property on divorce, nullity and judicial separation. Case law under these provisions has reiterated the principle of equality.**

1. Are women who get married subjected to any form of male guardianship?

Yes ( ) No ( )

If yes, what are the specific conditions of this guardianship and what kind of restrictions does it impose on women?

1. Do parents have same rights and responsibilities regarding to:

( **Yes**  ) Deciding the number and spacing of children (No legislation)

( **Yes** ) Guardianship, wardship and trusteeship

( **Yes** ) Adoption of children

( **Yes** ) Care of children

( **Yes**  ) Education of children

(  **Yes** ) Alimony (Yes, both parents have a duty to maintain their children.)

Please provide references.

**The relevant legislation on parental responsibility is sections 2 to 4A of the Children Act 1989.**

**Section 3 defines what is meant by parental responsibility – the general position is that any individual who has parental responsibility can exercise that PR independently of any other person who has PR. There are some limited circumstances in which all those with PR must consent, e.g. the adoption of a child.**

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

***Scottish Government response:***

**All mothers have parental responsibilities and rights (PRRs). Fathers have PRRs if married to the mother or if they jointly register the birth or if they complete an agreement with the mother or if awarded them by the court**

1. Are de facto unions recognized in law in your state?

Yes ( ) No ( **x** ) ***(but see answer from Scotland below)***

If yes, please explain in which law(s) and how this is defined.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**No, in England and Wales marriages must be solemnized either by a civil ceremony or a religious ceremony.**

***Scottish Government response: Yes. Marriage by cohabitation with habit and repute was largely abolished by section 3 of the Family Law (Scotland) Act 2006. Sections 25 to 31 introduced a number of rights for cohabitants***

1. Do men and women have the same legal rights with respect to dissolution of marriage?

Yes ( x ) No ( )

If yes, please explain in which law(s) and how this is defined.

England and Wales: Matrimonial Causes Act 1973

1. Do men and women have the same rights in law and practice when a marriage or union ends in terms of:

Yes, although this is a matter for those involved.

( **x** ) Equal share of the marital property and land (subject to the decision of the court, where the court is involved)

( **x** ) Custody of children (subject to the decision of the court in the best interests of the child, where the court is involved)

( **x** ) Remarriage

Please provide any references.

1. Is it contemplated in the legislation of your State that, in the event of a divorce, women should remain in the family or common household?

Yes ( ) No ( **x** )

If yes, please explain in which law(s) and how this is defined.

**This is a matter for those involved.**

1. Are legal provisions guaranteeing non-financial contributions, including care of children, the sick and elderly in the family, taken into account in the division of marital property upon divorce?

Yes ( ) No ( **x** )

If yes, please provide references.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**In England and Wales there is no duty in legislation to care for sick and elderly family members.**

**That is a matter for those involved. The court will consider the property owned and the future needs of the parties when dividing property on divorce.**

***Scottish Government response:* Financial provision on divorce is covered in the Family Law (Scotland) Act 1985.**

1. Are rights of widow(er)s the same for women and men in terms of:

( **x** ) Custody of children

( **x** ) Property and land distribution

( **x** ) Remarriage

( **x** ) Freedom to choose residence

Please provide references.

1. Do women have access to legal aid in relation to family matters?

Yes ( **x** ) No ( )

If yes, please explain.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**In England and Wales we have one of the most expensive legal aid systems in the world. Legal aid is a vital part of our justice system, but we must ensure it is sustainable and fair for those who need it.**

**We continue to provide legal aid where there is evidence of domestic violence or child abuse in family law cases like those involving separation or child contact issues. We also continue to waive the financial eligibility limits in these cases. Access to legal aid and the courts for protective injunctions to prevent domestic violence continue to be funded without the need for evidence.**

***Scottish Government response:***

**Legal aid for matters of Scots law is covered by the Legal Aid (Scotland) Act 1986 and related subordinate legislation. It is made available on the same range of matters regardless of gender, and is subject to a number of statutory tests, such as financial eligibility.**

