



## **Quality in Gender+ Equality Policies**

European Commission Sixth Framework Programme  
Integrated Project

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## **Issue Histories United Kingdom: Series of Timelines of Policy Debates**

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# Contents

## ACKNOWLEDGEMENTS

- 1. INTRODUCTION..... 4
- 2. LEGISLATION, PLANS AND INSTITUTIONAL STRUCTURES ..... 9
  - 2.1 Main Legislation relating to Gender Equality in the UK..... 9
  - 2.2 National Action Plans..... 17
- 3. NON-EMPLOYMENT ..... 23
  - 3.1 Actors ..... 25
  - 3.2 Timeline ..... 28
- 4. INTIMATE CITIZENSHIP ..... 41
  - 4.1 Actors in the policy area of Intimate Citizenship..... 43
  - 4.2 Timeline Intimate Citizenship..... 45
- 5 GENDER BASED VIOLENCE..... 60
  - 5.1 Actors in the policy area of Gender Based Violence ..... 61
- 6. CONCLUSIONS AND SUMMARIES OF KEY QUESTIONS..... 80

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Quing members who provided a wide range of comments, suggestions and experiences of work on these issues, especially but not only in the May 2007 Quing workshop.

# 1. INTRODUCTION

## CONTENT OF THIS SECTION

This first section of the report on 'Issue Histories UK: Series of Timelines of Policy Debates' (from now on Issue Histories) discusses the issues involved in deciding on the shape of the report on the UK. It draws on the guidelines already issued, refining them in the light of subsequent work on WHY and STRIQ, the contributions and discussions in the May 2007 Quing workshop, and the practical lessons learned in applying them to the task. This introductory section is intended to be explicit and reflective about the criteria used to prioritise the collection of material and its presentation in the report. Thus it addresses three main issues: the purpose of the timelines; the definition of the issues; key questions in prioritising and summarising material; and the process of selecting documents.

First, the purpose of the timelines; how they contribute to the overall Quing project in general, and their relationship in practice to the various deliverables and aspirations of the project, (always bearing in mind the range of views within Quing on these matters.)

Second the definition of the issues. This draws on the prior paper by LARG on 'Quing issues' and develops and refines these in the light of both the analysis in STRIQ and WHY theoretical reviews, and the information provided by Quingers in 29 countries plus EU as to how these were developed. In the part of this report on the UK, the UK issues are positioned in relation to the more general definitions.

Third, it addresses which issues are the most useful to pull out from the detailed accounts in a summary form at the end. This summary list has two functions. One is to sensitise as to the key issues that need to be addressed in order to meet the wider Quing objectives; the second is to facilitate comparison between the country and the EU and between countries.

Fourth, it discusses the criteria used to produce a draft selection of documents.

## PURPOSE OF ISSUE HISTORIES

The overall purpose of the Issue Histories is to gather data relevant to both the identification of the differences in the content and quality of gender+ equality policies and the explanation of these differences.

The Issue Histories are the key way that Quing gathers data on changes over time. These are changes in the policies themselves; as well as changes in the political and social forces that are associated with changes in the policies. It provides information on the dynamic interaction (coalition, hostility) of civil society groups among themselves and their interaction with the state. They provide not just a list of changes in policy, but also contain information needed to analyse the changing political context of policy development.

One specific purpose of the Issue Histories, outlined in D11 and D19, is 'to provide contextual information for the analysed issue for a more in-depth understanding of the following textual analysis' and to assist in the selection of documents for analysis. This is the focus for LARG.

For STRIQ and WHY, the issue histories have additional specific purposes. This is to provide information that would assist in the explanation of differences in the content and quality of gender+ equality policies. In particular, this is to provide information on changes in

the nature and role of civil society and state actors in their engagement over the development of gender+ equality policies. Since the explanation of differences between countries requires comparative analysis between countries, it is necessary that this information is presented, in some place during the Issue Histories, in a form that is suitable for comparative analysis.

The purpose of WHY is to explain differences in the content and quality of gender+ equality policies. The analysis needed to explain the differences requires comparisons between countries. In order to do these comparisons it is necessary to know from the beginning what is being compared. This is the reason that all Quing teams are using the same research instruments (e.g. issue histories). The reports on each country are quite long and complicated, despite being prepared to the same guidelines. Hence, in order to clarify exactly what is being compared, the final section of this report provides a summary of the main issues. This is a simplified account that is intended to aid comparison.

## **DEFINITION OF ISSUES**

Quing is concerned with gender+ equality policies. These are analysed in four sections: general gender+ equality policies; non-employment; intimate citizenship and gender-based violence. This is not the totality of gender+ equality policies, but contains both an overview, and examples of three diverse but key policy areas.

This discussion of the definition of the issues of non-employment intimate citizenship and gender-based violence draws on and builds on the LARG 'Guidelines for issue histories reports', refined in the light of STRIQ D13 and D14 and WHY D12, and the comments and discussion at the May 2007 Quing Workshop.

The areas may be defined in two different ways. One approach is derived from social scientific analysis. This draws on the academic theoretical and empirical work on these issues. For example, what factors do social scientists address when trying to account for the location of the boundary of employment and non-employment, or define and analyse intimate citizenship and gender-based violence? The second is derived from the understandings of the policy/political actors in specific national contexts. These overlap; but they are not the same.

The issue histories prioritise the first approach, social science, to define the issues for analysis. The analysis of documents (the next piece of work) prioritises the second, the understandings of the policy actors, as the focus of the discussion. This means, for example, that the issues that count as non-employment for the issue histories are primarily selected using our social scientific understanding, even though when we report on the documents we focus on the understandings of the policy actors.

### **General gender equality policies**

General gender+ equality policies are those that are relevant to a range of gender equality issues. They are especially concerned with overarching+ gender equality legislation, plans and governmental machinery. That a general gender+ equality policy excludes some aspects of gender equality is commonplace and does not prevent it from being called 'general' (indeed just how general or restricted the 'general' gender+ equality policy is, is a matter of interest). One of the particular interests in Quing here is that of the implications of the changing legal framework, led by the EU, to increasingly integrate other equalities with gender in single legislative acts, plans and institutions for equality.

The inclusion of a section on general gender equality policies is important in order to understand the wider context in which policies are developed in specific areas.

## **Non-employment**

The sub-issue of non-employment concerns the construction of the boundary between employment and non-employment. Non-employment here includes both what is conventionally considered to be unemployment and also economic inactivity; however, the focus for Quing is on the latter. There is a particular focus in the issue of the changing legitimacy of whether particular groups are not employed, in a context where employment has become the 'norm'. The Quing interest is in the gender+ equality policy embedded (or not) within policies on the boundary between employment and non-employment.

The main focus for comparison is holistically on the issue of non-employment. However, in order to identify what counts as a relevant topic for enquiry it is necessary to provide a definition of the range of issues; this involves specification of smaller issues inside the issue of non-employment. The definition of the range is led by social scientific analysis, but is inflected (moderated, changed) by the range of policies that Quing researchers have discovered so far in their work (and which were reported to the May meeting). The point of identifying different policies is primarily to assist in the definition of the limits of what is meant by non-employment; and secondarily to enable the investigation of whether there are broad differences in the prioritisation of topics between countries. It is not intended to use the categories beyond this; rather the focus is on the topic of non-employment as a whole.

Four main topics within non-employment are identified: tax-benefit policies; care-work policies; policies for the reconciliation of work and family life; gender pay gap. Each of these contains the intersection with other inequalities. These four topics include a wide range of sub-topics including:

- tax-benefit policies (including social insurance; active labour market policies e.g. to re-integrate after unemployment, disablement/sickness, parenting; pensions, especially care component of state pensions; special attention to exclusions from benefits through partnership and citizenship status e.g. lone parents, migrants);
- care-work (including care for children, elderly, disabled; work that includes: unpaid and paid work in the home (domestic work), state provision, privately purchased care, voluntary provision; special attention to use of migrant/minoritised labour);
- policies for the reconciliation of work and family life (including maternal, paternal and parental leave (including for adoption); flexible hours working including for breastfeeding; part-time working);
- gender pay gap (which is seen to legitimately influence women's decision as to whether or not to be in employment; including implementation of equal pay and equal treatment legislation; other mechanisms e.g. pay audits; addressing occupational segregation).

## **Intimate citizenship**

Intimate citizenship concerns the policies of the state that regulate intimate relations, including partnerships, sexuality and reproduction. These are state interventions in areas that may or may not be conceived as private. The focus in this Quing project is on the relations between adults, not on the relations between adults and children or on generational issues. Intimate citizenship includes three main topics: divorce, marriage and separation; sexual orientation discrimination and partnering; reproduction including abortion and assisted reproduction. These topics include the following sub-topics:

- divorce, marriage and separation: conditions under which divorce is legally possible; the regulation of post-marital relations; child custody; matrimonial property (including pensions);
- sexual orientation discrimination and partnering: discrimination in age of consent; discrimination in employment and in the sale and supply of goods and services e.g. adoption; civil partnerships (including partner rights on crossing borders for residence, employment, education);
- reproduction including abortion, contraception, and assisted reproduction: limitations to legality and availability of abortion and contraception; discrimination in assisted reproduction on the basis of sexual orientation and partnership status; crossing borders for abortion or assisted reproduction.

## **Gender Based Violence**

Gender based violence is described and conceptualised in various ways, including for example, as violence against women, as violation of women's human rights, and as a form of oppression of women that supports gender inequality. There are variations in the extent to which women and gender are named; or whether the debate is de-gendered. Gender-based violence includes four topics: domestic violence; sexual assault; harassment and stalking; forced marriage, female genital mutilation and honour crimes. These include the following sub-topics:

- domestic violence, including: definition of domestic violence as between intimate partners or wider family (including elderly and children); civil law orders e.g. non-molestation orders, ouster injunctions; crime; health; human rights; variations by minoritised group; ability to cross borders to seek refuge/asylum;
- sexual assault, including: rape, marital rape, sexual assault/abuse,
- trafficking and (forced) prostitution, ability to cross borders to seek refuge/asylum
- sexual harassment and stalking: could also include pornography and symbolic violence in countries where it is defined as violence;
- forced marriage, female genital mutilation and honour crimes: could also include ability to cross borders to seek refuge/asylum.

## **KEY QUESTIONS FOR SUMMARISING IN THE CONCLUSION**

The concluding section pulls together summaries of key topics that are otherwise somewhat dispersed in the report. They are all concerned with events in time; with change. They are important not only for the country studies, but also for the comparisons, both with the EU and with other countries. One purpose of the summaries is to enable everyone to more quickly understand the major differences between our countries (reading 30 summaries is much quicker than reading 30 issue histories).

### **Main differences in gender+ equality policies by sub-issue**

Within each of the sub-issues (general, non-employment, intimate citizenship, and gender-based violence) the relative importance of each of the topics identified above is identified; if they are all equally present, this is noted.

### **Major changes in gender+ equality policies, generally and in the three sub issues**

This is a short summary of major changes in gender+ equality policies, both generally and in the three sub-issues of non-employment, intimate citizenship and gender-based violence. Each of these is around 100 words, so total around 400 words.

## **Civil society and political forces**

### *Major changes in the balance of political forces*

There is a summary of key turning points in the balance of political forces in civil society and the state. Examples of this include: joining the EU; major change of government (e.g. for UK New Labour in 1997); major change in civil society (e.g. creation of major national alliance of NGOs on gender or gender intersectional issues; decline/resurgence of religious fundamentalism). The main political forces are named and positioned in gender, class, ethnic+ etc projects. This is presented for the country as a whole and also for each of the sub-issues. Around 200 words altogether.

### *Impact of the EU*

The key points in the development of policies in the country at which the EU was significant are noted. The most likely frequent from the EU is when a new Directive (Directive is named) requires transposition into domestic law (Act is named). Whether the Directive is smoothly and fully transposed or if there was a dispute; if there was a dispute is noted, together with the issue at stake and the nature of the conflict. Further sources of EU impact sometimes included: Recommendations, Open Method of Coordination, EU review of National Action Plans, and legal cases concerning the Member State in the European Union Court of Justice. This information will be used not only for the issue history in itself; it also provides context for documents that might discuss these issues; and will be very useful for the later report on the comparison of gender+ equality policies in the country with the EU. Around 200 words.

### *Impact of other international bodies*

The impact of other international bodies is summarised in a way that is parallel to the EU, though these are less important. These international interventions include CEDAW. Since many countries will have a comparable CEDAW report, this and where possible, the shadow CEDAW reports are included. Other international impacts might include: the European Court of Human Rights (especially important for intimate citizenship); reviews for UN Beijing+5 and UN Beijing +10. Around 100 words.

## 2. LEGISLATION, PLANS AND INSTITUTIONAL STRUCTURES

The United Kingdom has legislated for gender equality since 1970, when it enacted the Equal Pay Act. The UK has legislated for gender equality more in the field of employment than in other policy areas, though there is an increasing body of law on gender-based violence. The EU is an important force for legal change on gender equality. In addition, though less important, the UK signed the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1979) and the Beijing Platform for Action.

### 2.1 Main Legislation relating to Gender Equality in the UK

- 1970 EU Equal Pay Directive<sup>1</sup> & UK the Equal Pay Act 1970<sup>2</sup>
- 1973 UK joins the EU
- 1974 Health and Safety at Work
- 1975 Equal Pay Act and Sexual Discrimination Act came into force
- 1975 The Sex Discrimination Act. The Equal Opportunities commission was established<sup>3</sup>
- 1976 EU Equal Treatment Directive<sup>4</sup>
- 1976 Race Relations Act prohibits discrimination on racial grounds
- 1978 EU Social Security Directive
- 1981 An ECJ ruling on pay for equal value versus the British government forced the UK to change legislation and implement equal pay for equal value.
- 1984 Equal pay for work of equal value Amendment to Equal Pay Act came into effect.<sup>5</sup>
- 1986 EU Occupational Social Security Directive
- 1986 The Sex Discrimination Act (Amendment)
- 1986 Statutory Maternity Pay (General) Regulations
- 1988 Section 28 made the promotion of homosexuality by local authorities illegal.
- 1989 Employment Act
- 1990 EU Pregnant Workers Directive
- 1992 EU Directive on safety and health at work of pregnant workers etc.
- 1990 The House of Lords ruled that women and men must have equality in access to concessionary schemes at the same age.
- 1992 Social Security Contributions and Benefits Act
- 1993 European Court declared that the ceiling for compensation in sex discrimination claims is unlawful. For the first time individuals could get full compensation for discrimination. Discrimination became costly and employers took it seriously
- 1993 EU Working Time Directive (Transposition into UK domestic law- 1998)
- 1993 The Sex Discrimination and Equal Pay (Remedies) Regulations
- 1994 Trade Union Reform and Employment Rights Act guaranteed every working woman the right to maternity leave.

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<sup>1</sup> Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women Official Journal L 045 19.02.75 p.19, Incorporated by OJ L 001 03.01.94 p. 484 ,

<sup>2</sup> The Equal Pay Act, 1970 (<http://www.eoc.org.uk/PDF/epa.pdf>)

<sup>3</sup> The Sex Discrimination Act, 1976 (<http://www.eoc.org.uk/PDF/sda.pdf>)

<sup>4</sup> Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions Official Journal L 269 , 05/10/2002 P. 0015 – 0020.

<sup>5</sup> [http://www.eoc.org.uk/PDF/EU\\_fact4\\_eurolead.pdf](http://www.eoc.org.uk/PDF/EU_fact4_eurolead.pdf)

## QUING PERIOD 1995-2007

- 1995 Carers (Recognition and Services) Act<sup>6</sup> - provides for the assessment of the ability of carers to provide care; and for connected purposes.
- 1995 Disability Discrimination Act on discrimination against disabled people in the areas of employment, the provision of goods, facilities and services and premises, education and public transport.
- 1995 Occupational Pension Schemes (Equal Treatment) Regulations set out how claims may be made to enforce rights to equal treatment in occupational pension schemes.
- 1995 Pensions Act requires occupational pension schemes to observe the principle of equal treatment between men and women.
- 1996 EU Parental Leave Directive (96/34)<sup>7</sup> provides for all parents of children up to a given age to be defined by Member States, to be given up to 3 months' unpaid parental leave. It also provides for individuals to take unpaid time off when a dependant is ill or injured. Workers, either men or women, are granted a minimum of 3 months parental leave for the birth or adoption of a child. This Directive is based on a framework agreement reached by the Social Partners.
- 1996 Sexual Offences (Conspiracy and Incitement) Act<sup>8</sup>  
Lists sexual offences and deals with conspiracy to commit sexual offences outside the UK. Includes sections on NI and Scotland.
- 1996 Family Law Act<sup>9</sup> on divorce and separation, welfare of children.
- 1996 Employment Rights Act<sup>10</sup> introduced entitlement to time off for to make domestic arrangements or look for work if declared redundant, the right to time off for medical appointments for pregnant employee, maternity leave no less than 18 weeks and parental leave up to 13 weeks, employment protection and right of return
- 1996 Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996. Provide for tribunals to award interest on back pay in Equal Pay Act cases and compensation awards made under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the
- 1995 Disability Discrimination Act
- 1996 The Sex Discrimination and Equal Pay (Miscellaneous Amendments) Regulations<sup>11</sup> amends the Equal Pay Act 1970 and the Sex Discrimination Act 1975.
- 1997 EU Burden of Proof Directive shifts the burden of proof (but does not reverse it) and allows for the Member States to take even more protective measures concerning the complaining party; the Member States may therefore impose a total reversal of the

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<sup>6</sup> [http://www.opsi.gov.uk/acts/acts1995/Ukpga\\_19950012\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1995/Ukpga_19950012_en_1.htm)

<sup>7</sup> See also 'Report from the Commission on the Implementation of Council Directive 96/34/EC of 3rd June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC' - COM (2003) 358 (19/6/2003)

<sup>8</sup> <http://www.opsi.gov.uk/acts/acts1996/1996029.htm>

<sup>9</sup> <http://www.opsi.gov.uk/acts/acts1996/1996027.htm>

<sup>10</sup> <http://www.opsi.gov.uk/acts/acts1996/1996018.htm>

<sup>11</sup> [http://www.opsi.gov.uk/si/si1996/Uksi\\_19960438\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1996/Uksi_19960438_en_1.htm)

burden of proof, should they want to.

- 1997 Equal Pay (Complaints to Employment Tribunals) (Armed Forces) Regulations allows individuals serving in the armed forces to bring equal pay claims in the employment tribunal provided a complaint has been made about the same matter under the service redress procedures which has not been withdrawn.
- 1997 Protection from Harassment Act - creates a criminal offence of harassment. It also creates a new type of civil claim, allowing individuals who are harassed to claim damages and/or seek a court order to stop the harasser from continuing the harassment. Under this legislation, stalking was a key issue and regarded as harassment.
- 1997 Sex Discrimination (Complaints to Employment Tribunals) (Armed Forces) Regulations - allow individuals serving in the armed forces to bring sex discrimination claims in the employment tribunal provided a complaint has been made about the same matter under the service redress procedures which has not been withdrawn.
- 1997 Adoption of women-only shortlists by the Labour party helped ensure a record number of women MPs. Women-only short-lists were then declared illegal when men went to court claiming shortlists were illegal in that they affirm positive action in employment. Raised a debate as to whether or not being an MP should be considered 'a normal job.'
- 1998 EU Part-time Workers Directive
- 1998 Working Time Regulations contain provisions regulating working time including a limit of average 48 hours work per week (with exceptions), daily and weekly rest entitlements and rest breaks, a right to 4 weeks paid annual leave and to be paid for accrued but untaken leave on termination of employment and special provisions relating to night work.
- 1998 Human Rights Act incorporates rights under the European Convention of Human Rights into domestic law. The incorporation only took place after EU incorporation (hence example of UK following integration into EU law).
- 1998 National Minimum Wage Act provides a designated minimum rate per hour.
- 1999 EU Framework Directive on Fixed Term Work
- 1999 National Minimum Wage Regulations
- 1999 Management of Health and Safety at Work Regulations require employers to carry out risk assessments and alterations when needed, e.g. for women of childbearing age at work.
- 1999 Maternity and Parental Leave enables both men and women to take up to 13 weeks off to care for children under five years old. Contain the detail of the rights to maternity and parental leave contained in the Employment Rights Act 1996 (ERA).
- 1999 Employment Relations Act<sup>12</sup> - includes a right to be accompanied at disciplinary or grievance hearings by a trade union official or another of the employer's workers. Also, part time work & discrimination, maternity and parental leave, time off for

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<sup>12</sup> <http://www.opsi.gov.uk/acts/acts1999/19990026.htm>

domestic incidents.

- 1999 Sex Discrimination (Gender Reassignment) Regulations<sup>13</sup> amends the Sex Discrimination Act to protect transsexual people against discrimination employment and vocational training. Northern Ireland followed with the 1999 Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland).<sup>14</sup>
- 2000 EU Framework Directive for Equal Treatment in Employment and Occupation
- 2000 EU Directive on equal treatment irrespective of racial and ethnic origin
- 2000 EU Directive on equal treatment in employment and occupation on the grounds of religion or belief, disability, age or sexual orientation.
- 2000 Sexual Offences (Amendment) Act reduces the age at which certain acts are lawful, abuse of position of trust, meaning of sexual offence.<sup>15</sup>
- 2000 Child Support, Pensions and Social Security Act<sup>16</sup>
- 2000 Part-time Workers Regulations gives part-time workers the right not to be treated less favourably than comparable full-time workers unless the difference in treatment is objectively justifiable. They do not give a right to work part-time (implementation of EC Directive 1997).
- 2000 Statutory Maternity Pay (General) (Modification and Amendment) Regulations. Statutory Maternity Pay (General) (Modification and Amendment) Regulations 2000 Contain the provisions relating to entitlement to Statutory Maternity Pay.
- 2000 Race Relations (Amendment) Act<sup>17</sup> Discrimination by police and other public authorities, immigration and asylum appeals outlawed. Places a duty on public bodies to promote equality of opportunity for people of all races and came into force in 2001.
- 2002 EU Equal Treatment (Amendment) Directive, the UK was required to implement the changes required by the directive by September 2005.
- 2002 Sex Discrimination (Election Candidates) Act<sup>18</sup> - excludes from the operation of the Sex Discrimination Act 1975 and the Sex Discrimination (Northern Ireland) Order 1976 certain matters relating to the selection of candidates by political parties.
- 2002 Employment Act<sup>19</sup> includes regulations on maternity & paternity leave, adoption leave, equal pay. An increase in the period of maternity leave to six months' paid maternity leave followed by up to six months' unpaid leave; the introduction of a new right to two weeks' paternity leave paid at the same standard rate as SMP.
- 2002 Employment Act (Flexible working regulations) makes changes to maternity, paternity and adoption rights in the Employment Rights Act 1996. From April 2003, s.47 of the 2002 Act introduces a new right for employees to request flexible working. The details

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<sup>13</sup> <http://www.opsi.gov.uk/si/si1999/19991102.htm>

<sup>14</sup> <http://www.opsi.gov.uk/sr/sr1999/19990311.htm>

<sup>15</sup> <http://www.opsi.gov.uk/acts/acts2000/20000044.htm>

<sup>16</sup> <http://www.opsi.gov.uk/acts/acts2000/20000019.htm>

<sup>17</sup> <http://www.opsi.gov.uk/acts/acts2000/20000034.htm>

<sup>18</sup> <http://www.opsi.gov.uk/acts/acts2002/20020002.htm>

<sup>19</sup> <http://www.opsi.gov.uk/acts/acts2002/20020022.htm>

of that right are set out in set out in the Flexible Working Regulations 2002.

- 2002 Divorce (Religious Marriages) Act<sup>20</sup> makes provision enabling a court to require the dissolution of a religious marriage before granting a civil divorce.
- 2002 State Pension Credit Act<sup>21</sup> deals with spouses, equal treatment for widows and widowers, poly marriages. Feb 2002 White Paper – Home Office- ‘Secure Borders, Safe Haven: Integration with Diversity in Britain’. Employment presented as route to financial independence (Ecotech report 2004).
- 2002 Abortion. Abortion (Amendment) (England) Regulations 2002, (amends the Abortion Act 1967).<sup>22</sup>
- 2003 Sexual Offences Act<sup>23</sup> came into force on May 2004 and replaces almost all of the existing statute law in relation to sexual offences. Under the 2003 Act, exposure (previously seen as a public nuisance) is now categorised as a sexual offence. It creates a series of new offences, e.g. assault by penetration. Includes trafficking.
- 2003 Female Genital Mutilation Act<sup>24</sup> widens the offence of female genital mutilation, Offence of assisting a girl to mutilate her own genitalia, Offence of assisting a non-UK person to mutilate overseas a girl's genitalia.
- 2003 The Employment Equality (Religion or Belief) Regulations prohibit discrimination on the grounds of religion or belief in the employment field. The regulations were amended before they came into force by the Employment Equality (Religion or Belief) (Amendment) Regulations 2003, which extended the scope of the regulations to cover discrimination in occupational pension schemes.
- 2003 The Employment Equality (Sexual Orientation) Regulation<sup>25</sup> prohibits discrimination on the grounds of sexual orientation in the employment field. The regulations were amended before they came into force by the Employment Equality.<sup>26</sup>
- 2004 EU Gender Directive (1<sup>st</sup> outside the area of employment) by 21 December 2007.<sup>27</sup>

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<sup>20</sup> <http://www.opsi.gov.uk/acts/acts2002/20020027.htm>

<sup>21</sup> <http://www.opsi.gov.uk/acts/acts2002/20016--a.htm#5>

<sup>22</sup> <http://www.opsi.gov.uk/si/si2002/20020887.htm>

<sup>23</sup> <http://www.opsi.gov.uk/acts/acts2003/20030042.htm>

<sup>24</sup> <http://www.opsi.gov.uk/acts/acts2003/20030031.htm>

<sup>25</sup> <http://www.opsi.gov.uk/si/si2003/20031661.htm>

<sup>26</sup> The Employment Equality (Sexual Orientation) Regulations 2003 (S.I. 2003/1661) and Employment Equality (Religion or Belief) Regulations 2003 (S.I. 2003/1660) made unlawful discrimination on the grounds of sexual orientation and religion or belief in employment and vocational training. These Regulations implement the UK's obligations under the EC Employment Directive (Directive 2000/78/EC). Legislation is also being prepared to prohibit age discrimination in these areas, as required by the Employment Directive. There is currently no statutory institution with responsibility for promoting equality or combating unlawful discrimination in these new equality strands. Similarly, although all public authorities must adhere to the provisions of the Human Rights Act 1998, there is currently no statutory body charged with promoting human rights in Great Britain. (from SoA)

<sup>27</sup> The UK Sex Discrimination Act 1975 already applies to the provision of goods, facilities and services. The amendments necessary to implement the Directive is, according to UK gov., few. The main changes needed are: make explicit that harassment on grounds of sex and sexual harassment in access to and the provision of goods and services is unlawful, extend protection from discrimination on grounds of gender reassignment to the provision of goods and services; make explicit that less favourable treatment for reasons of pregnancy and maternity in the provision of goods and services is sex discrimination; and in relation to financial and insurance products, make clear that where there are proportionate differences in individual's premiums and benefits as a result of sex being a determinant

- 2004 The Domestic Violence, Crime and Victims Act<sup>28</sup> was introduced to increase the protection, support and rights of victims and witnesses. The Act makes common assault an arrestable offence and provisions (to be implemented in July 2007) include making the breach of non-molestation orders a criminal offence punishable by up to five years imprisonment; extending the powers on restraining orders to cover all violent offences; providing the courts with the power to make an order where a person is charged, pending trial, or where a person is not convicted but the court considers an order necessary to protect the victim.
- 2004 Carers (Equal Opportunities) Act
- 2004 Children Act<sup>29</sup>
- 2004 Civil Partnership Act<sup>30</sup> introduced rights to gay/lesbian couples to register for civil partnership to have their relationships legally recognised. Gained same rights as married in areas such as tax, social security, inheritance and workplace benefits, but not in others, e.g. rights in employment transfers (partner crossing borders).<sup>31</sup>
- 2004 Gender Recognition Act – regulates changing genders and its relation to parenthood, marriage, social security benefits, discrimination etc. provides legal recognition for transsexual people's gender realignment, including the right to a new birth certificate.
- 2004 Equality Bill – establishes a new single Commission for Equality and Human Rights (CEHR)<sup>32</sup> that will bring together all six strands of discrimination – race, age, gender, disability, religion and sexual orientation – into one unified organisation. It also legislated for the Gender Equality Duty to be formalised/published by April 2007, placing an obligation on public authorities to eliminate sex discrimination and promote equality of opportunity between women and men.
- 2005 Disability Discrimination Act amends the original act of 1995. It places a duty on public bodies to promote equality of opportunity for disabled people. The Disability Equality Duty will come into force on 5th December 2006.
- 2005 The Employment Equality (Sex Discrimination) Regulations<sup>33</sup>
- 2005 Employment Equality (Sex Discrimination) Regulations (Northern Ireland)<sup>34</sup>
- 2006 EU Equal Opportunities (02/54) Directive 2006/54/EC of the EO and the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast

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factor in risk assessment, then these differences must be based on relevant, accurate data, and this data must be compiled, published and regularly updated.

<sup>28</sup> <http://www.opsi.gov.uk/acts/acts2004/20040028.htm>

<sup>29</sup> <http://www.opsi.gov.uk/acts/acts2004/20040031.htm>

<sup>30</sup> [http://www.opsi.gov.uk/si/si2005/uksi\\_20053542\\_en.pdf](http://www.opsi.gov.uk/si/si2005/uksi_20053542_en.pdf)

<sup>31</sup> Civil Society: Women and Equality Unit (2003) 'Responses to civil partnership: A framework for the legal recognition of same-sex couples (November 2003) [www.womenandequalityunit.org/publications/CP\\_responses.pdf](http://www.womenandequalityunit.org/publications/CP_responses.pdf); Stonewall submission to consultation at [www.stonewall.org](http://www.stonewall.org): 'Response to civil partnership – a framework for legal recognition of same sex couples' (2003)

<sup>32</sup> Later changed its name to The Equalities and Human Rights Commission (EHRC).

<sup>33</sup> <http://www.opsi.gov.uk/si/si2005/20052467.htm>

<sup>34</sup> <http://www.opsi.gov.uk/sr/sr2005/20050426.htm>

directive ).

- 2006 Maternity and Parental Leave etc (Amendment) Regulations<sup>35</sup> – regulations that amend provisions in the laws relating to statutory maternity leave and adoption leave. They apply to an employee whose expected week of childbirth is on or after 1<sup>st</sup> April 2007. The provisions effectively make all women entitled to 12 months maternity leave. They amend the provisions regarding length of notice to be given by an employee who wishes to return early from or extend their maternity or adoption leave from 28 days to 8 weeks.  
They allow for 10 'keeping in touch' days between employer and an employee on maternity leave but add protection from dismissal or detriment to the Employment Rights Act 1996 if the employee undertakes, does not undertake or considers undertaking any such work.
- 2006 Work and Families Act<sup>36</sup> – applies to parents whose babies are born on or after 1<sup>st</sup> April 2007. It introduces changes under the Maternity and Parental Leave (Amendment) Regulations 2006 (see above). It is an act under which the government is given the power to make various changes to maternity and adoption pay and leave, paternity and parental leave, flexible working, working time regulations, and unfair dismissal and redundancy compensation.
- 2006 Childcare Act<sup>37</sup> on duties to provide sufficient childcare for working parents, charges and relations between authorities.
- 2006 Equality Act<sup>38</sup> main provisions include: establish the Commission for Equality and Human Rights (CEHR); make unlawful discrimination on the grounds of religion or belief in the provision of goods, facilities and services, education, the use and disposal of premises, and the exercise of public functions; enable provision to be made for discrimination on the grounds of sexual orientation in the provision of goods, facilities and services, education, the use and disposal of premises and the exercise of public functions; and create a duty on the 43 000 British public authorities to promote equality of opportunity between women and men ('the gender duty'), and prohibit sex discrimination and harassment in the exercise of public functions.
- 2006 The Equality Act (Sexual Orientation) Regulations (Northern Ireland)<sup>39</sup>
- 2006 Work and Families Act (parental leave and pay; right to request flexible working).
- 2006 Welfare Reform Bill
- 2006 Child support agency established.<sup>40</sup>
- 2007 Child Support and Other Payments Bill (6 June 2007)<sup>41</sup>

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<sup>35</sup> [www.opsi.gov.uk/si/si2006/20062014.htm](http://www.opsi.gov.uk/si/si2006/20062014.htm)

<sup>36</sup> <http://www.opsi.gov.uk/acts/acts2006/20060018.htm>

<sup>37</sup> <http://www.opsi.gov.uk/acts/acts2006/20060021.htm>

<sup>38</sup> <http://www.opsi.gov.uk/acts/en2006/2006en03.htm>

<sup>39</sup> <http://www.opsi.gov.uk/sr/sr2006/20060439.htm>

<sup>40</sup> Department for Work and Pension's White Paper on the Child Support Agency, December 2006.

