

Appendix 3: National women's machinery (See Article 3)

General Recommendation No. 28¹ on the Core Obligations of States Parties under CEDAW builds on Article 2 which states that "*The policy should also ensure that independent monitoring institutions, such as national human rights institutes or independent women's commissions, will be established, or that existing national institutes will receive a mandate with respect to the promotion and protection of the rights guaranteed under the Convention.*"

Paragraph 261 of the CEDAW Committee's 2008 observation included a recommendation on the envisaged equality legislation (Equality Act 2010) and specifically sought consultation of and collaboration with "*civil society organisations, in particular women's and human rights organizations, and other stakeholders*".² In relation to this point, paragraphs 11-13 of the Government's 7th Periodic Report³ lists women's organisations which had responded to a formal three-month consultation, the holding of meetings and the "*ongoing and close dialogue with the Women's National Commission (WNC)*". Details are also given on the engagement in Scotland, Wales and Northern Ireland (paras 15-20).⁴ The report also details significant involvement of the WNC in providing education and information about CEDAW and its Optional Protocol as recommended (para 41) including public awareness and training programmes. Again, the report cites five CEDAW awareness raising events for civil society in England, and others in the devolved countries conducted by the Government Equalities Office (GEO) and the WNC (para 42).

In May 2010, the new Coalition Government undertook a review of all 'quangos' including non-departmental advisory bodies which, while financed by government, act independently of it. The WNC, as one of these, was reviewed and a consultation

¹ In order for this accountability function to work effectively, appropriate mechanisms and institutions must be put in place.

² CEDAW Committee (2008) *Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland*. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> Para 11

³ Government Equalities Office (2011) *CEDAW (Convention on the Elimination of all forms of Discrimination against Women) report. United Kingdom's Seventh Periodic Report*. GEO: London <http://www.homeoffice.gov.uk/publications/equalities/international-equality/7th-cedaw-report?view=Binary>

⁴ CEDAW Committee (2008) *Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland*. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement>

conducted.⁵ Many leading women's organisations wrote to the GEO separately, as coalitions or as part of the on-line consultation process to respond in depth and/or to complain that the survey required answers that were not appropriate and would result in misleading answers. One of the principal difficulties was the requirement to rank order choices for engagement between women and government when all were necessary in different contexts. The decision was made by the Government to abolish the WNC which was closed on December 31st 2010.

The WNC was established in 1969 in response to the request by the United Nations that governments should have mechanisms for listening to women and to enable them to take their views directly to the government of the day. The WNC went through various reviews under successive governments over the 41 years of its life which resulted in changes leading to greater transparency and openness to membership (free) and introduced public competition and appointment systems for the Commissioners and Chairs.

We dispute that there will be a savings cost to the closure of the WNC. If there is one, it would be minimal: the annual cost in its final year was only approximately £750,000 and in previous years had ranged between around £350,000 to £500,000, a tiny amount especially when viewed in the light of the cost of departmental budgets. As to accountability, women and their organisations from around the UK have been united in deploring the closure of a mechanism, which, imperfect as it was, enabled women to come together around issues of concern, to increase expertise and learning through discussion, to develop policy positions on the basis of expertise and normally in consultation with officials of relevant government departments, and find a collective voice that could be taken directly to Ministers.

Dissenting voices on the WNC speak to a not always adequate representation of the range of women especially as to political views. Independence was also sometimes questioned given that the WNC Chairs were all government appointees active in political life. However, the majority experience was that women's views developed through working groups on issues and through wide-ranging consultations were accurately represented to the Government.