**Equality within the family**

1. What is the legal definition/concept of “family” in your State?

**There is no general statutory definition of “family”. Instead the definition of “family” depends on the context and circumstances in which the term is used. In family law, the term “family” is seldom given a statutory definition. There is a family court which hears family proceedings such as divorce, separation and nullity of a marriage/dissolution etc of a civil partnership, financial provision on relationship breakdown, remedies for domestic violence, child residence and contact, etc. The term “family proceedings” is sometimes defined in England and Wales by reference to s.8(3) of the Children Act 1989 where the term includes proceedings relating to adoption, children, divorce etc and dissolution etc of a civil partnership. The concept of “family life” in Article 8 of the European Convention on Human Rights is one with which the courts are very familiar and generally what constitutes “family life” in England and Wales for these purposes is a question of fact in an individual case depending upon the real existence in practice of close personal ties.**

1. In law (including customary law) are men and women equal in the family in your State?

Yes ( **x** ) No ( )

If yes, please provide any references.

**In family law, the general principle is that men and women have the same rights and remedies given by statute and the common law. For example, a married woman by virtue of the Matrimonial Causes Act 1973 can apply for divorce based on irretrievable breakdown of marriage in the same way as a married man and has the same rights relating to financial provision on divorce. A further example is that the remedies for domestic violence in the Family Law Act 1996 are available to both men and women. The ability to apply for orders relating to children such as those relating to where the child should live or who the child should have contact with apply to both parents. Where a child's father and mother were not married to each other at the time of his birth, the father does not automatically acquire parental responsibility but is able to acquire it by becoming registered as the child's father on the child's birth certificate, by marrying the mother, making an agreement with the mother for him to have parental responsibility or by court order.**

1. Do men and women have the same social status within the family in your State?

Yes ( **x** ) No ( )

If yes, please provide any references.

1. Does your State have data on the number of hours spent by women and by men on functions in the home or in care for family members, including children and the elderly?

If yes, please explain.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**The Office for National Statistics (ONS) Time Use Survey collected information on what people in the UK do with their time (e.g. work, care, cleaning). This was last run in 2005 and there are currently no plans for the ONS to repeat it (**[**http://www.ons.gov.uk/ons/media-centre/statements/time-use-surveys-sep-2011/time-use-surveys.html**](http://www.ons.gov.uk/ons/media-centre/statements/time-use-surveys-sep-2011/time-use-surveys.html)**).**

***Scottish Government response:***

**Yes. With regard to unpaid carers data is collected through the national census, the Scottish Household survey, the Scottish Health survey and the Scottish Crime and justice survey.**

1. Do men and women in the family have the same rights, in law and practice, with regards to inheritance (including equal rank in the succession)?

Yes ( **x** ) No ( )

If yes, please explain. In addition, is there evidence of waiver of inheritance rights by women?

**The Administration of Estates Act 1925 sets out the rules for intestate succession. The legislation refers to “spouse” and other gender neutral terms, and treats brothers and sisters on equal footing. There is no evidence of waiver of inheritance rights by women.**

1. Does family education in your State include a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of the children?

Yes ( **x** ) No ( )

If yes, please provide any references.

**Across the UK schools provide a balanced curriculum which promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and prepares pupils at the school for the opportunities, responsibilities and experiences of later life.**

**When teaching sex education, it is a statutory requirement for schools (including academies through their funding agreements) to have regard to the Secretary of State’s Sex and Relationship Education Guidance (2000) - available at https://www.gov.uk/government/publications/sex-and-relationship-education**

**The statutory guidance makes clear that all sex and relationship education should be age-appropriate and that schools should ensure young people develop positive values and a moral framework that will guide their decisions, judgments and behaviour. The guidance covers a range of issues about sex and relationships, including: the importance of loving and stable relationships and the nature of marriage and its importance for family life and the bringing up of children.**

1. If equality is guaranteed in law and practice, does this apply in all different types of families?

Yes ( x ) No ( )

If yes, please provide any references.