[http://www.dwp.gov.uk/childmaintenance/csa\\_report.pdf](http://www.dwp.gov.uk/childmaintenance/csa_report.pdf)

Civil Society: Families Need Fathers 'Response to the Department for Work and Pension's White Paper on the Child Support Agency'. 28th February 2007.

<http://www.fnf.org.uk/downloads/CSAresponse.pdf>

<sup>41</sup>

- 2007 The Government published a UK Action Plan on Human Trafficking<sup>42</sup> outlining current measures to tackle human trafficking and the direction for future work in prevention, enforcement/prosecutions and protection and assistance for adult and child victims.
- 2007 The Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order requires authorities to prepare and publish a gender equality scheme by 29th June 2007, to implement certain components of each Scheme within 3 years, and to publish a revised Scheme every 3 years.
- 2007 Prostitution (Public Places) (Scotland) Act. Initially intended to criminalise the buying of sex, but was watered down and does not criminalise the demand side..
- 2007 Gender Equality Duty - comes into force in April 2007. As a result, British public sector bodies and public service providers (approx 43 000) have a duty to actively promote gender equality.
- 2007 Discrimination Law review. *A framework for fairness: proposals for a single equalities bill for Great Britain* by the Department for Education and Skills, Department of Trade and Industry, Department for Work and Pensions, Ministry of Justice, Department for Communities and Local Government. Extensive review resulting in proposals to streamline equality legislation and policy. Proposes a Single Equality Bill for Great Britain to gather all inequality grounds in one piece of legislation. Argues that discrimination occurs on simultaneously on multiple grounds, and legislation and policy need to be able to deal with this. Strongly supported by civil society organisations, e.g. the Fawcett Society.<sup>43</sup>
- 2007 Equalities Review
- 2007 Single Equalities Bill postponed.
- 2007 CEDAW. United Kingdom of Great Britain and Northern Ireland 6<sup>th</sup> periodic report to CEDAW, May 2007.<sup>44</sup>
- 2007 Abortion debate via the introduction of the Human Tissue and Embryos (draft) Bill May 17 2007. Attempt to lower the number of weeks up until when abortion is available.<sup>45</sup> Strong civil society mobilisation opposing the proposal.
- 2007 Forced Marriage  
Forced Marriage (Civil Protection) Act 2007 followed on from the government's consultation document launched by the Home Office and the Forced Marriage Unit in 2005 'Forced Marriage — a Wrong Not a Right' Consultation paper on whether to create a new criminal offence of forced marriage. The report of the summary

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<http://www.publications.parliament.uk/pa/cm200607/cmbills/118/en/2007118en.pdf>

<sup>42</sup> [www.homeoffice.gov.uk/documents/human-traffick-action-plan](http://www.homeoffice.gov.uk/documents/human-traffick-action-plan)).

<sup>43</sup> [http://www.communities.gov.uk/pub/244/AFrameworkforFairnessConsultation\\_id1511244.pdf](http://www.communities.gov.uk/pub/244/AFrameworkforFairnessConsultation_id1511244.pdf)

Fawcett submission to the Discrimination Law Review

<http://www.fawcettsociety.org.uk/documents/DLR%20response%20full%20response.doc>

<sup>44</sup> [http://www.womenandequalityunit.gov.uk/eu\\_int/un.htm](http://www.womenandequalityunit.gov.uk/eu_int/un.htm)

Women's National Commission (WNC) 'UK NGO Shadow report to CEDAW', July 2007.

[http://www.thewnc.org.uk/pubs/UK\\_CEDAW\\_Shadow\\_report\\_July07.pdf](http://www.thewnc.org.uk/pubs/UK_CEDAW_Shadow_report_July07.pdf)[http://www.thewnc.org.uk/pubs/UK\\_CEDAW\\_Shadow\\_report\\_July07.pdf](http://www.thewnc.org.uk/pubs/UK_CEDAW_Shadow_report_July07.pdf)

<sup>45</sup> Department of Health (2007) The Human Tissue and Embryos (draft) Bill May 17 2007 (abortion section; 1 page)

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH\\_074718](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_074718)

responses concludes that such offence should not be created. The law extends courts possibilities to deal with barring orders and allows for third party to report forced marriage. Does not make forced marriage a specific criminal offence.<sup>46</sup>

## **2.2 National Action Plans**

The UK does not have a strong tradition of National Action Plans. On general gender equality there is a Gender Public Service Agreement, which names objectives in different government departments, but this is very weakly specified. There are recent National Plans on Domestic Violence and Sexual Violence, but these are not strongly coordinated. There is some variation in that in the 'devolved administrations' (Scotland, Wales and Northern Ireland), planning is slightly more common.

### **2.3 Short history of the development of gender equality machinery in the government and its relationship with governmental institutions for other equalities.**

In the 1970's legislation to make sex discrimination in pay and employment illegal was passed, since it was needed to join the European Community, though there was some opposition from employers. The election of New Labour in 1997, replacing the previous Conservative government that had been in power since 1979, can be seen as a 'watershed' (Daly and Clavero 2003: 2<sup>47</sup>), strengthening connections between government and women's organisations. More recently there has been movement towards integrated equality machinery with the establishment of a single equalities body - the Commission for Equality and Human Rights- which will take over from the Equal Opportunities Commission, the Disability Rights Commission, and the Commission for Racial Equality from October 2007.

#### **Government and parliamentary bodies: UK Gender machinery**

- **The Women and Equality Unit**

Prior to 1997, the Sex Equality Branch was a small low-key group within the Department for Education and Employment.

The notion of having a ministry for women, headed by a member of the cabinet, was first floated in 1986 within the Labour Party (when in opposition) (Squires and Wickham-Jones 2002). It was recognised that existing arrangements in the form of The Sex Equality branch in the Department for Education and Employment were insufficient.

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<sup>46</sup> [http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070020\\_en.pdf](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070020_en.pdf)

Act: [http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070020\\_en.pdf](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070020_en.pdf) Introduction, Executive Policy:

<http://www.endviolenceagainstwomen.org.uk/documents/forcedmarriageconsultation.pdf>

Parliamentary Debate

Forced marriage Bill 26 January 2007

<http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70126-0006.htm>

Civil Society

Newham Asian Women Project (March 2007) 'Forced Marriage Civil Protection Bill: Response to the consultation on amendments to family law act' (10 pages)

<http://www.endviolenceagainstwomen.org.uk/documents/NAWP%20Forced%20Marriage%20Civil%20Bill%20.pdf>

<sup>47</sup> Daly, Mary and Sara Clavero 2003. EQUAPOL Gender sensitive and women friendly public policies: Comparative analysis of their progress and impact. Queen's University, Belfast.

The Women and Equality Unit was set up in 1997 following New Labour coming into power and has since seen several changes - with appointment of different ministers, a broadening remit, and changes in the location of the unit. Janet Veitch (2005)<sup>48</sup> implies that such shifts have weakened the potential impact of the WEU since there has been little opportunity to build up expertise within one department. The unit has one cabinet minister and one junior minister, the latter having day-to-day responsibility for the unit.

The Women's Unit was originally established within the Department for Social Security with the aim to coordinate work in promoting women's interests across departments. It then moved to the Cabinet Office. Following the re-election of the Labour Party in the 2001 general election, the Women's Unit was restructured and re-named to become the 'Women and Equality Unit' as part of a general shift towards the integration of equality policy with a broader remit across sexual orientation as well as gender. The unit stayed in the Cabinet Office, but was enlarged to encompass part of the old Sex, Race and Equality Division in the Department for Education and Employment and take responsibility for the Equal Opportunities Commission and the Sex Discrimination Act (WNC, 2001<sup>49</sup>).

In May 2002, the Women and Equality Unit moved to Department of Trade and in the same month, there was the announcement of a planned Single Equalities Body (SEB) (Squires and Wickham-Jones 2004: 87<sup>50</sup>). In a reshuffle in May 2006, the Unit moved again to a newly created 'Department for Communities and Local Government' (formerly the Office of the Deputy Prime Minister) led by Ruth Kelly who took over from Tessa Jowell as the Minister for Women to be joined by Meg Munn who continued as the Deputy Minister for Women and Equality. In June 2007, with the reshuffle following the appointment of Gordon Brown as Prime Minister, Harriet Harman became the Leader of the House of Commons and Minister for Women, with Barbara Follett (Department of Work and Pensions, Parliamentary under-secretary of state) as the junior Minister for Women.

The WEU, as of July 2007, remains in the Department for Communities and Local Government. The DCLG brings together responsibility for equality policy across race, faith, gender and sexual orientation, while responsibility for policy on age and disability will remain with the Department for Work and Pensions. The DCGL will also be the sponsor department of the Commission for Equality and Human Rights (as from October 2007).<sup>51</sup>

From the appraisals of the WEU conducted within government, Judith Squires and Wickham-Jones (2004) identify 3 central challenges that have faced the Unit: uncertainty regarding institutional role; its remit; and its reliance on non-feminist actors. They also observe how the case for equality was framed within an economic discourse of efficiency and competition.

The WEU has taken a lead role on policies to reduce the gender pay gap (producing an action plan based on the Women and Work Commission recommendations, see below) and takes the lead in legislation on gender equality and prohibiting sexual orientation discrimination. The unit works to develop a more integrated approach across Government on equality to increase opportunities for all, evaluating the impact of policies, developing new policies, and sponsors the Equal Opportunities Commission and Women's National Commission. It is also involved in measuring improvements in gender equality across Government against public service agreement (PSA) targets.

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<sup>48</sup> Squires, Judith, and Mark Wickham-Jones. 2004. New Labour, gender mainstreaming and the Women and Equality Unit. *British Journal of Politics and International Relations* 6:81-98.

<sup>49</sup> Women's National Commission (July 2001) Newsletter.

<sup>50</sup> Veitch, Janet. 2005. Looking at gender mainstreaming in the UK government *International Feminist Journal of Politics* 7 (4):600-606.

<sup>51</sup> <http://www.pm.gov.uk/output/Page9391.asp>

- **Equal Opportunities Commission (GB)**

The Equal Opportunities Commission was established in 1975 under the Sex Discrimination Act (1975) and has since developed into a powerful body. The EOC works to 'get an equal deal for women and men' by providing advice and information to the public about their legal rights, by taking legal cases under the Sex Discrimination Act and the Equal Pay Act, by publishing research and statistics about women's and men's lives, and by running campaigns to change public opinion and the law. It works with employers and trade unions as well as providing advice and support to individuals.

Recent work by the EOC has included high profile campaigns on equal pay and caring, research on ethnic minority women's participation in employment, the revision of its Code of Practice on Equal Pay (2003), and the Code of Practice (2007) for the implementation of the Gender Equality Duty, as well as providing guidance for public authorities in meeting the legal requirements of the GED.

The Equal Opportunities Commission is an independent, non-departmental public body, funded primarily by the government.

- **Commission for Equality and Human Rights (CEHR, forthcoming, October 2007)**

The government announced the proposed creation of a single equalities body in October 2003. This followed from previous papers published in December 2001 (*Towards equality and diversity*) and October 2002 (*Equality and diversity: making it happen*<sup>52</sup>) which had developed the notion of integrating equalities machineries, the latter publication inviting responses from users, businesses, service providers and equality experts.<sup>53</sup>

In May 2004, the Department for Trade and Industry in association with the Department for Constitutional Affairs, the Department for Education and Skills, the Department for Work and Pensions, and the Home Office, published a white paper '*Fairness for all: a new Commission for Equality and Human Rights*' which set out the proposals for the establishment of a new single equality body.<sup>54</sup> Responses to the proposals were issued by various groups, including the existing gender equality body (the Equal Opportunities Commission).

In February 2005, a review of the legislative framework for discrimination was proposed with the aim to move towards more streamlined equalities legislation (due to report May 2007).<sup>55</sup> Alongside the Discrimination Law Review, the Equalities Review was established to carry out an investigation into the causes of persistent discrimination and inequality in British society. The report '*Fairness and freedom: the final report of the Equalities Review*<sup>56</sup> was published in February 2007.

The CEHR will be an independent 'non-departmental public body' (NDPB) and will be launched in October 2007 (established under the *Equality Act*, 2006).

There is currently debate over the organisation of the body and debate over whether its remit will include violence against women.<sup>57</sup>

- **Women's National Commission**

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<sup>52</sup> [http://www.womenandequalityunit.gov.uk/equality/project/making\\_it\\_happen/making\\_it\\_happen.doc](http://www.womenandequalityunit.gov.uk/equality/project/making_it_happen/making_it_happen.doc)

<sup>53</sup> <http://www.womenandequalityunit.gov.uk/equality/project/project.htm>

<sup>54</sup> <http://www.eurofound.europa.eu/eiro/2004/07/inbrief/uk0407102n.html>

White Paper: [http://www.womenandequalityunit.gov.uk/equality/project/cehr\\_white\\_paper.pdf](http://www.womenandequalityunit.gov.uk/equality/project/cehr_white_paper.pdf)

<sup>55</sup> [http://www.womenandequalityunit.gov.uk/dlr/terms\\_of\\_ref.htm](http://www.womenandequalityunit.gov.uk/dlr/terms_of_ref.htm)

<sup>56</sup> [http://www.theequalitiesreview.org.uk/upload/assets/www.theequalitiesreview.org.uk/equality\\_review.pdf](http://www.theequalitiesreview.org.uk/upload/assets/www.theequalitiesreview.org.uk/equality_review.pdf)

<sup>57</sup> For further details regarding the forthcoming CEHR See EOC Corporate Plan for 2005-2008:

[http://www.eoc.org.uk/pdf/corporateplan2005\\_8.pdf](http://www.eoc.org.uk/pdf/corporateplan2005_8.pdf)

Commission for Equality and Human Rights <http://www.cehr.org.uk/>

The Women's National Commission was set up in 1969 as the official independent body advising on the views of women to government. It is a non-departmental body which is funded by government but able to comment freely on government policy, acting as the key institutional link between civil society and the state. The WNC is based within the Department for Communities and Local Government. The WNC liaises with, and is consulted by, the Women and Equality Unit as well as other government departments. Following the UN conference in Beijing (1995), it makes available UN materials to women's organisations in UK and organises responses to them.

In 1997 there was a review of the Commission by the government and this- together with the Commission's own review- led to 'modernisation', one of changes being the opening up of the WNC to all women's groups in UK whereas before there was limit of 50 (Daly and Clavero 2003).

### **Additional groups within departments/ individuals (working parties, task forces and committees- temporary)**

#### Ministerial Sub-Committee

A cabinet sub-committee on Equality was created after the 2001 election, replacing the former sub-committee on Women which was established in 1997 (part of a shift to integrate equality policy). It drew together ministers from across all major departments to consider major policy issues and was chaired by the Minister for Women and Equality. Members acted as 'focal points' for equality concerns in their departments. After 2005, the committee was subsumed into the Committee on Communities (Veitch 2005). Currently, as from December 2006<sup>58</sup>, the Sub-Committee on Communities is within the Ministerial Committee on Domestic Affairs.

#### Department for Constitutional Affairs- Human Rights Unit<sup>59</sup>

Veitch (2005) notes that the Department of Trade and Industry set up a gender expert group on women and trade which consists of experts in gender and trade and NGOs to advise the Secretary of State for Trade.

She also notes the setting up of the 'virtual' unit on domestic violence within the Home Office.<sup>60</sup>

The Women and Work Commission was established in 2004 to examine the causes of the gender pay gap and make recommendations to close it. Their report '*Shaping a fairer future*' was presented in February 2006 (with the publication of a further report '*One year on*' in March 2007).

The Women's Enterprise Task Force was established in 2007 to provide leadership to help develop women's enterprise<sup>61</sup>

In addition, Veitch (2005) points out that individual women, in their roles as ministers, have played an important role in promoting gender equality issues.

The Forced Marriage Unit was launched on 26 January 2005. The unit is interdepartmental, working between the Foreign and Commonwealth Office (FCO) and the Home Office. The

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<sup>58</sup> <http://www.pm.gov.uk/output/Page10601.asp>

<sup>59</sup> <http://www.dca.gov.uk/peoples-rights/human-rights/index.htm>

<sup>60</sup> <http://www.crimereduction.gov.uk/dv/dv01.htm>

<http://www.homeoffice.gov.uk/crime-victims/reducing-crime/domestic-violence/>

<sup>61</sup> <http://www.womensenterprise.co.uk/>

unit oversaw and funded the first UK wide working group on Forced Marriage, has funded national awareness raising materials, with further funding allocated to community events and awareness raising sessions around the revised Female Genital Mutilation Act.

Parliamentary committee on human rights<sup>62</sup>

Other equalities bodies: Disability Rights Commission (an independent body established in 2000 to stop discrimination and promote equality of opportunity for disabled people) and the Commission for Racial Equality (established in 1976 under the Race Relations Act. It receives funding from the Department for Communities and Local Government but works independently of government).

### ***Government and parliamentary bodies: Gender machinery in devolved administrations***

The UK system of devolution is asymmetrical, with Scotland, Wales and Northern Ireland all having different forms<sup>63</sup>

- **Northern Ireland (from 1922)**

**Department: Office of the First Minister and Deputy First Minister**

Sponsors the Equality Commission for Northern Ireland<sup>64</sup>.

Northern Ireland is also working towards streamlined legislation with consultation on a single equalities bill (2005)<sup>65</sup>.

### **Equality Commission for Northern Ireland**

The Equality Commission for Northern Ireland<sup>66</sup> is an independent public body established under the Northern Ireland Act 1998 to advance equality, promote equality of opportunity, encourage good relations and challenge discrimination. In October 1999 the Commission took over the functions previously exercised by the Commission for Racial Equality for Northern Ireland, the Equal Opportunities Commission for Northern Ireland, the Fair Employment Commission and the Northern Ireland Disability Council.

### **National Women's Council for Ireland**

The National Women's Council for Ireland<sup>67</sup> is the representative organisation for women and women's groups in Ireland.

### **Northern Ireland Human Rights Commission**

The Northern Ireland Human Rights Commission<sup>68</sup> works to ensure that the human rights of everyone in Northern Ireland are fully and firmly protected in law, policy and practice. The Commission measures law, policy and practice in Northern Ireland against internationally accepted rules and principles for the protection of human rights and ensures that they are promoted, adopted and applied throughout Northern Ireland.

- **Scotland (from 1999)**

**Equality Unit**

Located within the Executive's Development department<sup>69</sup>

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<sup>62</sup> [http://www.parliament.uk/parliamentary\\_committees/joint\\_committee\\_on\\_human\\_rights.cfm](http://www.parliament.uk/parliamentary_committees/joint_committee_on_human_rights.cfm)

<sup>63</sup> <http://www.parliament.uk/commons/lib/research/rp2003/rp03-084.pdf>

<sup>64</sup> Equality pages: <http://www.ofmdfmi.gov.uk/index/equality.htm>

<sup>65</sup> Report summarising responses to consultation: <http://www.ofmdfmi.gov.uk/equality-bill-report.pdf>

<sup>66</sup> <http://www.equalityni.org/site/default.asp?secid=home>

<sup>67</sup> <http://www.nwci.ie/>

<sup>68</sup> <http://www.nihrc.org/>

<sup>69</sup> <http://www.scotland.gov.uk/Topics/People/Equality>

**Equality Proofing the Budget and Policy Advisory Group**  
Advising the Scottish Executive since 2001

**Scottish Women's Convention**

Established 2003 to provide basis for consultation with women

**The Strategic Group on Women**

Established in 2003 as a temporary group to examine how the Executive could improve opportunities for women.

**Parliamentary Committee**

Mandatory committee on equal opportunities<sup>70</sup>

**Equal Opportunities Commission Scotland<sup>71</sup>**

**Scottish Women's Convention**

The Convention is funded by the Scottish Executive to support the women's agenda in Scotland. It is an independent body with its own staff and is currently hosted by Engender.<sup>72</sup>

- **Wales (from 1999)**  
**EOC Wales<sup>73</sup>**

**Welsh Assembly Government**

**Strategic Equality and Diversity Unit<sup>74</sup>**

**Equality Champions:** Each department to have an equality champion to have a seat on its management team.

**National Assembly for Wales**

**Equality of Opportunity Standing Committee<sup>75</sup>**

**Wales Women's National Council<sup>76</sup>**

A partnership of national women's voluntary organisations in Wales and other organisations whose majority of members are women.

**Primary sources:**

Department for Trade and Industry (with Department for Constitutional Affairs, Department for Education and Skills, Department for Work and Pensions, Home Office) (2004) *Fairness for all: a new commission for equality and human rights*<sup>77</sup> (140 pages)  
Equal Opportunities Commission (2004) *Response to white paper 'Fairness and equality for all: a new commission for equality and human rights'*<sup>78</sup> (40 pages)  
Equal Opportunities Commission (2007) *Gender Equality Duty, code of practice England and Wales*<sup>79</sup>

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<sup>70</sup> <http://www.scottish.parliament.uk/vli/committees/types.htm>

<sup>71</sup> <http://www.eoc.org.uk/Default.aspx?page=14865>

<sup>72</sup> <http://www.scottishwomensconvention.org/index.htm>

<sup>73</sup> <http://www.eoc.org.uk/Default.aspx?page=14960>

<sup>74</sup> [http://new.wales.gov.uk/docrepos/40382/40382313/4038232/40382321/Web\\_Page\\_-\\_Draft\\_GES.pdf?lang=en](http://new.wales.gov.uk/docrepos/40382/40382313/4038232/40382321/Web_Page_-_Draft_GES.pdf?lang=en)

<sup>75</sup> <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-second.htm>

<sup>76</sup> <http://www.wnnc.org.uk/english/default.aspx>

<sup>77</sup> [http://www.womenandequalityunit.gov.uk/equality/project/cehr\\_white\\_paper.pdf](http://www.womenandequalityunit.gov.uk/equality/project/cehr_white_paper.pdf)

<sup>78</sup> [http://www.eoc.org.uk/PDF/eoc\\_cehr\\_response\\_final.pdf](http://www.eoc.org.uk/PDF/eoc_cehr_response_final.pdf)

*Equality Act 2006*, Part 1 The Commission for Equality and Human Rights, 1-35<sup>80</sup>  
Hansard (House of Commons), volume no. 439, part no. 69, 21<sup>st</sup> November 2005. *Equality Bill (Second reading)* (Columns 1236-1252).<sup>81</sup>  
The Equalities Review (2007) *Fairness and freedom: the final report of the equalities review*<sup>82</sup>  
UN CEDAW (2003) *Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*.<sup>83</sup>

### 3. NON-EMPLOYMENT

#### Introduction to the sub-issue and topics

In the UK, the topics within non-employment most relevant for the QUING project comprise:

- **Tax-benefit system / social insurance** Changes to the tax-benefit system with shifts toward more in-work benefits and financing of childcare through the tax system, also reform of the pension system.
- **Care work** Key struggle by women's groups and unions to improve provision of childcare. Increasing focus on elder care.
- **Reconciliation of work and family life** Policies for maternity, paternity, adoption and parental leave, flexible working, part-time working, length of working hours.
- **Equal Pay** Work to eliminate the gender pay gap by state, semi-state and NGO actors has been ongoing in the UK.

The issue of **migration** is embedded within each of the above issues to varying extents. For example: the citizenship status of asylum seekers is such that they cannot work and have no recourse to public funds; and the role of migrants in the provision of domestic and childcare work (Ehrenreich and Hochschild 2003<sup>84</sup>).

A turning point in considering gender+ equality policies came with the election of the Labour Party in 1997. The government has since followed a strong pro-employment agenda, with employment being positioned as the best route to inclusion and out of poverty. Those groups who can be considered 'legitimately non-employed' have consequently been decreasing over the period since the election of the Labour party. At the same time, the legitimacy of 'short-term' non-employment has increased (with influence from EU) with legislation to extend parental leave and improve conditions of part-time work.

One of the key topics within non-employment has been shifts in the tax and benefits systems- with the strengthening and increasing of the (hybrid) 'tax credit system' whereby households receive in-work tax credit - measures designed to provide incentives to work (so called 'active labour market policies). Women's groups such as the Women's Budget Group have lobbied government on the ways in which this system is administered, arguing that the 'individual' should be the unit (as in the UK tax system) rather than the 'household' (as in the

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<sup>79</sup> [http://www.eoc.org.uk/Docs/GED\\_CoP\\_Draft.doc](http://www.eoc.org.uk/Docs/GED_CoP_Draft.doc)

<sup>80</sup> [http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga\\_20060003\\_en.pdf](http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060003_en.pdf)

Explanatory notes (46 pages)

[http://www.opsi.gov.uk/acts/en2006/ukpgaen\\_20060003\\_en.pdf](http://www.opsi.gov.uk/acts/en2006/ukpgaen_20060003_en.pdf)

<sup>81</sup> [http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo051121/debtext/51121-05.htm#51121-05\\_head1](http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo051121/debtext/51121-05.htm#51121-05_head1)

<sup>82</sup>

[http://www.theequalitiesreview.org.uk/upload/assets/www.theequalitiesreview.org.uk/equality\\_review.pdf](http://www.theequalitiesreview.org.uk/upload/assets/www.theequalitiesreview.org.uk/equality_review.pdf)

<sup>83</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N03/599/48/PDF/N0359948.pdf?OpenElement>

<sup>84</sup> Ehrenreich, Barbara and Arlie Hochschild (2003) *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. London: Granta books.

benefits system) since the latter takes no account of the allocation of resources *within* households (Bennett 2002).<sup>85</sup>

The overall aim of Labour's welfare reform has been to ensure that the option of work-whether low paid or not- is always preferable financially to not working. At the same time as changing tax-benefit system, New Labour introduced the National Minimum Wage (which, as well as concerned with justice, also ensured that employers would not take advantage of the new system to pay lower wages). The focus has been on getting various 'target groups' back into employment by 'making work pay'. This has involved a series of 'New Deal'<sup>86</sup> labour activation policies, which have widened in scope to apply to those groups who were previously 'legitimately non-employed' (e.g. older workers, lone mothers, and disabled people). While these initiatives have been cautiously welcomed by some groups, concerns have been expressed by, for example, one parent family NGOs and disability groups, which have objected to the increase in the coerciveness of the policies.

In the background to these initiatives, there is acknowledgement of other groups of non-employed people, for instance- the number of women from some ethnic minority groups not in employment, asylum seekers, unemployment amongst refugees, non-employed mothers not in receipt of benefits, and high numbers of men claiming incapacity benefit (which is regionally patterned, Fothergill 2001<sup>87</sup>). While focus on these groups in mainstream government policy has been more intermittent, other actors- including trade unions and NGOs- have worked to keep the non-employment of these groups on the agenda. For example, research conducted by the EOC has explored the differential rates of employment amongst women from different ethnic minority groups within an equality framing and The Women and Equality Unit has put forward the 'business case' and equality case for ensuring women can return to employment which is appropriate for their skills following child-bearing.

A further important area in this sub-issue has been the reform of the pensions system in the UK to ensure that there is recognition of the unpaid care work of women who have taken time out of the labour market so that they are not penalised upon retirement. This has involved extensive lobbying by women's groups such as the Women's Budget Group, the Fawcett Society and other NGOs including Age Concern.

In relation to care work the main issue has been lobbying by various actors to increase provision of childcare, with the UK lagging behind other EU member states in provision. There has also been a strong coalition in support of greater provision of childcare, with trade unions, NGO's and semi-state actors such as the Equal Opportunities Commission arguing that childcare is a crucial element enabling women's engagement in paid work. The organisation of childcare within the UK is mix of public (through nurseries attached to schools) and private provision<sup>88</sup> (where parents paying for formal child care are reimbursed through childcare tax credits).

The issue of elder care has become increasingly visible, and is likely to become more prominent if government continues to promote employment amongst older individuals (given the key role of older women in providing informal and unpaid care, Gray 2005<sup>89</sup>).

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<sup>85</sup> Bennett, Fran. 2002. Gender implications of current social security reforms. *Fiscal Studies* 23 (4):559-584.

<sup>86</sup> <http://www.dwp.gov.uk/working/newdeal.asp>

<sup>87</sup> Fothergill, Stephen. 2001. The true scale of the regional problem in the UK *Regional Studies* 35 (3):241-246.

<sup>88</sup> [http://www.direct.gov.uk/en/NI1/Newsroom/DG\\_10038080](http://www.direct.gov.uk/en/NI1/Newsroom/DG_10038080)

<sup>89</sup> Gray, Anne. 2005. The changing availability of grandparents as carers and its implications for childcare policy in the UK *Journal of Social Policy* 34 (4):557-577.

Reconciliation of work and family life, here the key issues are maternity, paternity, adoption and parental leave<sup>90</sup>, 'flexible' working hours (and length of working hours). The DTI ran a 'work-life balance' campaign in 2000<sup>91</sup> and over the period covered by QUING there has been the gradual transposition of EU Directives into domestic law through series of Acts with phased implementation. There has been support for improved conditions of leave from trade unions, the EOC and women's / parents' groups and opposition from employer bodies such as Confederation of British Industry. The working time directive in particular has met with resistance from employers in the UK.

In addition, the EOC, women's NGOs and trade unions have continued to lobby on the long-running issue of equal pay. In the UK there continues to be a large gender pay gap (Olsen and Walby 2004<sup>92</sup>) despite the Equal Pay Acts (1975 and 1984). Over the period there have been several landmark court cases and unions, women's organisations, and the EOC have worked to raise awareness of the significance of the issue. One of the key matters under dispute is that of the voluntary nature of the Equal Pay Reviews- with employers' bodies arguing this is sufficient and the Equal Opportunities Commission and unions wanting to make these audits compulsory. The issue of equal pay is of central importance in considering non-employment given that it influences whether and to what extent women are employed and impacts upon pensions in the longer term (as well as having implications for UK productivity).

### 3.1 Actors

The main **government departments** relevant to the issue of non-employment: Department for Work and Pensions (lead role in changes to the tax-benefit system, together with the Treasury); Department for Trade and Industry (lead role in policies relating to work-life balance); and, to a lesser extent, the Home Office (and the new agency- 'Borders and Immigration', in relation to position of refugees) and the Department for Education and Skills (role in administration of the government's childcare strategy); Treasury; Department for Constitutional Affairs; Social Exclusion Unit. In relation to the different sub-issues, the Treasury has a powerful influence given its role as controller of finance. HM Revenue and Customs is responsible for the administration of taxes and enforcement of minimum wage.

**Gender machinery-** Women and Equality Unit (and Women and Work Commission<sup>93</sup>), Equal Opportunities Commission.

#### Trade Unions

Trades Union Congress (66 affiliated unions representing nearly 7 million workers)<sup>94</sup>  
Large unions in UK (membership over 200,000): Unison<sup>95</sup>, Transport and General Workers' Union<sup>96</sup> (merging with Amicus to become 'Unite'); Public and Commercial Services Union<sup>97</sup>;

<sup>90</sup> [http://www.guardian.co.uk/uk\\_news/story/0,,400697,00.html](http://www.guardian.co.uk/uk_news/story/0,,400697,00.html)

<http://www.guardian.co.uk/guardianpolitics/story/0,,374164,00.html>

<sup>91</sup> <http://www.dti.gov.uk/ministers/archived/johnson200901.html>

<sup>92</sup> Olsen, Wendy and Sylvia Walby (2004) 'Modelling gender pay gaps'. EOC Working Paper.

<sup>93</sup> [http://www.womenandequalityunit.gov.uk/women\\_work\\_commission/index.htm](http://www.womenandequalityunit.gov.uk/women_work_commission/index.htm)

<sup>94</sup> [http://www.tuc.org.uk/the\\_tuc/index.cfm](http://www.tuc.org.uk/the_tuc/index.cfm)

<sup>95</sup> Women in Unison caucus: National Women's Committee (with representatives from each region, plus representatives from the LGBT, disabled and black members groups and from the national executive council) and self-organised women's groups at national, regional and local levels. For more information see: <http://www.unison.org.uk/acrobat/16097.pdf>

<sup>96</sup> Women, race and equalities sector within TWGU:  
<http://www.tgwu.org.uk/Templates/Internal.asp?NodeID=89326>

<sup>97</sup> Women's National Forum within the PCS:  
<http://www.pcs.org.uk/Templates/internal.asp?NodeID=21043>

Union of Shop, Distributive and Allied Workers<sup>98</sup>; GMB Britain's General Union<sup>99</sup>; National Association of Schoolmasters Union of Women Teachers; National Union of Teachers.

ACAS<sup>100</sup> Advisory, Conciliation and Arbitration Service: Publicly funded organisation involved in resolving labour disputes, training and providing advice to employees and employers.

