



**Submission to the UN Committee on the Elimination of Discrimination  
against Women, 72<sup>nd</sup> pre-sessional working group (July 2018)**

List of Issues for the review of the United Kingdom of Great Britain and  
Northern Ireland

This submission is made by WILPF UK, which is a national section of the Women’s International League for Peace and Freedom.

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## I. Refugee and Asylum-seeking Women

### A. Access to justice – Articles 2 c), 9, 15 1) and 2) and General Recommendation No.32

Women seeking asylum in the United Kingdom (UK) face several forms of discrimination and violations of their human rights. The unjust procedure of the Detained Fast Track (DTF), which allowed for the detention of asylum seekers whose claims were considered capable of being determined quickly, was ruled unlawful by the High Court and suspended in 2015.<sup>1</sup> Moreover, there are concerns at the way the Tribunal that hears women appeals take into account the specific challenges faced by women seeking asylum and its lack of application of gender-sensitive procedures.<sup>2</sup> Moreover, the constant legal aid cuts have a devastating impact on women's legal cases, leaving them unable to challenge unjust and discriminatory treatment in the decision-making process.<sup>3</sup> Repeated changes in the laws and rules governing asylum claims compound the problems, making women even more dependent on legal advice to deal with complex legal issues. In addition, women report increased racist attacks and treatments such as laws requiring landlords, banks and employers to carry out immigration checks that encourage discriminations as well as the coercion through the so-called 'Voluntary' Returns Policy.<sup>4</sup>

The government has resolutely refused to accept criticism of its detention policy. It also failed to offer any kind of legal redress to people removed after their cases were unlawfully dismissed in the DFT procedure. Albeit the government states in its Eight Periodic Report that it is "committed to ensuring that the asylum process is gender sensitive" and to "have implemented an asylum specific gender action plan...",<sup>5</sup> women still describe open hostility and abuse in the asylum process interviews.

This is inconsistent with previous recommendations of the Committee to the UK, as well as with General Recommendation No.32, which provides, *inter alia*, that "States parties should institute gender-sensitive procedural safeguards in asylum procedures to ensure that women asylum seekers are able to present their cases on the basis of equality and non-discrimination."<sup>6</sup>

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<sup>1</sup> BBC News (2015) 'Fast-Track Asylum System "unlawful", High Court Rules' 12 June 2015. Available at: <http://www.bbc.co.uk/news/uk-33113132>

<sup>2</sup> Women against Rape (WAR) (2018) 'Women against Rape using the "Vulnerable Witness" Guidance to challenge Injustices in Asylum Cases'. Available at: <https://refugefromrapeanddestitution.blog/2018/02/26/women-against-rape-using-the-vulnerable-witness-guidance-to-challenge-injustices-in-asylum-cases/>, and

All African Women Group et. al (2018) 'Discrimination: the Door to Destitution, Detention and Deportation: Women's Experiences of seeking Asylum in the UK, Evidence submitted to UK CEDAW Shadow Report 2018'.

<sup>3</sup> Women against Rape (WAR) (2017) 'WAR's Refuge from Rape & Destitution Campaign'. Available at: <https://refugefromrapeanddestitution.blog/about/> and

All African Women Group et. al (2018) 'Discrimination: the Door to Destitution, Detention and Deportation: Women's Experiences of seeking Asylum in the UK, Evidence submitted to UK CEDAW Shadow Report 2018'.

<sup>4</sup> All African Women Group et. al (2018) 'Discrimination: the Door to Destitution, Detention and Deportation: Women's Experiences of seeking Asylum in the UK, Evidence submitted to UK CEDAW Shadow Report 2018'.

<sup>5</sup> CEDAW/C/GBR/8 paragraph 83.

<sup>6</sup> CEDAW (2013) 'Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland':

para. 57 b) "Provide access to justice and health care to all women with insecure immigration status, including asylum seekers, until their return to their countries of origin" and

para. 59 a) "Continue to provide training on gender-sensitive approaches in the treatment of victims of violence to officers who are in charge of immigration and asylum applications." and

## Questions:

- How does the Government monitor the effective implementation of gender sensitive approaches to asylum process?
- What are the plans of the Government in ending detention and destitution of refugee and asylum-seeking women?

### **B. Destitution and social and economic benefits – Articles 9, 13 and General Recommendation No.32**

Women seeking asylum are excluded from all support when their legal case is dismissed and closed. While many women have sound grounds to file a new claim as their case was often dismissed due to the lack of appropriate legal representation and/or the failure to recognise women's trauma (of sexual and other forms of violence), it can take months to find a legal aid lawyer who can take a new case and to gather new evidence, and women remain destitute during these months.<sup>7</sup> Even when women get asylum support, they receive 50% less than the poverty line benefits that others in the UK get.<sup>8</sup> Destitution makes women particularly vulnerable to rape and other forms of abuse, and children are increasingly taken away from destitute mothers and families.<sup>9</sup>

The government has failed to respond to the huge public outcry against the destitution of asylum seekers and to address its disproportionate impact on women. In its Eight Periodic Report, the government states that 'Those seeking to establish their family life in the UK must do so on a basis that prevents burdens on the taxpayer and promotes integration' and that 'no recourse to public funds condition applies to those granted limited leave outside of the protection routes, unless the published destitution policy is met.'<sup>10</sup> The destitution policy is applied on a case-by-case basis,<sup>11</sup> but the government has refused to develop special measures to apply the policy differentially to women who are subjected to gender-based violence and exploitation.