**The Equality Act 2010 (**[**http://www.legislation.gov.uk/ukpga/2010/15/introduction/enacted**](http://www.legislation.gov.uk/ukpga/2010/15/introduction/enacted) **)**

**Violence within the family and marriage**

1. Are there any of the following traditional practices in your State ?

( No ) Female Genital Mutilation

( No ) Honour Killings

 ( No ) Son Preference

( No ) Dowry Deaths

( No ) Polygamy

( No ) Prohibition of work or travel without the permission of a guardian

( No ) Other

If yes, is there legislation prohibiting such practices in your State?

Please provide any information on other actions taken to eradicate these practices.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**In the UK, FGM is unequivocally a criminal offence and child abuse and the government is committed to ending this extremely harmful practice**

**The UK Government is taking actions to eradicate FGM:**

* **The UK government is already taking action to tackle FGM. In February 2014, Ministers signed a joint declaration setting out commitments to end the practice.**
* **The declaration included action from the Department of Health, which announced that all acute hospitals will report information about the prevalence of FGM within their patient population each month, with the full report from this data return being available in the autumn.**
* **The Home Office was successful in bidding for European Union Progress funding, and was awarded approximately €300,000 in November 2013 for work to raise awareness of FGM in the UK. The funding is being used to:**
* **launch a communications campaigns aimed at mothers from communities where FGM is prevalent, sign-posting the NSPCC FGM helpline;**
* **provide £100,000 of funding through the FGM Community Engagement Initiative to charities to carry out community work to raise awareness of FGM amongst women have already been affected by FGM, young at-risk girls, as well as men;**
* **develop an e-learning tool so that all practitioners (social workers, teachers, health care professionals, border force and police) will be able to undertake an introduction to FGM.**
* **In April 2014, the Department for Education issued updated guidance to schools that contained, for the first time, specific information about FGM. This included facts about prevalence, the factors that increase schoolgirls’ risk of becoming victims, and how to spot the signs that a child may have been cut.**
* **Legislation alone cannot eliminate the practice, therefore Government resources will aim to raise awareness of the law on FGM and the health implications with communities and front-line practitioners.**

**The Government has also hosted the Girl Summit in July 2014 to galvanise international support and inspire local and national efforts to end Female Genital Mutilation (FGM) and Child, Early and Forced Marriage (CEFM) in a generation. For more information on the Summit and the planned actions to address FGM, please follow:**

[**https://www.gov.uk/government/news/pm-hosts-girl-summit-2014-a-future-free-from-fgm-and-child-and-forced-marriage**](https://www.gov.uk/government/news/pm-hosts-girl-summit-2014-a-future-free-from-fgm-and-child-and-forced-marriage)

***Scottish Government response:***

**I wouldn’t consider any of these to be traditional practices in Scotland in terms of the general Scottish population as a whole. However, there will be some incidence of these practices within some communities within Scotland.**

If yes, is there legislation prohibiting such practices in your State?

**FGM is prohibited in Scotland under the Prohibition of Female Genital Mutilation (Scotland) Act 2005.**

**Much of Scots criminal law is derived from common law and honour killings or dowry deaths would constitute murder in Scotland. There are few and restricted defences applicable to murder in Scotland and these do not include honour.**

**It is not possible to enter into a polygamous marriage in Scotland. There may be some limited recognition of polygamous marriages validly entered into overseas.Please provide any information on other actions taken to eradicate these practices.**

1. Is/are there any anti-domestic violence legislation/regulations in your State?

Yes ( **x**  ) No ( )

If yes, please provide any references.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**Criminalisation of offences relating to domestic violence under several statutes; assault, grievous bodily harm (GBH), attempted murder etc.**

***Scottish Government response:***

A range of laws can be used to deal with domestic abuse, including common laws of assault and breach of the peace. We introduced a new offence of threatening and abusive behaviour in 2010.

1. Does your State have a legal definition of discrimination which covers gender-based violence or violence against women, which includes domestic violence?