## NGOs

Examples of some of the key NGOs in field of non-employment making submissions to consultation documents across the sub-issues:

Age Concern (Charity working with and for older people)

<http://www.ageconcern.org.uk/>

Caring Choices (coalition of organisations concerned with future of long term care funding for older people) [http://www.caringchoices.org.uk/index.php?page\\_id=17](http://www.caringchoices.org.uk/index.php?page_id=17)

Child Poverty Action Group (charity campaigning for the abolition of child poverty in the UK and for a better deal for low-income families and children)

<http://www.cpag.org.uk/default.htm>

Citizens' Advice Bureau (Provides free information and advice to help people resolve legal, money and other problems)

<http://www.citizensadvice.org.uk/index/aboutus.htm>

Daycare Trust (national childcare charity working to promote high quality affordable childcare) <http://www.daycaretrust.org.uk/>

Disability Alliance (provides information on benefits and tax credits for disabled people and lobbies government on impact of reforms)

<http://www.disabilityalliance.org/index.htm>

Disability Employment Coalition (coalition of organisations raising awareness and campaigning on employment issues affecting disabled people)

[http://www.rnib.org.uk/xpedio/groups/public/documents/PublicWebsite/public\\_decatw.hcsp](http://www.rnib.org.uk/xpedio/groups/public/documents/PublicWebsite/public_decatw.hcsp)

Employers' Forum on Disability (employers' organisation concerned with disability in the workplace) <http://www.employers-forum.co.uk/>

Families Need Fathers (provides information and support to parents, chiefly concerned with the problems of maintaining a child's relationship with both parents during and after family breakdown) <http://www.fnf.org.uk/>

Fathers Direct (Organisation promoting support for the father-child relationship, providing training, information and consultancy. Sponsored by DfES and the Parenting Fund)

<http://www.fathersdirect.com/index.php>

Fawcett Society (campaigns on women's representation in politics and public life; pay, pensions and poverty; valuing caring work; and the treatment of women in the justice system) <http://www.fawcettsociety.org.uk/>

Mothers' Union (Christian organisation, working worldwide, members committed to marriage and family) <http://www.themothersunion.org/>

National Assembly of Women (Working for full equality for women irrespective of age, race, religion, philosophical belief, sexual orientation or nationality)

<http://www.sisters.org.uk/index.htm>

National Childminding Association (Association for registered childminders)

<http://www.ncma.org.uk/>

National Council for One Parent Families (charity providing help, information and support to lone parents and their children) <http://www.oneparentfamilies.org.uk/>

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<sup>98</sup> Women make up approximately two-thirds of the membership of Usdaw and the union has a women's committee in each of its seven divisions and one at national level:

[http://www.usdaw.org.uk/getactive/get\\_active/1049545865\\_25229.html](http://www.usdaw.org.uk/getactive/get_active/1049545865_25229.html)

<sup>99</sup> GMB has reserved seats for women at both Central Executive Council and Regional Council levels.

<http://www.gmb.org.uk/Templates/Internal.asp?NodeID=91534&int1stParentNodeID=89650&int2ndParentNodeID=89667>

<sup>100</sup> <http://www.acas.org.uk/index.aspx?articleid=301>

Refugee Council (the largest organisation in the UK working with asylum seekers and refugees) <http://www.refugeecouncil.org.uk/>

UK Carers' Association (organisation seeking to improve recognition and support for carers) <http://www.carersuk.org/Home>

Working Families (Organisation campaigning on issue of work-life balance) [http://www.workingfamilies.org.uk/asp/home\\_zone/m\\_welcome.asp](http://www.workingfamilies.org.uk/asp/home_zone/m_welcome.asp)

Women's Budget Group (Independent organisation of experts working to promote gender equality through appropriate economic policy) <http://www.wbg.org.uk/>

Women's National Commission (official, independent, advisory body giving the views of women to the Government) <http://www.thewnc.org.uk/>

Workers' Educational Association (voluntary provider of adult education, the voice of adult learners) <http://www.wea.org.uk/aboutus/index.htm>

### **Employers and employer bodies**

Confederation of British Industry (CBI)

Institute of Directors (IOD)

Federation of Small Businesses (FSB)

Large employers, including: BT; Centrica; British Nuclear Group; Ford; Tesco

### **Religious groups**

Religious groups in the UK context do not tend to be very visible in the issue of non-employment though there remain intermittent 'moral panics' around children's welfare and issue of mothers' increasing employment (see below timeline, 2006).

### **International influences**

Key influence of European Union in requiring the government to implement equality policies. As the EOC states in its document 'Europe: giving a lead on equality'(July 2005): 'Many of the rights women in the UK now taken for granted have their roots in Europe'.

### **Policy experts / Research**

Many universities and research bodies in the UK work on issues pertinent to non-employment, some of the key areas and organisations are:

Joseph Rowntree Foundation (Programme of Research on Work and Family Life)

Care, Values and the future of welfare (CAVA), Leeds University 1999-2005/6

Institute for Public Policy Research, London

Researching Asylum in London

Institute of Education, University of London

Women's Budget Group, London

Centre for the Analysis of Social Exclusion, London School of Economics

**Courts:** EOC and employment tribunals; House of Lords; European Court of Justice

### **Organisation of actors and intersectionality**

In the issue of non-employment, the main organisation of civil society actors hinges around **social class** with employers resisting legislative moves towards improved working conditions versus unions and women's groups lobbying for improvements.

The government has been forced to legislate on some issues (by EU Directives) but has resisted in some areas – namely, over the issue of mandatory Equal Pay Reviews (requested by EOC, women's organisation and unions, resistance and protest by the CBI) and the working time directive.

Government departments seem differently positioned- all being accountable to the Treasury but also accountable to different groups of civil society actors. For instance, the Department

of Trade and Industry has promoted 'work-life balance' and flexible working while at the same time not moving 'too far' in a direction which would alienate employers' bodies.

There is a similar alignment of the state, employers, unions, and women's groups across the various sub-issues by class, but with some variation (e.g. on childcare it would also be in some employers' interests to secure more state provision, however, this is complex due to the mix of public and private provision of childcare in the UK which means that some employers are childcare providers, and thus would prefer less state funding since this competes with their provision).<sup>101</sup>

Other important and increasingly visible (and complex) intersections include: the issue of ethnicity and gender (differences between women's non-employment by ethnicity, with dispute over the causes- discrimination and/or cultural difference); disability and gender (the New Deal for Disabled People and the proposed reform of incapacity benefit prompting numerous responses by NGOs concerned with disability); and age and gender, with the government's promotion of employment amongst older women (who are key providers of informal unpaid care) potentially exacerbating a 'crisis of care' (Gray 2005<sup>102</sup>).

## **3.2 Timeline**

### **Pre-1995**

UK joined the EU in 1973, followed by the required legislation- Equal Pay Act and Sexual Discrimination Act, both coming into force in 1975 (EOC)<sup>103</sup>, though the Equal Pay Act was later amended (1984) as a result of European Court of Justice ruling to cover equal pay for work of equal value.

EOC Equal Pay Task Force 1991 identified 3 main causes of the gender pay gap: discrimination in pay systems (women being paid less than men for jobs of equivalent skill, effort and responsibility); occupational segregation (women concentrated in low paid jobs including care work, catering and cleaning); and caring responsibilities (women's responsibility for care affecting progression in employment).

In 1993 the EU Working Time Directive was transposed into UK domestic law but is strongly contested by bodies such as CBI and there is continuing dispute over the option to 'opt-out' of the restrictions on working hours (see below, timeline 1998).

### **1995 – 1996/7**

This period represents the last two years of Conservative government prior to New Labour winning the general election in 1997. The Conservative government had been in power since 1979 with Margaret Thatcher- followed by John Major – as prime minister. Although New Labour's election victory in 1997 is associated with key changes, such as introduction of national minimum wage, there was some continuation of the policies of the previous administration- which introduced in-work benefits such as Family Credit, the piloting of the Parents Plus scheme (to put lone mothers in contact with the labour market), and the implementation of 'Job Seekers Allowance' (1996) (Grover and Stewart 1999<sup>104</sup>).

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<sup>101</sup> <http://www.cbi.org.uk/ndbs/press.nsf/0363c1f07c6ca12a8025671c00381cc7/cba3929a5756289b8025711e00560fc4?OpenDocument>  
<http://news.bbc.co.uk/1/hi/education/4675484.stm>

<sup>102</sup> Gray, Anne. 2005. The changing availability of grandparents as carers and its implications for childcare policy in the UK *Journal of Social Policy* 34 (4):557-577.

<sup>103</sup> EOC (2005) 'Europe: giving a lead on equality' [http://www.eoc.org.uk/PDF/EU\\_fact4\\_eurolead.pdf](http://www.eoc.org.uk/PDF/EU_fact4_eurolead.pdf)  
<http://www.eoc.org.uk/Default.aspx?page=15613#1333>

<sup>104</sup> Grover, Chris and Stewart, John (1999) 'Market workfare': social security, social regulation and competitiveness in the 1990s', *Journal of Social Policy* 28 (1): 73-96.

In 1995 the Pensions Act legislated for the gradual equalisation in the state pension age for women from 60 to 65 years.<sup>105</sup>

The Employment Rights Act in 1996<sup>106</sup> introduced entitlement to time off to make domestic arrangements or look for work if declared redundant, for antenatal care, maternity leave no less than 18 weeks and parental leave up to 13 weeks, employment protection and right of return.

## 1997

Labour government came to power. Women's relationship to labour market was a key focus in the Labour Party 1997 general election manifesto.<sup>107</sup>

In the first budget, Gordon Brown (Chancellor of the Exchequer) outlined the government's 'welfare to work' proposals aimed at getting people back into employment. Child poverty targets were also set with the aim to halve child poverty by 2010 and eradicate by 2020.<sup>108</sup>

EOC issues Code of Practice on Equal Pay.<sup>109</sup>

Landmark cases in equal pay: In April two cases were won by female claimants to bring equal pay for work of equal value for speech therapists. A representative of the Manufacturing, Science and Finance union representing the women described the case as 'the biggest single breakthrough on equal pay for women for many years'. In September, four women won a 'landmark victory' ensuring their pay as nursery nurses is the same as men employed by the same county council.<sup>110</sup>

## 1998

The key events during 1998 were the New Labour government's launch of the New Deal programmes (aimed at getting unemployed people back into employment): Subsidised jobs for young and adult long-term unemployed, a scheme which has gradually been expanded). In April the New Deal for Young People was introduced, followed by the New Deal 25plus in June and New Deal for Lone Parents in October. Through the rolling out of various New Deal

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<sup>105</sup> Pensions Act (1995) [http://www.opsi.gov.uk/acts/acts1995/Ukpga\\_19950026\\_en\\_2.htm#mdiv1](http://www.opsi.gov.uk/acts/acts1995/Ukpga_19950026_en_2.htm#mdiv1)

<sup>106</sup> Employment Rights Act (1996)

<http://www.opsi.gov.uk/acts/acts1996/1996018.htm>

<sup>107</sup> Labour Party 1997 General Election Manifesto

<http://www.labour-party.org.uk/manifestos/1997/1997-labour-manifesto.shtml>

'One in five families has no one working. One million single mothers are trapped on benefits. There is a wider gap between rich and poor than for generations.

There are over one million fewer jobs in Britain than in 1990. One in five families has no one working.

One million single mothers are trapped on benefits. There is a wider gap between rich and poor than for generations.

The clock should not be turned back. As many women who want to work should be able to do so.

More equal relationships between men and women have transformed our lives. Equally, our attitudes to race, sex and sexuality have changed fundamentally. Our task is to combine change and social stability.

Families without work are without independence. This is why we give so much emphasis to our welfare-to-work policies. Labour's national childcare strategy will plan provision to match the requirements of the modern labour market and help parents, especially women, to balance family and working life'.

<sup>108</sup> Gilman, M. W. (28-7-97) 'Details of welfare to work programme announced in Government's first budget' *European Industrial Relations Observatory Online*

<http://www.eurofound.europa.eu/eiro/1997/07/feature/uk9707143f.html>

HM Treasury (2004) Child Poverty Review [http://www.hm-treasury.gov.uk/media/985/CC/childpoverty\\_complete\\_290704.pdf](http://www.hm-treasury.gov.uk/media/985/CC/childpoverty_complete_290704.pdf)

<sup>109</sup> Equal Opportunities Commission (1997) <http://www.eoc.org.uk/Default.aspx?page=14928>

<sup>110</sup> Gilman, M. W. (28-4-97) 'Union winds landmark equal pay cases'

<http://www.eurofound.europa.eu/eiro/1997/04/inbrief/uk9704121n.html>

Gilman, M. W. (28-9-97) 'Women still struggle to gain equality'

<http://www.eurofound.europa.eu/eiro/1997/09/inbrief/uk9709165n.html>

programmes the number of individuals who were previously 'legitimately non-employed' (or economically inactive) has been declining.<sup>111</sup>

The Department of Social Security published their first green paper on welfare reform: 'New ambitions for our country: a new contract for welfare'. According to the summary document (DSS 1998), this paper set out a 'clear philosophy'- 'work for those who can, security for those who cannot'.<sup>112</sup>

In May, the National Childcare Strategy was published, set out in the green paper 'Meeting the Childcare Challenge' (Department for Education and Employment).

This document positions increased provision of childcare as serving several objectives: helping 'women and men' combine and balance work and family responsibilities; ensure that families have access to good quality childcare so that children receive the 'best start in life'; serving employers by increasing the supply of skilled labour available. The paper sets out the target that by September 1998 every 4 year old will have the guarantee of a free education place.

The 1998 Comprehensive Spending Review- announced the Sure Start programme to tackle poverty and social exclusion amongst children 0-4 and their families (Brewer et al 2005)<sup>113</sup>

In May, the Department of Trade and Industry publishes a white paper: 'Fairness at Work' discussing the promotion of a family friendly culture in business (flexible hours and home working; assisting with childcare provision) and discusses the 'partnership' of trade unions with employers rather than conflict. In this document, in the section on maternity leave, concern is expressed in relation to viability of small firms being able to comply with proposals. Working Time Regulations came into force October 1998. As result of lobbying from employers, the UK government changed the opt-out rules in 1999 to extend those workers to whom it applied. The CBI defended the use of the opt-out by arguing that people work longer because they want to.<sup>114</sup>

The National Minimum Wage Act 1998 was passed (came into force 1999).

### Primary sources:

Department for Education and Employment (1998) *Meeting the childcare challenge: A framework and consultation document (Green paper)*.<sup>115</sup>

Department of Health (1999) *Caring about carers: a national strategy for caring*<sup>116</sup>

Department for Trade and Industry (1998) *White Paper Fairness at Work*<sup>117</sup>

Department for Work and Pensions (2004) *Building on New Deal: local solutions meeting individual needs*<sup>118</sup>

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<sup>111</sup> Bennett, Fran and Jane Millar (2005) 'Making Work Pay' *Benefits* 42(13): 28-33.

Brewer, Mike, Tom Clark, and Matthew Wakefield (2002) 'Five years of social security reforms in the UK'. Institute for Fiscal Studies. Working paper.

<http://www.ifs.org.uk/wps/wp0212.pdf>

<sup>112</sup> Department of Social Security (1998) A new contract for welfare: principles into practice, a summary.

<sup>113</sup> Brewer, Mike, Claire Crawford, and Lorraine Dearden (2005) 'Helping families: childcare, early education and work-life balance'. Institute for Fiscal Studies.

<http://www.ifs.org.uk/bns/05ebn7.pdf>

<sup>114</sup> EOC (March 2004) 'Response to The Commission to the Council. The European Parliament, the European Economic and Social Committee and the Committee of the Regions. Concerning the re-exam of Directive 93/104/EC concerning certain aspects of the organization of working time'

[http://www.eoc.org.uk/PDF/org\\_workingtime.pdf](http://www.eoc.org.uk/PDF/org_workingtime.pdf)

Smillie, Susan and Hilary Osborne (6-11-2006) 'Q&A: the working time directive' *Guardian Unlimited*.

<http://business.guardian.co.uk/print/0,,5022999-108725,00.html>

<sup>115</sup> <http://www.surestart.gov.uk/doc/P0000584.doc>

<sup>116</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4006522](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006522)

<sup>117</sup> <http://www.dti.gov.uk/files/file24436.pdf>

<sup>118</sup> <http://www.dwp.gov.uk/publications/dwp/2004/buildingonnewdeal/mainreport.pdf>

## 1999

Bill following white paper (1998) Fairness at Work 'Employment relations bill' published in January.

Publication of a National Strategy for Carers, outlining government proposals to recognise the value of caring (including, for example, discussion of the need to legislate for flexible working, the difficulties facing carers who are in work and those out of employment).

National Minimum Wage- came into force. National Minimum Wage Regulations 1999 specified the rules concerning who qualifies and what counts as working time (impact of implementation is gendered, given concentration of women in low paid work and in context of continuing gender gap in pay).<sup>119</sup>

Introduction of the Working Families Tax Credit – including Childcare tax credit which reimbursed low-income working families up to 70% of their formal childcare costs, means-tested (meaning that the income tax system rather than the social security benefit system becomes the main vehicle for providing ongoing in-work support). This system replaced the Family Credit introduced by the previous Conservative government (Brewer et. al. 2005<sup>120</sup>).

From April, the New Deal for Partners of unemployed claimants was introduced whereby partners of jobseekers allowance claimants were given access to some of the New Deal services (extended in April 2001 to the partners of claimants of other benefits).

Maternity and Parental Leave Regulations 1999: Implementation of EU Directive on Parental Leave (1996) introducing a right to parental leave and improving existing maternity leave arrangements. The provisions of the Employment Relations Act 1999 on time off in the event of emergencies involving family and other dependants also came into force.<sup>121</sup>

### Primary sources:

Department of Health (1999) *Caring about carers: a national strategy for caring*<sup>122</sup>

Department for Work and Pensions (2004) *Building on New Deal: local solutions meeting individual needs*<sup>123</sup>

## 2000

Part-time Workers Regulations 2000- giving part-time workers the right not to be treated less favourably than comparable full-time workers unless the difference is objectively justifiable (implementation of EC Directive 1997).

Introduction of New Deal 50 plus in April.

Statutory Maternity Pay (General) (Modification and Amendment) Regulations 2000.

Neighbourhood Nurseries Initiative launched, part of the National Childcare Strategy. The initiative aimed at expanding day-care provision in the 20% most deprived areas of the country.<sup>124</sup>

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<sup>119</sup> Bennett, Fran. 2002. Gender implications of current social security reforms. *Fiscal Studies* 23 (4):559-584.

<sup>120</sup> Brewer, Mike, Claire Crawford, and Lorraine Dearden (2005) 'Helping families: childcare, early education and work-life balance'. Institute for Fiscal Studies.

<http://www.ifs.org.uk/bns/05ebn7.pdf>

<sup>121</sup> Dex, Shirley. 2003. Families and work in the twenty-first century. York: JRF.

Hall, Mark (28-2-99) 'Employment Relations Bill published' *EIROOnline*

<http://www.eurofound.europa.eu/eiro/1999/02/feature/uk9902180f.html>

Hall, Mark (28-12-99) 'UK introduces new rights to time off work for family and domestic reasons' *EIROOnline*

<http://www.eurofound.europa.eu/eiro/1999/12/feature/uk9912144f.html>

<sup>122</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4006522](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006522)

<sup>123</sup> <http://www.dwp.gov.uk/publications/dwp/2004/buildingonnewdeal/mainreport.pdf>

<sup>124</sup> National Foundation for Educational Research update:

[http://www.nfer.org.uk/emie/detail.asp?id\\_content=207&id\\_category=277&id\\_Ref=4150&level=1&detail=news](http://www.nfer.org.uk/emie/detail.asp?id_content=207&id_category=277&id_Ref=4150&level=1&detail=news)

Launch of work-life balance campaign in March, 'to encourage employers to introduce flexible working practices to enable employees to achieve a better balance between work and the rest of their lives, and to convince employers of the economic benefits of work-life balance'. Establishes an alliance of employers.<sup>125</sup>

The National Refugee Integration Forum is established within the Home Office, with a sub-group addressing employment and training.<sup>126</sup>

Department of Trade and Industry criticises CBI for being 'out of touch' with regard to parental leave provision.

Department of Trade and Industry publishes Green paper 'Work and parents: competitiveness and choice'. Options which are set out in the green paper include: extending unpaid maternity leave; allowing mothers and fathers to split increase in existing unpaid maternity leave entitlement between them; increasing the flat rate of maternity pay; lengthening the period of paid maternity leave; and introducing two weeks paid paternity leave for fathers. Options proposed which focus on flexible working: giving mothers who return early from maternity leave the right to work reduced hours for the rest of that time; giving fathers the right to work reduced hours until the end of maternity leave; and allowing both parents the right to opt to work reduced hours after the end of the maternity leave period.<sup>127</sup>

EOC set up an Equal pay task force to explore effective strategies to eliminate the gender pay gap. Department for Education and Employment publishes consultation paper on reform of employment tribunals to speed up equal pay cases.<sup>128</sup>

### Primary sources:

Department for Work and Pensions (2004) *Building on New Deal: local solutions meeting individual needs*<sup>129</sup>

### 2001

Creation of the Department for Work and Pensions- from Department of Social Security merged with the jobs section of the Department for Education and Employment (which can be interpreted as move away from notion of dependency on benefits towards emphasis on productivity and work- symbolic of the overall shift in New Labour thinking).<sup>130</sup>

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<sup>125</sup> Arrowsmith, James (28-2-01) 'Government calls for better work-life balance' *EIROOnline*  
<http://www.eurofound.europa.eu/eiro/2001/02/feature/uk0102115f.html>

Brewer, Mike, Claire Crawford, and Lorraine Dearden (2005) 'Helping families: childcare, early education and work-life balance'. Institute for Fiscal Studies.  
<http://www.ifs.org.uk/bns/05ebn7.pdf>

<sup>126</sup> National Refugee Integration Forum

<http://www.nrif.org.uk/>

<sup>127</sup> Hall, Mark (28-01-01) 'Green paper on parental leave receives mixed reception' *EIROOnline*  
<http://www.eurofound.europa.eu/eiro/2001/01/feature/uk0101106f.html>

Staff and Agencies (7-12-00) 'Government unveils plans to help working parents' *The Guardian Online*  
<http://society.guardian.co.uk/socialcare/news/0,,408186,00.html>

Toynbee, Polly (8-12-00) 'Blair must listen to parents more than to employers' *The Guardian*  
<http://society.guardian.co.uk/socialcare/news/0,,408502,00.html>

Wintour, Patrick (5-12-00) 'Byers to hit out at CBI over parents' rights' *The Guardian*  
<http://society.guardian.co.uk/print/0,,4100664-105910,00.html>

<sup>128</sup> EOC <http://www.eoc.org.uk/Default.aspx?page=14928>

Hall, Mark (28-01-01) 'Government plans to speed up equal pay cases' *EIROOnline*  
<http://www.eurofound.europa.eu/eiro/2001/01/inbrief/uk0101107n.html>

<sup>129</sup> <http://www.dwp.gov.uk/publications/dwp/2004/buildingonnewdeal/mainreport.pdf>

<sup>130</sup> Carmel, Emma and Theodoros Papadopoulos (2003) 'The New Governance of Social Security in Britain', in Jane Millar (Ed) *Understanding social security: issues for social policy and practice*. Bristol: Policy Press.

Wylie, Ian (5-11-05) 'The job to mend all jobs', *Guardian Unlimited, Money*.  
<http://money.guardian.co.uk/workweekly/story/0,,1634729,00.html>

November, first reading of the Employment Bill in the House of Commons (Bill concerned with wide range of issues- including proposals to extend parental leave).<sup>131</sup>

December, the Department of Trade and Industry (DTI) published a consultation document 'Towards equality and diversity' outlining how the government intends to implement the requirements of the EU Directives on equal treatment in employment and occupation and race discrimination, as well as seeking views on the establishment of a single equalities body.<sup>132</sup>

The Equal Pay Task Force set up by the Equal Opportunities Commission publishes its report 'Just pay' which indicates that 25-50% of the pay gap is due to pay discrimination and makes a series of recommendations for its elimination, including the suggestion that trade unions assist employers in conducting equal pay reviews (EPRs). In May the Department for Education and Employment announced equal pay reforms to simplify existing legislation but rejected EOC recommendations for mandatory EPRs.<sup>133</sup>

Introduction of the New Deal for Disabled People in July.

### **Primary sources:**

Department for Trade and Industry (2001) *Towards equality and diversity*.

### **2002**

2002 marked the 'Second stage' of the government's welfare reform programme with the introduction of Job centre Plus- which brought together the Employment Service with the working age part of the Benefits Agency.

Tax Credits Act, 2002, introducing child tax credit and working tax credit (replacing earlier children's tax credit, working families' tax credit and disabled person's tax credit).

In February, the Home Office published a white paper 'Secure Borders, Safe Haven: Integration with Diversity in Britain' where employment is presented as a route to financial independence.

In April, the State Second Pension is introduced to reform the State Earnings Related Pension Scheme (SERPS) so people with caring responsibilities and disabled people with interrupted work records can build up an additional state pension. In December the government sets up the Pensions Commission with the Department of Work and Pensions.

The Department of Work and Pensions publishes report of research by Alice Bloch on barriers facing refugees looking for employment, addressing the specificities of the different position of different groups of women.<sup>134</sup>

The Employment Act 2002- (Phased implementation) makes changes to maternity, paternity and adoption rights in the Employment Rights Act 1996 – increasing the standard rate of statutory maternity pay (SMP) and maternity allowance; an increase in the period of maternity leave to six months paid maternity leave followed by up to six months unpaid leave; the introduction of a new right to two weeks paternity leave paid at the same standard rate as SMP. This is in addition to the existing right to 13 weeks parental leave; similar entitlements for adoptive parents (who have no right to paid leave at present); and amended rules governing employers' handling of parental leave and pay issues. From April 2003, a

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<sup>131</sup> Byers, Stephen (21.02.01) Equal Opportunities Commission Seminar on Work and Parents- Green Paper

<http://www.dti.gov.uk/ministers/archived/byers210201.html>

<sup>132</sup> Hall, Mark (16-01-02) 'Government proposes new anti-discrimination laws' *EIROnline*

<http://www.eurofound.europa.eu/eiro/2002/01/inbrief/uk0201117n.html>

<sup>133</sup> Equal Pay Task Force (2001) 'Just Pay'

<http://www4.btwebworld.com/equalpaytaskforce/howto/JustPayS.pdf>

Hall, Mark (28-6-01) 'Government to go ahead with equal pay reforms' *EIROnline*

<http://www.eurofound.europa.eu/eiro/2001/06/inbrief/uk0106134n.html>

<sup>134</sup> Alice Bloch (2002) Refugees' opportunities and barriers in employment and training. DWP research report 179. <http://www.dwp.gov.uk/asd/asd5/rrep179.asp>

new right will allow employees to request flexible working- giving parents of children aged under six or of disabled children aged under 18 the statutory right to request flexible working and to have their request seriously considered by their employer.<sup>135</sup>

A report of the inter-departmental review of childcare- 'Delivering for Children and Families' is published by the Prime Minister's Strategy Unit. Childcare is positioned as helping children, families and communities and further spending on childcare is proposed.<sup>136</sup>

In November, the Department for Work and Pensions publishes Pathways to Work- a consultation paper discussing plans to reduce number of incapacity benefit claimants.

### Primary sources:

Department for Education and Skills (2002) *'Inter-departmental childcare review: Delivering for children and families'*<sup>137</sup>

Department for Work and Pensions (2002) *Pathways to work: helping people into employment.*<sup>138</sup>

Department for Work and Pensions (2006) *Security in retirement: towards a new pensions system*<sup>139</sup>

Home Office (2002) *Secure borders, safe haven: Integration with diversity in modern Britain.*<sup>140</sup>

*Tax Credits Act 2002.*<sup>141</sup>

### 2003

Maternity Leave is increased to 6 months.

April, introduction of working tax credit and child tax credit (replacing 1999 Working Families Tax Credit system). The childcare tax credit was replaced by the childcare element of the working tax credit and works in almost the same way (the payment made to the main carer, up to 70% of the cost of formal, registered childcare for children under the age of 15).<sup>142</sup>

The Employment Equality Regulations 2003 (and Amendment Regulations) Religion or belief, sexual orientation. These regulations prohibited discrimination on aforementioned grounds in the employment field, including occupational pension schemes.

The Department for Work and Pensions publishes 'Working to rebuild lives: a preliminary report towards a refugee employment strategy' (see 2005 for Refugee employment strategy). Unions launch campaign against long hours working, focusing on the EU Directive on Working Time.<sup>143</sup>

EOC issues Code of Practice on Equal Pay.<sup>144</sup> Amendment to Equal Pay Act to allow for backdating of equal pay claims.

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<sup>135</sup> Hall, Mark (22-04-03) 'New rules on flexible working come into force' *EIROOnline*

<http://www.eurofound.europa.eu/eiro/2003/04/feature/uk0304104f.html>

Hall, Mark (22-10-02) 'Employment Act 2002 outlined' *EIROOnline*

<http://www.eurofound.europa.eu/eiro/2002/10/feature/uk0210103f.html>

<sup>136</sup> Prime Minister's Strategy Unit (22-11-02) Press release 'Government review of childcare.'

[http://www.cabinetoffice.gov.uk/strategy/news/press\\_releases/2002/021106.asp](http://www.cabinetoffice.gov.uk/strategy/news/press_releases/2002/021106.asp)

<sup>137</sup> <http://www.cabinetoffice.gov.uk/strategy/downloads/su/childcare/downloads/su-children.pdf>

<sup>138</sup> <http://www.dwp.gov.uk/consultations/consult/2002/pathways/pathways.pdf>

<sup>139</sup> [http://www.dwp.gov.uk/pensionsreform/pdfs/white\\_paper\\_complete.pdf](http://www.dwp.gov.uk/pensionsreform/pdfs/white_paper_complete.pdf)

<sup>140</sup> <http://www.archive2.official-documents.co.uk/document/cm53/5387/cm5387.pdf>

<sup>141</sup> [http://www.opsi.gov.uk/acts/acts2002/pdf/ukpga\\_20020021\\_en.pdf](http://www.opsi.gov.uk/acts/acts2002/pdf/ukpga_20020021_en.pdf)

<sup>142</sup> Mike Brewer, Claire Crawford, and Lorraine Dearden (2005) 'Helping families: childcare, early education and work-life balance'. Institute for Fiscal Studies.

<http://www.ifs.org.uk/bns/05ebn7.pdf>

<sup>143</sup> Arrowsmith, James (25-10-03) 'Unions launch new campaign against long working hours'

*EIROOnline*

<http://www.eurofound.europa.eu/eiro/2003/10/feature/uk0310104f.html>

<sup>144</sup> EOC [www.eoc.org.uk](http://www.eoc.org.uk)

Equal Opportunities Commission (2003) 'Code of Practice on Equal Pay'. *EIROOnline*

[http://www.eoc.org.uk/PDF/law\\_code\\_of\\_practice.pdf](http://www.eoc.org.uk/PDF/law_code_of_practice.pdf)

Mellor, Julie (16-01-01) 'Equality still a long way off' *The Guardian, Society*.

In October, the Pension Credit system is introduced- an income-related entitlement for people aged 60 or over living in Great Britain.<sup>145</sup>

**Primary sources:**

Statutory Instrument 2003 No. 1656 *The Equal Pay Act 1970 (Amendment) Regulations 2003*<sup>146</sup>

**2004**

February- EC decides to launch legal case against UK over working time directive.<sup>147</sup>

In the budget, an announcement is made that the ceiling on eligible childcare costs will rise from April 2005, and the subsidy rate will be increased from April 2006 (Brewer et. al. 2005).<sup>148</sup>

In February the issue of women and pensions continued to prompt responses from NGOs. Following the government's review of the pension system, the Women's National Commission consulted with their partner organisations.

In December the Treasury publishes the government's ten year strategy for childcare (Cross departmental paper DfES; DTI; DWP). The three key principles informing the Government's ten year strategy are stated as: ensuring every child has the best possible start in life; the need to respond to changing patterns of employment and ensure that parents, particularly mothers, can work and progress their careers; and the legitimate expectations of families that they should be in control of the choices they make in balancing work and family life (Prime Minister Tony Blair gives speech to Daycare Trust in the preceding month).<sup>149</sup>

Department of Work and Pensions publishes investigation into refugee employment with acknowledgement of disadvantage faced by refugees in labour market though limited recognition of the specificities of the position of female refugees.<sup>150</sup>

In September, the CBI proposes to fight European Commission's proposal on working time directive.

Department of Work and Pensions publication on the New Deal, setting out plans to develop the scheme.

Creation of Women and Work Commission to investigate the gender pay gap. Amendment to Equal Pay Act relating to the procedure for establishing work of claimant and comparator is of equal value.

**Primary sources:**

Department for Work and Pensions (2004) *Building on New Deal: local solutions meeting individual needs*<sup>151</sup>

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<http://society.guardian.co.uk/policy/comment/0,,423137,00.html>

McBride, Anne (30-8-01) 'Trade unions and equality in employment' *EIROOnline*

<http://www.eurofound.europa.eu/eiro/2001/08/inbrief/uk0108103n.html>

<sup>145</sup> BBC (11.11.03) 'Slow start for pension credit'

<http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/business/3261871.stm>

<sup>146</sup> <http://www.opsi.gov.uk/si/si2003/20031656.htm>

<sup>147</sup> Hall, Mark (04-10-04) 'UK reaction to European Commission working time proposals' *EIROOnline*.

<http://www.eurofound.europa.eu/eiro/2004/10/inbrief/uk0410103n.html>

Hall, Mark (05-04-04) 'Commission refers UK working time rules to ECJ'

<http://www.eurofound.europa.eu/eiro/2004/04/inbrief/uk0404102n.html>

<sup>148</sup> Mike Brewer, Claire Crawford, and Lorraine Dearden (2005) 'Helping families: childcare, early education and work-life balance'. Institute for Fiscal Studies.