This is inconsistent with General Recommendation No.32, which requires States parties to, *inter alia*, "ensure throughout the asylum procedure and during the integration process for women granted refugee status, an adequate standard of living, including safe accommodation, sanitary and

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Committee on the Elimination of Discrimination against Women (2014) 'General Recommendation No. 32 on the Gender-related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women'. CEDAW/C/GC/32; para. 50.

<sup>7</sup> All African Women Group et. al (2018) 'Discrimination: the Door to Destitution, Detention and Deportation: Women's Experiences of seeking Asylum in the UK, Evidence submitted to UK CEDAW Shadow Report 2018'.

<sup>8</sup> Women against Rape (WAR) (2017) 'WAR's Refuge from Rape & Destitution Campaign'. Available at: <https://refugefromrapeanddestitution.blog/about/> and WILPF UK (2017) 'Voices of Refugee Women Myth busting Facts'. Available at: <http://www.wilpf.org.uk/voices-of-refugee-women-myth-busting-facts/> and WILPF UK (2018) 'Voices of Refugee Women: Tales from Women seeking Asylum'. Available at: <http://www.wilpf.org.uk/wp-content/uploads/2018/02/Voices-of-Refugee-Women-booklet-PDF.pdf>

<sup>9</sup> Legal Action for Women (2017) 'Suffer the Little Children'. London: Crossroads Books. Available at: <http://legalactionforwomen.net/wp-content/uploads/2017/01/LAW-Dossier-18Jan17-final.pdf>

<sup>10</sup> CEDAW/C/GBR/8 paragraphs 86.

<sup>11</sup> CEDAW/C/GBR/8 paragraphs 86 and 87.

health facilities, food, clothing and necessary social services, in addition to sources of livelihood and employment opportunities for women asylum seekers and refugees (...).<sup>12</sup>

## Question:

- **How does the Government ensure that the destitution policy is gender sensitive and takes into account the specific vulnerabilities faced by women who are subjected to gender-based violence and exploitation?**

### C. Right to health - Articles 9, 12 and General Recommendation No.32

A series of reports in past couple of years have highlighted the constant systemic failures in meeting the health demands of asylum seekers, particularly women such as: the denial of health care; the lack of counselling or other specialist support; and insufficient and un-nutritious food.<sup>13</sup> While many asylum seekers were wrongly denied healthcare under the National Health Service<sup>14</sup>, women asylum seekers detained at immigration removal centres sometimes had to wait for up to a month to visit a doctor,<sup>15</sup> and other times it took a month to provide a shot of insulin to a diabetic woman,<sup>16</sup> which eventually led to the deterioration of overall health for a majority of the women reporting minor health ailments.<sup>17</sup> Despite the 'Detention Centre Rule 35' to protect vulnerable detainees,<sup>18</sup> pregnant women were detained in Yarl's Wood Immigration Removal Centre and various incidents have been reported.<sup>19</sup>

According to a report from HM Chief Inspector of Prisons' visit to Yarl's Wood Centre, of all the services provided in the centre, 'health care had declined most severely'.<sup>20</sup> Poor governance of

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<sup>12</sup> Committee on the Elimination of Discrimination against Women (2014) 'General Recommendation No. 32 on the Gender-related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women'. CEDAW/C/GC/32; para. 48

<sup>13</sup> All African Women Group et. al (2018) 'Discrimination: the Door to Destitution, Detention and Deportation: Women's Experiences of seeking Asylum in the UK, Evidence submitted to UK CEDAW Shadow Report 2018'.