Yes ( **x** ) No ( )

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**The prohibition of discrimination on grounds of gender is found in the Equality Act 2010, which replaced the Sex Discrimination Act 1975 and other legislation relating to discrimination.**

**In addition, important legal measures have been taken as part of the UK Governments Action Plan to tackle violence against women and girls. These include:**

* **A domestic violence disclosure scheme (Clare’s Law). This allows the police to disclose information to the public about a partner’s previous violent offending and thereby empowering people to make an informed decision about the future of a relationship;**
* **Introducing the domestic violence protection order pilot which prevents perpetrators of violence from returning to their home for up to 28 days, giving the victim time to consider their options;**
* **Legislating to extend the reach of the extra-territorial offences in the Female Genital Mutilation Act 2003 to include habitual UK residents (as well as UK nationals and permanent residents) who carry out Female Genital Mutilation (FGM) abroad, or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where FGM is legal;**
* **Criminalising forced marriage in England and Wales;**
* **Introducing two new stalking offences;**
* **Giving the police new powers to protect the victim from domestic violence;**

**Detailed information about the Government’s Action Plan to end violence against women and girls can be found here:** [**https://www.gov.uk/government/publications/a-call-to-end-violence-against-women-and-girls-action-plan-2014**](https://www.gov.uk/government/publications/a-call-to-end-violence-against-women-and-girls-action-plan-2014)

1. Does your State have a national policy to eliminate gender-based violence or violence against women, including domestic violence?

Yes ( **x** ) No ( )

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**The UK Government published a cross-Government strategy, “A Call to End Violence Against Women and Girls” in November 2010 and a supporting action plan in 2011, which has been subsequently refreshed on an annual basis; the latest was published on 8 March 2014 to coincide with International Women’s Day. The Government’s approach is focused on the guiding principles of prevention; provision of services for victims; partnership working; and risk reduction and improved justice outcomes.**

**(Please follow the link provided in the answer to question 41 for more information)**

**Scottish Government response:**

The Scottish Government has a dedicated violence against women and girls team which is located within the Scottish Government Equality Unit and published Equally Safe: *Scotland’s strategy for preventing and eradicating violence against women and girls on 25 June 2014.*

1. Is marital rape considered a crime in the legislation of your State?

Yes ( **x** ) No ( )

1. Is adultery considered a crime in the legislation of your State?

Yes ( ) No ( **x** )

If yes, is it equally punished for men and women?

Please provide any references and further explanation.

45. Are there any public campaigns in your State to raise awareness that violence against women and girls is a human rights violation?

Yes ( **x** ) No ( )

 If yes, do they attempt to change the attitudes of men? Yes.

**We recognise the need to change attitudes and influence behaviour, starting with the young, who can be more vulnerable to violence. Our national prevention campaign (This is Abuse) encourages teenagers to re-think their views about rape, consent, violence and abuse. Activity includes TV, online, social media and radio advertising across teen-focused channels and programmes which are known to be popular with our target audience. The campaign is supported by a dedicated website where young people can obtain further advice and third party support, and discuss the issue with their peers. Since its launch, the website has had over one million visits and a number of comments posted on discussion boards. The website is moderated by trained experts from Respect and Against Violence and Abuse.**

**We know that schools play a vital role in education and safeguarding. We have established a Personal, Social and Health Education (PSHE) and Sex and Relationships Education subject expert group, alongside the national curriculum groups. It will ensure that teachers have the support and resources to deliver high quality teaching, and give PSHE the same prominence as national curriculum subjects. The group will look at school-based programmes on domestic violence and other key areas.**

**We launched the Preventing Sexual Violence in Conflict Initiative on 29 May 2012 to prevent and respond to sexual violence and end the culture of impunity. As part of this, we also launched the Declaration of Commitment to End Sexual Violence in Conflict which contains a set of practical and political commitments to end the use of rape and sexual violence as a weapon of war, which terrorises and destroys communities during conflict.**

***Scottish Government response:***

**The Scottish Government is not currently running a public campaign of this nature. However, public campaigns have been run previously to raise awareness of violence against women and challenge negative attitudes etc. This includes campaigns on domestic abuse (There’s no excuse for domestic abuse) and forced marriage. Police Scotland is currently running a campaign to raise awareness around rape (the We Can Stop It) campaign which seeks to challenge men’s attitudes particularly in relation to consent, and the Scottish Government also provides funding to a range of third sector partners who also raise awareness of violence against women. This includes the White Ribbon Campaign who specifically aim to challenge and engage men in tackling VAW.**

46. What measures have been taken in your State to raise awareness among law enforcement officials regarding violence against women and girls, including domestic violence?