<http://www.ifs.org.uk/bns/05ebn7.pdf>

<sup>149</sup> Tony Blair's Speech on childcare (11-11-04) *Guardian Unlimited*.

<http://education.guardian.co.uk/schools/story/0,,1348953,00.html>

<sup>150</sup> Steels, Jenny and Jude England (2004) Emerging findings for the refugee employment strategy: a synthesis report to the Department for Work and Pensions

<http://www.dwp.gov.uk/jad/2004/201rep.pdf>

<sup>151</sup> <http://www.dwp.gov.uk/publications/dwp/2004/buildingonnewdeal/mainreport.pdf>

HM Treasury (2004) *Choice for parents, the best start for children: a ten year strategy for childcare*.<sup>152</sup>

Statutory Instrument 2004 No. 2352 *The Equal Pay Act 1970 (Amendment) Regulations 2004*<sup>153</sup>

Women's National Commission (February 2004) *Consultation on women and pensions*<sup>154</sup> (17 pages).

## 2005

In February the Department of Trade and Industry publishes a consultation paper 'Work and families: choice and flexibility' inviting responses for changes to parental leave / flexible working (leading up to Work and Families Act of 2006). Submissions received from various NGOs, including the Women's Budget Group.

In November the Department for Work and Pensions publishes its report 'Women and pensions: the evidence'. In response, Age Concern and the Fawcett Society referred to the report as a useful analysis but stressed the urgent need for action.

The Daycare Trust publishes a progress report on the government's childcare strategy.

Childcare bill debated in parliament.

The Department for Work and Pensions publishes 'Working to rebuild lives- a refugee employment strategy', assigning a key role to Job Centre Plus in partnership with voluntary organisations.

Report of the House of Commons committee on services for ethnic minority clients (in part, discussing the question of the non-employment of asylum seekers and the high unemployment amongst refugees).<sup>155</sup>

The Home Office publishes 'Controlling our borders: making migration work for Britain' (lack of gender focus- one citation of 'women' in relation to trafficking).

EOC research report 'Older workers and options for flexible work' discusses the difficulties faced in getting employment by older women who have care responsibilities.<sup>156</sup>

UK continues to hold its ground over opt-out option in working time directive (Guardian report) to dismay of unions (Unison and TUC).

Report on tackling long working hours published by DTI produced in association with the Confederation of British Industry (CBI) and the Trades Union Congress (TUC).

This publication is the result of a partnership project between the three organisations looking at long hours working. The project was run on behalf of the DTI by the Equal Opportunities Commission.<sup>157</sup>

## Primary sources:

Daycare Trust (2005) *Childcare for all? Progress report 2005*.<sup>158</sup>

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<sup>152</sup> [http://www.hm-treasury.gov.uk/media/B/E/pbr04childcare\\_480upd050105.pdf](http://www.hm-treasury.gov.uk/media/B/E/pbr04childcare_480upd050105.pdf)

<sup>153</sup> <http://www.opsi.gov.uk/si/si2004/20042352.htm>

<sup>154</sup> <http://www.thewnc.org.uk/pubs/WomenPensionReport-feb04.pdf>

<sup>155</sup> House of Commons Work and Pensions Committee report volume I and II – 'Delivery of services to ethnic minority clients'

<http://www.publications.parliament.uk/pa/cm200405/cmselect/cmworpen/268/268.pdf>

<http://www.publications.parliament.uk/pa/cm200405/cmselect/cmworpen/268/268ii.pdf>

<http://www.publications.parliament.uk/pa/cm200405/cmselect/cmworpen/268/26812.htm>

<sup>156</sup> EOC press release (12-09-05) 'Older workers face double whammy of low employment levels and inadequate pensions'<sup>156</sup>

<http://www.eoc.org.uk/Default.aspx?page=17261>

<sup>157</sup> Gow, David (03-06-05) Unions angry as UK keeps opt out on working hours' *The Guardian*

<http://business.guardian.co.uk/story/0,,1498104,00.html>

Hall, Mark (10-10-05) 'Government-sponsored report focuses on tackling long working hours' *EIROnline*

<http://www.eurofound.europa.eu/eiro/2005/10/inbrief/uk0510106n.html>

<sup>158</sup> [http://www.daycaretrust.org.uk/mod/fileman/files/Childcare\\_briefing\\_note\\_Nov\\_05.pdf](http://www.daycaretrust.org.uk/mod/fileman/files/Childcare_briefing_note_Nov_05.pdf)

[http://www.daycaretrust.org.uk/mod/fileman/files/DaycareTrustResponse\\_10yr\\_Strategy\\_24\\_Feb.pdf](http://www.daycaretrust.org.uk/mod/fileman/files/DaycareTrustResponse_10yr_Strategy_24_Feb.pdf)

Department for Trade and Industry (2005) *Work and families: choice and flexibility*<sup>159</sup>  
Department of Work and Pensions (2005) *Working to rebuild lives: A refugee employment strategy*<sup>160</sup>  
Department for Work and Pensions (2005) *Women and pensions: the evidence*<sup>161</sup>  
Hansard, (House of Commons), volume no. 440, part no. 73, 28<sup>th</sup> November 2005. Columns 24-102. Childcare bill. Columns 24-41.<sup>162</sup>  
Home Office (2005) *Controlling our borders: making migration work for Britain- a five year strategy*<sup>163</sup>.  
Women's Budget Group (May 2005) *Response to DTI Consultation: Work and families: Choice and Flexibility*<sup>164</sup>

## 2006

In January, the government green paper 'Empowering people to work' sets out their proposals for further reform of the welfare system- referring to this as the 'third stage' (preceding first stage referring to introduction of New Deal and the second stage of the launch of Job Centre Plus centres). Aspires to 80% employment rate. It states that to achieve this aim, there is a need to reduce those claiming incapacity benefit, help more lone parents into work and increase the number of older workers. In February, the report of the Women and Work Commission investigation into the causes of the gender pay and opportunities gap published.

The issue of equal pay is raised in the House of Lords as part of a discussion on 'women' prompted by International Women's Day.

March, August and November, consultation documents published by the Department of Trade and Industry in relation to Work and Families document, February 2005 (preceding the Work and Families Bill and Act).

The Government promises to reform the existing pension system in their white paper: 'Security in retirement: towards a new pensions system' and publish report 'The National Pensions debate: the final report'. The Fawcett Society welcomed the Pensions White Paper in which many of the society's previous recommendations are taken up, though it also expressed concern that many women will remain in poverty in retirement following the proposed changes (changes in pensions system as acknowledging, to some extent, the value of unpaid care labour).<sup>165</sup>

The Fawcett Society publishes a gender analysis of the UK tax and benefits system.

A report by the New Economic Foundation published by the Joseph Rowntree Foundation explores the value of the 'hidden work' performed by those out of employment and who are deemed a 'drain' on society.<sup>166</sup>

Work and Families Bill debated in parliament. Work and Families Act (2006) followed, bringing changes in maternity, paternity, and adoption leave- act under which government is given power to make various changes in these areas- (phased implementation).<sup>167</sup>

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<sup>159</sup> <http://www.dti.gov.uk/files/file16314.pdf>

<sup>160</sup> [http://www.dwp.gov.uk/publications/dwp/2005/emp\\_guide.pdf](http://www.dwp.gov.uk/publications/dwp/2005/emp_guide.pdf)

<sup>161</sup> <http://www.dwp.gov.uk/publications/dwp/2005/wp/women-pensions.pdf>

<sup>162</sup> [http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo051128/debtext/51128-06.htm#51128-06\\_head2](http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo051128/debtext/51128-06.htm#51128-06_head2)

<sup>163</sup> <http://www.archive2.official-documents.co.uk/document/cm64/6472/6472.pdf>

<sup>164</sup> <http://www.wbg.org.uk/documents/WBGresponsetoDTIWorkandFamilies.pdf>

<sup>165</sup> Gender impact assessment of pension reform

<http://www.dwp.gov.uk/pensionsreform/pdfs/GenderImpactAssessment.pdf>.

Newell, Helen (19-09-07) 'Government proposes reform of national pension system' *EIROOnline*

<http://www.eurofound.europa.eu/eiro/2006/07/articles/uk0607029i.html>

<sup>166</sup> Boyle, David, Sherry Clark and Sarah Burns (2006) 'Hidden work: co-production by people outside of paid employment' Joseph Rowntree Foundation.

<http://www.jrf.org.uk/bookshop/eBooks/9781859354674.pdf>

<sup>167</sup> Hall, Mark (20-10-07) 'New act gives extended rights to parental leave' *EIROOnline*

<http://www.eurofound.europa.eu/eiro/2006/09/articles/uk0609039i.html>

In July, the Welfare Reform Bill was introduced for those measures which require primary legislation agreed by parliament and was debated in the House of Commons later that month. September, publication of Cabinet Office report – Reaching Out – an action plan on social exclusion- addressing the ‘small minority’ who are socially excluded- proposals for early intervention and holistic strategy. The focus of the document is across the life-course yet the issue of older women and poverty is neglected.

September, publication by Department of Work and Pensions ‘Working together’- proposals to tackle poverty and increase social inclusion.

September, the UK is found to be in breach of working time directive by ECJ and the struggle over the directive continues.<sup>168</sup>

September, the CBI speaks about ‘the threat of too many immigrants.’<sup>169</sup>

Following an ‘open letter’ by academics and childhood specialists about the extent of pressures facing children, the Archbishop of Canterbury (head of the Church of England) Dr. Rowan Williams backs the Children’s Society inquiry into the state of modern childhood and expresses his concern about incentives for mothers to go back to work in ‘family unfriendly’ ways.<sup>170</sup>

Publication of report by Lisa Harker on ways to address child poverty for the DWP includes proposals for further extension of the New Deal programme for parents and calls for shift in measures to increase number of lone parents in employment.<sup>171</sup>

The Home Office publishes a consultation paper aiming to develop the services for refugees. In October Employment Equality (Age) regulations come into force, outlawing age discrimination in the workplace

2006 Childcare Act on duties to provide sufficient childcare for working parents, charges and relations between authorities.

Publication of EOC research report on equal pay showing that voluntary progress in conducting EPRs is stagnating.<sup>172</sup>

### Primary sources:

Cabinet Office (2006) *Reaching Out: An Action Plan on Social Exclusion*.<sup>173</sup> (100 pages)  
*Childcare Act, 2006 Part 1*.<sup>174</sup>

Department for Communities and Local Government (2006) *Government Action Plan: implementing the Women and Work Commission recommendations*<sup>175</sup>

Department for Work and Pensions (2006) ‘*Working Together*’ National Action Plan on Social Inclusion.<sup>176</sup> Department for Work and Pensions (2006) *A New Deal for Welfare: empowering*

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<sup>168</sup> Carley, Mark (20-11-06) European Court finds UK in breach of working time directive

<http://www.eurofound.europa.eu/eiro/2006/10/articles/uk0610029i.html>

Hall, Mark (09-01-07) ‘Social partners divided over stalemate in EU discussion on working time directive’ *EIRO* Online

<http://www.eurofound.europa.eu/eiro/2006/11/articles/uk0611039i.html>

<sup>169</sup> Elliot, Larry (06-09-06) ‘Migrants threaten social fabric, says CBI chief’ *The Guardian*

<http://business.guardian.co.uk/print/0,,329569700-108725,00.html>

<sup>170</sup> Walker, Peter (18-09-06) ‘Archbishop warns of huge pressures on children’ *The Guardian*

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[http://www.dwp.gov.uk/pensionsreform/debate/final\\_report.pdf](http://www.dwp.gov.uk/pensionsreform/debate/final_report.pdf)

<sup>172</sup> Adams, Lorna, Katie Carter, and Stefan Schafer (2006) ‘Equal Pay Reviews Survey 2005’ EOC.

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<sup>173</sup> [http://www.cabinetoffice.gov.uk/social\\_exclusion\\_task\\_force/documents/reaching\\_out/reaching\\_out\\_full.pdf](http://www.cabinetoffice.gov.uk/social_exclusion_task_force/documents/reaching_out/reaching_out_full.pdf)

<sup>174</sup> <http://www.opsi.gov.uk/acts/acts2006/60021--b.htm#6> Explanatory notes (29 pages)

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<sup>175</sup> [http://www.womenandequalityunit.gov.uk/publications/wwc\\_govtactionplan\\_sept06.pdf](http://www.womenandequalityunit.gov.uk/publications/wwc_govtactionplan_sept06.pdf)

<sup>176</sup> <http://www.dwp.gov.uk/publications/dwp/2006/nap/WorkingTogether.pdf>

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Hansard (House of Lords), volume 679, part no. 121, 16<sup>th</sup> March 2006 'Women' (Baroness Gould)<sup>183</sup>

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*Work and Families Act, 2006*<sup>186</sup>

## 2007

The Welfare Reform Bill is brought to the House of Lords in January for reform of incapacity benefit to proposed 'Employment and Support Allowance', 'simplifying' the current system and aiming to provide more 'incentive', for those who are able to, to return to employment. The Pathways to Work scheme (previously piloted) will form part of the new system, requiring claimants to attend work-focused interviews.

Submission by the Daycare Trust to the Comprehensive Spending Review which discusses the government's ten-year strategy on childcare.

In February, the children's minister Beverley Hughes calls for new phase in work life balance policies.<sup>187</sup>

March 2007 saw the publication of David Freud's report<sup>188</sup> on the future of welfare to work initiatives. Report discusses the achievements of New Labour over past 10 years and details the next steps towards reaching 80% employment rates. It discusses the way the Department targets particular 'client groups' who face labour market disadvantage- e.g. lone 'parents'; sick and disabled people, carers, older workers and ethnic minority groups- but also recognises that there is a need to move away from this approach since individuals may

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<sup>177</sup> [http://www.dwp.gov.uk/welfarereform/docs/A\\_new\\_deal\\_for\\_welfare-Empowering\\_people\\_to\\_work-Full\\_Document.pdf](http://www.dwp.gov.uk/welfarereform/docs/A_new_deal_for_welfare-Empowering_people_to_work-Full_Document.pdf)

[Consultation documents: number of responses from disability groups

[http://www.dwp.gov.uk/welfarereform/legislation\\_green\\_paper.asp](http://www.dwp.gov.uk/welfarereform/legislation_green_paper.asp)

<sup>178</sup> [http://www.dwp.gov.uk/pensionsreform/pdfs/white\\_paper\\_complete.pdf](http://www.dwp.gov.uk/pensionsreform/pdfs/white_paper_complete.pdf)

<sup>179</sup> <http://www.fawcettsociety.org.uk/documents/T&I%20SC%20WWC%20Inquiry%20June06.doc>

<sup>180</sup> <http://www.fawcettsociety.org.uk/documents/Fawcett%20Pensions%20White%20Paper%20response.pdf>

<sup>181</sup> <http://www.fawcettsociety.org.uk/documents/Benefits%20final%20copy.pdf>

<sup>182</sup> [http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060118/debtext/60118-05.htm#60118-05\\_head2](http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060118/debtext/60118-05.htm#60118-05_head2)

<sup>183</sup> [http://www.publications.parliament.uk/pa/ld200506/ldhansrd/vo060316/text/60316-04.htm#60316-04\\_head2](http://www.publications.parliament.uk/pa/ld200506/ldhansrd/vo060316/text/60316-04.htm#60316-04_head2)

<sup>184</sup> <http://www.nrif.org.uk/docs/RefugeeIntegrationConsultationPaper.pdf>

<sup>185</sup> [http://www.womenandequalityunit.gov.uk/publications/wwc\\_shaping\\_fairer\\_future06.pdf](http://www.womenandequalityunit.gov.uk/publications/wwc_shaping_fairer_future06.pdf)

<sup>186</sup> [http://www.opsi.gov.uk/acts/acts2006/ukpga\\_20060018\\_en.pdf](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060018_en.pdf) Explanatory notes (13 pages)

[http://www.opsi.gov.uk/acts/en2006/ukpgaen\\_20060018\\_en.pdf](http://www.opsi.gov.uk/acts/en2006/ukpgaen_20060018_en.pdf)

<sup>187</sup> Ward, Lucy (12-02-07) 'Children's minister seeks flexible working rights for all employees' *The Guardian* <http://www.guardian.co.uk/guardianpolitics/story/0,,2010973,00.html>

<sup>188</sup> Freud, David (March 2007) Reducing dependency, increasing opportunity: options for the future of welfare to work

<http://www.dwp.gov.uk/publications/dwp/2007/welfarereview.pdf>

Hutton, John (13-03-07) 'New deals the next 10 years

<http://www.dwp.gov.uk/aboutus/2007/13-03-07.asp>

face 'multiple disadvantage'. This report can be seen as one which symbolises further erosion of the legitimacy of non-employment across various target groups. Discussion of role of faith based groups in welfare provision.

March 2007 publication of 'Working for Children' strategy document from DWP in which reports of Freud and Harker are used to support the case for increasing number of lone parents in employment as part of strategy to tackle child poverty. One parent family groups objected to the notion of the introduction of compulsion to work- given the absence of adequate childcare.<sup>189</sup>

March 2007 EOC publication of research into ethnic minority women at work investigating the (non)employment amongst Pakistani, Bangladeshi and Black Caribbean women.<sup>190</sup>

The lack of a right to work amongst asylum seekers becomes increasing visible with reports in press and campaigning by Refugee council and Strangers into Citizens NGOs. The government announces points based immigration system.<sup>191</sup>

April, publication of Women and Work Commission review on implementation of Commission's recommendations (see 2006).

In July, the Department for Work and Pensions published a green paper on further welfare to work reforms.

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Hansard (House of Commons), 18<sup>th</sup> July 2007, volume no. 463, part no. 126, columns 279-296. Full employment.<sup>196</sup>

Women and Work Commission (2007) *Towards a fairer future: implementing the women and work commission recommendations*<sup>197</sup>

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<sup>189</sup> One Parent Families (2007) 'Lone parents and employment conditionality: key points'

[http://www.oneparentfamilies.org.uk/dr\\_media/opf/Feb07briefing-lone-parents-employment-conditionality\\_16-May-07.pdf](http://www.oneparentfamilies.org.uk/dr_media/opf/Feb07briefing-lone-parents-employment-conditionality_16-May-07.pdf)

<sup>190</sup> Equal Opportunities Commission (March 2007) 'Moving on up: the way forward'- final report of two year investigation into Bangladeshi, Pakistani, and Black Caribbean women and work.

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<sup>191</sup> Travis, Alan (07-05-07) 'Rally to urge fairer deal for illegal immigrants' *The Guardian*

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<sup>192</sup> [http://www.daycaretrust.org.uk/mod/fileman/files/Spending\\_Review\\_Submission\\_-\\_Jan\\_2007.pdf](http://www.daycaretrust.org.uk/mod/fileman/files/Spending_Review_Submission_-_Jan_2007.pdf)

<sup>193</sup> <http://www.dwp.gov.uk/welfarereform/DraftRegulations.pdf>

<sup>194</sup> <http://www.dwp.gov.uk/publications/dwp/2007/childpoverty/childpoverty.pdf>

<sup>195</sup> <http://www.dwp.gov.uk/welfarereform/in-work-better-off/in-work-better-off.pdf>

<sup>196</sup> <http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070718/debtext/70718-0004.htm#07071867000005>

<sup>197</sup> [http://www.womenandequalityunit.gov.uk/publications/women\\_work\\_5threp.pdf](http://www.womenandequalityunit.gov.uk/publications/women_work_5threp.pdf)

<sup>197</sup> [http://www.womenandequalityunit.gov.uk/publications/women\\_work\\_5threp.pdf](http://www.womenandequalityunit.gov.uk/publications/women_work_5threp.pdf)

## 4. INTIMATE CITIZENSHIP

### Introduction

In the UK, the sub issues within intimate citizenship that that are most relevant for the QUING project comprise:

- Sexual Orientation Discrimination (decriminalisation of homosexuality, the age of consent and civil partnership);
- Divorce & Separation (child custody, the right of being a parent);
- Reproduction/reproductive rights (abortion, assisted reproduction and discrimination in assisted reproduction on the basis of sexual orientation and partnership status)

The election of New Labour in 1997 marks a shift in UK policy, most notably by the introduction of New Deal. However, in the area on intimate citizenship, a substantial policy shift seems hard to identify, albeit a stronger focus on local consultation and participation is identifiable as such a shift in methods of involving civil society in policy making (Carabine and Monro, 2004).<sup>198</sup> One identifiable shift could be the 'normalization' of homosexuality through policy based on an equality discourse (Waites, 2003)<sup>199</sup> even though this process have been criticised on the basis that progress has been both slow and uneven, and homophobia remains an issue (Richardson, 2004)<sup>200</sup> as the mobilization of religious actors in civil society throughout the 1990s and 2000s possibly implies.

**Divorce & Separation** as such can be considered settled issues in the UK context; however, *child custody* and *pensions* (matrimonial property) and *fathers' rights* are still contested issues. *Child custody* disputes that go to court should be settled with the best interests of the child in mind. The UK Fathers' rights movement (growing stronger especially from 2003 onwards) have challenged the adequacy of courts in applying this principle arguing that courts are subjective and base their rulings on the personal prejudices of court-appointed child custody evaluators. Four different governmental departments are introducing most of the events in relation to divorce and separation: Dept. of Education and Skills, Dept. of Constitutional Affairs; Dept. of Trade and Industry and Dept. of Work and Pensions. In civil society, the main actors have been father's rights groups (Fathers for Justice; Fathers Rights; Families Need fathers; Respect; The Cheltenham Group; The UK Men's Movement) but also children's rights focused groups such as Save the Children, and Amnesty.

**Sexual Discrimination: Age of consent and decriminalisation of homosexuality** were, alongside *Section 28*<sup>201</sup>, the most high profile issue in UK lesbian, gay and bisexual politics in the 1990s and both the women's and gay/lesbian movement campaigned for equal age of consent (equal for homosexual/heterosexual).<sup>202</sup> The age of consent issue marks two

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<sup>198</sup> Carabine, Jean, and Surya Monro (2004) 'Lesbian and gay politics and participation in New Labour Britain' *Social Politics* 11 (2):312-327

<sup>199</sup> Waites, Matthew (2003) 'Equality at last? Homosexuality, heterosexuality and the age of consent in the United Kingdom'. *Sociology* 37 (4):637-655.

<sup>200</sup> Richardson, Diane (2004) 'Locating sexualities: from here to normality'. *Sexualities* 7 (4):391-411.

<sup>201</sup> Section 28, introduced in 1988 legislation under the Thatcher government prohibited encouragement of homosexuality by local authorities. According to Section 28 of the Local Government Act 1988, it is illegal for local authorities to 'intentionally promote homosexuality, publish material with the intention of promoting homosexuality, or to promote the teaching in schools of the acceptance of homosexuality as a pretended family relationship' See also BBC news on 'The Battle over section 28' (<http://news.bbc.co.uk/1/hi/uk/613023.stm>).

<sup>202</sup> Waites, Matthew (2003) 'Equality at last? Homosexuality, heterosexuality and the Age of Consent in the United Kingdom' *Sociology* vol 37(4): 637-655. sage publications: London ('*debates surrounding age of consent interpreted with Gramsci's concept of hegemony, and 'equalization of age of consent laws disguises underlying social inequalities'*, from UK State of the Art)

polarised positions in British politics, *conservatism* (with predominantly *family* and/or *religiously* oriented values versus an *equality* based liberal position. The general debates concerned issues such as at what age the fixity of sexual identities is established, and were focused around support for and opposition to 'equality'. Liberal, progressive and radical political forces argued in favour of a *lower* age of consent (liberty), and/or in favour of an *equal* age of consent (Equality). Interestingly, the age of consent for *lesbian girls* has never been raised as an issue, either in relation to *sexual identity*, paedophilia, or moral values. LGBT NGO Stonewall played a central organizational role in the age of consent event and contributed to structuring the terms of public debate through its articulation of arguments in favour of *equality*. A wide range of NGOs concerned with the promotion of *children's* and young people's *welfare* endorsed Stonewall's position.

**Sexual Discrimination: Civil Partnership** in the UK was the struggle over legal and institutional recognition of gay and lesbian relationship, and thereby the access to the *rights*, obligations and *benefits* that were currently available for non-gay and non-lesbian partners. This sub issue is therefore related to the *economic domain* and the divide over *public and private*. Civil partnership can also be expressed as the struggle for *equality*. The Civil Partnership Act (adopted 2004 and implemented in 2005) proposed a framework for the legal recognition of same sex couples, bearing implications for areas such as pensions, parenting, and insurance.<sup>203</sup> *Equality* is explicitly addressed in the area of civil partnership, but *gender equality* is rare. Equality was being used both by those opposing civil partnership and those in favour of it. *Rights* and *responsibilities* was another set of values that was being referred to during the consultation process, and this also seems to be the governmental language. Opponents to the law discussed homosexuality in terms of *free choice*, and *lifestyle*. The latter groups also referred to 'other disadvantaged couples or individuals', e.g. *disabled*, *elderly* etc. who, according to the groups, had not chosen their disadvantages the way gay and lesbian people have. There is also reference to the *normal*, positioning homosexuality as the *un/abnormal*. Throughout the process, the main state actors involved in civil partnership were the Women and Equality Unit, Dept. of Work and Pensions. Participation from civil society was extensive, especially by Stonewall and LAGLA and the religious civil society, including gay and lesbian (Lesbian and Gay Christian movement, Christian Voice Church of England Archbishops Council) and the trade union Unison.

**Sexual Discrimination: Access to goods and services** in the UK goes beyond the EU requirements (which only applies to employment) and raises the issue of *adoption* and *inequalities* (LGBT). While there has never been a law preventing lesbian, gay or bisexual *individuals* from adopting children, it was not until the Adoption and Children Act 2002 (in effect 2005) that *same-sex couples* were allowed to apply for adoption jointly. The Equality Act (2006) bans discrimination in the provision of goods, facilities and services based on *sexual orientation* in a similar way to rules on *sex* and *race discrimination*. In relation to intimate citizenship, the legislation raises the issue of gay adoption in relation to *discrimination* where *church* run *adoption agencies* initially refused to let gay couples adopt. The debate also raised the issue of churches as *employers* vs. churches as centres of *belief*. The main state actors in this process were Women's Equality Unit, House of Lords European Union Committee and Dept. of Communities and Local Government. From civil society, the major actors include Stonewall, the Church of England, Roman Catholic Church in England and Wales. Semi state/semi NGO actor the Equal Opportunities Commission was also involved.

**Reproduction: Assisted Conception** is a major issue in terms of access to *goods and services* and *discrimination* and the *rights of the child*. **Reproduction and Abortion** is mainly

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<sup>203</sup> Women and Equality Unit, Civil Partnership - A framework for the legal recognition of same-sex couples,  
30 June 2003, [http://www.womenandequalityunit.gov.uk/research/civ\\_par\\_con.pdf](http://www.womenandequalityunit.gov.uk/research/civ_par_con.pdf)

a non-issue, although more recent attempt to restrict the rights to abortion from actively campaigning to reduce or remove the availability of abortion<sup>204</sup> crosses over into the area of violations of a *woman's right to her own body*. The original Abortion Act was passed in 1967, a time of lively political campaigning, and is sometimes seen as one of the triumphs of the women's movement. Abortion may be considered a non issue, or at least a settled issue in the UK context (note however how abortion is an issue in Northern Ireland – abortion is illegal – and NI does not recognise the 1967 Act). Abortion is however an issue in terms of *crossing borders* and *free movement* of persons, *goods and services* within the Single Market, while Irish women travel into the UK for accessing 'the service' of abortion. The main state actors involved include the Women and Equality Unit, the Dept. of Health and the Dept. of Education; semi state/semi civil society actor the Equal Opportunities Commission approached abortion in terms of discrimination and employment: the Equality Commission for Northern Ireland. Civil Society actors include Home Abortion Rights UK, Family Planning Association, Marie Stopes International, British Pregnancy Advisory Service, Society for the Protection of the Unborn Child, Student Lifenet, and the ProLife Alliance.

#### **4.1 Actors in the policy area of Intimate Citizenship**

##### **State Actors:**

Women and Equality Unit state agency that occasionally has a leading role and sometimes a supporting role in promoting and carrying forward gender equality policy, but is however rarely a significant actor in the policy field of intimate citizenship (or in gender-based violence).

Department of Work and Pensions

Department of Education and Skills

Department/Ministry of Justice (previously Dept. of Constitutional affairs, Lord Chancellors Office)

Ministry of Justice (former Dept. of Constitutional Affairs, former Lord Chancellors Office)

Department of Health

Joint Committee on Human Rights

Equality Commission for Northern Ireland. An independent public body established under the Northern Ireland Act 1998 which works towards the elimination of discrimination and promotes equality of opportunity).

Northern Ireland Human Rights Commission (The Commission came into existence on 1 March 1999 to promote awareness of human rights and advise on what steps need to be taken to fully protect them).<sup>205</sup>

##### **Civil Society:**

Stonewall: Strong LGBT organisation founded in 1989 by women and men who had been active to abolish section 28 in 1989. Lobbying, campaigning and information resource centre. Organised in England, Scotland and Wales. The main civil society organization in topics related to intimate citizenship. Stonewall.org.uk

Christian Institute: Right wing evangelical charity arguing that the authority of all life is the bible. Active in areas such as abortion, euthanasia, gay rights (retain unequal age of consent, retain section 28 and opposed gay adoption, civil partnerships and opposed equal

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<sup>204</sup> Abortion act - Where do we draw the line?' by Jonathan Gornall, freelance journalist in British medical journal about arguments for reform of 1967 Abortion Act  
[www.bmj.com/cgi/content/full/334/7588/285?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&fulltext=%22Jonathan+Gornall%22&searchid=1&FIRSTINDEX=0&resourcetype=HWCIT](http://www.bmj.com/cgi/content/full/334/7588/285?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&fulltext=%22Jonathan+Gornall%22&searchid=1&FIRSTINDEX=0&resourcetype=HWCIT). For more medical perspectives, see News Medical Net on arguments for reform of UK Abortion Act at <http://www.news-medical.net/?id=21800>

<sup>205</sup> <http://www.nihrc.org/index.htm>

provision to goods & services). Favoured the amendment to the Civil Partnership bill to allow siblings to register CP.

LAGLA: Gay and Lesbian Humanist Association  
CARE  
Lesbian and Gay Christian movement  
Christian Voice  
Church of England Archbishops Council  
Liberty  
Education for Choice  
Home Abortion Rights UK  
Family Planning Association  
Marie Stopes International  
British Pregnancy Advisory Service  
Society for the Protection of the Unborn Child  
Student Lifenet  
Prolife Alliance

Equal Opportunities Commission (EOC)  
Equality Commission for Northern Ireland

### **Men's Groups**

There are two different forms, 1) pro feminist sympathisers, violence as gendered groups and 2) fathers for justice kinds, anti feminist. There are some men and domestic violence groups.<sup>206</sup>

**Respect** was set up in 2000 by a steering group of practitioners working in the domestic violence sector on behalf of the National Practitioners' Network (NPN) in order to support those running perpetrator programmes in the UK. Respect runs perpetrator programmes and lobby government to put perpetrator issues on the public policy agenda. Mission statement includes ensuring that government prioritises the safety of those affected by domestic violence - predominantly women and children.<sup>207</sup>

**Families Need Fathers** was established in 1974 and is a self-help support group offering local level support for newly separated fathers. It is also involved in lobbying towards political decision makers as well as research. Its main concern is to maintain the child's relationship with both parents during and after family breakdown and applies a children's perspective and guidelines based on children's experiences with separations. The organization is recognised as a source of information and assistance to the Department of Constitutional Affairs. Families need Fathers regularly provides evidence to parliamentary sub-committees. In 2004 a senior Family Court judge presented Families Need Fathers as a 'key player in the debate about on-going contact and joint residence.'<sup>208</sup> FNF also works with Mothers Apart from Their Children and the Grandparents' Association. Has about 10 000 members.

**Fathers Rights & Fathers 4 justice** moved from being largely ignored by the media and government to end up in the spotlight with their 2003 advent to push for new legislation in ... (new legislation came about in the UK in 2005. F4J lobby for the restructuring of family law and argue that children benefit from being raised by both parents and in terms of parents'

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<sup>206</sup> [http://www.dohc.ie/publications/men\\_domestic\\_violence.html](http://www.dohc.ie/publications/men_domestic_violence.html)

<sup>207</sup> See Respect paper 'Statement of Principles and Minimum Standards of Practice For Domestic Violence Perpetrator Programmes and Associated Women's Services' 2004.  
[http://www.respect.uk.net/respect\\_docs/Respect%20Statement%20of%20Principles%20and%20Minimum%20Standards%20of%20Practice%202004.pdf](http://www.respect.uk.net/respect_docs/Respect%20Statement%20of%20Principles%20and%20Minimum%20Standards%20of%20Practice%202004.pdf)

<sup>208</sup> <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmconst/uc1247-i/uc124702.htm>

rights to their children

**The Cheltenham Group**, set up by John Champion in 1994, was one of a number of organisations which fought against the Family Law Act 1996.