<sup>14</sup> Bulman, May (2017) 'Thousands of Asylum Seekers and Migrants wrongly denied NHS Healthcare'. *The Independent*. Available at: <http://www.independent.co.uk/news/uk/home-news/asylum-seekers-migrants-wrongly-denied-nhs-healthcare-cancer-doctors-phil-murwill-a7672686.html>

<sup>15</sup> The London Economics (2018) 'Women in notorious Yarl's Wood Detention Centre are on their Third Day of Hunger Strike'. Available at: <https://www.thelondoneconomic.com/news/women-notorious-yarls-wood-detention-centre-third-day-hunger-strike/23/02/>

<sup>16</sup> Sanghani, Radhika (2014) 'Inside Britain's "worst" Immigration Removal Centre at Christmas'. *The Telegraph*. Available at: <http://www.telegraph.co.uk/women/womens-life/11308434/Yarls-Wood-Inside-Britains-worst-immigration-removal-centre-at-Christmas.html>

<sup>17</sup> Bulman, May (2018) 'More than 100 Women in Yarl's Wood Detention Centre go on Hunger Strike over "inhumane" Conditions'. *The Independent*. Available at: <https://www.independent.co.uk/news/uk/home-news/yarls-wood-women-immigration-detention-centre-hunger-strike-home-office-a8223886.html>

<sup>18</sup> The Home Office (2016) 'Detention Services Order 09/2016, Detention Centre Rule 35'. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/574966/dso-09-2016-detention-centre-rule-35\\_v4\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574966/dso-09-2016-detention-centre-rule-35_v4_0.pdf)

<sup>19</sup> Channel4 (2015) 'Yarl's Wood: Undercover in the secretive Immigration Centre'. Available at: <https://www.channel4.com/news/yarls-wood-immigration-removal-detention-centre-investigation>

<sup>20</sup> HM Chief Inspector of Prisons (2015) 'Report on an unannounced Inspection of Yarl's Wood Immigration Removal Centre'. Available at: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2015/08/Yarls-Wood-web-2015.pdf>

health services, severe staff shortage, improper management of cases, especially of mental health care needs, and poor pharmacy services were reported. As required by the Immigration and Asylum Act 1999, the Yarl's Wood Centre was monitored by an independent body, the Independent Monitoring Board (IMB). The board released its findings in 2014 and expressed concerns about the inadequate management of healthcare services since the commissioning of healthcare services to the company G4S Medical Services.

It is important to highlight that currently only Scotland provides the full range of NHS health service to asylum seekers regardless of the status of their application.<sup>21</sup> This is inconsistent with the Committee's previous recommendation to the UK "To strengthen the implementation of programmes and policies aimed at providing effective access to health care for women, especially (...) women seeking asylum (...)".

In 2015, the Home Secretary mandated Stephen Shaw to conduct an independent review of the detention policies of the Home Office. The review concluded with 64 recommendations, including the recommendation to put an end to the detention of pregnant women.<sup>22</sup> According to the Immigration Act 2016,<sup>23</sup> 'Pregnant women may not be detained for longer than 72 hours, though this may be extended up to a week in total with Ministerial approval'.<sup>24</sup> This is inconsistent with General Recommendation No.32 which sets out as a general rule, that detention of pregnant women and nursing mothers, who both have special needs, should be avoided.<sup>25</sup>

## Questions:

- **What are the Government plans to ensure adequate and fair access to health including counselling and other specialist service to refugee and asylum-seeking women in the whole of the UK?**
- **What are the Government plans to end any kind of detention of pregnant women?**

## **D. Equality in marriage and family law – Articles 9, 16 and General Recommendation No.32**

Female refugees can become separated from their families in the perilous process of travelling to seek asylum in the UK, and this is worsened by the UK's harsh restrictions on allowing refugees to apply for family reunion. Mothers seeking asylum often suffer from trauma, such as separation from children that they were forced to leave behind and deaths of children who were murdered or

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<sup>21</sup> CEDAW/C/GBR/8 paragraphs 84.

<sup>22</sup> The House of Commons Library (2017) 'Immigration Detention in the UK: an Overview'. Available at: <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7294>

<sup>23</sup> 'Immigration Act 2016'. Available at: <http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>

<sup>24</sup> The House of Commons Library (2017) 'Immigration Detention in the UK: an Overview'. Available at: <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7294>

<sup>25</sup> CEDAW (2013) 'Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland'. Para. 53 a). Available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhslldCrOIUTvLRFDjh6%2Fxp1pWB8bSIKfa34XmmiN3IG11hwWhjFqrEprJHQfoipZTwnVkhDALmzaR6gCklPapM2exTMh89SX7GUOJHbH%2BN8Qq9U> ; Committee on the Elimination of Discrimination against Women (2014) 'General Recommendation No. 32 on the Gender-related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women'. CEDAW/C/GC/32; para. 49. Available at: <http://www.equalrightstrust.org/ertdocumentbank/CEDAW%20GR%2032.pdf>

who died because of the lack of medical care. Cuts in legal aid have deprived mothers of support to pursue complex appeals to win the right to family reunion with their children, including with those who have won refugee status. Adult refugees are only allowed to apply for married or civil partners and for children under the age of 18 - this excludes family members outside of the nuclear family who may be dependent on them. This is inconsistent with General Recommendation No. 32 which provides that: "States parties should accept that, when the principal claimant is recognized as a refugee, other members of the family should normally also be recognized as refugees" ('derivative status'). Moreover, just as a child can derive refugee status from the recognition of a parent as a refugee, a parent should be granted derivative status based on the child's refugee status.