We welcome various new mechanisms introduced by the GEO to engage with women: an improved website; a newsletter; a new group of business women to advise the Minister and small meetings of approximately six selected organisations at a time with the Minister which have expertise in a chosen topic. These are often well chosen and form balanced groups and being relatively few in number are able to engage in useful discussion with Ministers who have repeatedly stated they prefer this form of 'direct contact'. However, these meetings are determined wholly from within government, to its agenda and are not accountable to civil society in any sense. There is no mechanism for women to even know which topics are under discussion with

⁵ Home Office (2011) *Response to the public consultation 'Strengthening Women's Voices in Government'* <http://www.homeoffice.gov.uk/publications/equalities/womens-equality/strengthening-womens-voices>

whom or when. Nor what the outcomes are. Hence, civil society has no overview and this has led to a fragmentation and disempowerment of women and their organisations.

While the WNC worked on legislation and policy development for gender equality within the UK, it also had an international role and was the body tasked with major preparation of the CEDAW shadow report. This task has been taken over by the Women's Resource Centre which facilitates the CEDAW Working Group who have produced this UK shadow report and work around this with some funding from the Equalities and Human Rights Commission and the Women's Health and Equality Consortium, but essentially this work is now unfunded.

In addition, WNC held a pivotal role in relation to the annual meeting of the United Nations Commission on the Status of Women (CSW). The Chair, Director and other WNC officials were taken as members of the official delegation to the UN and liaised most effectively with all UK NGOs attending. WNC was regarded widely by NGOs in other countries and by some governments as a model for them to follow. Since 2010, the current government has held large preparatory meetings for CSW and asked that a small group of NGOs be organised by civil society, without funding, to consult with government and Ministers before, during and after CSW. This is a successful group but one wholly dependent on the efforts of the volunteers from the women's sector. Not even travel is paid for so that it is not possible to include women from all parts of the UK at meetings and online communication often fails to function. After CSW56, the Minister met with invited members of this group (not all) for follow-up. In July 2012, NGOs established a new group to work in a similar mode before, during and after CSW57 in 2013. Again without resources, but with an administrative lead provided by the National Alliance of Women's Organisations (NAWO)⁶ which is accredited to ECOSOC and whose Chair and Vice-chair are also the elected co-chairs of the new consortium, the group includes all the devolved nations, and has engaged in wide outreach, being open to all wishing to be affiliated. It has established a name (UK NGO CSW57 Liaison Group) and structure (small executive – two elected Co-chairs and three 'supporters', and a 'core group' of about 25), and has more than 80 NGOs, mainly women's organisations, working in it and affiliated to it. The group responded to the GEO's call for a small number of NGOs to work with them around CSW with a proposal for a larger group than intended in order to be more inclusive. This was accepted and was an outstanding success, meeting regularly with the GEO before the CSW57 Session and with UK negotiators during the Session. NGO notes of meetings and GEO action points were produced jointly and widely distributed by NAWO through the group. Again, a small number, including representatives of the devolved nations and some not at the Session, were invited to meet with the Minister following CSW57. This mechanism has been created by the NGO community and receives no financial support from any source except that provided by NGOs themselves. NGOs are continuing to debate how to work with and/or transform this mechanism to provide the basis for further engagement with government perhaps not limited to CSW.

⁶ National Alliance of Women's Organisations www.nawo.org.uk Accessed: 11/04/13

The WNC also provided a valuable opportunity for the sharing of experience and policy across the 4 nations as since 1999, devolution has allowed distinct political developments, sometimes with differing priorities. (See Annex 1) The CEDAW Committee raised concerns about the impact of devolution in its 2008 Concluding Observations.⁷ It also made clear during the last examination that even in countries where there are federal governments it is the national government that is held to account and that the same applied to the UK.

Women in Scotland and Wales regard themselves as fortunate in that the devolved administrations have remained considerably more supportive of their organisations than the UK Government in Westminster, funding them to represent women's voices to their devolved governments while women in England have lost all resources that were previously available to bring them together; and no one organisation, nor any consortium is funded with an infrastructure role. The international conventions which UK Governments have signed thus require that they engage with the whole of the UK. Without a gender structure to support this, the Government can only consult on an 'ad hoc' basis resulting in non-inclusive reports and policy decisions.⁸

The Scottish Government funds a number of women's organisations to support the gender equality agenda, including Engender, an umbrella for both women's organisations and individuals which has developed a considerable programme to raise awareness of CEDAW. The Scottish Women's Convention is another example which ensures that grassroots women have their voices heard by key decision makers. The organisation is funded to consult with individuals and women's organisations on key issues and use their views and opinion to influence public policy. Policy makers and politicians hold discussions with the organisation and the women involved in a pro-active and engaging manner.