**The UK Men's Movement** was founded in July 1994 to rally all the forces in the UK which are now beginning to 'react against uncontrolled feminism and its disastrous social consequences' (homepage). DADs has merged with the UKMM, and the Cheltenham Group supports UKMM, and in particular makes all its reports available to UKMM.

### **Trade Unions**

Unison – UK's largest trade union, with 1.3 million members, mainly people working in the public services and the essential utilities.<sup>209</sup> Joined the right to abortion campaign.

## **4.2 Timeline Intimate Citizenship**

**1967** Sexual offences Act 1967 partially decriminalises male homosexuality (in England and Wales, Northern Ireland is not included). Age of consent: 21

The Abortion Act 1967 prior to which some women did have abortions for urgent medical reasons or, with the consent of a psychiatrist, to protect their mental health.

**1967** Sexual Offences Act received Royal Assent, partially decriminalising sex between men - two men over 21 'in private'. This applied only to England and Wales. Scotland followed in 1980.

**1982** Northern Ireland, following the (1981) ECHR ruling the case of Dudgeon v UK, partially decriminalise male homosexuality. Age of consent is 21

**1988** The ECHR confirmed that legislation criminalizing male homosexuality contradicted the right to a private life in the case of Norris v Ireland (1988).

**1988** Section 28 of The Local Government Act prohibiting the encouragement of homosexuality by local authorities becomes law.

**1990** The 1967 Act was amended by the Human Fertilization and Embryology Act, which reduced the original time limit of 28 weeks to 24 weeks for most abortions. It also regulates assisted conception.

### **1991 Child support Act**

**1994 Age of consent** for sex between two men is reduced from 21 to 18. An amendment to reduce it to 16 (to bring it into line with heterosexual sex) is defeated in the House of Commons.

## **QUING PERIOD**

### **1996**

Family Law Act included divorce law reform and changed the legal basis for marriage by introducing the concept of 'no fault' in matrimonial proceedings.

Lisa Grant challenged South West Trains for employment discrimination. Inland Revenue published new guidelines recognizing same-sex partners in pension schemes.

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<sup>209</sup> Unison website: [http://www.unison.org.uk/out/pages\\_view.asp?did=676](http://www.unison.org.uk/out/pages_view.asp?did=676)

Change in European Commission on Human Rights, from rejecting applications from gay men who were challenging the higher age of consent for gay men to change in stance in the case of *Sutherland v UK* (1996) where the Commission found that the higher age of consent for gay men was discriminatory and violated a right to a private life. This case was supported by Stonewall and resulted in an equal age of consent in the UK.

Sexual Orientation Discrimination Bill passed through HoL stages in May 1996 with support from both the Labour and Liberal Democrat front benches. The Bill seeks to amend the Sex Discrimination Act 1975 and the Equal Pay Act 1985 to give explicit protection to lesbian and gay people. The European Court of Justice ruled that the Equal Treatment Directive (implemented in the UK by the Sex Discrimination Act 1975) could not be extended to cover discrimination on the grounds of sexual orientation (*Grant v South West Trains*)

### **1997**

GCHQ relaxed its regulations relating to the employment of gays and lesbians. Subsequently M16 also changed its policy, but M15 refused to change. The Commission of the ECHR found in the case of *Euan Sutherland* that unequal age of consent violates convention rights.

Labour Government recognised same sex partners for immigration purposes. The probationary period is set to four years. Reduced in 1999 to two years

#### Age of Consent ruling

European Commission of Human Rights concluded that the UK was in violation of the European Convention on Human Rights Article 8 (*European Commission of Human Rights, 1997, Sutherland vs. United Kingdom*). A series of parliamentary debates where the ages of 18 and 16 for sex between men emerged as two polarized positions. The case resulted in a change in UK legislation whereby UK Government in the following year introduced the Crime and Disorder Bill 1998 (by labour MP Ann Keen) providing for a lowering of the age of consent for homosexual acts to 16.

### **1998**

Crime and Disorder Bill with equal age of consent passed the House of Commons (HoC), but is defeated in the Lords. The amendment, tabled by Labour backbench MP Ann Keen, was first agreed by the HoC on 22 June 1998 (this and subsequent proposals implied an equal age of 17 in Northern Ireland). Baroness Young (former Conservative leader of the House of Lords) organized a campaign of resistance, and the Lords defeated the amendment by on 22 July. Alongside section 28 the age of consent is the most high profile issue in UK lesbian, gay and bisexual politics in 1990s.

### **1999**

Immigration policy changed, meaning gay couples only needed to fulfil a two year, rather than four, probationary period.

House of Lords ruled that same sex partners should be treated as family and have the right to succeed a tenancy.

Law Commission proposed that partners of same-sex couples should be able to claim damages in fatal accident cases.

Scotland proposed to repeal Section 28 as part of the Ethical Standards in Public Life Bill.

Repeal of Section 28 included in the Local Government Bill

Welfare Reform and Pensions Act 1999 introduced significant changes to pensions on divorce, where pension sharing will allow the members pension rights to be divided between

the parties.

Metropolitan police launch initiative against hate crimes, including homophobic crime.

Review of Sexual offences law set up by the Government (reviewers included children's organisations, faith groups, the police, social services, doctors and representatives from Stonewall). Recommendations included the protection of children, women and vulnerable groups from sexual abuse and assault. Also recommended the introduction of a new public order offence to deal with sexual behaviour that a person knew or ought to have known was likely to cause distress, alarm or offence to others in a public place. 'A new offence should operate in a gender and sexuality neutral way. A man and a man – or a woman and a woman – kissing and holding hands in public should no more be criminalised than a man and a woman behaving in the same way' (Setting the Boundaries, review report published one year later in 2000).<sup>210</sup>

## 2000

Reintroduction of the 1996 Sexual Offences Act and, despite opposition from the HoL yet again, it was passed under the Parliament Act 1911 (which, under certain circumstances, allows the HoC to overrule the HoL).<sup>211</sup> The Sexual Offences (Amendment) Act 2000<sup>212</sup> equalized the age of consent at 16 for all sexual acts (including, for the first time, lesbian acts).<sup>213</sup> State Actor: Labour Peer Baroness Turner of Camden (introduced the *Sexual Orientation Discrimination Bill* in the House of Lords on 13 May 1998)

The age of consent issue marks two polarised positions in British politics, conservatism (with predominantly family and/or religiously oriented values versus an equality based liberal position. In the opposition camp, we find religious and conservative groups, such as churches and FULCUM and from within the Parliament, as well as from individual lobbyists, while gay/lesbian civil society organisations such as Stonewall alongside Labour MPs were more likely to be found in the other. The general debates concerned issues such as at what age the fixity of sexual identities is established, and were focused around support for and opposition to 'equality'. Liberal, progressive and radical political forces argued in favour of a *lower* age of consent (liberty), and/or in favour of an *equal* age of consent (Equality). In parliament, the political conflicts over the age of consent were structured by positions between moralist and progressive forces. Sexual progressives argued for 16, in general from centre/left of the political spectra, whereas those arguing for 18 from conservative right. Sexual conservatives emphasised the role of the law in upholding traditional sexual values. The Conservative camp led by baroness Young held that the age of consent a battle over the defence of family values.<sup>214</sup> Health/HIV was also an argument.<sup>215</sup> Campaigning organizations such as the Conservative Family Campaign (in 1994), and the Christian Institute (post-1997) played a leading role.<sup>216</sup> Opposition from religious leaders (including the Archbishop of Canterbury and the Chief Rabbi, Lord Jacobovitz). A key objection in 1998 connected homosexuality with paedophilia, where opposition to the equalisation of age of consent held that the lowering would leave 16-year-olds prey to older men. This argument was met with quite fierce` attacks from civil society (e.g. Stonewall). In the final Act, the government

<sup>210</sup> [http://www.stonewall.org.uk/information\\_bank/criminal\\_law/69.asp](http://www.stonewall.org.uk/information_bank/criminal_law/69.asp)

<sup>211</sup> Sexual Offences (AM) Bill 2000 Explanatory notes <http://www.parliament.the-stationery-office.co.uk/pa/ld199900/ldbills/039/en/00039x--.htm>

<sup>212</sup> Sexual Offences (AM) Act 2000 <http://www.opsi.gov.uk/acts/acts2000/20000044.htm>

<sup>213</sup> See also BBC news briefing and media resources on the Act <http://news.bbc.co.uk/1/hi/uk/1045383.stm>

<sup>214</sup> BBC News, Wednesday, 29 November 2000,). <http://news.bbc.co.uk/1/hi/uk/1045383.stm>

<sup>215</sup> SIGMA (1991) Working Paper on *Young Gay Men in England and Wales: Sexual Behaviour and Implications for the Spread of HIV* Health Education Authority, December 1991. SIGMA is a research group funded by the Department of Health and the Medical Research Council.

<sup>216</sup> The Christian Institute (2000) 'Why the parliament Acts should not be used on the Sexual Offences (AM) Bill' <http://www.christian.org.uk/html-publications/protectgirls.htm>

introduced the 'abuse of trust' element into the legislation meaning that if someone is in a position of trust towards a person aged between 16 and 18 they are not allowed to have a sexual relationship with the younger party (e.g. teacher/student relations). LGBT NGO Stonewall played a central organizational role in the age of consent event and contributed to structuring the terms of public debate through its articulation of arguments in favour of equality (i.e. same age at 16). A wide range of nongovernmental organizations concerned with the promotion of children's and young people's welfare endorsed Stonewall's position.<sup>217</sup>

State Actors: Home Office (+Sex Offences Review), Dept. of Health, Women's Unit, Department for Education and Employment, Crown Prosecution Service,

Civil Society: Stonewall, Save the Children, Fulcum, Christian Institute, Northern Ireland Office, Association of Chief Police Officers

Civil Society: NSPCC, Victim Support, Rape Crisis Federation, Blackliners, Mencap, The Children's Society, University/Liz Kelly, Campaign to End Rape, Stonewall, Mind, Women's National Commission & Soroptimist International, Muslim Council of Britain, CARE (Christian Action, Research and Education)

International ECHR and 1998 Human Rights Act

### **Primary Sources:**

Sexual Offences (AM) Bill 2000 Explanatory notes.<sup>218</sup>

Sexual Offences (AM) Act 2000.<sup>219</sup>

The Christian Institute (2000) 'Why the parliament Acts should not be used on the Sexual Offences (AM) Bill'.<sup>220</sup>

### **2000**

EU Directive requiring all EU member states to ban sexual orientation discrimination, as well as other forms of discrimination listed in Article 13, in employment by the end of 2003.

Government lifts the ban on lesbian and gay men serving in the armed forces.

The report 'Setting the Boundaries' published by the Sexual Offences Review Group. (see Gender Based Violence Timeline).

Ruling by the European Court on Human Rights results in the need to re-draft UK sexual offences law.

### **2001**

London Mayor Ken Livingstone made good his election promise to set up Britain's first register for gay couples as a step towards equality under the law for same sex couples, even though the register does not confer legal marriage rights upon them.

### **2002**

Controversial adoption legislation to give unmarried and gay couples the right to adopt a

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<sup>217</sup> They include Barnardo's, Save the Children, the National Society for the Prevention of Cruelty to Children, National Children's Bureau, National Children's Homes Action for Children, the British Association of Social Workers, the National Association of Probation Officers, the Family Welfare Association and the National Youth Agency. Authoritative medical opinion, represented in particular by the British Medical Association (BMA) (1994) was also invoked. The BMA and several child welfare organizations were cited, for example, in Stonewall's advertisement in *The Times* titled 'Age of Consent for Young Gay Men: Whose Side are You On?' (*The Times*, 13 April 1999, p.14; cf. Stonewall, 1998).

<sup>218</sup> <http://www.parliament.the-stationery-office.co.uk/pa/ld199900/ldbills/039/en/00039x--.htm>

<sup>219</sup> <http://www.opsi.gov.uk/acts/acts2000/20000044.htm>

<sup>220</sup> <http://www.christian.org.uk/html-publications/protectgirls.htm>

child completes its passage through Parliament.

Civil Partnership Bill - 9 January 2002 - Lord Lester's private members' bill, The Civil Partnerships Bill 2002 introduced in House of Lords.

Adoption and Children Act 2002 (implemented 2004) and allows unmarried couples (regardless of sexual orientation) and civil partners to apply to adopt a child jointly.

Civil Society: strong opposition from religious group (see introduction to Intimate Citizenship).

Rape Action plan to implement the recommendations of the HMCPSP/HMIC joint investigation into the investigation and prosecution of cases involving allegations of rape.

Primary source: Home Office (2002) Rape Action Plan (15 pages).<sup>221</sup>

Rape and unlawful intercourse legal case where religion is taken into account (R v Attorney General's Reference 51 of 2001). The Court treated as aggravating features the fact that the victim had been forced to participate in oral sex, and that 'she was a young Muslim woman and a virgin who had lost a degree of respect in her own community and whose marriage prospects had undoubtedly been damaged'. 'Religious and cultural considerations were taken into account as increasing the damage to the victim and justifying a harsher sentence'.<sup>222</sup>

### 2003

Repeal of Section 28.

Employment Equality (Sexual Orientation) Regulations became law on 1 December making it illegal to discriminate against lesbians, gay men and bisexuals in the workplace.

Gender Recognition Bill Response to the Joint Committee on Human Rights' Nineteenth Report of Session 2002-03. Draft Gender Recognition Bill, December 2003. Department of Constitutional Affairs.<sup>223,224</sup>

The Criminal Justice Act 2003 does not create an offence for homophobic assault as such. However, it ensures that where an assault involving or was motivated by hostility or prejudice

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<sup>221</sup> <http://police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/rape-action-plan.pdf?view=Binary>

<sup>222</sup> Phillips, Anne, (2003) 'When Culture Means Gender: Issues of Cultural Defence in the British Courts' *Modern Law Review* 66, 2003, pp510-531.

<sup>223</sup> <http://www.dca.gov.uk/constitution/transsex/jchrrresp.htm>

<sup>224</sup> Breitenbach, Esther (2004) 'Researching lesbian, gay, bisexual and transgender issues in Northern Ireland'. Office of the First Minister and Deputy First Minister. report outlines the policy context in Northern Ireland (and England, Wales, Scotland and the Republic of Ireland) in relation to sexual orientation and transgender issues (e.g. legal changes concerning adoption, age of consent, parental leave entitlement, immigration rules) and the development of equality strategies. It is argued that the interaction of discrimination on the grounds of sexual orientation and other grounds (gender, race etc.) means that lesbian, gay, bisexual and transsexual (LGBT) issues should be included in equality strategies addressing these other inequalities as well as there being a specific focus on sexual orientation issues.' (SoA). Carabine, Jean, & Surya Monro (2004) 'Lesbian and gay politics and participation in New Labour Britain'. *Social Politics* 11 (2):312-327. 'The Changing Politics of Lesbian and Gay Equality in British Local Government 1990-2001' which aimed to explore lesbian and gay politics and local government equality policy making and consisted of case studies of 12 UK local authorities involved in sexualities equality work- 6 of which were pioneers in this area in the 1980s while 6 were relatively new to the field. The authors describe the changing context in the UK, exploring the work of a cluster of authorities in the 1980s which extended their equalities work to sexual orientation. This work prompted a backlash and in 1988 the Thatcher government introduced Section 28 making the promotion of homosexuality by local authorities illegal, creating a climate of fear which stifled work in many local authorities (see SoA).

based on disability or sexual orientation (actual or perceived) the judge is required to treat this as an aggravating factor; state in open court any extra elements of the sentence that they are giving for the aggravation. The Criminal Justice Act 2003 does not specify the amount by which sentences should be increased where disability or sexual orientation are aggravating factors. Recognition of homophobic crime as hate crime: processes to recognise homophobic assault as 'hate crime' have taken place in simultaneously in UK + Northern Ireland.

Sexual Offences Act changes the age of consent to be equal for gay/straight persons in England and Wales (Criminal Law (Consolidation) (Scotland) Act 1995 (as amended) in Scotland and by the Sexual Offences (Amendment) Act 2000 in Northern Ireland.<sup>225</sup>

Civil partnership Consultation. In June 2003, the Women and Equality Unit (in DTI) published a consultation document Civil Partnerships in which it proposed a framework for the legal recognition of same sex couples.<sup>226</sup> It outlines the proposed creation of a new legal status of 'registered partner' and the package of rights and responsibilities that might follow from the registration of a same-sex civil partnership. The consultation process was three months long and generated some 3000 submissions/responses. The responses to the consultation were summarised in 'Responses to Civil Partnership: a framework for the legal recognition of same-sex couples.'<sup>227,228</sup> 83% of the responses supported the principle of a civil partnership scheme.<sup>229</sup>

Opposing actors argued that 'perceived disadvantages are as a result of their chosen lifestyle, not a shortcoming in the law. Other disadvantaged couples or individuals, e.g. disabled, elderly etc. are not in that position through choice so the proposal is unfair to them as special provision is being made for same-sex couples' (religious organisation) or 'This action if taken is a total discrimination against 'normal' people, e.g. sisters or brothers or a mother and disabled daughter who live together all their lives, people who are not involved in homosexual relationships' (religious organisation).<sup>230</sup>

State actors: Women and Equality Unit, Dept of Work and Pensions.<sup>231</sup> Dept of Constitutional Affairs, Joint Committee on HR.<sup>232</sup> Equality Commission for Northern Ireland (an independent public body established under the *Northern Ireland Act 1998* which works towards the elimination of discrimination and promotes equality of opportunity).<sup>233</sup> Northern Ireland

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<sup>225</sup> Northern Ireland Sexual Offences (Am) Act 2000

<http://www.opsi.gov.uk/acts/acts2000/20000044.htm>

<sup>226</sup> Women & Equality Unit, Civil Partnership - A framework for the legal recognition of same-sex couples,

30 June 2003, [http://www.womenandequalityunit.gov.uk/research/civ\\_par\\_con.pdf](http://www.womenandequalityunit.gov.uk/research/civ_par_con.pdf)

<sup>227</sup> [http://www.womenandequalityunit.gov.uk/research/index.htm#cp\\_responses](http://www.womenandequalityunit.gov.uk/research/index.htm#cp_responses)

<sup>228</sup> Women & Equality Unit, Responses to Civil Partnership - A framework for the legal recognition of same-sex couples, November 2003

[www.womenandequalityunit.gov.uk/publications/CP\\_responses.pdf](http://www.womenandequalityunit.gov.uk/publications/CP_responses.pdf)

<sup>229</sup> more info on WEU website <http://www.womenandequalityunit.gov.uk/lgbt/partnership.htm>

<sup>230</sup> Two types of criticisms: 1) civil partnerships will not be open to opposite-sex couples. 'The Committee asks the government to justify the discrimination. However, they have written to the government asking what further reform it proposes on the law of unmarried couples. This implies that plans to create a de-facto regime for all couples may justify such discrimination. 2) dependants pensions in final salary schemes will only be measured on future contributions. We have continuously criticised this area and maintain that this is blatant discrimination. The Committee does not agree that the argument that pension law cannot be retrospective justifies discrimination in this area.' Report: <http://www.publications.parliament.uk/pa/jt200304/jtselect/jtrights/136/136.pdf>

<sup>231</sup> Department for Work and Pensions press release 'Pension Gains for Same-Sex Couples'

<sup>232</sup> Commons Written Answer to Christopher Chope (Con) on the Government's response to the Joint Committee on Human Rights

<sup>233</sup> Sources: Civil partnership Act 2006; Women and Equality Unit (in DTI) 'Civil Partnership. A

Human Rights Commission (The Commission came into existence on 1 March 1999 to promote awareness of human rights and advise on what steps need to be taken to fully protect them).<sup>234</sup>

Civil society: Stonewall<sup>235</sup> LAGLA<sup>236</sup> Gay and Lesbian Humanist Association<sup>237</sup> CARE<sup>238</sup> Lesbian and Gay Christian movement<sup>239</sup> Christian Voice<sup>240</sup> Church of England Archbishops Council<sup>241</sup> Liberty<sup>242</sup> Unison<sup>243</sup> Lesbian and Gay Lawyers Association.<sup>244</sup>

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framework for the legal recognition of same-sex couples' June 2003.

[http://www.womenandequalityunit.gov.uk/research/civ\\_par\\_con.pdf](http://www.womenandequalityunit.gov.uk/research/civ_par_con.pdf) Response March 2004: [www.equalityni.org/uploads/word/CivilPartnershipNIFinal0403.doc](http://www.equalityni.org/uploads/word/CivilPartnershipNIFinal0403.doc); Women and Equality Unit (in DTI) 'Responses to Civil Partnership. A framework for the legal recognition of same-sex couples' November 2003 [http://www.womenandequalityunit.gov.uk/publications/CP\\_responses.pdf](http://www.womenandequalityunit.gov.uk/publications/CP_responses.pdf); Department of work and pensions 'Occupational and personal pensions' Government response to the consultation 'The civil partnership' contracted –out occupational and appropriate personal pension scheme (surviving civil partners) order 2005. June 2005, [http://www.dwp.gov.uk/publications/dwp/2005/occ\\_per\\_pen\\_civil/govt\\_response\\_to\\_cons0605.pdf](http://www.dwp.gov.uk/publications/dwp/2005/occ_per_pen_civil/govt_response_to_cons0605.pdf); Primary Department of constitutional affairs Consultation Paper on Civil Partnership Act 2004 Amendments to Family Procedure. CP (L) 19/05 13/07/2005 <http://www.dca.gov.uk/consult/cpa/consulta.pdf>, and part II at <http://www.dca.gov.uk/consult/cpa/consultb.pdf>; 5 Parliamentary debates in May 2003; The Joint Committee on Human Rights 'Fifteenth Report on the Civil Partnership Bill' July 2004 **Secondary:** list of media articles and debates in various newspapers such as the Economist, the Guardian, the Observer, the Telegraph and BBC.

[http://dmoz.org/Regional/Europe/United\\_Kingdom/Society\\_and\\_Culture/Politics/Issues/Civil\\_Partnerships\\_Bill/News\\_and\\_Media/ne](http://dmoz.org/Regional/Europe/United_Kingdom/Society_and_Culture/Politics/Issues/Civil_Partnerships_Bill/News_and_Media/ne)

<sup>234</sup> <http://www.nihrc.org/index.htm>

<sup>235</sup> Stonewall (2003) 'Stonewall response to 'Civil Partnership – a framework for the legal recognition of same-sex couples' ' August 2003 Stonewall response to 2004 Civil Partnership Act [www.stonewall.org.uk/campaigns/22.asp](http://www.stonewall.org.uk/campaigns/22.asp) and Pre-white paper briefing June 2003 and Response, August 2003 [www.stonewall.org.uk/docs/Pre\\_White\\_Paper\\_briefing\\_June\\_2003.doc](http://www.stonewall.org.uk/docs/Pre_White_Paper_briefing_June_2003.doc), [www.stonewall.org.uk/docs/Stonewall\\_response\\_August\\_2003.doc](http://www.stonewall.org.uk/docs/Stonewall_response_August_2003.doc)

<sup>236</sup> Gay and lesbian rights NGO that lobbied for more extensive equality in a limited number of issues relating to pensions, unregistered couples and international law

<http://www.lagla.org.uk/improvements.htm>. Lobbied for the recognition of overseas registered partnership regimes and dissolutions, see LAGLA's reply to Gov original Proposal

[http://www.lagla.org.uk/files/lagla\\_civil\\_partnership\\_response.pdf](http://www.lagla.org.uk/files/lagla_civil_partnership_response.pdf) and

<http://www.lagla.org.uk/files/CPBillamendmentsintlords.pdf>

<sup>237</sup> The NGO expressed concerns of the lack of equality between same sex/different sex institutionalised relations in bill <http://www.gayfinance.info/gay-partnership-rights/civil-partnerships-queens-speech.htm>

<sup>238</sup> CARE is a Christian charity involved in caring, campaigning and communicating across the UK.

Response June 2003 <http://www.care.org.uk/policy/Family%20-20DTI%20Civil%20Partnerships%20June%2020031.pdf>

<sup>239</sup> 'Praying for an inclusive Church'. Response to Lords amendment

<http://www.lgcm.org.uk/press/press30.html>.

<sup>240</sup> An organisation to uphold Christianity as the faith of the United Kingdom; to be a voice for Biblical values in law and public policy and to defend and support traditional family life. Briefing paper April 2004. [www.christianvoice.org.uk/Briefing%20papers/ART852.pdf](http://www.christianvoice.org.uk/Briefing%20papers/ART852.pdf)

<sup>241</sup> Church of England Archbishops Council - Response to consultation paper

<http://www.cofe.anglican.org/papers/civilpartnership.doc>

<sup>242</sup> An organisation working to promote human rights and protect civil liberties. Response September 2003 <http://www.liberty-human-rights.org.uk/resources/policy-papers/policy-papers-2003/pdfdocuments/sept-2003-civil-partnerships-response.pdf>

<sup>243</sup> Britain's biggest trade union, with 1.3 million members – people working in the public services and the essential utilities [http://www.unison.org.uk/out/pages\\_view.asp?did=676](http://www.unison.org.uk/out/pages_view.asp?did=676)

<sup>244</sup> A group of lesbian and gay lawyers who meet for seminars, conferences and social gatherings. Response to consultation [http://www.lagla.org.uk/files/lagla\\_civil\\_partnership\\_response.pdf](http://www.lagla.org.uk/files/lagla_civil_partnership_response.pdf)

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Women and Equality Unit (2003) 'Civil Partnership - A framework for the legal recognition of same-sex couples' 30 June 2003. (Government proposal on civil partnership)

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Women and Equality Unit (2003) 'Responses to Civil Partnership - A framework for the legal recognition of same-sex couples' November 2003.<sup>246</sup>

Department of Work and Pensions 'Occupational and personal pensions' Government response to the consultation 'The civil partnership contracted – out occupational and appropriate personal pension scheme (surviving civil partners) order'. June 2005.<sup>247</sup>

Department of Constitutional Affairs Consultation Paper on Civil Partnership Act 2004 Amendments to Family Procedure. CP (L) 19/05 13/07/2005.<sup>248</sup>

Stonewall (2003) 'Stonewall response to 'Civil Partnership – a framework for the legal recognition of same-sex couples'' August 2003.<sup>249</sup>

Christian Voice (2004) Briefing paper on CP April 2004.<sup>250</sup>

Church of England Archbishops Council (2004) 'Response to consultation paper'.<sup>251</sup>

Civil Partnership Consultation Northern Ireland, 'Civil Partnership: A Legal Status for Committed Same-Sex Couples in Northern Ireland'. Office of Law Reform, Department of Finance and Personnel (Ian Pearson MP).<sup>252</sup> In particular in Northern Ireland, 'equality' was being used both by those opposing civil partnership and those in favour of CP. For instance, the Equality Commission for Northern Ireland stated: 'It is imperative that the status, rights and responsibilities of same-sex couples in Northern Ireland are the same as people in all other parts of the United Kingdom.'

## 2004

Civil Partnership Bill presented by the Government in March.<sup>253</sup> Responses to the consultation showed an 84% support of the principle of a civil partnership scheme.

Issues of the debates included: the bill will dilute marriage by extending the rights of it to others, Gov should extend marriage itself, Opposite-sex couples should have the right to enter into a non-marriage civil partnership, there is no point legislating for same-sex partners as this would lead to discrimination against heterosexual non-married couples. The bill received Royal Assent on 18 November 2004.

State Actors: House of Lords, House of Commons.<sup>254</sup>

Civil Society: the Law Society; Carers UK (opposed the HoL amendment); Stonewall (stated that protection for family members and carers should be in a separate Bill)

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<sup>245</sup> Link to first, second and third reading of the bill in parliament; debates in parliament and various briefings on the bill:

[http://www.stonewall.org.uk/information\\_bank/partnership/civil\\_partnership\\_act/default.asp](http://www.stonewall.org.uk/information_bank/partnership/civil_partnership_act/default.asp)

<sup>246</sup> [www.womenandequalityunit.gov.uk/publications/CP\\_responses.pdf](http://www.womenandequalityunit.gov.uk/publications/CP_responses.pdf)

<sup>247</sup> [http://www.dwp.gov.uk/publications/dwp/2005/occ\\_per\\_pen\\_civil/govt\\_response\\_to\\_cons0605.pdf](http://www.dwp.gov.uk/publications/dwp/2005/occ_per_pen_civil/govt_response_to_cons0605.pdf);

<sup>248</sup><sup>248</sup> <http://www.dca.gov.uk/consult/cpa/consulta.pdf>. Part II at

<http://www.dca.gov.uk/consult/cpa/consultb.pdf>

<sup>249</sup> [http://www.stonewall.org.uk/documents/Stonewall\\_response\\_August\\_2003.doc](http://www.stonewall.org.uk/documents/Stonewall_response_August_2003.doc)

<sup>250</sup> [www.christianvoice.org.uk/Briefing%20papers/ART852.pdf](http://www.christianvoice.org.uk/Briefing%20papers/ART852.pdf)

<sup>251</sup> <http://www.cofe.anglican.org/papers/civilpartnership.doc>

<sup>252</sup> Most respondents in NI (86%) were opposed to the introduction of civil partnership in Northern Ireland. Most organisations (60%), however, including the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission, were supportive of the proposal, (27 supportive, 17 opposed).

<sup>253</sup> <http://www.publications.parliament.uk/pa/ld200304/ldbills/053/2004053.pdf>

<sup>254</sup> The Commons removed the amendment passed during the report stage at the House of Lords which would have extended the provisions of the Bill to family members and carers. The amendment was supported by Conservative peer Baroness O'Cathain.

### Primary sources:

2004 Civil Partnership Bill.<sup>255</sup>

Women and Equality Unit (2003, June) 'Civil Partnership - A framework for the legal recognition of same-sex couples'.<sup>256</sup>

House of Lords debate on the Civil Partnership Bill (2002 Jan) second reading.<sup>257</sup>

### 2004

The Civil Partnership Act<sup>258</sup> was passed, giving couples who form a civil partnership a legal status and the right to have equal treatment to married couples in a wide range of legal matters. Equality is explicit, but *gender equality* framings are rarely explicitly found in relation to civil partnership. The rights for civil partners include for instance joint treatment for income-related benefits; joint state pension benefits; ability to gain parental responsibility for each other's children; recognition for immigration purposes; exemption from testifying against each other in court; right to register the death of a partner; right to claim a survivor pension; compensation for fatal accidents or criminal injuries; recognition under inheritance and intestacy rules.<sup>259</sup>

Hate Crime Scotland. The Scottish Executive published a consultation paper on hate crime to consider what improvements, including legislation, could be made to deal with crimes based on hatred towards social groups.<sup>260</sup>

Public Health White Paper launched by Women and Equality Unit, the Department of Health according to which the government 'has committed an extra £40 million to improve access to contraceptive services' which is part of the £300 million for sexual health, discrimination, and the rights of the child. There have been several attempts in Parliament to restrict abortion law further, and on the other hand attempts to make the legislation less restrictive. Abortion have become present in UK politics as a problem where an increasing number of young women and girls need/want abortions. In this context, the media report on doctors refusing performing abortion<sup>261</sup> suggesting that women's rights to their own bodies are being violated (*gender equality/health/reproductive rights issue*) and on how 'young girls need to learn to say no'.<sup>262</sup> A large majority of people in the UK support the provision of legal abortion. There is however some debate about the future of UK abortion law with several groups actively campaigning to reduce or remove the availability of abortion.<sup>263</sup>

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<sup>255</sup> <http://www.publications.parliament.uk/pa/ld200304/ldbills/053/2004053.pdf>

<sup>256</sup> [http://www.womenandequalityunit.gov.uk/research/civ\\_par\\_con.pdf](http://www.womenandequalityunit.gov.uk/research/civ_par_con.pdf)

<sup>257</sup> [http://www.publications.parliament.uk/pa/ld200102/ldhansrd/vo020125/text/20125-01.htm#20125-01\\_head1](http://www.publications.parliament.uk/pa/ld200102/ldhansrd/vo020125/text/20125-01.htm#20125-01_head1)

<sup>258</sup> Full list of various documents related to the CPA 2004 such as the act, secondary legislation, debates, speeches etc. at <http://www.galha.org/dir/law/cpa2004.html>

<sup>259</sup> The Civil partnership Bill

(<http://www.publications.parliament.uk/pa/ld200304/ldbills/053/2004053.pdf>) was announced on 31 March 2004 and the actual Act came into effect on 2005. Debates in Parliament: 10 May 2004; 12 May 2004; 13 May 2004; 17 May 2004; 25 May 2004

<sup>260</sup> <http://www.scotland.gov.uk/Topics/Justice/criminal/17915/10744>

<sup>261</sup> The Independent (16 April 2006) on how doctors refuse to perform abortion in the UK. [http://news.independent.co.uk/uk/health\\_medical/article2452408.ece](http://news.independent.co.uk/uk/health_medical/article2452408.ece)

<sup>262</sup> Abortion/education/sexuality: Conservative MP Theresa May: 'We need to educate and instil young girls with the self esteem to resist the pressures which are clearly placed on them at such young ages, and equip them with the confidence to say no'

<sup>263</sup> Abortion act - Where do we draw the line?' by Jonathan Gornall, freelance journalist in British medical journal about arguments for reform of 1967 Abortion Act [www.bmj.com/cgi/content/full/334/7588/285?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&fulltext=%22Jonathan+Gornall%22&searchid=1&FIRSTINDEX=0&resourcetype=HWCIT](http://www.bmj.com/cgi/content/full/334/7588/285?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&fulltext=%22Jonathan+Gornall%22&searchid=1&FIRSTINDEX=0&resourcetype=HWCIT). For more medical perspectives, see News Medical Net on arguments for reform of UK Abortion Act at <http://www.news-medical.net/?id=21800>

State actors: WEU, Dept. of Health, Dept. of Education.