It is also essential that women who are recognized as refugees, whether in their own right or as derivative status holders, be issued with individual documentation in order to prove their status, be protected from refoulement and secure associated rights.<sup>26</sup>

Women who are denied family reunion and are forced to undergo prolonged separation from their families may also experience tremendous amounts of stress and anxiety, which inhibit their ability to integrate into UK society. Massive increases in application fees and in the earnings thresholds set for qualifying to bring family members into the UK, alongside the 'highly skilled worker immigration system', may result in women being pushed into poverty in their attempts to reunite with dependent family members. The government has failed to recognise and address the particular difficulties faced by asylum-seeking mothers, compounding the violence and trauma that they and their children suffer from.

## Questions:

- **What are the Government plans to extend the criteria of 'family member' to include 1) Adult children who have not formed their own families, and 2) Dependent individuals outside of the nuclear family?**
- **What are the Government plans to reintroduce legal aid for family reunion cases?**

## **E. Violence against women – Articles 2, 9 and General Recommendations No. 19, 35 and 32**

Migrant women, refugee women and asylum-seeking women experience various forms of violence against women before arriving in the UK; many of them are also subjected to violence in the UK. These women suffer violence due to the failure of the government to protect them and their rights. For example, private companies are contracted to run detention centres by the government; there have been many cases of women being sexually abused and raped. Rape survivors who are making asylum claims also face diverse forms of discrimination and injustice in their cases with many victims being disbelieved in their initial decision and being mistreated. Their legal cases suffer deeply from legal aid cuts and repeated changes in the laws and rules governing asylum claims.

The government has failed to address the issue of detention of women asylum seekers. It has not taken any reasonable measures to prevent the rape and sexual abuse or address suffering of

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<sup>26</sup> *Ibid.* CEDAW/C/GC/32; para. 42. Available at:

<http://www.equalrightstrust.org/ertdocumentbank/CEDAW%20GR%2032.pdf>

victims in detention centres, and has refused truly independent investigations of human rights abuses of this nature for example in Yarl's Wood Immigration Removal Centre. In response to criticism that its detention policy can lead to the imprisonment of traumatised victims of torture, the government issued a new 'adults at risk' policy in 2016. However, this has actually increased the numbers of rape survivors detained by narrowing the definition of torture to exclude that committed by 'non-state agents'. (This it was successfully challenged at the high court in 2017.)

The government has stated that it is "committed to ensuring that the asylum process is gender sensitive" and to "have implemented an asylum specific gender action plan... designed to support women to better engage with the asylum process and prevent discrimination"<sup>27</sup>. However, the focus of the government has been given to victim-survivors of domestic violence and many refugee and asylum women who experienced various (other) forms of violence against women are still subject to the rule of No Recourse to Public Funds.

## Question:

- **What are the Government plans to conduct a proper, independent investigation into claims of rape and other sexual abuse against women in immigration removal centres, such as Yarl's Wood Centre?**

## II. Nuclear Weapons / Arms Trade

### A. Arms transfers – Articles 1-3, 5 (a) and General recommendations 30 and 35

#### 1. Extraterritorial impacts of arms transfers

The UK is a State party to the Arms Trade Treaty (ATT).<sup>28</sup> It supported the call for the inclusion of provisions around gender-based violence during the drafting of the Treaty.<sup>29</sup> It is further bound by the EU Common Position on Arms Exports and the UK's Consolidated Licensing Criteria on arms exports.<sup>30</sup> In implementing these frameworks, the UK government stated that: "In considering the risk that items might be used for internal repression or in the commission of a serious violation of international humanitarian law, the Government will also take account of the risk that the items might be used to commit gender-based violence or serious violence against women or children."<sup>31</sup>

According to the UK government's own estimates, the UK is averaging second place in the global rankings of defence exporters on a rolling 10-year basis.<sup>32</sup> The UK was the sixth largest exporter of

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<sup>27</sup> CEDAW/C/GBR/8 paragraphs 84.

<sup>28</sup> United Nations (2014) 'Arms Trade Treaty'. New York, 2 April 2013. Available at:

[https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XXVI-8&chapter=26&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-8&chapter=26&lang=en)

<sup>29</sup> A list UN Members, which have called for the term gender-based violence to be included in the text of a future ATT can be accessed via: <http://reachingcriticalwill.org/images/documents/Disarmament-fora/att/negotiating-conference/att-gbv.pdf>

<sup>30</sup> Available at: <https://www.gov.uk/government/publications/consolidated-eu-and-national-arms-export-licensing-criteria>

<sup>31</sup> Cable, Vince (2014) 'Business, Innovation and Skills: Consolidated EU and National Arms Exports licensing Criteria'. Written statements. Tuesday 25 March 2014. Available at:

<https://publications.parliament.uk/pa/cm201314/cmhansrd/cm140325/wmstext/140325m0001.htm>