Please explain and provide examples.

* **The Home Secretary commissioned Her Majesty’s Inspectorate of Constabulary to review how police handled domestic violence cases in September 2013 and work is now underway to address the recommendations from the review which were published in April 2014.**
* **Since October 2012 the College of Policing training package on investigating stalking effectively has been completed over 52,000 times by police.**
* **The Home Office has also developed a free e-learning tool so that all practitioners (social workers, teachers, health care professionals, border force and police) can undertake an introduction to FGM.**

47. Are there special law enforcement units to respond to complaints of violence against women and girls, including domestic violence?

Yes **(in some areas)** ( **x** ) No ( )

 If yes, do these include female law enforcement officers?

**Government is clear that all crimes involving violence against women and girls should be taken seriously.**

**The College of Policing has been set up to ensure standards are in place.**

**Police Chief Constables are responsible for decisions regarding policing in their force area.**

**There are also independent Advisors that victims have access to – Independent Domestic Violence Advisors and Independent Sexual Violence Advisors.**

***Scottish Government response:***

**A new single police service was established in Scotland in April 2012, bringing together the 8 regional police forces which existed across Scotland up until that point. Since its inception Police Scotland has established Specialist Investigation Units for Domestic Abuse and Stalking and Specialist Investigation Units for Rape and Sexual Assault. These specialist units are located in each of the 14 Local Policing Divisions across Scotland. In addition, Police Scotland have established National Taskforces for Rape and Sexual Assault and for Domestic Abuse. These Taskforces target the most prolific and dangerous perpetrators using proactive, intelligence-led and perpetrator focused investigation techniques. They may also handle protracted or historic cases.**

**Yes – these units will comprise of both male and female police officers. The Scottish Government does not hold detailed information of the numbers of officers centrally.**

48. Please provide information on the incidents/complaints of domestic violence, sexual assault including rape, and child abuse against women and girls in your State.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**The Crime Survey for England and Wales measures the extent of crime in England and Wales by asking people whether they have experienced any crime in the past year. The survey has measured crime in this way since 1982 and is a valuable source of information for the government about the extent and nature of crime in England and Wales.**

**http://www.crimesurvey.co.uk/previous-research.html**

**The Crown Prosecution Service publishes an annual report into violence against women and girls. This covers the following strands of Violence against Women and Girls for 2013-14: child abuse; domestic violence; forced marriage; harassment; honour-based violence; human trafficking; pornography; prostitution; and rape and sexual offences.**

[**http://www.cps.gov.uk/data/violence\_against\_women/vawg\_2013\_14\_report.html**](http://www.cps.gov.uk/data/violence_against_women/vawg_2013_14_report.html)

***Scottish Government response:***

**The Scottish Government routinely publishes a number of statistical sets which provide information on the incidence of crime. Relevant statistical sets include the following and are available on the Scottish Government website:**

**Scottish Crime and Justice Survey - http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/crime-and-justice-survey/background**

**Statistics on the Incidents of Domestic Abuse Recorded by the Police in Scotland - http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/Datasets/DAScotlandDatasets**

**Recorded Crime in Scotland - http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/Datasets/RecCrime**

49. Are there shelters or safe houses for women and girls who are victims of gender-based violence, including domestic violence in your State?

Yes ( **x** ) No ( )

If yes, are these available to women and girls living in rural and remote areas?

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**Yes. Shelters are available for women and their children.**

**Decisions around the provision of accommodation for victims of domestic abuse are a local matter and it is the responsibility of the individual local authority to identify any gaps in service provision and put in place appropriate solutions to address this. We would expect local authorities to build services based on the needs of their communities, taking account of locally available data sources.**

**Participation in cultural life**

50. Are men and women equally entitled in law and practice to interpret cultural traditions, values and practices in your State?