Civil society Equal Opportunities Commission who approached abortion in terms of discrimination and employment: the Equality Commission for Northern Ireland 'Disabled Women in Northern Ireland: Situation, Experiences and Identity' Education for Choice.<sup>264</sup> Home Abortion Rights UK<sup>265</sup> Family Planning Association<sup>266</sup> Marie Stopes International<sup>267</sup> British Pregnancy Advisory Service<sup>268</sup> Society for the Protection of the Unborn Child<sup>269</sup> Student Lifenet<sup>270</sup> and the ProLife Alliance.<sup>271</sup>

Adoption and Children Act permits same-sex partners to adopt as a couple. Also, the Department of Health Minister Melanie Johnson announced the intention to review the provisions of the Human Fertilisation and Embryology Act 1990) to ensure that the law takes account of the scientific developments and changing public opinion. Donor insemination provided by clinics is regulated by the Human Fertilisation and Embryology Act 1990 according to which insemination clinics are not allowed to provide services without taking into account 'the welfare of any child who may be born as a result including the need of that child for a father' (p. 13). Private donor arrangements are not regulated.<sup>272</sup>

Government launches a white paper 'Fairness for All: A new Commission for Equality and Human Rights' covering all areas of inequality in terms of race, gender, disability, sexual orientation, age and religion.

Green paper 'Parental Separation: Children's Needs and Parents' Responsibilities'<sup>273</sup> launched by family and justice minister and included methods to settle child custody disputes. The paper met strong criticism from the fathers' rights movement.

State actor: Dept. of Constitutional Affairs

## 2005

### Abortion

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<sup>264</sup> <http://www.efc.org.uk/>

<sup>265</sup> <http://www.abortionrights.org.uk/>

<sup>266</sup> 'These figures highlight the urgent need to improve NHS contraceptive services. Greater investment is needed to improve access to services and train more health professionals in order to prevent unintended pregnancy.'

<sup>267</sup> 'the rise among young people continues to be a concern. This re-emphasises the need for more focus on better sex education.' [www.mariestopes.org.uk](http://www.mariestopes.org.uk)

<sup>268</sup> 'Women today want to plan their families and, when contraception fails, they are prepared to use abortion to get back in control of their lives. Motherhood is just one among many options open to women and it is not surprising that younger women want to prioritise other things. We should stop seeing abortion as a problem and start seeing it as a legitimate and sensible solution to the problem of unwanted pregnancy.'

<sup>269</sup> 'Women are being rushed into making the decision'

<sup>270</sup> A national coalition of pro-life students 'This is a very vulnerable group of young girls and we are shocked that the abortion rate for this age category is increasing year-on-year. It is clear now that the UK effectively has abortion-on-demand. The government must take immediate steps to reduce this horrific number of abortions by at least half through cutting the abortion time limit.'

<sup>271</sup> Abortion and mental health + 'Absolute respect for human life is the keystone of justice. A truly just society affirms the fundamental moral equality of all human beings and provides the full protection of the law for all its members, regardless of sex, race, creed, age, size, wealth or physical or mental attainments' [www.prolife.org.uk/](http://www.prolife.org.uk/)

<sup>272</sup> ILGA & Lewis, Jackie (1998)'Equality for Lesbians and Gay

Men' <http://www.steff.suite.dk/report.pdf>

<sup>273</sup> 'Parental Separation: Children's Needs and Parents Responsibilities' (Cm 6273 July 2004)

Presented to Parliament by the Secretary of State for Constitutional Affairs, the Secretary of State for Education and Skills, the Secretary of State for Trade and Industry. Ministers: Lord Falconer Charles Clarke Patricia Hewitt <http://www.dfes.gov.uk/childrensneeds/docs/DfesChildrensNeeds.pdf>

Public consultation paper (following the 2004 announcement of Human fertilization review) Review of the Human Fertilisation and Embryology Act was launched by the Dept. of Health in 2005.<sup>274</sup> Followed by the 2006 White Paper: Review of the Human Fertilisation and Embryology Act. Includes: reproductive rights: assisted insemination (including gay couples) and abortion.

**Primary sources:**<sup>275</sup>

Dept of Health (2005) 'Review of the Human Fertilisation and Embryology Act' Consultation document.<sup>276</sup>

Constitutional Affairs Committee report concluded that 'non-resident' parents (mainly referring to divorced fathers) are being disadvantaged by the Courts on child custody rulings. A draft Children (Contact) and Adoption Bill<sup>277</sup> was published in February 2005, aiming to widen the power of judges in dealing with parents who obstruct their ex-partners from seeing their children.

'Parental Separation: Children's Needs and Parents Responsibilities Parental Separation: Children's Needs and Parents Responsibilities Next Steps Report on the responses to Consultation and Agenda for Action'<sup>278</sup> announced which included fathers' right agenda.

Section 146 of the Criminal Justice Act 2003 implemented in April, empowering courts to impose tougher sentences for offences aggravated or motivated by the victim's sexual orientation.

Government amends the Equality Bill, including a clause to make it illegal to discriminate against lesbians and gay men in the provision of goods and services – from NHS care through to hotels and restaurants (thereby moving beyond EU requirements.)

Section 146 of the Criminal Justice Act 2003 came into effect in April 2005, empowering courts to impose tougher sentences for offences motivated or aggravated by the victim's sexual orientation in England and Wales. Crime against LGBs framed as Hate Crime.

Children (Contact) and Adoption Bill in February 2005 aims at widening the judges' powers in cases where one parent obstruct their ex-partner from seeing their children (UK men's movement strong in lobbying this issue).

**2006**

'Convicting Rapists and Protecting Victims – Justice for Victims of Rape'. Consultation document published by the Home Office.

State actor: Office for Criminal Justice Reform

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<sup>274</sup> All Review documents including responses to consultation available at:

[http://www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/Assistedconception/Assistedconceptiongeneralinformation/DH\\_4069149](http://www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/Assistedconception/Assistedconceptiongeneralinformation/DH_4069149) and

[http://www.dh.gov.uk/en/Consultations/Responsestoconsultations/DH\\_4132358](http://www.dh.gov.uk/en/Consultations/Responsestoconsultations/DH_4132358)

<sup>275</sup> Full list of documents relating to consultation, act etc:

[http://www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/Assistedconception/Assistedconceptiongeneralinformation/DH\\_4069149](http://www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/Assistedconception/Assistedconceptiongeneralinformation/DH_4069149)

<sup>276</sup> Download Review of the Human Fertilisation & Embryology Act: Consultation document (PDF, 418K)

<sup>277</sup> Children (Contact) and Adoption Bill <http://www.dfes.gov.uk/childrensneeds/>

<sup>278</sup> 'Parental Separation: Children's Needs and Parents' Responsibilities: Next Steps. Report of the responses to consultation and agenda for action' Presented to Parliament by The Secretary of State for Constitutional Affairs, the Secretary of State for Education and Skills, and the Secretary of State for Trade and Industry

<http://www.dfes.gov.uk/childrensneeds/docs/ParentalSeparation.pdf>

**Primary Source:** Home office (2006) 'Convicting Rapists and Protecting Victims - Justice for Victims of Rape'.<sup>279</sup>

The Equality Act 2006<sup>280</sup> establishes the Commission for Equality and Human Rights (CEHR) (later changed its name to Equality and Human Rights Commission, EHRC) and makes discrimination against lesbians and gay men in the provision of goods and services illegal - gains Royal assent on 16 February 2006. In banning discrimination in the provision of goods, facilities and services on the basis of *sexual orientation* in a similar way to rules on *sex* and *race discrimination*. In the course of adopting the legislation, there was a major debate concerning gay adoption in relation to discrimination where *church run adoption agencies* initially refused to let gay couples adopt.<sup>281</sup> Some Christians strongly resisted this legislation, arguing that by being obliged to provide *goods and services* to gay couples they engage in what they regard as sin, and compromise their religious conviction.<sup>282</sup> Throughout this debate, the leader of the Roman Catholic Church in England and Wales said adoption agencies will close if they cannot opt out of new gay rights laws.<sup>283</sup> The debate also raised the issue of churches as *employers* vs. churches as centres of *belief*. As employers, the legislation applies equally to church run and non-church run adoption agencies. In this regard, sexual orientation and discrimination comes into *civil partnership* rights. The main state actors in this process were Women's Equality Unit<sup>284</sup> the EOC, House of Lords European Union Committee<sup>285</sup> and Dept. of Communities and Local Government. From civil society, the major actors include Stonewall, the Church of England<sup>286</sup> Roman Catholic Church in England and Wales.

EHCR ruling on the rights to frozen embryos. In 2006, the ECHR ruled against a UK woman in a case where she attempted to win the rights over frozen embryos to have a child, after her partner had withdrawn his consent.<sup>287</sup> Both the UK Court of Appeal and High Court

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<sup>279</sup> <http://www.homeoffice.gov.uk/documents/cons-290306-justice-rape-victims?view=Binary>

<sup>280</sup> Equality Act 2006: [http://www.opsi.gov.uk/acts/acts2006/ukpga\\_20060003\\_en.pdf](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060003_en.pdf). See also Explanatory Notes to the Act <http://www.opsi.gov.uk/acts/en2006/2006en03.htm>

<sup>281</sup> The Act was supposed to come into force in October 2006, but was delayed because of 3,000 responses to a consultation

<sup>282</sup> <http://www.ekklesia.co.uk/news/columns/fraser/070115>

<sup>283</sup> Cardinals letter to PM Tony Blair: [http://news.bbc.co.uk/1/hi/uk\\_politics/6290073.stm](http://news.bbc.co.uk/1/hi/uk_politics/6290073.stm). see also BBC news [http://news.bbc.co.uk/1/hi/uk\\_politics/6289301.stm](http://news.bbc.co.uk/1/hi/uk_politics/6289301.stm). see also BBC News where president of the National Secular Society declares 'The Catholic Church must not be permitted to control our legislature through this kind of blackmail' [http://news.bbc.co.uk/1/hi/uk\\_politics/6290801.stm](http://news.bbc.co.uk/1/hi/uk_politics/6290801.stm).

<sup>284</sup> <http://www.womenandequalityunit.gov.uk/lgbt/orientation.htm>

<sup>285</sup> House of Lords European Union Committee 27th Report of Session 2003-04 'Sexual Equality in Access to Goods and Services Report' 22 September 2004. The European Union Committee is appointed by the House of Lords. Sub-Committees Economic and Financial Affairs, and International Trade, Internal Market, Foreign Affairs, Defence and Development Policy, Agriculture and Environment, Law and Institutions, Home Affairs, Social and Consumer Affairs (<http://www.publications.parliament.uk/pa/ld200304/ldselect/ldcom/165/165.pdf>)

<sup>286</sup> Open letter to Tony Blair on gay adoption: <http://www.ekklesia.co.uk/news/uk/070124sentgay>

<sup>287</sup> Ms Natalie Evans had been undergoing *in vitro* fertilisation (IVF) procedures with her partner, Mr Howard Johnston, when she was diagnosed with early stage ovarian cancer. Their resulting embryos had been stored in expectation of starting a family at a later time. However, their relationship ended and Mr Johnston subsequently withdrew his consent for Ms. Evans to use the embryos. The case eventually went to the ECHR in February 2005. Ms Evans argued that there had been a violation of her and her embryos' rights under the European Convention on Human Rights. She cited Article 8, which protects the right to respect for private and family life and Article 14, which prohibits discrimination. According to the Court, as there is no international consensus over the regulation of IVF treatment, European Union Member States have been allowed some 'margin of appreciation' when creating national law. The UK Human Fertilisation and Embryology Act 1990 makes it illegal for clinics to use embryos in treatment if one party refuses their consent. As this was the position of other

dismissed her claims. Leave to appeal to the House of Lords was refused. The UK Human Fertilisation and Embryology Act 1990 makes it illegal for clinics to use embryos in treatment if one party refuses their consent. The Court rejected a claim under article 2 which protects an individual's right to life in that *'Under English law an embryo did not have independent rights or interests and could not claim—or have claimed on its behalf—a right to life...'*

On 13 March, the Consultation document 'Getting Equal: Proposals to Outlaw Sexual Orientation Discrimination in the Provision of Goods & Services' set out proposals for the domains to be included in coming regulations, mandated by the 2006 Equality Act.<sup>288</sup>

#### **Primary sources:**

Women & Equality Unit (2006) 'Getting Equal. Proposals to outlaw sexual orientation discrimination in the provision of goods and services.' Consultation paper.<sup>289</sup>

#### **2007**

On 7 March 2007 the Government published the Response to the 'Getting Equal' consultation<sup>290</sup> and laid The Equality Act (Sexual Orientation) Regulations 2007<sup>291</sup> in Parliament to prohibit discrimination in goods and services on the grounds of sexual orientation. The Regulations then went before the HoL & HoC for debate and came into force on 30 April 2007 (the same time as Part 2 of the Equality Act. Part 2 provides parallel protection against discrimination in the provision of goods and services on the grounds of people's religion or belief).

The legislation outlaws discrimination in a range of areas, from hospitals to schools in the public sector and Bed & Breakfast establishments to banking in the private sector. All public sector organisations are covered by the legislation and it is therefore illegal for businesses including banks, estate agents, hotels and bars to turn away gay customers or discriminate against them when providing goods or services. Religious groups providing publicly-funded welfare services to the community, like meals on wheels or drug rehabilitation have no more right to discriminate than anyone else. Religious services like weddings or baptisms are not covered by the laws, however, religious adoption agencies are. They were given until the end of 2008 to adapt their services. Resistance from church included the leader of the Catholic church in England and Wales, Cardinal Murphy-O'Connor, who publicly threatened to close Catholic adoption agencies unless the Government exempted them from the goods and services regulations, allowing them to turn lesbian and gay couples away.

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Member States the Court decided that the UK had reached a balanced position in its national law, in regards to Article 8. The Court also disagreed with Ms Evans' assertion *'...that the situation of the male and female parties to IVF treatment could not be equated and that a fair balance could in general be preserved only by holding the male donor to his consent.'* Ms Evans also could not claim that she had been treated any differently than any other woman in her situation, therefore there was no violation of her Article 14 protection against discrimination. The Court did express sympathy that Ms Evans would not be able to give birth to her own genetically related child. BBC news report 03/07/06.

<sup>288</sup> Consultation paper 'Getting Equal: Proposals to outlaw sexual orientation, discrimination, in the provision of goods and services' Women and Equality Unit (2005)

[http://www.communities.gov.uk/pub/537/GettingEqualProposalstooutlawsexualorientationdiscriminationintheprovisionofgoos\\_id1505537.pdf](http://www.communities.gov.uk/pub/537/GettingEqualProposalstooutlawsexualorientationdiscriminationintheprovisionofgoos_id1505537.pdf); Getting Equal: Proposals to outlaw sexual orientation discrimination in the provision of goods and services – Government response to consultation 7 March 2007

[http://www.communities.gov.uk/pub/503/GettingEqualProposalstooutlawsexualorientationdiscriminationintheprovisionofgoon\\_id1508503.pdf](http://www.communities.gov.uk/pub/503/GettingEqualProposalstooutlawsexualorientationdiscriminationintheprovisionofgoon_id1508503.pdf); The Equality Act (Sexual Orientation) Regulations 2007 – Equality Impact Assessment<sup>288</sup> Impact Assessment of Equality Act Dept of communities and local government

[http://www.communities.gov.uk/pub/519/TheEqualityActSexualOrientationRegulations2007EqualityImpactAssessment\\_id1508519.pdf](http://www.communities.gov.uk/pub/519/TheEqualityActSexualOrientationRegulations2007EqualityImpactAssessment_id1508519.pdf)

<sup>289</sup>

<sup>290</sup> <http://www.communities.gov.uk/index.asp?id=1508235>

<sup>291</sup> <http://www.opsi.gov.uk/si/si2007/draft/20075920.htm>

**Primary sources:**<sup>292</sup>

Women & Equality Unit (2007) 'Getting Equal. Proposals to outlaw sexual orientation discrimination in the provision of goods and services.' Government's response to consultation paper.<sup>293</sup>

Communities and local government (2007) 'Equality impact assessment' (sex orientation disc in provision of goods and services).<sup>294</sup>

Stonewall (2006) response to 'getting Equal'.

On 12 April the Grand Chamber of the European Court of Human Rights (ECtHR) ruled in the case of Natallie Evans and refused her the right to use her stored frozen embryos. The judgment by the Grand Chamber follows the appeal by Natallie to the ECtHR, which took place on 22 November 2006 in front of seventeen judges.<sup>295</sup>

**Abortion**

Department of Health (2007) The Human Tissue and Embryos (draft) Bill May 17 2007 contains a section on abortion and the amendments to the bills are expected to further involve abortion. A strong lobby is mobilising to decrease the time during which you can have an abortion in the UK, currently 24 weeks.

**Primary source:**

Draft bill.<sup>296</sup>

Dept of Health (2006) 'Report on the consultation on the review of the Human Fertilization and Embryology Act 1990'.<sup>297</sup>

Dept. of Health (2006) 'Review of the Human Fertilisation and Embryology Act. Proposals for revised legislation (including establishment of the Regulatory Authority for Tissue and Embryos)'. Presented to Parliament by the Secretary of State for Health by Command of Her Majesty. December 2006.

Dept of Health (2006) December 2006 - White Paper: Review of the Human Fertilization and Embryology Act.

House of Lords debate on abortion 19 July 2007.<sup>298</sup>

And on amendments of the bill:

House of Lords on the Human Fertilisation and Embryology Bill 19 November 2007.<sup>299</sup>

Stonewall (2006) 'Responses to the consultation on the Review of the Human Fertilisation and Embryology Act'.<sup>300</sup>

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<sup>292</sup> [http://www.stonewall.org.uk/documents/stonewalls\\_getting\\_equal\\_response.pdf](http://www.stonewall.org.uk/documents/stonewalls_getting_equal_response.pdf)

<sup>293</sup> [http://www.communities.gov.uk/pub/503/GettingEqualProposalstooutlawsexualorientationdiscriminationintheprovisionofgoods\\_id1508503.pdf](http://www.communities.gov.uk/pub/503/GettingEqualProposalstooutlawsexualorientationdiscriminationintheprovisionofgoods_id1508503.pdf)

<sup>294</sup> [http://www.communities.gov.uk/pub/519/TheEqualityActSexualOrientationRegulations2007EqualityImpactAssessment\\_id1508519.pdf](http://www.communities.gov.uk/pub/519/TheEqualityActSexualOrientationRegulations2007EqualityImpactAssessment_id1508519.pdf)

<sup>295</sup> <http://www.irwinmitchell.com/PressOffice/PressReleases/European-Court-of-Human-Rights-Refuses-Natallie-Evans-the-Right-to-Use-Her-Frozen-Embryos.htm>

<sup>296</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH\\_074718](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_074718)

<sup>297</sup> [http://www.peoplescienceandpolicy.com/downloads/FINAL\\_HFEA\\_reportDH.pdf](http://www.peoplescienceandpolicy.com/downloads/FINAL_HFEA_reportDH.pdf)

<sup>298</sup> [http://www.publications.parliament.uk/cgi-bin/newhtml\\_hl?DB=semukparl&STEMMER=en&WORDS=abort&ALL=abortion&ANY=&PHRASE=&CATEGORIES=&SIMPLE=&SPEAKER=&COLOUR=red&STYLE=s&ANCHOR=70719-0001.htm\\_spnew16&URL=/pa/ld200607/ldhansrd/text/70719-0001.htm#70719-0001.htm\\_spnew16](http://www.publications.parliament.uk/cgi-bin/newhtml_hl?DB=semukparl&STEMMER=en&WORDS=abort&ALL=abortion&ANY=&PHRASE=&CATEGORIES=&SIMPLE=&SPEAKER=&COLOUR=red&STYLE=s&ANCHOR=70719-0001.htm_spnew16&URL=/pa/ld200607/ldhansrd/text/70719-0001.htm#70719-0001.htm_spnew16)

<sup>299</sup> <http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/71119-0008.htm#071119900001>

<sup>300</sup> Other possible civil society responses documents to analyse: [Download response: Doctors for Life Northern Ireland \(PDF, 60K\)](#); [Download response: Doctors who Respect Human Life \(PDF, 57K\)](#); [Download response: Economic and Social Research Council \(ESRC\) \(PDF, 38K\)](#); [Download response: Evangelical Alliance \(PDF, 69K\)](#); [Download response: Home Office \(PDF, 14K\)](#)

Abortion Rights (2007) 'Why women need a modern abortion law and better services'.<sup>301</sup>

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Download response: LIFE (PDF, 43K); Download response: Man Not Included (PDF, 101K)  
Download response: National Council of Women of Great Britain (PDF, 35K)  
Download response: ProLife Alliance (PDF, 9K); Download response: Rights of Women (PDF, 395K)  
<sup>301</sup> <http://www.abortionrights.org.uk/content/view/180/121/>

## 5 GENDER BASED VIOLENCE

### Introduction

In the UK, the sub issues most relevant to the Quing project are

- Domestic Violence and violence in partnerships;
- Sexual assault/violence and rape;
- Sexual harassment & Stalking;
- Trafficking and prostitution
- Forced marriage, honour crimes & FGM

There is no single comprehensive legislation in the UK such as a Violence Against Women Act, covering gender based violence/violence against women specifically as such. There is however a range of legislation and policies against violence in general and abuse which provides sanctions and remedies for domestic violence and a range of legislation (and policy) which covers physical and sexual harassment. From the change in governments to New Labour in 1997, there has been an increasing amount of legislation, policy, regulation and frameworks in the area of GBV, and predominantly but not exclusively in the area of **Domestic violence**. The time period is also marking a change in the rapid mobilisation of men's groups and their degendering of GBV by arguing violence is equally balanced between the genders. DV is the most commonly addressed form of GBV, and is most often related to *crime and crime prevention*, and on occasion to *health*.<sup>302</sup> There has been a wide range of measures developed by the British government to tackle VAW in general and domestic violence in particular, measures that include special gender sensitive *court programs*, *police trainings*, and inter ministerial groups to encompass all aspects of GBV. The most recent legislation on DV is the 2004 The Domestic Violence, Crime and Victims Act which strengthens the *protection*, *support* and *rights* of victims and *witnesses* of domestic violence in regards to the police and the *judicial system*. It has also a clear *perpetrator* focus. State actors include the Home Office and WEU (which places the DV under Health and well-being), the most active civil society actors include EAW and Women's Aid. In the debates on DV, the safety of children is commonly addressed, as is protection, support and justice for abused women. **Sexual violence and rape** have gone through major changes during the QUING time-period, especially since 1999 when there was an extensive review of sexual offences policy in the UK which redraw the boundaries around sexual violence. Significant policy in the area of GBV and sexual violence emerged in the same time frame as EAW developed to become the government's regular and prioritised women's organisation for policy consultations. EAW took over this leading role from Women's Aid. Among other developments, the review resulted in a strengthened law on consent and a widened yet more precise definition of rape. **Trafficking and prostitution** are two quite separate policy fields in the UK context, to the extent that prostitution is not really a policy field at all.<sup>303</sup> With the exception of the 2007 National Action Plan, trafficking and prostitution are less explicitly addressed than other forms of GBV, unless addressed in terms of force (i.e. forced trafficking

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<sup>302</sup> Note: in UK 2007 report to CEDAW, violence against women, sexual violence etc is placed under heading Equality in Marriage and Family Law.

<sup>303</sup> In a recent speech on the priorities of the newly appointed Ministers for women, the Minister for women, Harriet Harman did however connect the two areas by highlighting the demand for sexual services 'I am in favour of ratification and implementation of any such treaty, but we need to consider some serious issues. What are we going to do about demand? Why is trafficking a multi-billion pound, lucrative serious organised criminal business? It is because men pay for sex with exploited, trafficked girls. We need to consider what we are going to do about that. We need to work further on whether and how to criminalise such exploitation. In Sweden, the problem has been tackled by making paying for sex a criminal offence. We must examine the way in which other countries try to deal with the problem.' (Harman, Harriet, Minister for women 17 July 2007 'Ministers for Women (Priorities)' 2007-07-17.

for sex exp., or financial gaining from exploitation of prostitutes.).<sup>304</sup> They are becoming increasingly present though. The UK Government's Sex Offences Bill (2003) included a promise to introduce more comprehensive offences for trafficking in human beings for sexual exploitation, but trafficking is however mainly treated as an immigration problem rather than a human rights violation (Sexual Offences Act 2003 and section 2 Nationality, Immigration and Asylum Act 2002). The EU competence to tackle trafficking is recognised by the UK, who is a signatory of the of the European convention against trafficking in human beings new legislation that is needed to implement it is being planned (2007). The problem of global trafficking has recently been addressed by the government which produced a consultation document proposing plans to deal with trafficking, *Tackling Human Trafficking – Consultation on Proposals for a UK Action Plan*. The consultation document takes into account the responses received to *Paying the Price*, which dealt with street prostitution. The focus is however not solely or primarily on trafficking for sexual exploitation or prostitution, but trafficking in general.

**Sexual harassment and stalking**, on occasion addressed in cluster, have also become increasingly addressed since 1997 and onwards.<sup>305</sup> Even though it is primarily the area of stalking that has seen an increase in regulations, harassment is still an issue over which there is debate and policy development. **Female genital mutilation** (FGM Act 2003) and **Forced marriage** have only recently started to be addressed in legislation and policy, especially forced marriage where the government carried out a consultation in 2007 resulting in the Forced Marriage (Civil Protection) Bill in January 2007. Civil society, organised through EAW, played an active part in the events surrounding this bill, where a deliberately careful selection of NGOs to involve ended in joint position between the *Islamic community* and the non-Islamic community in criminalising forced marriage, but not *arranged marriage*. Forced marriage is positioned as an abuse to *human rights* and a form of *domestic violence*.

Practice, theory and research are closely interconnected in the area of GBV, partly because academics and activists move across the boundaries of civil society and academia. While the Home Office funds research on GBV, this also restrains the research in that the language is often gender neutral but even more in that the HO focus is crime prevention and crime reduction, why research and policy on GBV often takes crime as point of departure.

## **5.1 Actors in the policy area of Gender Based Violence**

**Women and Equality unit:** state agency that occasionally has a leading role and sometimes a supporting role in promoting and carrying forward gender equality policy, but is however rarely a significant actor in the policy field of GBV.

**The Commission for Equality and Human Rights** (CEHR) is a single equalities unit that will be up and running by the end of 2007. Merges the inequalities/strands of age, sexual orientation, religion and belief.<sup>306</sup> The inclusion of GBV is contested and yet to be decided.

**Home Office** is the lead department on GBV. Out of its six key functions the one mainly relevant for GBV is cutting crime; managing offenders to protect public & reduction of repeated offences; and securing borders & immigration. HO funds research on GBV.

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<sup>304</sup> The inter-ministerial groups led by the Home Office to cover all aspects of VAW 'such as domestic violence, forced marriage, honor killings, female genital mutilation, sexual offending and rape, prostitution, and human trafficking' (Report to CEDAW, 2007).

<sup>305</sup> Protection from Harassment Act 1997

<sup>306</sup> CEHR will be chaired by former chair of the commission for racial equalities, Trevor Philips. Philips letter of acceptance at [http://www.communities.gov.uk/pub/754/TrevorPhillipsletterofacceptanceasChairofthenewCommissionforEqualityandHumanRights\\_id1502754.pdf](http://www.communities.gov.uk/pub/754/TrevorPhillipsletterofacceptanceasChairofthenewCommissionforEqualityandHumanRights_id1502754.pdf)

**Communities:** housing and homelessness – domestic violence. Home Dept. of the Women and Equality unit.

**Dept of Health:** gender based violence as domestic violence as a health problem in general and a mental health problem for women in particular (depression and anxiety)

**Department/Ministry of Justice** (previously Dept. of Constitutional affairs, Lord Chancellors Office) DV as human rights and under ‘Protecting the most vulnerable’ in Annual report 2006.<sup>307</sup>

**Inter-Departmental Ministerial group on Sexual Offending** – established in 2003 by the Home Secretary Part of the role of this group was to ensure the effective implementation of the Sexual Offences Act 2003 and to monitor the impact of the Act’s provisions following implementation.

**Inter-Ministerial Group for Domestic Violence** comprises Ministers from nine Government Departments and the three devolved administrations. Set up in November 2001. The group prepares an Annual Delivery Plan and reports against progress each year. The report for 2006-07 was published together with the Delivery Plan for 2007-08 (see timeline).

#### **Political parties & Women’s sections**

Conservative Women,

Women Liberal Democrats

Labour Party Women

SDLP Women’s Group

#### **Civil Society (or Semi Civil Society) Actors**

**End Violence Against Women (EVAW)** is a coalition representing 7 million individuals and organisations across the UK with the ultimate goal to eradicate violence against women, where this eradication is regarded as a prerequisite for equality between women and men.

**EVAW** calls on the Government, public bodies and others to take action to end violence against women. The campaign objectives of EVAW include: 1) for violence against women to be understood as a cause and consequence of women’s inequality, 2) to raise awareness about the nature, extent and impacts of violence against women in the UK, and how it can be prevented, 3) for the UK Government and devolved administrations to develop integrated and strategic approaches to ending violence against women, and 4) to share good practice across the UK and learn from the experience in Scotland where a framework is being developed. EVAW is funded by Amnesty and comprise members such as Amnesty International UK, Child and Woman Abuse Studies Unit, Fawcett Society, Greater London Domestic Violence Project, Imkaan, POPPY, Rape Crisis, Respect, Southall Black Sisters, TUC, Wales Women’s National Coalition, Welsh Women’s Aid, Womankind Worldwide, Women’s Aid Federation England, Women’s Institute, Women’s National Commission, Women’s Resource Centre, UK Joint Committee on Women, Zero Tolerance, Rape Crisis. the membership also include service providers.

**Women’s Aid** grew out of the women’s liberation movement of the late 1960s and early 1970s. founded in 1974 and is a national domestic violence charity that helps women and

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<sup>307</sup> Department of constitutional affairs: DV as human rights and under ‘Protecting the most vulnerable’ in Annual report 2006 ([www.dca.gov.uk/dept/report2006/chapter5.htm](http://www.dca.gov.uk/dept/report2006/chapter5.htm))

children victims of violence. Their main aim is to end violence against women and children. Coordinates a national network of some 350 local domestic and sexual violence services across the country. Women's Aid England formerly chaired the UK Women's National Commission VAW group, and works closely with the All parliamentary Group on DV. The organisation is thus survivors/victims centred and work through mainly three areas, 1) protection - campaigning for better legal protection and services, providing an expert view to government on laws, policy and practice affecting abused women and children, 2) prevention - running public awareness and education campaigns and developing new training and resources and 3) provision - providing help and information through publications, websites and the Freephone 24 Hour National Domestic Violence Helpline. Women's Aid Federation of England employs around 35 paid staff.

**Rape Crisis** is organised through the Rape Crisis Co-ordinating Group (RCCG) and receives an annual grant from the Home Office. The aim of the Rape Crisis is to support members and survivors through counselling, legal and support services, provide training for volunteers, workers and professionals, to influence curriculum development through educators and policymakers and to lobby for change in legal provisions, service standards, funding and resources.

**The Women's National Commission (WNC)** is the official, independent, advisory body giving the views of women to the Government. The WNC was set up more in 1969 as the 'official, independent advisory body giving the views of women to Government'. It is an Advisory Non Departmental Public Body (NDPB), fully funded by Government, but should be able to comment freely on government policy. It is the only organisation of this kind in the UK. Its aim is to ensure that women's views are taken into account by the Government and are heard in public debate. The WNC thus plays a main role as an intermediary between a diverse network of women's organisations and central government, functioning in an advisory capacity as a recognised representative agency for women's interests. Institutionally, the WNC follows the WEU and is based in the Department of Local Communities.

**The National Alliance of Women's Organizations (NAWO)** was founded in 1989 and is an England based umbrella organization with over 100 organizations and individual members. CEDAW and the Bpfa are mentioned as the cornerstones of NAWO's work. The membership includes various kinds of women's organisations and groups, including faith groups, health centres, arts-based organisations. NAWO represents UK national level women's organisation in the European Women's Lobby.