<sup>32</sup> Defence and Security Organisation (2017) 'UK Defence and Security Export Statistics for 2016'. 25 July 2017. Available at:



major arms between 2013-2017 and its main markets were Saudi Arabia, Oman and Indonesia.<sup>33</sup> The Defence Cooperation Programme with Saudi Arabia included the export of aircrafts, mine countermeasure vessels, munitions, infrastructure and logistics. In 2016, this included 11 Typhoon aircraft and 186 missiles and missile launchers.<sup>34</sup>

Notwithstanding the government's view that it "operates one of the most robust arms export control regimes in the world", various actors are challenging the export of arms to countries with dubious human rights records, in particular to Saudi Arabia due to its involvement in the armed conflict in Yemen.<sup>35</sup> The UK government's decision not to suspend arms sales to Saudi Arabia is for instance subject to pending litigation in the Court of Appeal.<sup>36</sup> The UK Committees on Arms Exports Controls themselves were divided over the decision on whether to cease arms exports to Saudi Arabia.<sup>37</sup> Concerns have also been expressed by international human rights mechanisms, including by the Committee on Economic, Social and Cultural Rights in 2016, which recommended the UK to: "Conduct thorough risk assessments prior to granting licences for arms exports and refuse or suspend such licences when there is a risk that arms could be used to violate human rights, including economic, social and cultural rights."<sup>38</sup> Moreover, the UK accepted a UPR recommendation to "carefully assess the transfer of arms to those countries where they are likely to be used for human rights abuses and violations."<sup>39</sup>

Despite these warnings and the significant and persisting risks that UK-made weapons may be used in acts that constitute violations of international humanitarian law and international human rights law, in particular in Coalition airstrikes which continue to be the leading cause of civilian casualties in Yemen, UK arms sales to Saudi Arabia continue.<sup>40</sup>

The Saudi-led coalition airstrikes have targeted schools, hospitals, markets, weddings, and funerals. The use of explosive weapons and indiscriminate shelling notably on healthcare facilities, which

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/631343/UK\\_defence\\_and\\_security\\_export\\_statistics\\_2016\\_Final\\_Version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/631343/UK_defence_and_security_export_statistics_2016_Final_Version.pdf)

<sup>33</sup> *Ibid.*

<sup>34</sup> Foreign and Common Office (2017) 'United Kingdom Strategic Export Controls Annual Report 2016'. 20 July 2017. Table 7.III. Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/629853/Strategic\\_Exports\\_AR\\_2016\\_tagged.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/629853/Strategic_Exports_AR_2016_tagged.pdf)

<sup>35</sup> Answer on Yemen military intervention (HL3497) (December 2017) can be accessed via:

<https://www.parliament.uk/written-questions-answers-statements/written-question/lords/2017-11-22/HL3497>

<sup>36</sup> Further information about legal documents relating to the Judicial Review can be accessed via:

<https://www.caat.org.uk/resources/countries/saudi-arabia/legal-201>

<sup>37</sup> Further information about the arguments over sales to Saudi Arabia in the context of the Yemen split can be found on: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN02729>

<sup>38</sup> E/C.12/GBR/CO/6 (CESCR, 2016), para. 12 c)

<sup>39</sup> Recommendation 132.134: "In the context of the defence of the right to life, carefully assess the transfer of arms to those countries where they are likely to be used for human rights abuses and violations (Peru)". 'Report of the Working Group on the Universal Periodic Review United Kingdom of Great Britain and Northern Ireland'. A/HRC/ 36/9, 14 July 2017.

See **WILPF statement on the UPR of the UK** [https://wilpf.org/wilpf\\_statements/upr\\_uk\\_arms\\_transfers/](https://wilpf.org/wilpf_statements/upr_uk_arms_transfers/)

<sup>40</sup> See 'Opening Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights'. Human Rights Council 36th Session. Available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041>. See also 'Yemen: An "entirely Man-made Catastrophe" – UN Human Rights Report urges International Investigation'. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22025&LangID=E>

have been destroyed or damaged as a result have a disproportionate impact on women's health. Without access to reproductive health services, women face an increased risk of life-threatening complications, as well as loss of access to family planning, exposing them to unwanted pregnancies in perilous conditions.<sup>41</sup>

## Questions:

- **What measures is the UK Government taking to implement its obligations under article 7.4 of the Arms Trade Treaty and the CEDAW Convention to take account of the risk that the arms exported to third countries might be used to commit gender-based violence or serious violence against women?**
- **How does the UK Government reconcile its claims to robust arms control measures, including compliance with the Arms Trade Treaty, and its arms sales to Saudi Arabia and other countries engaged in human rights and IHL violations, including acts of gender-based violence?**
- **How is the UK Government ensuring policy coherence between its arms trade policy and its commitments under Sustainable Development Goal (SDG) 5 on gender equality, including target 5.2 on eliminating violence against women, and under SDG 16 on peaceful societies, including targets 16.1 on significantly reducing all forms of violence and related death rates everywhere and 16.4 on significantly reducing illicit arms flows?**