Yes ( x ) No ( )

If yes, please describe and provide examples.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**While there is no specific legal protection in the UK of the entitlement to interpret cultural traditions, values and practices, the right to private and family life (including values) and the freedom of expression (including artistic) are guaranteed to all by Articles 8 and 10 of the European Convention of Human Rights, as incorporated into UK domestic law by the Human Rights Act 1998. Furthermore, the Equality Act 2010 prohibits discrimination on the ground of sex (s.11). In law, therefore, men and women therefore have the same entitlement.**

***Scottish Government response:***

**There is no differentiation in law between men and women as regards these questions.  Certain ethnic and religious communities have their own customs and practices.  Scotland is not different from the rest of the UK in this regard.**

51. Are there restrictive dress codes for women which do not apply to men?

If yes, please describe and provide examples.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**There are no laws providing for restrictive dress codes for women.**

***Scottish Government response:***

**As above.**

52. Are women in the country allowed to be a member and fully participate in cultural and scientific institutions in your State?

Yes ( x ) No ( )

If yes, please describe and provide examples.

**There is no law precluding membership or full participation in cultural and scientific institutions generally. It is worth noting, however, that associations with over 25 members, to which membership is regulated by rules and a selection process, are specifically permitted by the Equality Act 2010 (Schedule 16, paragraph 1) to restrict membership to persons of, among other protected characteristics, a single sex. Certain institutions may therefore restrict membership to men only; but, equally, other institutions may restrict membership to women. Restriction is not permitted in associations which are political parties (Sch.16 para.1(5)) or on the basis of colour (Sch.16 para.1(4)).**

***Scottish Government response:***

**As above.**

53. Are women entitled in law and practice, independently of their marital status, to decide freely whether or not to participate in certain cultural events, traditions and practices in your State?

Yes ( x ) No ( )

If yes, please describe and provide examples.

**The right to freedom of expression and the right to private and family life, found in Articles 8 and 10 of the European Convention on Human Rights, were formally incorporated into domestic law by the Human Rights Act 1998. Women are, legally, as entitled as men to participate in cultural events, traditions and practices. Marital status does not affect their entitlement: the Equality Act 2010 specifically prohibits discrimination on the ground of marriage (s.8).**

***Scottish Government response:***

**As above.**

54. Are there any specific actions to recognize and value the contributions of women to culture in your State?

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

Yes ( ) No ( )

If yes, please describe and provide examples.

***Scottish Government response:***

**No, although some awards such as the Orange Book Prize are restricted to women.**

55. Do you have data regarding the participation of women in arts, science, sports and in the proportion of public funding allocated to women in these activities?

If yes, please provide information.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

**The UK collects data on participation of women in the arts and sport. Art participation data are from the DCMS Taking Part survey. Sport participation data for women are from Sport England’s Active People Survey.**

**Taking Part Arts Engagement by gender**

[**https://www.gov.uk/government/publications/taking-part-201314-quarter-4-statistical-release**](https://www.gov.uk/government/publications/taking-part-201314-quarter-4-statistical-release)

**In 2013/14, women had: higher levels of library attendance (40.8% compared to 29.7% for men); higher levels of engagement with the arts (80.4% compared to 74.5% for men); & were more likely to have volunteered (26.0% compared to 21.7% for men).**

**A higher proportion of men had donated money to DCMS sectors than women (30.6% compared to 27.0% of women) and digitally engaged with culture (39.1% compared to 36.6% for women).**

**For other areas measured by Taking Part there was no significant difference between men and women (Fig. 8.1).**

**Figure 8.1: Proportion of adults who had attended or participated in activities in the last year by gender, 2013/14**

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***Notes***

1. **Confidence intervals range between +/- 0.7 and +/- 1.9**
2. **Categories where confidence intervals overlap cannot be reliably compared.**

**Active People Survey by gender**

**During the period April 2013 – April 2014:**

**8.81 million males aged 16 years or over (40.9%) played sport once a week, an increase of 1,113,800 compared with APS1 and 172,100 higher than the October 2013 result for this group.**

**During this period 9.34 million males aged 14 years or over (42.3%) played sport once a week, 177,700 more than the October 2013 result for this age group.**

**6.84 million females aged 16 years or over (30.3%) played sport once a week, an increase of 588,800 compared with APS1. During this period 7.23 million females aged 14 years or over (31.4%) played sport once a week.**

***Scottish Government response:***

**The Scottish Household survey collects such data** [**http://www.scotland.gov.uk/Resource/0043/00432400.pdf**](http://www.scotland.gov.uk/Resource/0043/00432400.pdf)

56. Has your State developed any temporary special measures to enhance the participation of women in arts, science, sports and any other cultural activity?