**Stonewall**<sup>308</sup> was founded in 1989 by both women and men, originally aiming to create a professional lobbying group that would prevent discrimination against lesbians gay men and bisexuals. Stonewall was created by men and women who had been active opponents to section 28. Stonewall work in the areas of policy development (research, briefings and working with government, trade unions, business, NGOs and policy institutions); cultural and attitudinal change; lobbying for legal change (campaigns to ensure that legislation is non-discriminatory= diversity inclusion); providing information; good practice design and advice. Has offices in England, Scotland and Wales. Major lobbying focus in past years: the equalisation of the age of consent, lifting the ban on lesbians and gay men serving in the military, securing legislation allowing same-sex couples to adopt and the repeal of Section 28: civil partnerships; Equality Act.<sup>309</sup>

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<sup>308</sup> <http://www.stonewall.org.uk/>

<sup>309</sup> Brief overview of Stonewall on Section 28 of the Local Government Act: legislation designed to prevent the so-called 'promotion' of homosexuality in schools; as well as stigmatising gay people it also galvanised the gay community.

**Southall Black Sisters**<sup>310</sup> was established in 1979 to meet the needs of black women (service providers fail to meet language and cultural needs) especially in the area of VAW. Working in areas such as advice, information, casework, advocacy, counselling and self-help support services in several community languages. Women with uncertain immigration status have no recourse to public funds so they are not eligible for the protection provided by refuges and may be forced to stay within an abusive relationship. (Southall Black Sisters, Domestic Violence, Immigration and No Recourse to Public Funds, 2004).<sup>311</sup>

**Men's Groups:** two different forms, 1) pro feminist sympathisers, violence as gendered groups and 2) fathers for justice kinds, anti feminist.

**Respect** was set up in 2000 by a steering group of practitioners working in the domestic violence sector on behalf of the National Practitioners' Network (NPN) in order to support those running perpetrator programmes in the UK. Respect runs perpetrator programmes and lobby government to put perpetrator issues on the public policy agenda. Mission statement include ensuring that government prioritizes the safety of those affected by domestic violence - predominantly women and children.<sup>312</sup>

**The Cheltenham Group**, set up by John Campion in 1994, was one of a number of organisations which fought against the Family Law Act 1996.

**The UK Men's Movement** was founded in July 1994 to rally all the forces in the UK which are now beginning to 'react against uncontrolled feminism and its disastrous social consequences' (homepage). DADs has merged with the UKMM, and the Cheltenham Group supports UKMM, and in particular makes all its reports available to UKMM.

**The Trade Union Confederation (TUC):** not really active nor influential in GBV matters, but has however produced 'Domestic violence: A guide for the workplace' that aimed at employers and trade union reps to help them set up domestic violence policies at work.<sup>313</sup>

**Academia:** academia and activist interrelated since mid 1970, many women activists from 1970 now moved into academia, women's activist carry out research etc.

### **International**

EU: the influence of the EU in the area of Gender based violence is minimal, not only because GBV is not in competence of the EU, but also because the EU is not generally interpreted as shaping UK policy. The one possible exception are specific GBV programmes, such as Daphne.

Council of Europe (2002) 'Recommendation Rec (2002)5 of the Committee of Ministers to member States on the protection of women against violence adopted on 30 April 2002 and Explanatory Memorandum. Council of Europe: Strasbourg, France. UN BPfA CEDAW are not really visible in the UK contexts. There are some references to CEDAW and Beijing, but mainly from civil society actors.

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<sup>310</sup> <http://www.southallblacksisters.org.uk/>

<sup>311</sup> [http://www.endviolenceagainstwomen.org.uk/facts\\_r.asp](http://www.endviolenceagainstwomen.org.uk/facts_r.asp)

<sup>312</sup> See respect paper 'Statement of Principles and

Minimum Standards of Practice For Domestic Violence Perpetrator Programmes and Associated Women's Services' 2004.

[http://www.respect.uk.net/respect\\_docs/Respect%20Statement%20of%20Principles%20and%20Minimum%20Standards%20of%20Practice%202004.pdf](http://www.respect.uk.net/respect_docs/Respect%20Statement%20of%20Principles%20and%20Minimum%20Standards%20of%20Practice%202004.pdf)

<sup>313</sup> [www.tuc.org.uk/publications](http://www.tuc.org.uk/publications)

## 5.2 Timeline

### Pre QUING period

- 1971 The first refuge for women and children set up by Women's Aid
- 1975 The HoC Home Affairs Select Committee on 'violence in marriage' set up
- 1975 Parliamentary Select Committee on Violence in Marriage.
- 1976 England and Wales pass the Domestic Violence and Matrimonial Proceedings Act.<sup>314</sup>
- 1977 Housing (Homeless Persons) Act gave battered women priority in obtaining housing.<sup>315</sup>
- 1987 The Metropolitan Police set up their domestic violence unit
- 1989 The first perpetrator program were set up in the UK<sup>316</sup>
- 1990 Law commission review of domestic violence where Women's Aid's research paper 'Not Worth the Paper' was key (eventually leading to the 1996 family act change)

### QUING period

- 1995 HO Inter-Agency Circular: encourage inter agency work/approaches incl police
- 1995 Regional domestic violence forum established in NI in 1995 (Northern Ireland Office, 1995)
- 1996 Repeat victimisation designated key performance indicator for policing in eng, police office guide to addressing repeat victimisation published in 1998

**1996 The Family Law Act**<sup>317</sup> 1996 established the no-fault divorce concept in written law, i.e. which divorce should take place on the basis of unilateral unsubstantiated demand. The Family Law Act provides for a single set of civil remedies to deal with domestic violence and to regulate occupation of the family home, through two specific types of order: the occupation order and the non-molestation order. An occupation order decides who is allowed to occupy the home, and can direct another party to leave the home and the non-molestation order prevents the respondent from molesting the applicant or a relevant child. Law relevant in custody disputes. Where the court makes an occupation order or non-molestation order and it appears to the court that the respondent has used or threatened violence against the applicant or a relevant child, then the court must attach a power of arrest unless it is satisfied that the applicant or child will be adequately protected without such a power.

**NGOs:** Women's Aid, NAWO, Fawcett Society, The Cheltenham Group, the UK Men's Movement (both opposing no fault)

**Shifts** in policy include the range of people who can apply orders under Part IV than under the previous law, i.e. a broader range of 'associated persons', including 1) those who are or have been married to one another, 2) Cohabitants and former cohabitants, 3) Those who live

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<sup>314</sup> The 1977 Housing (Homeless Persons) Act was a Private Members Bill proposed by Stephen Ross, a Liberal MP, but the then Labour government supported it.

<sup>315</sup> The Act is quite specific on the fact that the duty was on housing rather than welfare agencies → homelessness hence regarded as a housing rather than a social work or welfare problem. 1977 Housing (Homeless Persons) Act; 1976 Domestic Violence and Matrimonial Proceedings Act; Pascall et al, 2001; Taylor-Browne, 2001; Two Royal Commissions (government inquiries) into Single Parents and into Domestic Violence were important pre-cursors for the passing of the 1977 Act

<sup>316</sup> Debates included diversity issues (degree of diversity of provision) in relation to government taking responsibility for programmes (respect); too much standardisation. 'Working with women only' approach, selling out, losing sight of 'real' feminism, etc. However, when recognising men's violence against women as the exercising of power and control based on gender inequalities, reproducing gender inequalities and 'played out within the social context of gender inequality' (Lewis, 2001: 121) less focus on therapy or intention to 'cure' the abuser. Shift: DV as a crime shifts 'problem' to a societal rather than a personal one. In that domestic violence shift to crime, perpetrator programmes should be funded by the government, rather than voluntary sector, i.e. perpetrators responsible for their criminal behaviour. Secondary: BBC web resources on PP<sup>316</sup>

1990 Law commission review of domestic violence where Women's Aid's research paper 'Not Worth the Paper' was key (eventually leading to the 1996 family act change)

[www.bbc.co.uk/relationships/domestic\\_violence/pphh\\_index.shtml](http://www.bbc.co.uk/relationships/domestic_violence/pphh_index.shtml)

<sup>317</sup> Part IV of the Family Law Act 1996

or have lived in the same household other than by reason of them being the other's employee, tenant, lodger or boarder 4) Certain relatives (e.g. parents, grandparents, in-laws, brothers, sisters) 5) Those who have agreed to marry one another 6) If in relation to a child, both are either the parent or have parental responsibility for that child 7) In relation to a child who has been freed for adoption, the natural and adoptive parents of an adopted child, the natural grandparents of an adopted child and any person with whom the child has at any time been placed for adoption

**1997** Department of Health's publication on gender: 1997 report from conference 'Making gender matter in health care and health promotion report of a conference at the Forum Hotel, 23 September 1996' to raise awareness of 'the importance of gender perspectives with NHS purchasers and providers, and considered cost-effective ways of making health services more sensitive to the differing needs of men and women.'<sup>318</sup>

**1998 The Human Rights Act** implemented the European Convention on Human Rights which includes positive obligations on state agencies to take measures to protect adult and child victims of domestic violence whose lives are at risk or who are experiencing torture or inhuman and degrading treatment. The UK Human Rights Act of 1998 (while not incorporating the European Convention on Human Rights) was enacted in order to bring domestic law and practise in line with Convention rights, i.e. implemented as a consequence of EU treaty obligations. Implications for refugees include/crossing borders for protection.

**State actors:** HO (EU)

**Civil society actors:** Amnesty, Justice

**Primary Sources:**

1998 The Human Rights Act.

See also department of constitutional Affairs (2006) 'Review of the implementation of the Human Right Act'.<sup>319</sup>

**2000 Home Office announced its intention to review the Sexual Offences Act 1997.** The recommendation of the Review was published for public consultation in 'Setting the Boundaries. Reforming the law on Sex offences'<sup>320</sup> in July 2000. Parliament had not considered the structure of sex offences as a whole since 1956. Significant changes have occurred since 1956 though, most notably the decriminalisation of homosexuality (in private) in 1967 and changes to the law of rape. Some of the main outcomes of the review included the need to broaden and specify the concept of rape and a shift in the view of what consent entails. State Actors: Sex Offences Review consisting of Betty Moxon OBE (Home Office) Chair, Su McLean-Tooke (Home Office) Secretary to the review, Haydee Scarsbrook (Home Office) Administrative support to the review. Home Office, Women's Unit, Department of Health, Department for Education and Employment, Crown Prosecution Service, Northern Ireland Office, Association of Chief Police Officers. Civil Society: NSPCC, Victim Support, Rape Crisis Federation, Blackliners, Mencap, The Children's Society, University/Liz Kelly, Campaign to End Rape, Stonewall, Mind, Women's National Commission & Soroptimist International, Muslim Council of Britain, CARE (Christian Action, Research and Education).<sup>321</sup>

**International** ECHR and 1998 Human Rights Act (explicit reference to and review includes a chapter on ECHR requirements).

**Primary Source:** Home Office (July 2000) 'Setting the Boundaries: Reforming the law on sex offences'.<sup>322</sup>

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<sup>318</sup>

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4003082](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4003082)

<sup>319</sup> [http://www.justice.gov.uk/docs/full\\_review.pdf](http://www.justice.gov.uk/docs/full_review.pdf)

<sup>320</sup> <http://www.homeoffice.gov.uk/documents/vol1main.pdf?view=Binary>

<sup>321</sup> Sources: 'Setting the Boundaries: Reforming the law on sex offences' Home Office, July

<sup>322</sup> The recommendation of the Review for public consultation in Home Office

**2000 the Housing Green Paper** 'Quality and Choice: A decent home for all' published in April 2000.<sup>323</sup> Government proposal to extend the priority need categories to include homeless people who are vulnerable because they are fleeing harassment or domestic violence.<sup>324, 325</sup>

**State actors:** Department of the Environment, Transport and the Regions; Dept. of Communities and Local Government; Women and Equality Unit in DTI; Department of Health, Cabinet Office - Social Exclusion Unit.

**Civil society actors:** Women's Aid, The Salvation Army; National Children's Bureau; Victim Support; NACRO; Shelter - Essex & Suffolk Housing Aid Centre; Shelter

**2001** In October, the consultation paper on the review of Part 1 of the Sex Offenders Act 1997 was published.<sup>326</sup> Issues in the paper include: which offenders should be covered by the legislation; whether the registration requirements are effective; how the legislation should apply to children and young people who sexually abuse others; and how those convicted abroad of sexual offences who come to this country can be brought within its remit.

### Primary Sources

Home Office (2001) 'Consultation paper on the review of Part 1 of the Sex Offenders Act 1997'.<sup>327</sup>

Home Office (Policing and Reducing Crime Unit) (2001) 'The Police Perspective on Sex Offender Orders: A preliminary review of policy and practice'.<sup>328</sup>

**2001** in July **A Review of the Rehabilitation of Offenders Act 1974** was initiated. The terms of reference of the review are: 'to review the scope and operation of the Rehabilitation of Offenders Act 1974 (including the Exceptions Order and how it works). To consider

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<http://www.homeoffice.gov.uk/documents/vol1main.pdf?view=Binary>

<sup>323</sup> Debates/issues: Homeless – who is? Injunctions – occupation orders – non-molestation orders – Ex Parte – transfer of property – married people – unmarried people – ground of eviction - Domestic violence and homelessness, family, Contestations: family norm, social security, privatisation, In 1990, the Minister of Housing argued: 'The break-up of the family is the one single cause of homelessness in this country'. (Michael Spicer MP, BBC Radio 4, *Today* 13 March 1990; quoted in Loveland, 1995: 41.) Research: Jones *et al*, 2002: arguments in favour of recognising the variation in the experience of homelessness by gender. 'Family homelessness, in particular, is highly gendered, as both the violent and non-violent relationship breakdowns that may result in homelessness are much more likely to leave women as homeless lone parents' Jones, 1999: Male violence and sexual assault also play a significant role as part of women's experience of homelessness. Watson and Austerberry, 1986: the situation of homeless women reflects the generally disadvantaged position of poorer women in UK society. Gervais and Rehman, 2003: the causation and nature of homelessness varies by ethnicity and cultural background in the UK nations; O'Connor and Molloy, 2001: the causation of homelessness may also vary by sexuality

<sup>324</sup> Sources: Quality and Choice: A decent home for all. The Housing Green Paper April 2000 [http://www.communities.gov.uk/pub/243/QualityandchoiceadecenthomeforallTheHousingGreenPaperPrintedPDF594Kb\\_id1150243.pdf](http://www.communities.gov.uk/pub/243/QualityandchoiceadecenthomeforallTheHousingGreenPaperPrintedPDF594Kb_id1150243.pdf); Department of the Environment, Transport and the Regions; Consultation response: Quality and Choice: A decent home for all [http://communities.gov.uk/pub/261/QualityandChoiceADecentHomeforAllSummaryofResponses\\_id1150261.pdf](http://communities.gov.uk/pub/261/QualityandChoiceADecentHomeforAllSummaryofResponses_id1150261.pdf)

<sup>325</sup> Secondary sources: Housing (Homeless Persons) Act 1977; Housing Act 1996; Homelessness Act 2002 (Code of Guidance); New Labor green paper, Consultation doc, Implementing the Housing Act 1996; Domestic Violence: Break the chain multi-agency guidance for addressing domestic violence (Home Office); Safety and Justice: The Government's Proposals on Domestic Violence (Home Office). [www.crimereduction.gov.uk/dv01.htm](http://www.crimereduction.gov.uk/dv01.htm);

[www.homeoffice.gov.uk/crime/domesticviolence/index.html](http://www.homeoffice.gov.uk/crime/domesticviolence/index.html)

<sup>326</sup> <http://www.homeoffice.gov.uk/documents/cons-2001-sex-offenders-act?view=Binary>

<sup>327</sup> <http://www.homeoffice.gov.uk/documents/cons-2001-sex-offenders-act>

<sup>328</sup> <http://www.homeoffice.gov.uk/rds/prgpdfs/prs155.pdf>

whether it adequately achieves the policy goal of reducing crime by facilitating the rehabilitation of offenders and the protection of the public, or whether any other arrangements might better deliver this objective.<sup>329</sup>

**Primary source:** Home Office (2001) 'A Review of the Rehabilitation of Offenders Act 1974'.<sup>330</sup>

**2002** the Government published its **statement of intent for sex offence reform** in the form of a command paper 'Protecting the Public. Strengthening protection against sex offenders and reforming the law on sexual offences'<sup>331</sup> outlining the proposals for legislative reform of sexual offences. 'Better protection for the public, particularly children and the most vulnerable (see 2003 Sexual Offences Act in timeline).<sup>332</sup>

**State Actors:** Home Office, WEU

**2002 Council Framework Decision on Combating trafficking in human beings** (2002/629/JHA). It is the only piece of legislation adopted by the EU in relation to trafficking in human beings;

### **2003 Sexual Offences Act**

Following on from the 2002 review and consultation on the Sex Offences Act, the Sexual Offences Bill was introduced into the House of Lords in January 2003. This process is commonly referred to as presenting a comprehensive overhaul to the criminal law on sexual offending. The Bill is also a review and overhaul of the provisions of the Sex Offenders Act 1997. The Bill received Royal Assent in 2003, becoming the Sexual Offences Act 2003.<sup>333</sup> The 2003 Sexual Offences Bill<sup>334</sup> was mainly aiming at protecting children and the most vulnerable and to provide a coherent set of laws increasing protection, focusing on 'appropriate punishment of abusers'. There is also mentioning of fairness and the importance of the legislation being non-discriminatory. (The proposals on sex offences in the Bill have been developed from the Sex Offences Review set up by the Government in 1999). The Act did however strengthen the law on consent by creating a statutory definition of consent (consent meaning that someone 'agrees by choice (to sexual activity), and has the freedom and capacity to make that choice' whereby the Act removes the defence that a person could avoid conviction for rape if he had an honest but mistaken belief in consent. It also removes laws that previously treated homosexual activity differently from heterosexual as well as eliminates discrepancies in penalties for offences against boys and girls. The Act also widens the definition of some offences, e.g. bringing non-consensual penile penetration of the mouth within the definition of rape, created, new offences for behaviour that was not previously specifically covered by an offence (e.g. paying for sex with a child and voyeurism), extended the age from 16 to 18 covered by certain offences against children (e.g. familial sex offences), and gave additional protection to vulnerable adults.

The Sexual Offences Act 2003 also strengthened arrangements for the monitoring of sex offenders, including procedures for offenders to notify the police of their whereabouts and a range of new orders to restrict the activities of sex offenders to reduce risk.<sup>335</sup>

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<sup>329</sup> Thomas, Terry (2006) 'When Public Protection becomes Punishment? – The UK Use of Civil Measures to Contain Sex Offenders' Sexual Offender Treatment, Volume 1 (2006), Issue 1.

<http://www.sexual-offender-treatment.org/20.0.html>

<sup>330</sup> <http://www.homeoffice.gov.uk/documents/cons-2001-rehab-offenders?view=Html>

<sup>331</sup> <http://www.archive2.official-documents.co.uk/document/cm56/5668/5668.pdf>

<sup>332</sup> Parliament research paper on sex offence:

<http://www.parliament.uk/commons/lib/research/rp2000/rp00-015.pdf>

<sup>333</sup> [http://www.opsi.gov.uk/ACTS/acts1993/ukpga\\_19930030\\_en\\_1.htm](http://www.opsi.gov.uk/ACTS/acts1993/ukpga_19930030_en_1.htm)

<sup>334</sup> For summary of the Bill and related material:

<http://www.crimereduction.gov.uk/sexual/sexual08.htm>

<sup>335</sup> Sources: Guidance to the Sexual Offences Act Part I; Guidance to the Sexual Offences Act part II; Explanatory Notes to Sexual Offences Act 2003; Consultation on the Sex Offenders Act ; Leaflets on

**State Actors:** WEU, HO

**Civil Society:** NAWO, WNC, UKMM. Churches/religious groups

**Debates:** consent, gay rights, crime & punishment

**Primary Sources:**

Home Office (July 2001) 'Setting the Boundaries: Reforming the law on sex offences'. The recommendation of the Review for public consultation in Home Office.<sup>336</sup>

House of Commons debate on Sexual Offences Law Reform. 19 Nov 2002.<sup>337</sup>

Liberty's Response to the Home Office Consultation Paper: Setting the Boundaries.<sup>338</sup>

See also: 'Guidance to the Sexual Offences Act Part I'; 'Guidance to the Sexual Offences Act part II'; 'Explanatory Notes to Sexual Offences Act 2003'; 'Consultation on the Sex Offenders Act'; 'Leaflets on Sexual Offences Act 2003 for: Adults, Children and families, those with learning disabilities' and 'Protecting the Public'.<sup>339</sup>

**2003** Dept. of Health 'Mainstreaming Gender and Women's Mental Health.' Followed two previous consultations on health and violence: 'Protecting children, supporting parents: responses to the consultation on physical punishment of children' (18 January 2000), and 'Women's Mental Health: Into the Mainstream' to achieve a mainstream approach to gender in mental health service organisation and delivery (1 October 2002).

**2003 The Female Genital Mutilation Act 2003** made it an offence for UK nationals or permanent UK residents to carry out FGM abroad, no matter whether it occurs in countries where FGM is legal. It was also made illegal to aid, abet, counsel or procure FGM abroad. the maximum penalty is 14 years' imprisonment (previously maximum of five years). FGM has been a criminal offence in the UK since the 1985 Prohibition of Female Circumcision Act was passed. There have however not been any successful prosecutions in relation to FGM Women who are at risk of FGM in their countries of origin and who seek protection in the UK can find it hard to obtain refugee status.<sup>340</sup>

**NGOs:** Centre for Reproductive Rights: Female Genital Mutilation (FGM): Legal Prohibitions Worldwide; Centre for Reproductive Rights Female Genital Mutilation: A Guide to Laws and Policies Worldwide

**Debates:** us/them, objectivism/relativism

**2004 The government's definition of domestic violence was extended** to include acts perpetrated by extended family members as well as intimate partners. Consequently acts such as forced marriage and other so-called honour crimes can now come under the definition of domestic violence. Many of these acts are committed against children. The DV Virtual Unit (Cross Government Action Plan on Sexual Violence and Abuse) is looking at how to ensure Forced Marriage and so-called honour-based violence in a domestic violence context is properly addressed. In particular CPS is looking at how to capture statistical information including in those cases that involve children and young people at 16 and 17 years old. Government action to address forced marriage forms part of the National Delivery Plan on Domestic Violence, and is managed by the joint Home Office/ FCO Forced Marriage Unit.

**2004**

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Sexual Offences Act 2003 for: Adults, Children and families, those with learning disabilities; Protecting the Public

<http://www.crimereduction.gov.uk/sexual/sexual05.htm>

<sup>336</sup> <http://www.homeoffice.gov.uk/documents/vol1main.pdf?view=Binary>

<sup>337</sup> [http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo021119/debtext/21119-05.htm#21119-05\\_head0](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo021119/debtext/21119-05.htm#21119-05_head0)

<sup>338</sup> <http://www.liberty-human-rights.org.uk/pdfs/policy01/mar-rape-laws.pdf>

<sup>339</sup> <http://www.crimereduction.gov.uk/sexual/sexual05.htm>

<sup>340</sup> Sources: Female Genital Mutilation Act 2003 + consultation paper(s)

## **Event: Domestic Violence and Crime Act 2004**

### **Time Period: 2002-2004**

2004 The Domestic Violence, Crime and Victims Act<sup>341</sup> received Royal Assent in 2004 and introduced new powers and amendments to strengthen the protection, support and rights of victims and witnesses of domestic violence in regards to the police and the judicial system. It tackles domestic violence by 1) increasing institutional power to punish perpetrators, and by 2) strengthening the support for victims in terms of legal rights and compensation. The Act addresses proposals set out in the Government Consultation Paper on domestic violence Safety and Justice, published in June 2003. A White paper was published two years earlier ('Justice for All') focused on reforms to court procedure and sentencing, and presented the Government's strategy/proposal to tackle domestic violence, which included a reform of the civil and criminal law.<sup>342</sup> 'Justice for All' was followed by the policy leaflet 'A Better Deal for Victims and Witnesses' presented to the House Library on 21 November 2002, and the publication of the first national strategy for victims and witnesses on 22 July 2003.

In June 2003, the Government published a consultation paper based on proposals from 'Justice for All'. The consultation paper, 'Safety and Justice: the Government's Proposals on Domestic Violence'<sup>343</sup> focus on the legal system and protection from victims of DV (for instance non-molestation and occupation orders in the 1996 Family Law Act). It also underlines the role of the police when called to domestic violence incidents. In 2003 there were a series of consultations including workshops with DV victims/survivors, carried out by the Women's National Commission (WNC)<sup>344</sup> commissioned by the Home Office. The workshops included one specifically for women from black and ethnic minority communities. Following the consultations, the WNC published 'Unlocking the Secret: Women Open the Door on Domestic Violence' in December 2003.<sup>345</sup> The report provides an account of what was said in the workshops and builds on the recommendations made to the Home Office. The report was launched on 2 December at the conference 'International Approaches to Preventing Domestic Violence: Challenges and opportunities for Law and Practice', a joint venture between Women's Aid, the Women's National Commission, the Greater London Domestic Violence Project and Womankind Worldwide. The Government's strategy/strategic framework for tackling DV is based on 1) prevention: working to prevent it happening in the first place, and working with victims and offenders to prevent it recurring; protection and justice: increased legal protection for victims and their families; and support for victims to rebuild their lives. More specifically, the proposals in the paper include: work to prevent domestic violence through education, awareness raising and getting information to victims; Tackling risk factors such as alcohol and drugs misuse; Supporting police pro-arrest policies by making common assault an arrestable offence; Stronger legal protection for victims through extending the use and enforcement of restraining orders; A register of civil orders to allow the police to check for outstanding orders against an alleged offender, so they can take immediate action to protect the victim; and more refuge places as a result of £19m of new investment in refuge provision this year and moves to ensure that victims who are still

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<sup>341</sup> <http://www.opsi.gov.uk/ACTS/acts2004/20040028.htm> or in PDF format at [http://www.opsi.gov.uk/acts/acts2004/ukpga\\_20040028\\_en.pdf](http://www.opsi.gov.uk/acts/acts2004/ukpga_20040028_en.pdf)

<sup>342</sup> The Act intended to introduce reform to the civil and criminal law in by criminalising the breach of non-molestation orders under the Family Law Act 1996; by extending the availability of restraining orders under the Protection from Harassment Act 1997; and by making common assault an arrestable offence (Explanatory notes of the Act)

<sup>343</sup> <http://www.archive2.official-documents.co.uk/document/cm58/5847/5847.pdf>

<sup>344</sup> The Domestic Violence Policy Monitoring Sub-group of the WNC monitors Government policy on Domestic Violence and engages with policy makers to help inform policy. The Group is made up of service providers and academics and liaises closely with Home Office officials on all aspects of domestic violence. The Group is co-chaired by Nicola Harwin Chief Executive of Women's Aid Federation of England and Hannana Siddiqui Joint Co-ordinator of Southall Black Sisters.

<sup>345</sup> WNC (2003) 'Unlocking the secret: Women Open the Door on Domestic Violence'  
<http://www.thewnc.org.uk/pubs/unlockingthesecret.pdf>

subject to immigration control can have access to refuge support.<sup>346</sup>

**State Actors:** Home Office<sup>347</sup> WEU (which places the act under Health and well-being) in DTI. Home Office (working with central government departments, regional governments, and local authorities particularly those responsible for crime and disorder). HO Minister: Home Secretary, David Blunkett MP

Health, education, law enforcement, housing and those providing children's services

**NGO Actors:** Women's aid, NAWO, EVAW

**Key words:** crime, prevention, protection, justice, victims support, criminalising domestic violence, police of risk assessment in relation to domestic violence, perpetrators

**Debates:** An extensive lobbying and consultation process preceded the Act, involving some 300 women NGOs coordinated through Women's Aid, who lobbied for an increase in the safety measures available for survivors of domestic violence.<sup>348</sup>

Other debates include 1) Stronger measures to ensure safe child contact in cases of domestic violence, 2) Measures to ensure equal access to protection support and justice for abused women with no recourse to public funds, 3) A national funding framework for local domestic violence advocacy and support services, and for children's domestic violence services to help them recover from trauma, in every local area. Women's Aid was disappointed in the lack of far reaching safety measures and in the extent to which the views of consulted survivors of DV were contained in the provisions of the Act.<sup>349,350</sup> See also All Party Parliamentary Group Debate: What should be in a new 'Domestic Violence Bill?' - November 2002.<sup>351</sup>

#### **Primary sources:**

Domestic Violence, Crime and Victims Act and Explanatory notes.<sup>352</sup>

Home Office (2003, June) 'Safety and Justice: The Government's Proposals on Domestic Violence.'<sup>353</sup>

House of Commons debate on the Domestic Violence Bill, Volume No. 407 Part No. 411 column 374-392 18 Jun 2003.<sup>354</sup>

Women's National Commission (Dec 2003) 'Unlocking the Secret: Women Open the Door on

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<sup>346</sup> Sources: The Domestic Violence, Crime and Victims Act

<http://www.opsi.gov.uk/ACTS/acts2004/20040028.htm>; 'Safety and Justice'; Gov's Response; Women's Unit, 1999; Women's National Commission response to the Domestic Violence, Crime and Victims Bill <http://www.womensaid.org.uk/page.asp?section=0001000100090005000400010002>

<sup>347</sup> The Home Office is working closely with other central Government departments, regional Government and local partnerships, particularly those responsible for crime and disorder, to ensure an effective, multi-agency response to domestic violence in the context of the Government's Strategic Framework, as set out in the consultation paper Safety and Justice and our Response to it. This approach has led to the Domestic Violence, Crime & Victims Act 2004, which received Royal Assent on 15 November 2004 and is the biggest overhaul of legislation on domestic violence in over 30 years'

<sup>348</sup> Women's Aid is the national domestic violence charity that co-ordinates and supports an England-wide network of over 300 local organizations providing over 500 refuges and domestic violence support services for women and children. Women's Aid Federations also support refuge networks across Wales, Scotland and Northern Ireland.

<sup>349</sup> See also Taylor-Brown, 2001; Hester and Westmarland, 2005; Pence, 2005; Harwin, 2006

<sup>350</sup> Secondary: Women's Aid Briefings on the Domestic Violence, Crime and Victims Bill March 2004WA march 2004 briefing

<http://www.womensaid.org.uk/page.asp?section=0001000100090005000400010005>; WA Jan 2004

<http://www.womensaid.org.uk/page.asp?section=0001000100090005000400010006>; Southall Black Sisters executive summary amendments briefing April 2004.

<sup>351</sup> <http://www.womensaid.org.uk/page.asp?section=0001000100090005000400010007>

<sup>352</sup> <http://www.opsi.gov.uk/ACTS/acts2004/20040028.htm>

[http://www.opsi.gov.uk/ACTS/acts2004/en/ukpgaen\\_20040028\\_en.pdf](http://www.opsi.gov.uk/ACTS/acts2004/en/ukpgaen_20040028_en.pdf)

<sup>353</sup> <http://www.archive2.official-documents.co.uk/document/cm58/5847/5847.pdf>

<sup>354</sup> [http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030618/debtext/30618-09.htm#30618-09\\_head0](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030618/debtext/30618-09.htm#30618-09_head0)

Domestic Violence.' Paper following the consultations on DV.<sup>355</sup>

Women's National Commission (April 2004) 'Response to the Domestic Violence, Crime and Victims Bill'.<sup>356</sup>

Women's Aid (2003 July) Response to 'Safety and Justice' the government consultation paper on domestic violence.<sup>357</sup>

**2003 'Domestic Violence: Administrative Structures & Legislation'** published by the Home Office reconvened the former Official Group on Domestic Violence, and following the publication of 'Living without Fear' the group was developed into an Inter-Departmental Group on Violence Against Women and Domestic Violence.<sup>358</sup>

**2004 'Developing Domestic Violence Strategies - A Guide for Partnerships'**<sup>359</sup> published by the Home office. 'One in four women and one in six men will be affected by domestic violence in their lifetimes, with women suffering higher rates of repeat victimisation and serious injury. The total cost to society is an estimated £23 billion a year in England and Wales. All the responsible authorities that sit on Partnerships will all have a part to play in supporting victims or bringing perpetrators to justice. This guidance is designed to help them develop their own strategies to tackle, monitor and evaluate domestic violence in their area following local audits earlier this year.'<sup>360</sup>

**Gov dept:** Home office

**2004 Coordinated Prostitution Strategy** published by UK Government - framework for tackling prostitution. (incorporates the responses to consultation paper 'Paying the Price'<sup>361</sup> to the UK government's new framework for tackling prostitution. Tackles commercial exploitation, preventive measures routes out, and focus on ensuring justice – crime... part of the Crime and disorder and drugs strategy. Safety for the communities 'affected by prostitution'.<sup>362</sup>

**State Actors:** Home Office; Communities; Local Crime and Disorder Partnerships.

**Civil Society:** Women's National Commission; Sex Worker's forum; Sexual Freedom Coalition; Refugee Action; NAWO; Liberty; Fawcett; Eaves housing; Christian Institute; ECPAT; Asylum aid etc.