## 2. Potential impacts of Brexit on the UK's arms control policy

The consequences of Brexit on the UK's arms export controls are not clear although the Government has stated that the Consolidated EU and National Arms Export Licensing criteria will remain in force until they may be amended.<sup>42</sup> Civil society groups including ours have concerns about the risk of departing from the EU Common Position standards towards a lower degree of scrutiny of arms exports with human rights standards.<sup>43</sup>

## Questions:

- **Will the UK's arms control policy be amended following Brexit? If so, will it remain aligned with the EU Common Position on arms exports?**
- **Can the Government set up an intersectional All Party Parliamentary Group on Women, Brexit and the Arms trade to inform and review all negotiations regarding trade and military purchasing and their gendered impacts?**

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<sup>41</sup> Médecins sans Frontières (2017) 'Yemen: Healthcare under Siege in Taiz'. Available at: [https://msf.lu/sites/default/files/healthcare\\_under\\_siege\\_in\\_taiz.pdf](https://msf.lu/sites/default/files/healthcare_under_siege_in_taiz.pdf) and also UNFPA (2018) 'UNFPA Humanitarian Response in Yemen 2018'. Available at: [https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA\\_Yemen\\_2018\\_Response\\_brochure\\_-\\_English\\_-\\_printed\\_final.compressed.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA_Yemen_2018_Response_brochure_-_English_-_printed_final.compressed.pdf)

<sup>42</sup> Answer on the UK arms export policy when leaving the EU ( PQ7599) (September 2017) can be accessed via: <https://www.parliament.uk/written-questions-answers-statements/written-question/commons/2017-09-04/7599>

<sup>43</sup> 'Will Brexit lower Arms Transfer Control Standards?'. Saferworld, 6 July 2017. Available at: <https://www.saferworld.org.uk/resources/news-and-analysis/post/720-will-brexit-lower-arms-transfer-control-standards>

## B. Nuclear Weapons – Preamble (indent 12) and Article 12

The impacts of nuclear weapons are not gender neutral. Women and girls are biologically more exposed to the harmful health impacts of ionizing radiation than men.<sup>44</sup> Research also indicates that women often are the ones most affected by the effects of nuclear radiation, e.g. in relation to psychological health, displacement, social stigma and discrimination.<sup>45</sup>

In July 2016, the UK Parliament decided to renew its nuclear weapons deterrent system called Trident, consisting of four nuclear submarines. Replacing the current system is expected to cost £205 billion<sup>46</sup> and the Ministry of Defence has sought to shift this cost to the Treasury.<sup>47</sup> Not renewing Trident could save billions of dollars that could otherwise be spent on the improvement of the National Health Service by building 120 brand new hospitals, employing 150,000 new nurses, paying 8 million students' tuition fees, installing solar panels in every UK home or providing three million new affordable homes.<sup>48</sup>

The UK's decision to modernise its nuclear arsenal indicates the country's intention to retain nuclear weapons and is contrary to existing legal obligations, including the Non-Proliferation Treaty, under which the UK government is bound to end the arms race and eliminate its nuclear weapons. The renewal of Trident and modernisation of nuclear weapons is also contrary to the CEDAW Convention, which provides that disarmament, in particular nuclear disarmament, 'will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women'.<sup>49</sup> Last year, 122 UN Member States adopted the Treaty on the Prohibition of Nuclear Weapons at the UN, which prohibits all nuclear weapon activities and sets out a framework for nuclear disarmament. It also recognises the differential impacts of nuclear weapons on women and the importance of women's participation in nuclear disarmament and urges governments to promote their inclusion in relevant delegations.

## Questions:

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<sup>44</sup> Guro Dimmen, Anne (2014) 'Gendered Impacts'. Available at: <http://nwp.ilpi.org/wp-content/uploads/2014/12/No-5-Gendered-impacts.pdf> and also ILPI and UNIDIR (2016) 'Gender, Development and nuclear Weapons: Shared Goals, Shared Concerns'. International Law and Policy Institute and the United Nations Institute for Disarmament Research. Available at: <http://www.unidir.org/files/publications/pdfs/gender-development-and-nuclear-weapons-en-659.pdf>

<sup>45</sup> *Ibid.*

<sup>46</sup> Jon Stone, 'Lifetime cost of replacing Trident at least £205 Billion, latest Estimate suggests'. *The Independent*, 12 May 2016. Available at: <https://www.independent.co.uk/news/uk/politics/trident-replacement-cost-nuclear-submarines-205-billion-independent-trident-commission-cnd-caroline-a7025956.html>.