Yes ( ) No ( )

If yes, please provide specific examples of these temporary special measures.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

***Scottish Government response:***

**Scottish Government and sportscotland have developed programmes to increase girls and young women’s participation in PE, sport & physical activity.**

**Active Girls is a Scottish Government funded programme, managed by sportscotland and delivered in partnership with YDance, Youth Scotland and The Youth Sport Trust.**

**The aim of the programme is to increase girls and young women’s participation in PE, sport and physical activity through three key programmes- YDance Active, Girls on the Move and Fit for Girls.**

57. Are women allowed and encouraged by your State to participate in all sports?

Yes ( ) No ( )

If yes, please describe and provide examples.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

***Scottish Government response:***

**Yes.**

**sportscotland strives to ensure that every person in Scotland has opportunities in sport. Our corporate plan 2011-15 outlines our clear focus - we will invest our time, expertise and funding in developing a world class sporting system at all levels.**

**As part of our business plan for 2013-15 we have developed four equality outcomes that we will work to:**

**•Awareness: Awareness is increased around the needs of people who share protected characteristics that are under-represented in sport**

**•Skills and knowledge: The sporting workforce has the appropriate skills and knowledge to address inequalities in sport**

**•Workforce diversity: People participating in sport are supported by a diverse sporting workforce**

**•Opportunities: Equality of opportunity to participate, progress and achieve in sport is advanced**

**sportscotland is committed to meeting its requirements under the Equality Act 2010. The Equality Act 2010 states that public bodies must have due regard to the need to:**

**•Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.**

**•Advance equality of opportunity between people who share a protected characteristic and those who do not.**

**•Foster good relations between people who share a protected characteristic and those who do not.**

**The relevant protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The Act is supported by more specific duties for Scottish public bodies in the Eqaulity Act 2010 (Specific Duties) (Scotland) Regulations 2012**

58. Is any special dress code provided in the legal regulations for all women exercising sports in your State?

Yes ( ) No ( )

If yes, please describe and provide examples.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

***Scottish Government response:***

No

59. Are there any differences in your State in conditions for women’s access, to museums, parks, theaters, sports stadiums and other facilities where culture, sports and science are disseminated in comparison with men?

Yes ( ) No ( )

If yes, please explain and provide examples.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

***Scottish Government response:***

**No.**

60. Is your State promoting the participation of women in the arts?

Yes ( ) No ( )

If yes, please explain and provide examples.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

***Scottish Government response:***

**Yes, in that participation in the arts and culture is encouraged generally, for example through Scotland’s National Youth Arts Strategy http://www.creativescotland.com/what-we-do/major-projects/creative-learning-and-young-people/national-youth-arts-strategy**

61. Have there been any cases in your State in last decade of women artists prosecuted for the performance of art, allegedly violating public authority or morals?

Yes ( ) No ( )

If yes, please describe.

***Please note that some or all of the issues raised in this question are the responsibility of the devolved administrations in Wales, Scotland and Northern Ireland. A comprehensive answer would therefore include contributions from these administrations.***

***Scottish Government response:* No.**

1. Article 16, UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981. [↑](#footnote-ref-1)
2. *Ibid* art. 5. [↑](#footnote-ref-2)
3. Article 1, and 13(c), UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981. [↑](#footnote-ref-3)
4. International Covenant on Economic, Social and Cultural Rights adopted by UN General Assembly resolution 2200A (XXI) of 16 December 1966 and entry into force on 3 January 1976. [↑](#footnote-ref-4)
5. UN Human Rights Committee, General Comment No. 28 on article 3 “Equality of Rights between Men and Women”, adopted on 29 March 2000 (HRI/GEN/1/Rev.9 (Vol. I)). [↑](#footnote-ref-5)