**Primary Sources:** Home Office (2004) 'Coordinated Prostitution Strategy'.<sup>363</sup>

## **2005 Forced marriage consultation document published**

### **Primary sources:**

HO & Commonwealth (2005) 'Forced Marriage — a Wrong Not a Right'

Consultation paper on whether to create a new criminal offence of forced marriage.<sup>364</sup>

Home Office (Nov 2005) 'Response to the Home office consultation document 'forced marriage – a wrong not a right'.<sup>365</sup>

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<sup>355</sup> <http://www.thewnc.org.uk/pubs/unlockingthesecret.pdf>

<sup>356</sup> <http://www.womensaid.org.uk/page.asp?section=0001000100090005000400010002>

<sup>357</sup> <http://www.womensaid.org.uk/page.asp?section=000100010009000300040006>

<sup>358</sup> <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence4.htm>

<sup>359</sup> <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence46.htm>

<sup>360</sup> Source: Developing Domestic Violence Strategies - A Guide for Partnerships

<sup>361</sup> <http://www.nawo.org.uk/index.asp?page=10>

<sup>362</sup> Sources: A Coordinated Prostitution Strategy and a summary of responses to Paying the Price; Regulatory Impact Assessment - A coordinated strategy for prostitution; Paying the Price - Consultation

<sup>363</sup> <http://www.homeoffice.gov.uk/documents/ProstitutionStrategy.pdf>. Responses to consultaion and summary report, see timeline 2006.

<sup>364</sup> <http://www.endviolenceagainstwomen.org.uk/documents/forcedmarriageconsultation.pdf>

Further possible documents on forced marriage [http://press.homeoffice.gov.uk/press-releases/Promoting\\_Human\\_Rights\\_Respecti?version=1](http://press.homeoffice.gov.uk/press-releases/Promoting_Human_Rights_Respecti?version=1)

<sup>365</sup> <http://www.endviolenceagainstwomen.org.uk/documents/clgsforcedmarriageresponse.pdf>

**2005** In March 2005 the Home Office published its first National Plan for Domestic Violence ('Domestic Violence - A National Report')<sup>366</sup> setting out the progress made so far in tackling the crime of DV and details the Domestic Violence National Action Plan proposals to further improve support for victims and bring more perpetrators to justice. The report, containing the framework of the National Delivery Plan which identified five key objectives for governmental action in 2005/06: reducing the prevalence of domestic violence; increasing the rate that domestic violence is reported; increasing the rate of domestic violence offences that are brought to justice; ensuring victims of domestic violence are adequately protected and supported nationwide; reducing the number of domestic violence related homicides.<sup>367</sup>

The Plan provided direction to local partnerships, agencies and communities on how to protect adult and child victims and bring perpetrators to justice.

**State Actors:** Home Office

**Key words/issues:** crime and crime prevention, justice and prosecution, multi agency, Recent developments at policy, legislative and practice levels have led to the mainstreaming of domestic violence as a child welfare issue.

**Primary source:**

Home Office (March 2005) 'Domestic Violence - A National Report'.<sup>368</sup>

First National Plan for Domestic Violence sets out the progress made.

**2005** Tackling Domestic Violence: Providing support to survivors from Black Minority Ethnic communities draws on two Home Office reports, offering guidance for practitioners on how to provide support for survivors of domestic violence. It also includes guidance on how to better provide support to Black Minority Ethnic (BME) women.<sup>369</sup>

**State Actors:** Home Office

**NGOs:** Southall black sisters

**Primary sources:**

Home Office (2005) 'Tackling Domestic Violence: Providing support to survivors from Black Minority Ethnic communities'.<sup>370</sup>

Home Office (2005) 'Tackling Domestic Violence: providing advocacy and support to survivors of domestic violence'.<sup>371</sup>

2005 Guidance to Local Partnerships on Tackling Sexual Violence concerns implications for the police, criminal justice system (CJS) and the health service. Guidance is designed to 'help Partnerships understand how sexual violence affects their area, and to suggest options for solutions where it is a significant problem.' In the same year, a national conference on SV was held in November, focusing on improving the outcomes for victims of sexual violence.<sup>372</sup>

**State Actors:** Home Office, Department of Health, the Crown Prosecution Service and the Association of Chief Police Officers

**2006** Home Office 'Sexual Offences Act 2003. A stocktake of the effectiveness of the Act since its implementation'

**Primary source:** Home Office (2006) 'Government Action Plan on sexual violence and abuse'.<sup>373</sup>

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<sup>366</sup> Go to Crime reduction webpage or download Domestic Violence: A national report

<sup>367</sup> *NOTE: paper sorted under publication/crime and individuals/violent crime including domestic violence. not under sexual violence, which is also a subsection*

<sup>368</sup> <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence51.pdf>

<sup>369</sup> Sources: Black Minority Ethnic (BME) women.

<sup>370</sup> [http://www.crimereduction.gov.uk/pubs\\_indi.htm#bme](http://www.crimereduction.gov.uk/pubs_indi.htm#bme)

<sup>371</sup> <http://www.homeoffice.gov.uk/rds/pdfs05/dpr34.pdf>

<sup>372</sup> Sources: "Developing Domestic Violence Strategies: A guide for Partnerships"

<sup>373</sup> <http://www.crimereduction.gov.uk/sexualoffences/finalsvaap.pdf>

**2006** 'Criminal Justice Review Rebalancing the Criminal Justice System – cutting crime, reducing reoffending, and protecting the public', the Government emphasised the importance of tackling the most serious crimes and protecting the public from dangerous and violent offenders. 'This Action Plan, which sets out how we plan to deliver key objectives on sexual violence and abuse, represents an important step in taking forward this agenda. It is closely linked with work streams addressing domestic violence, prostitution and trafficking and will underpin the new crime strategy when this is published in due course. The Action Plan on Sexual Violence and Abuse includes work from across the whole of Government,  
**State Actor:** Inter-departmental Ministerial Group on Sexual Offending

**2006** In June 2006, the Home Office published the National Report for **Domestic Violence – Progress Report 2005/2006**<sup>374</sup> which outlines the progress made across seven domestic violence work streams/objectives laid out in the 2005 Home Office plan for action 2005/2006. It outlines re defined key work objectives for 2006/07, including further development of the Specialist Domestic Violence Courts programme (SDVCs) 25 Specialist Domestic Violence Courts be set up or developed further by April 2006; the establishment and rollout of Independent Domestic Violence Advisors (IDVAs); Independent Sexual Violence Advisors (ISVAs); Sexual Assault Referral Centres (SARCs) and the development of Multi-Agency Risk Assessment Conferences (MARACs). The measures are designed to support victims of domestic violence, rather than addressing the causes of domestic violence.<sup>375</sup>

**Key words/focus:** Police and criminal justice sector, guidance to enable the police and CPS to respond more effectively to incidents of domestic violence. Multi-agency approach, national, regional and local level, model of local delivery. Also: 'Perpetrator programmes'.

**State Actors:** Dept. of Health, Dept. of Communities and Local Government, Dept. of Criminal Justice and the voluntary sector. Home Office Violent Crime Unit

**NGO:** Women's Aid recommended that all domestic violence victims be given the status of vulnerable / intimidated witnesses in legislation, to have a right to 'special measures' for giving evidence unless they state they do not need them. This was rejected. WA also recommended that statutory service providers and agencies referred to in the Code be required; EVAW.

**Primary source:** Home Office (2006) 'National Domestic Violence Delivery Plan. Progress Report 2005/06'.<sup>376</sup>

### **2006 Prostitution Strategy**

A Coordinated Prostitution Strategy was launched in January 2006 and highlights that women involved in prostitution, and in particular street prostitution, are especially vulnerable to violent and sexual crime. Migrant women's vulnerability, and women who have been brought to this country against their will. Children as victims of prostitution and other forms of commercial sexual exploitation, and children as victims of human trafficking.

**State Actors:** Police, HO

**NGOs:** Poppy; End Violence Against Women.

**Debates:** Not about prostitution as a form of gender-based violence, other than as prostitution bringing along the risk of sexual crime such as rape. A non issue

**Primary Sources:** Home Office & NGO (Jan 2006) 'A Coordinated Prostitution Strategy and

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<sup>374</sup> Download National Report for Domestic Violence - Progress Report . NOTE: ministerial forward focus on what the problem with DV is; There is no doubt that domestic violence has an insidious effect upon families and communities. In the UK we know domestic violence costs business as much as £2.7 billion a year in lost productivity. (p. 3)

<sup>375</sup> Source: the National Report for Domestic Violence – Progress Report 2005/2006, Victims Code of Practice and Commissioner for Victims and Witnesses Victims' Code of Practice sets minimum standards for criminal justice agencies, which must be delivered consistently on a national basis. Allows victims to take their case to the Parliamentary Ombudsman if they feel the code has not been adhered to by the criminal justice agencies, introduced in the DV Act of 2004

<http://www.cjsonline.gov.uk/downloads/application/pdf/Victims%20Code%20of%20Practice.pdf>

<sup>376</sup> <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence61.pdf>

a summary of responses to Paying the Price'.<sup>377</sup>

**2006 Trafficking:** In January 2006 the Home Office consulted on its proposals for a UK Action Plan to tackle human trafficking,<sup>378</sup> in which human trafficking is perceived of as a modern day form of slavery. The UK Government announced its attention to draw up a national action plan aimed at combating and preventing human trafficking, as recommended by international organisations such as the Organisation for Security and Cooperation in Europe (OSCE).

**State actor:** Home Office

**NGOs:** POPPY; Academia (C. Zimmermann - health); Amnesty

**Issue:** Human trafficking is framed in terms of organized crime in general, and not as trafficking for sexual exploitation as gender-based violence.

**Primary source:**

Home office (2006) 'Tackling Human Trafficking - Consultation on Proposals for a UK Action Plan'.<sup>379</sup>

Home Office (2006) 'Tackling Human Trafficking – Summary of responses to the Consultation on Proposals for a UK Action Plan'.<sup>380</sup>

**2006 Guidance for Domestic Homicide Reviews**<sup>381</sup> under the Domestic Violence, Crime and Victims Act 2004 published in June 2006 is a consultation paper that sets out proposals for the format that domestic homicide reviews should follow.

**Primary source:**

Home Office (2006) 'Guidance for Domestic Homicide Reviews'.<sup>382</sup>

**2006 Consultation paper:** 'Convicting Rapists and Protecting Victims – Justice for Victims of Rape'<sup>383</sup>. States that 'rape is sexualised violence, representing a psychological as well as physical violation.'

**State Actors:** Office for Criminal Justice Reform

**NGO:** Women's Aid, Justice, Men's Aid, Rape Crisis; EAW

**Primary Sources:**

Home Office (2006) 'Convicting Rapists and Protecting Victims – Justice for Victims of Rape'.

Women's Aid (2006) 'Women's Aids response to 'Convicting rapists and protecting victims – justice for victims of rape'.<sup>384</sup>

Justice (2006) Response to OCJR consultation 'Convicting Rapists and Protecting Victims – Justice for Victims of Rape'.<sup>385</sup>

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<sup>377</sup> <http://www.homeoffice.gov.uk/documents/cons-paying-the-price/ProstitutionStrategy.pdf?view=Binary>

<sup>378</sup>

<http://www.endviolenceagainstwomen.org.uk/documents/TacklingTrafficking.pdf>; See also 'Mapping of trafficking for forced prostitution in the UK. When Women are Trafficked' (April 2004) (The Poppy Project); Sex and the City – August 2004 (The Poppy Project); Trafficking and Asylum: Hope Betrayed: An Analysis of Women Victim's of Trafficking and their Claim for Asylum – March 2006 , (The Poppy Project and Refugee Women's Resource Project at Asylum Aid) ; Health and Trafficking: World Health Organisation – Ethical and Safety Recommendations for Interviewing Trafficked Women (Cathy Zimmerman 2003)

<sup>379</sup> <http://www.homeoffice.gov.uk/documents/cons-2006-tack-human-trafficking/cons-2006-tackling-trafficking?view=Binary>

<sup>380</sup> 200 responses and the summary report is available from the Home Office on request.

<http://www.homeoffice.gov.uk/documents/cons-2006-tack-human-trafficking/cons-summary-210606-trafficking?view=Binary>

<sup>381</sup> <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence62.pdf>

<sup>382</sup> <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence62.pdf>

<sup>383</sup> <http://www.homeoffice.gov.uk/documents/cons-290306-justice-rape-victims>

<sup>384</sup> <http://www.womensaid.org.uk/downloads/Response-Convicting-Rapists-July2006.pdf>

<sup>385</sup> <http://www.justice.org.uk/images/pdfs/Justice%20for%20Victims%20of%20Rape%20-%20consultation%20response.pdf>

Men's Aid (2006) 'Rape in a vacuum – response to consultation'.<sup>386</sup>

**2007** In March 2007 the Home Office published its National Domestic Violence Delivery Plan - Annual Progress Report 2006/07. As in the 2005/06 progress report, health and health service is highlighted as a main institution and as making significant progress by early identification of, and intervention with, domestic violence victims. Other progress includes plans to collect violent crime data (including domestic violence) as part of embedding electronic patient records.<sup>387</sup>

**State Actors:** Home Office: John Reid MP Secretary of State for the Home Department (Home Secretary) and Rt Hon Baroness Scotland of Ashtal QC Minister of State for the Criminal Justice and Offender Management and Chair of the Inter-Ministerial Group for Domestic Violence

**Key words:** health, crime, police, multi agency, children

**Other Bodies:** Local Safeguarding Children Boards. Multi-Agency Public Protection Arrangements (MAPPAs) and Multi-Agency Risk Assessment Conferences (MARACs), Corporate Alliance Against Domestic Violence (CAADV) (companies having joined since its launch in 2005).

**Primary source:** Home Office (March 2007) 'National Domestic Violence Delivery Plan - Progress Report 2006/07'.<sup>388</sup>

**2007 Sexual violence and abuse (SVAAP).** UK government on sexual violence and abuse is brought together in the cross-government Sexual Violence and Abuse Action Plan (SVAAP)<sup>389</sup>, which was published on 2 April 2007. It specifically names Gender based violence and lists various forms of GBV, including domestic violence, forced marriage, crimes committed in the name of honour, FGM, trafficking, and prostitution. The three objectives listed in the plan are to 1) maximise prevention of sexual violence and abuse, 2) increase access to support and health services for victims of sexual violence and abuse, and to 3) improve the criminal justice response to sexual violence and abuse/maximise prevention of sexual violence and abuse. In the Plan, gender based violence is recognised as representing a major cause and consequence of inequality, 'particularly to women' and violations are regarded as violations of human rights OBS!<sup>390</sup>

The 2007 Cross-Government Action Plan on Sexual Violence and Abuse. Equality Impact Assessment<sup>391</sup> lists 'all' inequalities and affirms the legal obligation to equality assess for race, disability and gender impact when public bodies are developing new or existing policies but moves beyond this in the plan suggests that additional inequalities should be considered, thus the full list includes race, disability, gender, gender identity, religion and belief; sexual orientation and age.<sup>392,393</sup>

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<sup>386</sup> [http://www.mensaid.com/documents/rape\\_vacuum.pdf](http://www.mensaid.com/documents/rape_vacuum.pdf)

<sup>387</sup> Download National Domestic Violence Delivery Plan - Annual Progress Report 2006/07. Secondary sources: Common Assessment Framework, Crown Prosecution Service's (CPS) employee domestic violence handbook (+ work of Gordon Harold at Cardiff University and the Wave Trust). The Home Office Domestic Violence: An MPs Guide

<http://www.crimereduction.gov.uk/domesticviolence/domesticviolence065.pdf>

<sup>388</sup> <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence066.pdf>

<sup>389</sup> 'Cross Government Action Plan on Sexual Violence and Abuse'

<http://www.crimereduction.gov.uk/sexualoffences/finalsvaap.pdf>

<sup>390</sup> Note; section on Alcohol and sexual violence initially and mainly targets the victim's use of alcohol, not the perpetrator's

<sup>391</sup> <http://www.crimereduction.gov.uk/sexualoffences/svaapeia.doc>

<sup>392</sup> Action Plan and Implementation Guide April 2007. The implementation plan provides information about the initiatives included in the Plan and it also lists the agencies responsible for the delivery of the objective. [www.crimereduction.gov.uk/sexualoffences/sexual03.htm](http://www.crimereduction.gov.uk/sexualoffences/sexual03.htm); 'Convicting rapists and protecting victims- justice for victims of rape'. Consultation paper (spring 2006) (four main proposals with the aim of improving rape prosecutions in relation to capacity to consent; expert evidence; first

**State Actors:** Inter-departmental Ministerial Group on Sexual Offending; Home Office; Department for Education and Skills; Department of Health; Department for Constitutional Affairs; Foreign and Commonwealth Office; Dept for Communities and Local Government.

**Primary Sources:**

Home Office (April 2007) 'Sexual violence and abuse Sexual Violence and Abuse Action Plan': Government Action Plan on sexual violence and abuse.<sup>394</sup>

Home Office (April 2007) 'Cross Government Action Plan on Sexual Violence and Abuse Implementation Guide': Implementation plan provides information about the initiatives included in the Plan, it lists the agencies responsible for the delivery of the objective.<sup>395</sup>

Home Office (Feb 2006) 'Sexual Offences Act 2003. A stocktake of the effectiveness of the Act since its implementation'.<sup>396</sup>

**2007 Forced Marriage consultation by the Home Office** on whether to create a new criminal offence of forced marriage. The consultation document was made available following the Second Reading of the Forced Marriage (Civil Protection) Bill on 26th January 2007 The document outlines the possible changes to the Bill following the various suggestions to amend the Bill. Forced marriage is positioned as an abuse to human rights and a form of domestic violence. A series of careful consultations with civil society ended with a separation between arranged marriage and forced marriage, the latter being illegal.<sup>397</sup> The primary remedy offered by the Bill is an injunction.<sup>398</sup> Disturbing the public order is mentioned.<sup>399</sup>

**Actor:** The Forced Marriage Unit in the Foreign and Commonwealth Office

**2007 UK signs the European Convention on Action Against Trafficking in Human Beings and**

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complaint; and special measures; The National Delivery Plan on Domestic Violence, (2nd Progress Report published end of March 2007)

<sup>393</sup> Secondary sources: Choosing Health (2004) (Public Health White Paper) (identifies child physical, emotional and sexual abuse and neglect and domestic violence as public health issues to be addressed through a cross government strategy for tackling the physical and mental ill health associated with this. The Public Health White Paper Delivery Plan (2005) (includes under 'Improving Sexual Health' the joint DH and HO initiative to develop Sexual Assault Referral Centres (SARCs) nationally, including services for children and adolescents. Tackling the Health and Mental Health Effects of Domestic and Sexual Violence and Abuse (2006) (jointly with the Home Office and National Institute for Mental Health in England) sets out Department of Health policy and outlines the work of the Victims of Violence and Abuse Prevention Programme (VVAPP) to address these issues. The VVAPP is a two-year initiative which is conducting research to produce evidence based policy development and practice improvement by equipping professionals and services to identify and respond to the needs of victims of domestic and sexual violence and sexual abuse, including rape and sexual assault and childhood sexual abuse. Itzin, C (2006) Tackling the Health and Mental Health Effects of Domestic and Sexual Violence and Childhood Sexual Abuse. Identifies depression, anxiety, posttraumatic stress disorder, psychosis, substance abuse, eating disorders, self harm and suicide as long term effects of abuse for women

<sup>394</sup> <http://www.crimereduction.gov.uk/sexualoffences/finalsvaap.pdf>

<sup>395</sup> [www.crimereduction.gov.uk/sexualoffences/sexual03.htm](http://www.crimereduction.gov.uk/sexualoffences/sexual03.htm)

<sup>396</sup> [www.crimereduction.gov.uk/sexual/sexual24.pdf](http://www.crimereduction.gov.uk/sexual/sexual24.pdf)

<sup>397</sup> Further information on the Bill and organisations involved in consultation:

<http://www.odysseustrust.org/forcedmarriage/index.html> (SoA UK).

<sup>398</sup> see forced marriage 'pack' [http://press.homeoffice.gov.uk/press-releases/Promoting\\_Human\\_Rights,\\_Respecti?version=1](http://press.homeoffice.gov.uk/press-releases/Promoting_Human_Rights,_Respecti?version=1)

<http://www.homeoffice.gov.uk/?view=Search+results&simpleOrAdvanced=simple&contentType=All&searchHostsAll=All&externalSearchMaxResults=150&rnum=13448903&excludeSitePath=www.homeoffice.gov.uk%7C%2Fhons%2F%7C%2Fdocuments%2Fcons-2006-psa-targets%24scienceandresearch.homeoffice.gov.uk%7C%2Fhosdb2%2F%24&searchTerm=AGE+OF+CONSENT>

<sup>399</sup> Forced Marriage - a Wrong Not a Right; For the Home Office response to the consultation see Forced Marriage Consultation; 'Community Perceptions of Forced Marriage' Report prepared by Yunas Samad and John Eade for the Community Liaison Unit, Foreign and Commonwealth Office <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence51.pdf>

over the course of the UK Presidency of the Council of the European Union an EU Action Plan on Human Trafficking was developed, which was adopted by the Justice and Home Affairs Ministerial Council. The UK Action Plan on tackling Human Trafficking was published Care and support for child victims of trafficking; Immigration Service at ports of entry and Asylum Screening Units (ASUs) are key in the plan

**Civil Society:** Fawcett, POPPY, Eaves Housing, EVAW.

**2007 Prostitution (Public Places) (Scotland) Act** intended to criminalise the buying of sex but was watered down and does not criminalise the demand side. Act received royal assent on 5th April 2007.<sup>400</sup>The Act provides that it shall be an offence for a person to solicit or loiter in a 'relevant place' for the purpose of obtaining the services of someone engaged in prostitution, or someone who is not involved in prostitution.

### **2007 Forced Marriage Act**

Forced marriage was created as a criminal offence in June 2007 after extensive consultations with civil society, in particular ethnic minority NGOs and parliamentary debates. The issue of Forced Marriage in the UK catches the ambivalence of ethnicity/race and culture in the UK policy context, and the way in which minority ethnic communities are given a voice in policy making.

#### **Primary Sources:**

Forced Marriage (Civil Protection) Act 2007.<sup>401</sup>

Home Office, Forced Marriage Unit (2005) 'Forced Marriage. A Wrong Not a Right.'

Consultation paper on whether to create a new criminal offence of forced marriage.<sup>402</sup>

Parliamentary Debate on Forced marriage Bill 26 January 2007.<sup>403</sup>

Newham Asian Women Project (March 2007) 'Forced Marriage Civil Protection Bill: Response to the consultation on amendments to family law act'.<sup>404</sup>

**2007 In June the department of Communities and local Government launched a consultation on a single equalities bill for GB** 'A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain'. The consultation paper sets out the Government's proposals for a Single Equality Bill for Great Britain. The proposals have been developed as a result of the Discrimination Law Review, launched in February 2005 (results presented in June 2007) to consider the opportunities for creating a clearer and more streamlined discrimination legislative framework which produces better outcomes for those who currently experience disadvantage. Civil society, most notably through EVAW coalitions and Equality & Diversity Forum, has actively lobbied for the inclusion of gender-based violence into the single equalities bill, as well as in the new merged equalities machinery Commission for Equality and Human Rights.

#### **Primary Sources:**

Department for Education and Skills, Department of Trade and Industry, Department for Work and Pensions, Ministry of Justice, Department for Communities and Local Government (June 2007) Discrimination Law Review: A framework for fairness: proposals for a single equalities bill for Great Britain.<sup>405</sup>

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<sup>400</sup> The Prostitution Act: <http://www.opsi.gov.uk/legislation/scotland/acts2007/20070011.htm>. See also Explanatory Note: <http://www.opsi.gov.uk/legislation/scotland/en2007/2007en11.htm>

<sup>401</sup> [http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070020\\_en.pdf](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070020_en.pdf)

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<sup>402</sup> <http://www.endviolenceagainstwomen.org.uk/documents/forcedmarriageconsultation.pdf>

<sup>403</sup> <http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70126-0006.htm>

<sup>404</sup>

<http://www.endviolenceagainstwomen.org.uk/documents/NAWP%20Forced%20Marriage%20Civil%20Bill%20.pdf>=

<sup>405</sup> [http://www.communities.gov.uk/pub/244/AFrameworkforFairnessConsultation\\_id1511244.pdf](http://www.communities.gov.uk/pub/244/AFrameworkforFairnessConsultation_id1511244.pdf)

DCLG (2007) 'Proposals to simplify and modernise discrimination law: Initial Regulatory Impact Assessment'.<sup>406</sup>

Single Equalities bill.

Parliamentary Debate of the bill in House of Commons volume no. 439, part no. 69, 21<sup>st</sup> November 2006. Equality Bill (Column 1260, 1266 on Equality Bill).<sup>407</sup>

Fawcett submission to the Discrimination Law Review.<sup>408</sup>

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[http://www.communities.gov.uk/pub/256/AFrameworkforFairnessRegulatoryImpactAssessment\\_id1511256.pdf](http://www.communities.gov.uk/pub/256/AFrameworkforFairnessRegulatoryImpactAssessment_id1511256.pdf)

<sup>407</sup> [http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo051121/debtext/51121-05.htm#51121-05\\_head1](http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo051121/debtext/51121-05.htm#51121-05_head1)

<sup>408</sup> <http://www.fawcettsociety.org.uk/documents/DLR%20response%20full%20response.doc>

## 6. CONCLUSIONS AND SUMMARIES OF KEY QUESTIONS

This final section summarises some of the key questions in the issue histories. It is intended not only as a conclusion to the report, but also as an aid to the comparative analysis of gender+ equality policies in the 29 countries (plus EU) by providing simplified accounts of the key questions.

### **Comparing the relative importance of the topics in the sub issues between the UK and the Quing generic**

The sub-issues and topics within gender+ equalities were identified and defined in the introduction to this report, drawing on and building on the work of LARG, WHY and STRIQ. The topics within the sub-issues are defined using social scientific analysis. However, the extent to which these topics are actually present in policy debates in each of the 29 countries (plus EU) varies significantly. This section considers the extent to which these topics and sub-topics identified at the level of Quing as a whole are actually present in the policy debates in each country. Answers to the question in this section would enable Quing to know about the variation in the policy fields in each country, with Quing as a whole (not only the EU) as the point of reference.

#### Generic gender equality policies

The UK has a full and vigorous set of discussions about the nature of gender+ equality policies and their relationship to policies for other inequalities. This includes both legislative change, so as to transpose into UK law the EU Directives, and the radical restructuring of the equalities machinery, merging the gender equalities body into a single body for the six inequalities plus human rights.

#### Non-employment

The most important topic in the UK affecting the changing legitimacy of non-employment is the restructuring of the system for taxes and benefits so as to increase the incentives to be employment and decrease the amount of non-employment; these include tax credit payments to those on low wages and active labour market policies for the unemployed and non-employed. The other topics of key importance are: care-work, especially the struggles to increase and improve the provision of childcare; the reconciliation of work and family life, especially flexible and part-time working, the transposition of EU Directives on leave provision into UK domestic law and the reluctance of the UK to fully implement the Working Time Directive; and also the gender pay gap, especially on-going work by government gender machinery, gender quality body (Equal Opportunities Commission, EOC), unions and women's Non-Governmental Organisations (NGOs).

#### Intimate citizenship

The most active topic of policy debate in the area of intimate citizenship is that around sexual orientation. This has included not only decriminalisation and making discrimination illegal in employment and in the sale and supply of goods and services, but also the development of civil partnerships; overall, this is a process of normalisation. The next most important sub-topic is one within 'divorce, separation and marriage' that concerns child custody at the point of divorce and separation. Reproduction is the least addressed topic; abortion is largely a non-issue; although there are some discussions on access to assisted reproduction.

#### Gender-based violence

Gender-based violence has been subject to sustained policy discussion. Domestic violence has been the most important policy area; sexual assault and rape have also been subject to

policy review and are increasingly integrated into the overall sub-issue; forced marriage and female genital mutilation have been recent smaller topics. There is only a little public discussion on stalking and still less on sexual harassment in employment. Prostitution is not addressed as gender based violence, although there are policy debates in this area.

## **Major changes in gender+ equality policies, generally and in the three sub issues**

### General

The change in government in 1997 was a turning point, although the EU has long been a source of pressure for gender equality policies. There are moves towards gender mainstreaming, although the policy is not always explicitly named in this way. There are some specific gender equality policies, such as the legislation on the duty to promote gender equality by public bodies, but equality policies do not often have a high profile in governmental activity.

### Non-employment

There have been changes in the tax-benefit system to increase incentives to be employed rather than non-employed. One part of these changes, to pay tax credits to those on low wages, has complicated implications for gender equality because of the use of the household rather than the individual as the unit within which poverty is assessed. A second part, which addresses the movement into employment of unemployed and other non-employed people through active labour market policies (including free training and special advisers), has slowly moved from a focus on young unemployed men to some groups of non-employed women. Reform of the pensions system has begun to address the issue of women's poverty in later life. There has been the development of a national childcare strategy with support from a broad coalition of civil society actors, but, while there has been some increase in available childcare, the level is still low by EU standards. Improved arrangements for maternity, paternity and adoption leave, as well as legislation concerning part-time employment and flexible working hours have followed EU Directives. In some instances the UK has gone beyond EU requirements (e.g. two weeks paid paternity leave) while on others (e.g. the restriction of long working hours in the Working Time Directive), the state has resisted full transposition. There has been a development in the range of policies to narrow the gender pay gap, such as Equal Pay Audits, but these remain voluntary despite lobbying by unions and the EOC to make these compulsory.

### Intimate citizenship

There have been a series of significant policy changes that normalise homosexuality. These include equalisation of the age of male homosexual consent with that for heterosexuals, laws protecting people from discrimination on grounds of sexual orientation, and the recognition of civil partnerships. On other issues of intimate citizenship there has been a slight shift in framing towards greater father's rights at the expense of mothers' rights, though the extent to which this is 'real' rather than merely rhetorical remains to be investigated.

### Gender-based violence

There has been a substantial body of policy developments in the area of gender-based violence, even though none of the civil society actors thinks that these changes have yet gone far enough. There has been legislation, plans and resources across many of the specific topics in gender-based violence, even though it is not treated by the government as a unified policy field. The tendency towards the prioritisation of domestic violence, and the framing of such violence as degendered, promoted by men's groups, was and is contested, with complex outcomes.

## **Civil society and political forces**

### General gender+ equality policies

- 1997 Election of Labour Party in general election, replacing previous Conservative government
- Increased visibility of gender with establishing of Women's Unit in the government (later becoming the 'Women and Equality Unit')
- Opening up (to some extent) of channels of communication between NGOs and government with increased consultation on major policy issues

#### Non-employment

- Major political forces in non-employment are organised around social class with employers versus unions and women's organisations.
- Restrictions on union power (put in place by previous Conservative government) not reversed, but increase in women's membership of unions
- Different government departments being differently positioned – all accountable to treasury but beholden to different groups (NGOs, trade unions, employers)

#### Intimate Citizenship

- A major mobilisation and national coordination of gay and lesbian rights in the QUING period; most notably Stonewall as *the* Lesbian Gay Bisexual and Trans organisation.
- The mobilisation of oppositional groups, both fathers' rights groups and religious groups (sexual orientation and gender)
- The emergence of pro feminist men's groups

#### Gender based Violence

- The development of the End Violence Against Women (EVAW) campaign, as a major coalition of feminist NGOs and some academics in the field of gender-based violence. This includes and subsumes Women's Aid (which focuses on domestic violence). This organisation builds effective engagement with government.
- Creation UK Joint Committee on Women (UKJCW) (including the National Association of Women's Organisations - NAWO). This body co-ordinates a UK view for the European Women's Lobby, and has taken up the issue of gender-based violence.
- The mobilisation of 'opposition groups', such as father's rights and religious groups (both gender and sexuality issues).

### **Impact of the EU**

#### Generic gender equality policies

EU Directives, based on EU Treaties, have been the major force driving change in UK legislation, with implications for the (gender) equality machinery.

#### Non-employment

Employment has been the major area where EU Directives, based on EU Treaties, have been the major force driving change in UK legislation and policy concerning gender+equalities policies. Some, if not most of the time the UK fully transposes the EU Directives, but there are instances of resistance (led by employers), including parental leave, long hours and equal pay, where the European Commission and sometimes the European Court of Justice have applied pressure to the UK government.

#### Intimate citizenship

The EU has had most impact on intimate citizenship through its directive that required the ending of discrimination on grounds of sexual orientation in employment. The UK has gone a little further in ending discrimination also in goods and services. The UK integrated the

European Convention on Human Rights into its domestic law after the EU incorporated it into EU law, thereby making this a requirement on the UK.

#### Gender based violence

The EU does not have a robust legal mandate on gender-based violence. However, the Daphne programme, which funds the development, coordination and exchange of best practice, has enabled NGOs in the UK to be part of this emerging European sphere. Any EU impact is thus indirect, through the impact of NGOs with EU links.

#### **Impact of other international bodies**

The UK government rarely admits that its policies are affected by the policies of international bodies.

However, occasional cases in the area of intimate citizenship taken against the UK in the European Court of Human Rights have had some impact especially on the devolved administrations.

In addition, there may be some indirect influence from UN bodies, such as the UN Platform for Action and Convention on the Elimination of Discrimination Against Women (CEDAW).