With the closure of the WNC, however, Scottish women's organisations struggle to have engagement with UK Government officials and decision makers. Although many policy areas affecting women in Scotland are devolved to the Scottish Government, some are reserved at Westminster including employment, welfare benefits, asylum and the Equality Act. These key strategic topics require the voices of women in Scotland to be heard at a UK level.⁹

⁷ CEDAW Committee (2008) *Concluding observations of the Committee on the Elimination of Discrimination Against Women: United Kingdom of Great Britain and Northern Ireland*. Forty-first session <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> para 15

⁸ Northern Ireland Women's European Platform (2012) *Representation to the Working Party for CEDAW Shadow Report*. <http://tinyurl.com/c8an9na> the same point is also made by Engender (2012) *Statement from Engender to the CEDAW Shadow Committee*.

⁹ Scottish Women's Convention, Representation to the Working Party for CEDAW Shadow Report, July 2012

Women in Northern Ireland concur that, *“if anything, the situation is now worse: The abolition of the WNC has reduced the capacity for systematic critical assessment of the application of the Convention across the UK. As an established and funded body with representation from every country of the UK (and with each representative being well linked into networks in their own regions), the WNC was able to collate data and analyze developments in relation to women’s equality and inequality across the four countries. The ‘alternative’ arrangements [...] have not taken into consideration the complexities of working across regions with devolved administrations or fundamental inequalities such as the digital divide and the need to adequately resource participation. The ‘special measures’ to increase equality outlined by the UK government have not been established in a way (in terms of representation and ways of working) that suggests they are meant to have significance in Northern Ireland”*.¹⁰

In Wales too, women stress the WNC’s *“facilitated participation of women from across the whole of the UK and, despite the sensibility of the devolved government to maintain regular communication and the fact there are well established procedures for representation and outcome in relation to equality”, they argue, “it is essential...to maintain a coherent UK presence and that this needs to be a priority issue for the UK Government”*.¹¹

In addition to the loss of the infrastructure and resources needed to support a flourishing and independent women’s NGO sector, women are concerned at the lack of hard targets and effective monitoring procedures on the basis of the need to reduce ‘red tape’. This, too, is a necessary part of the role of an infrastructure that can do the monitoring, can collate disaggregated data and as a result give good evidence-based advice to government and fund their own lobbying and campaigning on more solid argument. (See Appendix: 6)

Finally, it should be noted that women’s organisations have developed a possible new mechanism or ‘hub’ that Ministers are not currently minded to support and which funding organisations are unwilling to support because they regard it as the role of the Government to do so. There is continuing discussion in the sector about what might be done instead.

¹⁰ Northern Ireland Women’s European Platform (2012) *Representation to the Working Party for CEDAW Shadow Report*. <http://tinyurl.com/c8an9na> NIWEP also notes a lack of attention paid and learning lacking in the UK Government’s approach to the area of equality legislation: *“The report does not refer to S.75 as a complementary mechanism. Nor is there any suggestion or evidence that the learning from S.75 (which has been in existence since 1998) has been considered. The difficulties relating to the effective implementation of S.75 legislation in NI have not been commented on in the UK report. These were outlined to the Committee in NI shadow reports in 2008 and by the WNC 2008 report. The Committee in its concluding observations referred to some of these (para 17) – especially the promotion of a gender neutral approach and focus on formal rather than substantive equality. Neither the UK Government nor the Northern Ireland Executive have embraced the need to address these deficiencies.”*

¹¹ Wales Assembly of Women, Representation to the Shadow Report Group, July 2012.