<sup>47</sup> See Ministry of Defence's Update to Parliament (2017) 'The United Kingdom's Future Nuclear Deterrent: The Dreadnought Programme'. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/669771/20171220-2017\\_Annual\\_Update\\_to\\_Parliament-The\\_United\\_Kingdoms\\_Future\\_Nuclear\\_Deterrent\\_002\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/669771/20171220-2017_Annual_Update_to_Parliament-The_United_Kingdoms_Future_Nuclear_Deterrent_002_.pdf); 'Replacing the UK's 'Trident' Nuclear Deterrent'. House of Commons Library. 11 July 2016. Available at: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7353>; Ewan MacAskill (2017) 'Trident may be removed from MoD budget, MPs told'. *The Guardian*. 18 December 2017. Available at: <https://www.theguardian.com/uk-news/2017/dec/18/trident-may-be-removed-from-mod-budget-mps-told>; Assuring destruction forever: 2018 edition, Women's International League for Peace and Freedom. Available at: <http://www.reachingcriticalwill.org/images/documents/Publications/modernization/assuring-destruction-forever-2018.pdf>

<sup>48</sup> CNDUK (2018) 'Stop Trident: The Facts' <https://cnduk.org/resources/stop-trident-facts/>

<sup>49</sup> Convention on the Elimination of All Forms of Discrimination against Women, Preamble, indent 12

- **How does the United Kingdom reconcile its obligations under the Non-Proliferation Treaty and the CEDAW Convention with its decision to renew the Trident nuclear weapon system?**
- **How will the UK Government justify its spending on nuclear weapons at the expense of social policies, including those geared toward gender equality and against gender-based violence?**

### **III. Impacts of Austerity Policies on Women - Articles 11, 12, 13 and General Recommendations 24 and 35**

Women make up 2/3 of UK's labour workforce in the public sector. For example, 73% of those affected by the public sector pay freeze are women.<sup>50</sup> As a result, many women have been forced into low-paid, temporary jobs leading to an increased risk of poverty and financial insecurity.<sup>51</sup> Despite concerns raised by the former Special rapporteur on Violence against Women, the Committee on Economic, Social and Cultural Rights, and the CEDAW Committee in previous recommendations regarding the disproportionate impact of austerity measures on women,<sup>52</sup> this has not been adequately addressed in the UK's Eighth Periodic Report.

Furthermore, austerity policies have also impacted welfare benefits. 20% of women in the UK are in poverty, compared to 18% of men and a higher proportion of women's income depends on benefits than that of men, at 19% and 8% respectively.<sup>53</sup> Therefore, seemingly gender-neutral benefit cuts have had an adverse impact on women. Changes to the Universal Credit system leading to households with two earners having their benefits withdrawn is particularly worrying. This effectively acts as an incentive for secondary earners not to work (who are usually women) and thus leads to an increase in poverty, as well as to greater financial reliance on a first-earner who is typically male. This could have grave effects for women experiencing domestic abuse, as

<sup>50</sup> [https://wbg.org.uk/wp-content/uploads/2016/12/RRB\\_Reports\\_4\\_1653541019.pdf](https://wbg.org.uk/wp-content/uploads/2016/12/RRB_Reports_4_1653541019.pdf)

<sup>51</sup> MacDonald, E.M (2018) 'The gendered impact of austerity: Cuts are widening the poverty gap between women and men' <http://blogs.lse.ac.uk/politicsandpolicy/gendered-impacts-of-austerity-cuts/>

<sup>52</sup> CEDAW (2013) 'Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland', para. 20 and 21; Manjoo, Rashida (2015) 'Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Rashida Manjoo'. Addendum, Mission to the United Kingdom of Great Britain and Northern Ireland A/HRC/29/27/Add.2, 19 May 2015, para. 106: "The Special Rapporteur is concerned about a number of regressive measures that have been adopted. These include the shift from gender specificity to gender neutrality, including gender-neutral services being increasingly favoured; power being devolved to local authorities on such issues as service provision, including changes to commissioning models which are detrimental to experienced community-based service providers; austerity measures that are having an effect on the provision of services to address violence against women; as well as other cross-cutting issues affecting women, such as poverty and unemployment. Women from black and minority ethnic communities, as well as migrant, refugee and asylum-seeking women, women belonging to the LGBTI community, and women with disabilities, have been further affected by these cutbacks, as specialized services catering for their specific needs have been reduced."

Committee on Economic, Social and Cultural Rights (2016) 'Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland', E/C.12/GBR/CO/6, 14 July 2016, para. 18: "The Committee is seriously concerned about the disproportionate, adverse impact that austerity measures introduced in 2010 are having on the enjoyment of economic, social and cultural rights by disadvantaged and marginalized individuals and groups. The Committee is concerned that the State party has not undertaken a comprehensive assessment of the cumulative impact of such measures on the realization of economic, social and cultural rights in a way that is recognized by civil society and national independent monitoring mechanisms (art. 2 (1))."

<sup>53</sup> CEDAW (2013) 'Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland', para. 20.

highlighted in previous CEDAW recommendations.<sup>54</sup> The Universal Credit system to benefits may hence disproportionately affect women in abusive households by placing them in a state of financial dependency towards their partner, as well as affect their very right to such benefits and possibly, their ability to participate in other areas of life such as recreation and culture.

## Questions:

- **What measures are taken by the Government to assess the impacts of austerity measures, in particular of cuts in jobs in the public sector on women?**
- **What have been the effects of the measures described in paragraphs 156 and 157 of the State's report to prevent the potential exploitation of the Universal Credit system by an abusive male spouse?**

## IV. Women's Participation in Public and Political Life

### A. Implementation of UN Security Council Resolution (UNSCR) 1325

The United Kingdom is implementing its fourth National Action Plan (NAP).<sup>55</sup> The latest NAP covers a five-year period, is structured in seven strategic outcomes, linked to the Women, Peace and Security (WPS) agenda's four pillars: Decision-making, Peacekeeping, Gender-based violence, Humanitarian response, Security and justice, Preventing and countering violent extremism, and UK capabilities.

The UK's commitment to the WPS agenda is strongly welcomed. Nevertheless, there is room for improvement, such as the strictly outward looking aspect of the NAP. One of the main pillars of the WPS agenda encompasses prevention of conflict and violence. Conflict prevention requires creating human security and tackling root causes of conflict and violence through long-term prevention. The principles of the WPS Agenda must be applied to the national context of the UK, and mainstreamed into domestic policies and legislation. The OSCE also emphasised that national implementation strategies on WPS are relevant for all countries, not only for those in conflict.<sup>56</sup> Hence, the UK should as a matter of domestic implementation of UNSCR 1325, address the situation faced by women asylum seekers and migrant women in the UK.

In addition, and despite having received recommendations to this effect from the Committee in the last two reviews, the UK still has not taken any measures to implement the Women, Peace and

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<sup>54</sup> *Ibid.* para. 62-63.

<sup>55</sup> Department for International Development, Foreign & Commonwealth Office, Ministry of Defence, and Stabilisation Unit (2018) *UK National Action Plan on Women, Peace & Security 2018-2022*. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/677586/FCO1215-NAP-Women-Peace-Security-ONLINE\\_V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677586/FCO1215-NAP-Women-Peace-Security-ONLINE_V2.pdf)

<sup>56</sup> OSCE (2014) 'OSCE Study on National Action Plans on the Implementation of the United Nations Security Council Resolution 1325. Available at: <https://www.osce.org/secretariat/125727?download=true>

Security agenda in Northern Ireland.<sup>57</sup> The NAP should also have addressed the issue of violence against women perpetrated by UK military personnel, including intimate partner violence.

The UK's NAP fails to address the impacts of UK's arms transfers on women's rights. This is inconsistent with the deep interconnectedness of the Women, Peace and Security and arms control agendas, which has notably been recognised in the Arms Trade Treaty, UNSC Resolution 2117 on Small Arms and Light Weapons, UNSC Resolution 2106 on sexual violence in conflict, and General Recommendation 30 of the Committee.<sup>58</sup>

## Questions:

- **Are there any plans to implement UNSCR 1325 in Northern Ireland?**
- **What is the government policy to combat SEA (Sexual Exploitation and Abuse) perpetrated by UK military personnel, including in cases of intimate partner violence?**
- **What are the efforts to implement the UNSCR 1325 domestically, in particular with regard to the situation of women and girls seeking asylum?**
- **How does the government intend to work with the EU on Women, Peace and Security issues after Brexit?**

## **B. Brexit and women's rights: articles 7-8 and General Recommendation 23**

Women (including from civil society) must be included in a meaningful way in assessing the gendered-impacts of Brexit, in particular regarding the impacts of Brexit on women's human rights, as well as in other areas such as, military spending and gender budgeting. This has so far not been the case. No policy should be formed without ensuring women's early participation, consultation and approval.

## Questions:

- **How does the Government ensure minimising the negative gendered impacts of Brexit on human rights, in particular but not limited to, the withdrawal from the EU Charter on Fundamental Rights?**
- **How does the Government ensure women's active involvement in decision-making in the Brexit negotiations, including regarding economic, budgetary and military policies?**

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<sup>57</sup> CEDAW (2008) 'Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland'. CEDAW/C/UK/CO/6; para.287 ; CEDAW (2013) 'Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland'. CEDAW/C/GBR/CO/7; para. 43.

<sup>58</sup> Article 7 (4) of the Arms Trade Treaty; UNSCR (2013) Resolution 2117 on Small Arms and Light Weapons. Available at: [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2117\(2013\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2117(2013)) ; UNSCR (2013) Resolution 2106. Available at: [http://undocs.org/en/S/RES/2106\(2013\)](http://undocs.org/en/S/RES/2106(2013))